

ASSEMBLY BILL NO. 434—ASSEMBLYMAN HARDY

MARCH 21, 2011

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing elections. (BDR 24-1030)

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 photographic identification for voting; requiring county clerks to issue voter identification cards under certain circumstances; requiring persons who apply for absent ballots to provide certain information to county and city clerks; amending provisions relating to the preparation and casting of absent ballots; requiring voters be placed on inactive voter status in certain circumstances; increasing the distance in which electioneering is prohibited from the entrance of a polling place; making various other changes relating to elections; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires that a person provide satisfactory identification to vote in
2 person or cast an absent ballot. (NRS 293.2725, 293.277, 293.303, 293.3081,
3 293.3082, 293.3083, 293.3085, 293.313, 293.330, 293.353, 293.3585, 293.5235,
4 293.541, 293C.270, 293C.292, 293C.310, 293C.330, 293C.3585) **Sections 8-15,**
5 **17, 21-23, 25, 27, 29-31, 33, 38 and 39** of this bill require that a person provide one
6 of the forms of photographic identification specified in **section 2** of this bill to vote
7 in person or cast an absent ballot. **Section 2** provides a definition of “photographic
8 identification” that is limited to a driver’s license or identification card issued by
9 the Department of Motor Vehicles, an identification card issued by a branch of the
10 Armed Forces of the United States, a United States passport, an identification card
11 issued by an Indian tribe or a voter identification card issued by a county clerk.
12 **Sections 3-6** of this bill: (1) require a county clerk to issue a voter identification
13 card, free of charge, to a person who does not possess one of the forms of required



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14 photographic identification; (2) set forth requirements for the issuance of voter
15 identification cards; and (3) require that the Secretary of State adopt regulations to
16 carry out the provisions of those sections.

17 Under existing law, a registered voter who wishes to vote an absent ballot in an
18 election must provide sufficient written notice to a city or county clerk, as
19 applicable, in advance of the election. (NRS 293.313, 293C.310) **Sections 17 and**
20 **33** of this bill provide that the written notice must include the name, address and
21 date of birth of the registered voter, a statement that the requester is a registered
22 voter, a statement identifying the election for which the absent ballot is requested,
23 the political affiliation of the registered voter if the election is a primary election,
24 the address to which the absent ballot should be mailed and one other form of
25 identifying information or document of the registered voter.

26 The provisions of this bill which require that a person present one of the forms
27 of photographic identification specified in **section 2** to vote in person or cast an
28 absent ballot are similar to the provisions of an Indiana law which the United States
29 Supreme Court determined does not unconstitutionally burden a person's right to
30 vote, in part because the person can obtain one of the forms of required
31 photographic identification free of charge. (*Crawford v. Marion Cty. Election Bd.*,
32 128 S. Ct. 1610 (2008))

33 **Sections 16 and 32** of this bill require absent ballots to be prepared and
34 distributed to registered voters who live outside the State not later than 50 days
35 before a statewide election or 30 days before a city election.

36 Existing law authorizes any registered voter to request an absent ballot and
37 return the absent ballot in person, by mail, or in some cases, by approved electronic
38 transmission. Existing law also sets forth the procedures for casting an absent
39 ballot. (NRS 293.310-293.3165, 293.330, 293C.307-293C.318) **Sections 17, 18, 33**
40 **and 34** of this bill provide, with limited exceptions, that registered voters must cast
41 absent ballots in person unless the registered voter: (1) is 65 years of age; (2) has a
42 physical disability or condition which substantially impairs his or her ability to go
43 to the polling place; (3) has a reasonable expectation at the time that he or she
44 requests the absent ballot that he or she will be absent from his or her county of
45 residence the entire time that the polls are open on election day; (4) has a
46 reasonable expectation that he or she will be at his or her place of employment the
47 entire time that the polls are open on election day; (5) is an election board officer or
48 elections official of the State or a local government; (6) is unable to vote in person
49 at the polls because of the practice of his or her religion; (7) is confined in a
50 hospital, sanatorium, dwelling or nursing home; or (8) is caring for a person who is
51 disabled or ill. **Sections 21 and 38** of this bill amend the procedure for casting an
52 absent ballot to require that the signature of the voter on the absent ballot be
53 notarized or witnessed by two witnesses.

54 **Sections 16, 17, 21, 32, 33 and 38** of this bill require that requests for absent
55 ballots and absent ballots include notification of certain penalties for fraudulently
56 requesting or casting absent ballots.

57 Existing law requires that, if because of illness or disability, a registered voter
58 needs assistance in marking an absent ballot, a request for the absent ballot and the
59 absent ballot include the name, address and signature of the person designated by
60 the registered voter who will assist the registered voter in casting an absent ballot.
61 (NRS 293.316, 293.3165, 293C.317, 293C.318) **Sections 18, 19, 34 and 35** of this
62 bill require that the request for an absent ballot and the absent ballot itself also
63 include the place of employment, if any, of the person who will assist the registered
64 voter.

65 **Sections 24, 28, 37 and 40** of this bill increase the area within which
66 electioneering is prohibited from 100 feet to 150 feet from the entrance to the
67 voting area.



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

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

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

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

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

11 3. *A United States passport.*

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

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

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

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

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

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

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

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

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

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

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

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

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

36 4. *A copy of a current utility bill, bank statement, paycheck or*
37 *document issued by a governmental entity, including a check,*
38 *which indicates the name and address of the applicant, but not*
39 *including a voter registration card issued pursuant to*
40 *NRS 293.517.*

41 **Sec. 5.** *A voter identification card issued pursuant to section*
42 *3 of this act:*



1 **1. Must include, without limitation:**

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

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

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

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

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

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

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

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

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

17 293.010 As used in this title, unless the context otherwise
18 requires, the words and terms defined in NRS 293.013 to 293.121,
19 inclusive, **and section 2 of this act** have the meanings ascribed to
20 them in those sections.

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

22 293.2725 1. Except as otherwise provided in subsection 2, in
23 NRS 293.3081 and 293.3083 and in federal law, a person who
24 registers by mail to vote in this State and who has not previously
25 voted in an election for federal office in this State:

26 (a) May vote at a polling place only if the person presents
27 **photographic identification** to the election board officer at the
28 polling place ; ~~;~~

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

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

35 (b) May vote by mail only if the person provides **a copy of his**
36 **or her photographic identification** to the county or city clerk . ~~;~~

37 ~~— (1) A copy of a current and valid photo identification of the~~
38 ~~person; or~~

39 ~~— (2) A copy of a current utility bill, bank statement, paycheck,~~
40 ~~or document issued by a governmental entity, including a check~~
41 ~~which indicates the name and address of the person, but not~~
42 ~~including a voter registration card issued pursuant to NRS 293.517.];~~

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

44 (a) Registers to vote by mail and submits with an application to
45 register to vote ~~;~~



1 ~~—— (1) A] a copy of [a current and valid photo] his or her~~
2 ~~photographic~~ identification; ~~[or~~
3 ~~—— (2) A copy of a current utility bill, bank statement, paycheck,~~
4 ~~or document issued by a governmental entity, including a check~~
5 ~~which indicates the name and address of the person, but not~~
6 ~~including a voter registration card issued pursuant to NRS 293.517;~~
7 ~~—— (b) Registers to vote by mail and submits with an application to~~
8 ~~register to vote a driver's license number or at least the last four~~
9 ~~digits of his or her social security number, if a state or local election~~
10 ~~official has matched that information with an existing identification~~
11 ~~record bearing the same number, name and date of birth as provided~~
12 ~~by the person in the application;~~
13 ~~—— (e) (b) Is entitled to vote an absent ballot pursuant to the~~
14 ~~Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C.~~
15 ~~§§ 1973ff et seq.;~~
16 ~~[(d)] (c) Is provided the right to vote otherwise than in person~~
17 ~~under the Voting Accessibility for the Elderly and Handicapped Act,~~
18 ~~42 U.S.C. §§ 1973ee et seq.; or~~
19 ~~[(e)] (d) Is entitled to vote otherwise than in person under any~~
20 ~~other federal law.~~
21 **Sec. 9.** NRS 293.277 is hereby amended to read as follows:
22 293.277 ~~[(1)]~~ Except as otherwise provided in NRS 293.541,
23 if a person's name appears in the election board register, ~~[or if the~~
24 ~~person provides an affirmation pursuant to NRS 293.525,]~~ the
25 person is entitled to vote and must ~~[sign]~~ :
26 1. **Present photographic identification; and**
27 2. **Sign** his or her name in the election board register when he
28 or she applies to vote. The signature must be compared by an
29 election board officer with the signature or a facsimile thereof on the
30 person's original application to register to vote or ~~[one of the forms~~
31 ~~of identification listed in subsection 2-~~
32 ~~—— 2. Except as otherwise provided in NRS 293.2725, the forms of~~
33 ~~identification which may be used individually to identify a voter at~~
34 ~~the polling place are:~~
35 ~~—— (a) The card issued to the voter at the time he or she registered~~
36 ~~to vote;~~
37 ~~—— (b) A driver's license;~~
38 ~~—— (c) An identification card issued by the Department of Motor~~
39 ~~Vehicles;~~
40 ~~—— (d) A military identification card; or~~
41 ~~—— (e) Any other form of identification issued by a governmental~~
42 ~~agency which contains the voter's signature and physical description~~
43 ~~or picture.] on his or her photographic identification.~~



1 **Sec. 10.** NRS 293.283 is hereby amended to read as follows:
2 293.283 Any registered voter who is unable to sign his or her
3 name must ~~be~~:

- 4 1. *Present photographic identification; and*
5 2. *Be further* identified by answering questions covering the
6 personal data which is reported on the original application to
7 register to vote. The officer in charge of the roster shall stamp, write
8 or print "Identified as" to the left of the voter's name.

9 **Sec. 11.** NRS 293.303 is hereby amended to read as follows:
10 293.303 1. A person applying to vote may be challenged:

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

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

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

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

26 (b) If the challenge is on the ground that the register does not
27 show that the challenged person designated the political party to
28 which he or she claims to belong, "I swear or affirm under penalty
29 of perjury that I designated on the application to register to vote the
30 political party to which I claim to belong";

31 (c) If the challenge is on the ground that the challenged person
32 does not reside at the residence for which the address is listed in the
33 election board register, "I swear or affirm under penalty of perjury
34 that I reside at the residence for which the address is listed in the
35 election board register";

36 (d) If the challenge is on the ground that the challenged person
37 previously voted a ballot for the election, "I swear or affirm under
38 penalty of perjury that I have not voted for any of the candidates or
39 questions included on this ballot for this election"; or

40 (e) If the challenge is on the ground that the challenged person is
41 not the person he or she claims to be, "I swear or affirm under
42 penalty of perjury that I am the person whose name is in this
43 election board register."



1 ↳ The oath or affirmation must be set forth on a form prepared by
2 the Secretary of State and signed by the challenged person under
3 penalty of perjury.

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

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

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

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

21 7. If the challenge is based on the ground set forth in paragraph
22 (c) of subsection 2, and the challenged person executes the oath or
23 affirmation, the election board shall not issue the person a ballot
24 until he or she furnishes satisfactory identification which contains
25 proof of the address at which the person actually resides. For the
26 purposes of this subsection, a voter registration card issued pursuant
27 to NRS 293.517 does not provide proof of the address at which a
28 person resides.

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

33 (a) Furnishes ~~official~~ *photographic* identification ; ~~[which~~
34 ~~contains a photograph of the person, such as a driver’s license or~~
35 ~~other official document;]~~ or

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

38 (1) Furnishes ~~official~~ *photographic* identification ; ~~[which~~
39 ~~contains a photograph of that person, such as a driver’s license or~~
40 ~~other official document;]~~ and

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

43 9. The election board officers shall:

44 (a) Record on the challenge list:

45 (1) The name of the challenged person;



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

3 (3) The result of the challenge; and

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

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

7 293.3081 A person at a polling place may cast a provisional
8 ballot in an election to vote for a candidate for federal office if the
9 person complies with the applicable provisions of NRS 293.3082
10 and:

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

13 (a) *The person's* name does not appear on a voter registration
14 list as a voter eligible to vote in that election in that jurisdiction ~~or~~
15 ~~and~~;

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

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

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

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

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

30 293.3082 1. Before a person may cast a provisional ballot
31 pursuant to NRS 293.3081, the person must complete a written
32 affirmation on a form provided by an election board officer, as
33 prescribed by the Secretary of State, at the polling place which
34 includes:

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

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

37 (c) A statement in which the person casting the provisional
38 ballot affirms under penalty of perjury that he or she is a registered
39 voter in the jurisdiction and is eligible to vote in the election;

40 (d) The date and type of election;

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

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

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



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

3 (1) An indication by the person as to whether or not he or she
4 provided the required *photographic* identification at the time the
5 person applied to register to vote;

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

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

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

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

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

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

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

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

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

32 2. After a person completes a written affirmation pursuant to
33 subsection 1:

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

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

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



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

2 293.3083 A person may cast a ballot by mail to vote for a
3 candidate for federal office, which must be treated as a provisional
4 ballot by the county or city clerk if the person:

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

7 2. Fails to provide the *photographic* identification required
8 pursuant to paragraph (b) of subsection 1 of NRS 293.2725 to the
9 county or city clerk at the time that the person mails the ballot; and

10 3. Completes the written affirmation set forth in subsection 1
11 of NRS 293.3082.

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

13 293.3085 1. Following each election, a canvass of the
14 provisional ballots cast in the election must be conducted pursuant
15 to NRS 293.387 and, if appropriate, pursuant to NRS 293C.387.

16 2. The county and city clerk shall not:

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

19 (b) Open any envelope containing a provisional ballot before
20 8 a.m. on the Wednesday following election day.

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

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

27 (b) A voter who failed to provide *the* required *photographic*
28 identification at the polling place or with his or her mailed ballot
29 provides the required *photographic* identification to the county or
30 city clerk not later than 5 p.m. on the Friday following election day;
31 or

32 (c) A court order has not been issued by 5 p.m. on the Friday
33 following election day directing that provisional ballots cast
34 pursuant to subsection 3 of NRS 293.3081 not be counted,
35 and the provisional ballot was cast pursuant to subsection 3 of
36 NRS 293.3081.

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

40 **Sec. 16.** NRS 293.309 is hereby amended to read as follows:

41 293.309 1. The county clerk of each county shall prepare an
42 absent ballot for the use of registered voters who have requested
43 absent ballots. The county clerk shall make reasonable
44 accommodations for the use of the absent ballot by a person who is
45 elderly or disabled, including, without limitation, by providing,



1 upon request, the absent ballot in 12-point type to a person who is
2 elderly or disabled.

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

5 (a) Resides within the State, not later than 20 days before the
6 election in which it is to be used; or

7 (b) Resides outside the State, not later than ~~[40]~~ 50 days before a
8 primary or general election, if possible.

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

11 **4. *The ballot must include, without limitation, notification of***
12 ***the penalties prescribed in NRS 293.313 and 293.330.***

13 **Sec. 17.** NRS 293.313 is hereby amended to read as follows:

14 293.313 1. Except as otherwise provided in ***subsection 5 and***
15 **NRS 293.272 and 293.502**, a registered voter who provides
16 sufficient written notice to the county clerk may vote an absent
17 ballot as provided in this chapter.

18 2. A registered voter who:

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

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

22 ➔ may request an absent ballot for all elections held during the year
23 he or she requests an absent ballot.

24 3. ***Except as otherwise provided in subsections 2 and 6, the***
25 ***county clerk shall not issue an absent ballot to a registered voter***
26 ***for any subsequent election unless the registered voter provides***
27 ***sufficient written notice to the county clerk to request an absent***
28 ***ballot for the subsequent election.***

29 4. ***A request from a voter for an absent ballot that is***
30 ***submitted on a form other than a form provided by the Federal***
31 ***Government must include, without limitation:***

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

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

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

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

38 (e) ***If the election identified in paragraph (d) is a primary***
39 ***election, the political affiliation of the registered voter;***

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

43 (g) ***One of the following:***

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



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

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

5 (I) *A copy of the photographic identification of the*
6 *registered voter; or*

7 (II) *A copy of a current utility bill, bank statement,*
8 *paycheck or document issued by a governmental entity, including*
9 *a check, but not including a voter registration card issued*
10 *pursuant to NRS 293.517.*

11 5. *Except as otherwise provided in NRS 293.272, 293.3157,*
12 *293.316 and 293.502, in order to return an absent ballot by mail*
13 *or, if applicable, approved electronic transmission, a registered*
14 *voter must meet one of the following qualifications:*

15 (a) *Be at least 65 years of age;*

16 (b) *Have a physical disability or condition which substantially*
17 *impairs his or her ability to go to the polling place;*

18 (c) *Have a reasonable expectation at the time that he or she*
19 *requests the absent ballot that he or she will be absent from his or*
20 *her county of residence the entire time that the polls are open on*
21 *election day pursuant to NRS 293.273;*

22 (d) *Have a reasonable expectation at the time that he or she*
23 *requests the absent ballot that he or she will be at his or her place*
24 *of employment the entire time that the polls are open on election*
25 *day pursuant to NRS 293.273;*

26 (e) *Be an election board officer or elections official of the*
27 *State or a local government; or*

28 (f) *Be unable to vote in person at the polls because of the*
29 *practice of his or her religion.*

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

35 ~~[4.]~~ 7. It is unlawful for a person fraudulently to request an
36 absent ballot in the name of another person or to induce or coerce
37 another person fraudulently to request an absent ballot in the name
38 of another person. A person who violates this subsection is guilty of
39 a category E felony and shall be punished as provided in
40 NRS 193.130.

41 ~~[5.]~~ 8. As used in this section, "sufficient written notice"
42 means a:

43 (a) Written request for an absent ballot which *complies with the*
44 *requirements of subsection 4 and* is signed by the registered voter



1 and returned to the county clerk in person or by mail or facsimile
2 machine;

3 (b) Form prescribed by the Secretary of State which *complies*
4 *with the requirements of subsection 4, which includes, without*
5 *limitation, notification of the penalty set forth in subsection 7, and*
6 *which* is completed and signed by the registered voter and returned
7 to the county clerk in person or by mail or facsimile machine; or

8 (c) Form provided by the Federal Government.

9 **Sec. 18.** NRS 293.316 is hereby amended to read as follows:

10 293.316 1. Any registered voter who is unable to go to the
11 polls:

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

14 (b) Because the registered voter is suddenly hospitalized,
15 becomes seriously ill or is called away from home after the time has
16 elapsed for requesting an absent ballot as provided in NRS 293.315
17 ~~or~~; *or*

18 (c) *Because the registered voter is caring for another person*
19 *who is seriously ill or disabled,*

20 *may* submit a written request to the county clerk for an absent
21 ballot. The request may be submitted at any time before 5 p.m. on
22 the day of the election.

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

28 3. A written request submitted pursuant to subsection 1 must
29 include:

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

32 (b) The name, address , ~~and~~ signature *and place of*
33 *employment, if any,* of the person designated by the registered voter
34 to obtain, deliver and return the ballot for the registered voter;

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

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

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



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

- 3 (a) Place it in the identification envelope;
4 (b) Affix his or her signature on the back of the envelope; and
5 (c) Return it to the office of the county 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 :

11 (a) *That* the ballot has been marked and signed on behalf of the
12 registered voter ~~[]~~; *and*

13 (b) *His or her name and address and place of employment, if*
14 *any.*

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

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

23 **Sec. 19.** NRS 293.3165 is hereby amended to read as follows:

24 293.3165 1. A registered voter who, because of a physical
25 disability, is unable to mark or sign a ballot or use a voting device
26 without assistance may submit a written statement to the appropriate
27 county clerk requesting that the registered voter receive an absent
28 ballot for each election conducted during the period specified in
29 subsection 3.

30 2. A written statement submitted pursuant to subsection 1
31 must:

32 (a) Include a statement from a physician licensed in this State
33 certifying that the registered voter is a person with a physical
34 disability and, because of the physical disability, is unable to mark
35 or sign a ballot or use a voting device without assistance;

36 (b) Designate the person who will assist the registered voter in
37 marking and signing the absent ballot on behalf of the registered
38 voter; and

39 (c) Include the name, address , ~~[and]~~ signature *and place of*
40 *employment, if any,* of the person designated pursuant to
41 paragraph (b).

42 3. Upon receipt of a written statement submitted by a
43 registered voter pursuant to subsection 1, the county clerk shall, if
44 the statement includes the information required pursuant to
45 subsection 2, issue an absent ballot to the registered voter for each



1 election that is conducted during the year immediately succeeding
2 the date the written statement is submitted to the county clerk.

3 4. To determine whether a registered voter is entitled to receive
4 an absent ballot pursuant to this section, the county clerk may, every
5 year after an absent ballot is issued to a registered voter pursuant to
6 subsection 3, require the registered voter to submit a statement from
7 a licensed physician as specified in paragraph (a) of subsection 2. If
8 a statement from a physician licensed in this State submitted
9 pursuant to this subsection indicates that the registered voter is no
10 longer physically disabled, the county clerk shall not issue an absent
11 ballot to the registered voter pursuant to this section.

12 5. A person designated pursuant to paragraph (b) of subsection
13 2 may, on behalf of and at the direction of the registered voter, mark
14 and sign an absent ballot issued to the registered voter pursuant to
15 the provisions of this section. If the person marks and signs the
16 ballot, the person shall indicate next to his or her signature ~~[that]~~ :

17 (a) *That* the ballot has been marked and signed on behalf of the
18 registered voter ~~[;]~~; and

19 (b) *His or her name and address and place of employment, if*
20 *any.*

21 6. The procedure authorized pursuant to this section is subject
22 to all other provisions of this chapter relating to voting by absent
23 ballot to the extent that those provisions are not inconsistent with
24 the provisions of this section.

25 **Sec. 20.** NRS 293.323 is hereby amended to read as follows:

26 293.323 1. Except as otherwise provided in subsection 2 and
27 NRS 293.3157, if the request for an absent ballot is made by mail or
28 facsimile machine, the county clerk shall, as soon as the official
29 absent ballot for the precinct or district in which the applicant
30 resides has been printed, send to the voter by first-class mail, or by
31 any class of mail if the Official Election Mail logo or an equivalent
32 logo or mark created by the United States Postal Service is properly
33 placed on the official absent ballot:

34 (a) An absent ballot;

35 (b) *An affidavit envelope;*

36 (c) A return envelope;

37 ~~[(e)]~~ (d) An envelope or similar device into which the ballot is
38 inserted to ensure its secrecy;

39 ~~[(d)]~~ (e) An identification envelope, if applicable pursuant to
40 NRS 293.3157; and

41 ~~[(e)]~~ (f) Instructions.

42 2. If the county clerk fails to send an absent ballot pursuant to
43 subsection 1 to a voter who resides within the continental United
44 States, the county clerk may use a facsimile machine to send an
45 absent ballot and instructions to the voter. The voter may mail the



1 absent ballot to the county clerk or submit the absent ballot by
2 facsimile machine.

3 3. The return envelope sent pursuant to subsection 1 must
4 include postage prepaid by first-class mail if the absent voter is
5 within the boundaries of the United States, its territories or
6 possessions or on a military base.

7 4. Nothing may be enclosed or sent with an absent ballot
8 except as required by subsection 1 or 2 and NRS 293.3157.

9 5. Before depositing a ballot in the mail or sending a ballot by
10 facsimile machine, the county clerk shall record the date the ballot is
11 issued, the name of the registered voter to whom it is issued, the
12 registered voter's precinct or district, and political affiliation, if any,
13 the number of the ballot and any remarks the county clerk finds
14 appropriate.

15 6. The Secretary of State shall adopt regulations to carry out
16 the provisions of subsection 2.

17 **Sec. 21.** NRS 293.330 is hereby amended to read as follows:

18 293.330 1. Except as otherwise provided in NRS 293.3157
19 and subsection 2 of NRS 293.323 and any regulations adopted
20 pursuant thereto, when an absent voter receives an absent ballot, the
21 absent voter must mark and fold it in accordance with the
22 instructions, deposit it in the ~~return~~ affidavit envelope, *deposit a*
23 *copy of his or her photographic identification in the affidavit*
24 *envelope*, seal the affidavit envelope, affix his or her signature on
25 the back of the affidavit envelope in the space provided therefor ,
26 *deposit the affidavit envelope in the return envelope, seal the*
27 *return envelope* and mail or deliver, as applicable, the return
28 envelope. *The signature of the registered voter on the face of the*
29 *affidavit envelope must be notarized or witnessed by two other*
30 *persons who are 18 years of age or older.*

31 2. ~~Except as otherwise provided in subsection 3, if an~~ An
32 absent voter who ~~has requested a ballot by mail applies to~~ is not
33 described in subsection 2 of NRS 293.313 may not return the
34 absent ballot by mail. *Except as otherwise provided in subsection*
35 *3, such a person may* vote the ballot in person at:

36 (a) The office of the county clerk, ~~the absent voter must mark~~
37 *by marking* the ballot, ~~seal it in~~ *depositing the ballot in the*
38 *affidavit envelope, depositing a copy of his or her photographic*
39 *identification in the affidavit envelope, sealing* the ~~return~~
40 *affidavit* envelope and ~~affix~~ *affixing* his or her signature in the
41 same manner as provided in subsection 1, *depositing the affidavit*
42 *envelope in the return envelope* and ~~deliver~~ *delivering* the return
43 envelope to the clerk.

44 (b) A polling place, including, without limitation, a polling place
45 for early voting, ~~the absent voter must surrender~~ *by surrendering*



1 the absent ballot and ~~[provide satisfactory]~~ *providing photographic*
2 identification before being issued a ballot to vote at the polling
3 place. A person who receives a surrendered absent ballot shall mark
4 it "Cancelled."

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

- 10 (a) Provides ~~[satisfactory]~~ *photographic* identification;
11 (b) Is a registered voter who is otherwise entitled to vote; and
12 (c) Signs an affirmation under penalty of perjury on a form
13 prepared by the Secretary of State declaring that the voter has not
14 voted during the election.

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

26 **Sec. 22.** NRS 293.353 is hereby amended to read as follows:

27 293.353 1. Except as otherwise provided in subsection 2 or 3,
28 upon receipt of a mailing ballot from the county clerk, the registered
29 voter must, in accordance with the instructions, mark and fold the
30 ballot, deposit and seal the ballot in the return envelope, affix his or
31 her signature on the back of the envelope and mail the envelope to
32 the county clerk.

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

35 (a) The office of the county clerk, the registered voter must
36 mark the ballot, place and seal it in the return envelope and affix his
37 or her signature in the same manner as provided in subsection 1, and
38 deliver the envelope to the clerk.

39 (b) One of the polling places on election day or a polling place
40 for early voting in the county designated pursuant to subsection 3 or
41 4 of NRS 293.343, the registered voter must surrender the mailing
42 ballot and provide ~~[satisfactory]~~ *photographic* identification before
43 being issued a ballot to vote at the polling place. A person who
44 receives a surrendered mailing ballot shall mark it "Cancelled."



1 3. If a registered voter who has received a mailing ballot
2 wishes to vote in person at the office of the county clerk or at one of
3 the polling places on election day or a polling place for early voting
4 in the county designated pursuant to subsection 3 or 4 of NRS
5 293.343, and the voter does not have the mailing ballot to deliver or
6 surrender, the voter must be issued a ballot to vote if the voter:

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

12 4. It is unlawful for any person to return a mailing ballot other
13 than the registered voter to whom the ballot was sent or, at the
14 request of the voter, a member of the family of that voter. A person
15 who returns a mailing ballot and who is a member of the family of
16 the voter who received the mailing ballot shall, under penalty of
17 perjury, indicate on a form prescribed by the county clerk that
18 the person is a member of the family of the voter who received the
19 mailing ballot and that the voter requested that he or she return the
20 mailing ballot. A person who violates the provisions of this
21 subsection is guilty of a category E felony and shall be punished as
22 provided in NRS 193.130.

23 **Sec. 23.** NRS 293.3585 is hereby amended to read as follows:

24 293.3585 1. Upon the appearance of a person to cast a ballot
25 for early voting, the deputy clerk for early voting shall ~~§~~

26 ~~—(a) Determine that~~ *determine whether* the person is a registered
27 voter in the county ~~§~~

28 ~~—(b) and, if so:~~

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

30 (b) *Require the voter to present photographic identification;*

31 and

32 (c) Verify the signature of the voter against that contained on the
33 original application to register to vote or a facsimile thereof, the
34 card issued to the voter at the time of registration or ~~[some other~~
35 ~~piece of official]~~ *the voter's photographic* identification.

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

39 3. The roster for early voting must contain:

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

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

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



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

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

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

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

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

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

16 **Sec. 24.** NRS 293.361 is hereby amended to read as follows:

17 293.361 1. During the time a polling place for early voting is
18 open for voting, a person may not electioneer for or against any
19 candidate, measure or political party in or within ~~{100}~~ 150 feet
20 from the entrance to the voting area.

21 2. During the period of early voting, the county clerk shall
22 keep continuously posted:

23 (a) At the entrance to the room or area, as applicable, in which
24 the polling place for early voting is located a sign on which is
25 printed in large letters "Polling Place for Early Voting"; and

26 (b) At the outer limits of the area within which electioneering is
27 prohibited, a sign on which is printed in large letters "Distance
28 Marker: No electioneering between this point and the entrance to the
29 polling place."

30 3. Ropes or other suitable objects may be used at the polling
31 place to ensure compliance with this section. Persons who are not
32 expressly permitted by law to be in a polling place must be excluded
33 from the polling place to the extent practicable.

34 4. Any person who willfully violates the provisions of this
35 section is guilty of a gross misdemeanor.

36 **Sec. 25.** NRS 293.5235 is hereby amended to read as follows:

37 293.5235 1. Except as otherwise provided in NRS 293.502, a
38 person may register to vote by mailing an application to register to
39 vote to the county clerk of the county in which the person resides.
40 The county clerk shall, upon request, mail an application to register
41 to vote to an applicant. The county clerk shall make the applications
42 available at various public places in the county. An application to
43 register to vote may be used to correct information in the registrar of
44 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. 26.** NRS 293.530 is hereby amended to read as follows:

9 293.530 Except as otherwise provided in NRS 293.541:

10 1. County clerks may use any reliable and reasonable means
11 available to correct the portions of the statewide voter registration
12 list which are relevant to the county clerks and to determine whether
13 a registered voter's current residence is other than that indicated on
14 the voter's application to register to vote.

15 2. A county clerk may, with the consent of the board of county
16 commissioners, make investigations of registration in the county by
17 census, by house-to-house canvass or by any other method.

18 3. A county clerk shall cancel the registration of a voter
19 pursuant to this section if:

20 (a) The county clerk mails a written notice to the voter which
21 the United States Postal Service is required to forward;

22 (b) The county clerk mails a return postcard with the notice
23 which has a place for the voter to write his or her new address, is
24 addressed to the county clerk and has postage guaranteed;

25 (c) The voter does not respond; and

26 (d) The voter does not appear to vote in an election before the
27 polls have closed in the second general election following the date
28 of the notice.

29 4. For the purposes of this section, the date of the notice is
30 deemed to be 3 days after it is mailed.

31 5. The county clerk shall maintain records of:

32 (a) Any notice mailed pursuant to subsection 3;

33 (b) Any response to such notice; and

34 (c) Whether a person to whom a notice is mailed appears to vote
35 in an election,

36 ↪ for not less than 2 years after creation.

37 6. The county clerk shall use any postcards which are returned
38 to correct the portions of the statewide voter registration list which
39 are relevant to the county clerk.

40 7. *A county clerk shall designate a voter as inactive on the*
41 *voter's application to register to vote:*

42 (a) If ~~[a]~~ *the* voter fails to return the postcard mailed pursuant to
43 subsection 3 within 30 days ~~[-, the county clerk shall designate the~~
44 ~~voter as inactive on the voter's application to register to vote.] ; or~~



1 *(b) If the voter does not appear to vote in an election before the*
2 *polls have closed in two consecutive general elections.*

3 8. The Secretary of State shall adopt regulations to prescribe
4 the method for maintaining a list of voters who have been
5 designated as inactive pursuant to subsection 7.

6 **Sec. 27.** NRS 293.541 is hereby amended to read as follows:

7 293.541 1. The county clerk shall cancel the registration of a
8 voter if:

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

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

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

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

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

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

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

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

41 ~~—(a) Official identification which contains a photograph of the~~
42 ~~voter, including, without limitation, a driver's license or other~~
43 ~~official document; and~~

44 ~~—(b) Satisfactory identification that contains proof of the address~~
45 ~~at which the voter actually resides and that address is consistent with~~



1 ~~the address listed on the election board register.]~~ *photographic*
2 *identification.*

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

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

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

13 (b) Residence or identity of a person.

14 **Sec. 28.** NRS 293.740 is hereby amended to read as follows:

15 293.740 1. Except as otherwise provided in subsection 2, it is
16 unlawful inside a polling place or within ~~[100]~~ 150 feet from the
17 entrance to the building or other structure in which a polling place is
18 located:

19 (a) For any person to solicit a vote or speak to a voter on the
20 subject of marking the voter's ballot.

21 (b) For any person, including an election board officer, to do
22 any electioneering on election day.

23 ➤ The county clerk or registrar of voters shall ensure that, at the
24 outer limits of the area within which electioneering is prohibited,
25 notices are continuously posted on which are printed in large letters
26 "Distance Marker: No electioneering between this point and the
27 entrance to the polling place."

28 2. The provisions of subsection 1 do not apply to the conduct
29 of a person in a private residence or on commercial or residential
30 property that is within ~~[100]~~ 150 feet from the entrance to a building
31 or other structure in which a polling place is located. The provisions
32 of subsection 1 are not intended to prohibit a person from voting
33 solely because he or she is wearing a prohibited political insignia and
34 is reasonably unable to remove the insignia or cover it. In such a
35 case, the election board officer shall take such action as is necessary
36 to allow the voter to vote as expediently as possible and then assist
37 the voter in exiting the polling place as soon as is possible.

38 3. Any person who violates any provision of this section is
39 guilty of a gross misdemeanor.

40 4. As used in this section, "electioneering" means campaigning
41 for or against a candidate, ballot question or political party by:

42 (a) Posting signs relating to the support of or opposition to a
43 candidate, ballot question or political party;

44 (b) Distributing literature relating to the support of or opposition
45 to a candidate, ballot question or political party;



1 (c) Using loudspeakers to broadcast information relating to the
2 support of or opposition to a candidate, ballot question or political
3 party;

4 (d) Buying, selling, wearing or displaying any badge, button or
5 other insignia which is designed or tends to aid or promote the
6 success or defeat of any political party or a candidate or ballot
7 question to be voted upon at that election;

8 (e) Polling or otherwise soliciting from a voter information as to
9 whether the voter intends to vote or has voted for or against a
10 particular political party, candidate or ballot question; or

11 (f) Soliciting signatures to any kind of petition.

12 **Sec. 29.** NRS 293C.270 is hereby amended to read as follows:

13 293C.270 ~~[H.]~~ If a person's name appears in the election
14 board register , ~~[or if the person provides an affirmation pursuant to~~
15 ~~NRS 293C.525.]~~ the person is entitled to vote and must ~~[sign]~~ :

16 1. *Present photographic identification; and*

17 2. *Sign* his or her name in the election board register when he
18 or she applies to vote. The signature must be compared by an
19 election board officer with the signature or a facsimile thereof on the
20 person's original application to register to vote or ~~[one of the forms~~
21 ~~of identification listed in subsection 2.~~

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

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

26 ~~—(b) A driver's license;~~

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

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

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

33 **Sec. 30.** NRS 293C.272 is hereby amended to read as follows:

34 293C.272 Any registered voter who is unable to sign his or her
35 name must ~~[be]~~ :

36 1. *Present photographic identification; and*

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

41 **Sec. 31.** NRS 293C.292 is hereby amended to read as follows:

42 293C.292 1. A person applying to vote may be challenged:

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



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

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

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

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

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

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

21 3. If the challenged person refuses to execute the oath or
22 affirmation so tendered, he or she must not be issued a ballot, and
23 the officer in charge of the election board register shall write the
24 words "Challenged" opposite his or her name in the
25 election board register.

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

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

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

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



1 (a) Furnishes ~~[official]~~ *photographic* identification ; ~~[which~~
2 ~~contains a photograph of the person, such as a driver's license or~~
3 ~~other official document;]~~ or

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

6 (1) Furnishes ~~[official]~~ *photographic* identification ; ~~[which~~
7 ~~contains a photograph of the person, such as a driver's license or~~
8 ~~other official document;]~~ and

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

11 8. The election board officers shall:

12 (a) Record on the challenge list:

13 (1) The name of the challenged person;

14 (2) The name of the registered voter who initiated the
15 challenge; and

16 (3) The result of the challenge; and

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

19 **Sec. 32.** NRS 293C.305 is hereby amended to read as follows:

20 293C.305 1. The city clerk shall prepare an absent ballot for
21 the use of registered voters who have requested absent ballots. The
22 city clerk shall make reasonable accommodations for the use of the
23 absent ballot by a person who is elderly or disabled, including,
24 without limitation, by providing, upon request, the absent ballot in
25 12-point type to a person who is elderly or disabled.

26 2. The ballot must be prepared and ready for distribution to a
27 registered voter who ~~[resides]~~ :

28 (a) *Resides* within ~~[or outside]~~ this State, not later than 20 days
29 before the election in which it will be used.

30 (b) *Resides outside this State, not later than 30 days before the*
31 *election in which it will be used.*

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

34 4. *The ballot must include, without limitation, notification of*
35 *the penalties prescribed in NRS 293C.310 and 293C.330.*

36 **Sec. 33.** NRS 293C.310 is hereby amended to read as follows:

37 293C.310 1. Except as otherwise provided in *subsection 4*
38 *and* NRS 293.502 and 293C.265, a registered voter who provides
39 sufficient written notice to the city clerk may vote an absent ballot
40 as provided in this chapter.

41 2. *Except as otherwise provided in subsection 5, the city clerk*
42 *shall not issue an absent ballot to a registered voter for any*
43 *subsequent election unless the registered voter provides sufficient*
44 *written notice to the city clerk to request an absent ballot for the*
45 *subsequent election.*



1 3. A request from a voter for an absent ballot that is
2 submitted on a form other than a form provided by the Federal
3 Government must include:

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

5 (b) The date of birth of the registered voter;

6 (c) A statement that the person requesting the absent ballot is a
7 registered voter;

8 (d) A statement identifying the election for which the absent
9 ballot is requested;

10 (e) If the election identified in paragraph (d) is a primary city
11 election, the political affiliation of the registered voter;

12 (f) The address to which the registered voter desires the absent
13 ballot to be mailed, if that address is different from the address
14 provided pursuant to paragraph (a); and

15 (g) One of the following:

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

17 (2) The last four digits of the social security number of the
18 registered voter; or

19 (3) One of the following, which must include the name and
20 address of the registered voter:

21 (I) A copy of the photographic identification of the
22 registered voter; or

23 (II) A copy of a current utility bill, bank statement,
24 paycheck or document issued by a governmental entity, including
25 a check, but not including a voter registration card issued
26 pursuant to NRS 293.517.

27 4. Except as otherwise provided in NRS 293.502, 293C.265,
28 293C.315 and 293C.317, in order to return an absent ballot by
29 mail or approved electronic transmission, a registered voter must
30 meet one of the following qualifications:

31 (a) Be at least 65 years of age;

32 (b) Have a physical disability or condition which substantially
33 impairs his or her ability to go to the polling place;

34 (c) Have a reasonable expectation at the time that he or she
35 requests the absent ballot that he or she will be absent from his or
36 her county of residence the entire time that the polls are open on
37 election day pursuant to NRS 293C.267;

38 (d) Have a reasonable expectation at the time that he or she
39 requests the absent ballot that he or she will be at his or her place
40 of employment the entire time that the polls are open on election
41 day pursuant to NRS 293C.267;

42 (e) Be an election board officer or elections official of the
43 State or a local government; or

44 (f) Be unable to vote in person at the polls because of the
45 practice of his or her religion.



1 **5.** A city clerk shall consider a request from a voter who has
2 given sufficient written notice on a form provided by the Federal
3 Government as:

4 (a) A request for the primary city election and the general city
5 election unless otherwise specified in the request; and

6 (b) A request for an absent ballot for the two primary and
7 general elections immediately following the date on which the city
8 clerk received the request.

9 ~~3.~~ **6.** It is unlawful for a person fraudulently to request an
10 absent ballot in the name of another person or to induce or coerce
11 another person fraudulently to request an absent ballot in the name
12 of another person. A person who violates any provision of this
13 subsection is guilty of a category E felony and shall be punished as
14 provided in NRS 193.130.

15 ~~4.~~ **7.** As used in this section, "sufficient written notice"
16 means a:

17 (a) Written request for an absent ballot ~~that~~ *which complies*
18 *with the requirements of subsection 3 and which* is signed by the
19 registered voter and returned to the city clerk in person or by mail or
20 facsimile machine;

21 (b) Form prescribed by the Secretary of State ~~that~~ *which*
22 *complies with the requirements of subsection 3, which includes,*
23 *without limitation, notification of the penalty set forth in*
24 *subsection 6 and which* is completed and signed by the registered
25 voter and returned to the city clerk in person or by mail or facsimile
26 machine; or

27 (c) Form provided by the Federal Government.

28 **Sec. 34.** NRS 293C.317 is hereby amended to read as follows:

29 293C.317 1. Any registered voter who is unable to go to the
30 polls:

31 (a) Because of an illness or disability resulting in confinement in
32 a hospital, sanatorium, dwelling or nursing home; ~~or~~

33 (b) Because the registered voter is suddenly hospitalized,
34 becomes seriously ill or is called away from home after the time has
35 elapsed for requesting an absent ballot as provided in NRS
36 293C.312 ~~1~~; *or*

37 (c) *Because the registered voter is caring for another person*
38 *who is seriously ill or disabled,*

39 ↪ may submit a written request to the city clerk for an absent ballot.
40 The request may be submitted at any time before 5 p.m. on the day
41 of the election.

42 2. If the city clerk determines that a request submitted pursuant
43 to subsection 1 includes the information required pursuant to
44 subsection 3, the city clerk shall, at the office of the city clerk,



1 deliver an absent ballot to the person designated in the request to
2 obtain the ballot for the registered voter.

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

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

7 (b) The name, address , ~~and~~ signature *and place of*
8 *employment, if any*, of the person designated by the registered voter
9 to obtain, deliver and return the ballot for the registered voter;

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

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

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

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

23 (a) Place it in the identification envelope;

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

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

26 5. A person designated in a request submitted pursuant to
27 subsection 1 may, on behalf of and at the direction of the registered
28 voter, mark and sign the absent ballot. If the person marks and signs
29 the ballot, the person shall indicate next to his or her signature ~~that~~
30 :

31 (a) *That* the ballot has been marked and signed on behalf of the
32 registered voter ~~and~~; *and*

33 (b) *His or her name and address and place of employment, if*
34 *any*.

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

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

43 **Sec. 35.** NRS 293C.318 is hereby amended to read as follows:

44 293C.318 1. A registered voter who, because of a physical
45 disability, is unable to mark or sign a ballot or use a voting device



1 without assistance may submit a written statement to the appropriate
2 city clerk requesting that the registered voter receive an absent
3 ballot for each city election conducted during the period specified in
4 subsection 3.

5 2. A written statement submitted pursuant to subsection 1
6 must:

7 (a) Include a statement from a physician licensed in this State
8 certifying that the registered voter is a person with a physical
9 disability and, because of the physical disability, is unable to mark
10 or sign a ballot or use a voting device without assistance;

11 (b) Designate the person who will assist the registered voter in
12 marking and signing the absent ballot on behalf of the registered
13 voter; and

14 (c) Include the name, address , ~~and~~ signature *and place of*
15 *employment, if any,* of the person designated pursuant to
16 paragraph (b).

17 3. Upon receipt of a written statement submitted by a
18 registered voter pursuant to subsection 1, the city clerk shall, if the
19 statement includes the information required pursuant to subsection
20 2, issue an absent ballot to the registered voter for each city election
21 that is conducted during the year immediately succeeding the date
22 the written statement is submitted to the city clerk.

23 4. To determine whether a registered voter is entitled to receive
24 an absent ballot pursuant to this section, the city clerk may, every
25 year after an absent ballot is issued to a registered voter pursuant to
26 subsection 3, require the registered voter to submit a statement from
27 a licensed physician as specified in paragraph (a) of subsection 2. If
28 a statement from a physician licensed in this State submitted
29 pursuant to this subsection indicates that the registered voter is no
30 longer physically disabled, the city clerk shall not issue an absent
31 ballot to the registered voter pursuant to this section.

32 5. A person designated pursuant to paragraph (b) of subsection
33 2 may, on behalf of and at the direction of the registered voter, mark
34 and sign an absent ballot issued to the registered voter pursuant to
35 the provisions of this section. If the person marks and signs the
36 ballot, the person shall indicate next to his or her signature ~~that~~ :

37 (a) *That* the ballot has been marked and signed on behalf of the
38 registered voter ~~and~~; and

39 (b) *His or her name and address and place of employment, if*
40 *any.*

41 6. The procedure authorized pursuant to this section is subject
42 to all other provisions of this chapter relating to voting by absent
43 ballot to the extent that those provisions are not inconsistent with
44 the provisions of this section.



1 **Sec. 36.** NRS 293C.322 is hereby amended to read as follows:

2 293C.322 1. Except as otherwise provided in subsection 2
3 and NRS 293C.315, if the request for an absent ballot is made by
4 mail or facsimile machine, the city clerk shall, as soon as the official
5 absent ballot for the precinct or district in which the applicant
6 resides has been printed, send to the voter by first-class mail, or by
7 any class of mail if the Official Election Mail logo or an equivalent
8 logo or mark created by the United States Postal Service is properly
9 placed on the official absent ballot:

10 (a) An absent ballot;

11 (b) *An affidavit envelope*;

12 (c) A return envelope;

13 ~~(e)~~ (d) An envelope or similar device into which the ballot is
14 inserted to ensure its secrecy;

15 ~~(d)~~ (e) An identification envelope, if applicable pursuant to
16 NRS 293C.315; and

17 ~~(e)~~ (f) Instructions.

18 2. If the city clerk fails to send an absent ballot pursuant to
19 subsection 1 to a voter who resides within the continental United
20 States, the city clerk may use a facsimile machine to send an absent
21 ballot and instructions to the voter. The voter may mail the absent
22 ballot to the city clerk or submit the absent ballot by facsimile
23 machine.

24 3. The return envelope sent pursuant to subsection 1 must
25 include postage prepaid by first-class mail if the absent voter is
26 within the boundaries of the United States, its territories or
27 possessions or on a military base.

28 4. Nothing may be enclosed or sent with an absent ballot
29 except as required by subsection 1 or 2 and NRS 293C.315.

30 5. Before depositing a ballot with the United States Postal
31 Service or sending a ballot by facsimile machine, the city clerk shall
32 record the date the ballot is issued, the name of the registered voter
33 to whom it is issued, the registered voter's precinct or district, the
34 number of the ballot and any remarks the city clerk finds
35 appropriate.

36 6. The Secretary of State shall adopt regulations to carry out
37 the provisions of subsection 2.

38 **Sec. 37.** NRS 293C.328 is hereby amended to read as follows:

39 293C.328 1. During the period specified in subsection 2 of
40 NRS 293C.327 when the city clerk's office is maintained with
41 suitable equipment for voting an absent ballot in person:

42 (a) A person may not electioneer for or against any candidate,
43 measure or political party in or within ~~(100)~~ 150 feet from the
44 entrance to the city clerk's office.

45 (b) The city clerk shall keep continuously posted:



1 (1) At each entrance to the city clerk's office, a sign on
2 which is printed in large letters "Polling Place for Voting Absent
3 Ballots"; and

4 (2) At the outer limits of the area within which electioneering
5 is prohibited, a sign on which is printed in large letters "Distance
6 Marker: No electioneering between this point and any entrance to
7 the city clerk's office."

8 2. Ropes or other suitable objects may be used at the city
9 clerk's office to ensure compliance with this section.

10 3. Any person who willfully violates the provisions of this
11 section is guilty of a gross misdemeanor.

12 **Sec. 38.** NRS 293C.330 is hereby amended to read as follows:

13 293C.330 1. Except as otherwise provided in NRS 293C.315
14 and subsection 2 of NRS 293C.322 and any regulations adopted
15 pursuant thereto, when an absent voter receives an absent ballot, the
16 absent voter must mark and fold it in accordance with the
17 instructions, deposit it in the ~~return~~ *affidavit* envelope, *deposit a*
18 *copy of his or her photographic identification in the affidavit*
19 *envelope*, seal the *affidavit* envelope, affix his or her signature on
20 the back of the *affidavit* envelope in the space provided therefor ,
21 *deposit the affidavit envelope in the return envelope, seal the*
22 *return envelope* and mail *or deliver, as applicable*, the return
23 envelope. *The signature of the registered voter on the face of the*
24 *affidavit envelope must be notarized or witnessed by two other*
25 *persons who are 18 years of age or older.*

26 2. ~~Except as otherwise provided in subsection 3, if an~~ *An*
27 *absent voter who has requested a ballot by mail applies to* is not
28 *described in subsection 2 of NRS 293C.310 may not return the*
29 *absent ballot by mail. Except as otherwise provided in subsection*
30 *3, such a person may* vote the ballot in person at:

31 (a) The office of the city clerk, ~~the absent voter must mark~~ *by*
32 *marking* the ballot, ~~seal it in~~ *depositing the ballot in the affidavit*
33 *envelope, depositing a copy of his or her photographic*
34 *identification in the affidavit envelope, sealing* the ~~return~~
35 *affidavit* envelope ~~and affix~~ , *affixing* his or her signature in the
36 same manner as provided in subsection 1, *depositing the affidavit*
37 *envelope in the return envelope, sealing the return envelope* and
38 ~~deliver~~ *delivering* the *return* envelope to the city clerk.

39 (b) A polling place, including, without limitation, a polling place
40 for early voting, ~~the absent voter must surrender~~ *by surrendering*
41 the absent ballot and ~~provide satisfactory~~ *providing photographic*
42 *identification* before being issued a ballot to vote at the polling
43 place. A person who receives a surrendered absent ballot shall mark
44 it "Cancelled."



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

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

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

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

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

22 **Sec. 39.** NRS 293C.3585 is hereby amended to read as
23 follows:

24 293C.3585 1. Upon the appearance of a person to cast a
25 ballot for early voting, the deputy clerk for early voting shall ~~⌋~~

26 ~~—(a) Determine that~~ *determine whether* the person is a registered
27 voter in the county ~~⌋~~

28 ~~—(b)~~ *and, if so:*

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

30 (b) *Require the voter to present photographic identification;*
31 and

32 (c) Verify the signature of the voter against that contained on the
33 original application to register to vote or a facsimile thereof, the
34 card issued to the voter at the time of registration or ~~[some other~~
35 ~~piece of official]~~ *the voter's photographic* identification.

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

39 3. The roster for early voting must contain:

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

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

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



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

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

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

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

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

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

16 **Sec. 40.** NRS 293C.361 is hereby amended to read as follows:

17 293C.361 1. During the time a polling place for early voting
18 is open for voting, a person may not electioneer for or against any
19 candidate, measure or political party in or within ~~100~~ 150 feet
20 from the entrance to the voting area.

21 2. During the period of early voting, the city clerk shall keep
22 continuously posted:

23 (a) At the entrance to the room or area, as applicable, in which
24 the polling place for early voting is located, a sign on which is
25 printed in large letters "Polling Place for Early Voting"; and

26 (b) At the outer limits of the area within which electioneering is
27 prohibited, a sign on which is printed in large letters "Distance
28 Marker: No electioneering between this point and the entrance to the
29 polling place."

30 3. Ropes or other suitable objects may be used at the polling
31 place to ensure compliance with this section. Persons who are not
32 expressly permitted by law to be in a polling place must be excluded
33 from the polling place to the extent practicable.

34 4. Any person who willfully violates the provisions of this
35 section is guilty of a gross misdemeanor.

36 **Sec. 41.** The Legislature hereby finds:

37 1. As fact that in previous elections voters have had difficulty
38 in safely accessing the entrance of polling places due to
39 electioneering occurring within 150 feet of the entrances to polling
40 places; and

41 2. That it is necessary to increase the distance from which
42 electioneering is prohibited from the entrance to the voting area in
43 order to protect the safety of voters and ensure that voters are able to
44 access the entrance of polling places.



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

4 **Sec. 43.** The provisions of this act become effective on:

5 1. October 1, 2011, for the purpose of adopting regulations and
6 performing other preparatory administrative tasks that are necessary
7 to carry out the provisions of this act; and

8 2. October 1, 2012, for all other purposes.

