

*Section B*

**U.S. ELECTION ASSISTANCE COMMISSION**



*2008 Election Administration & Voting Survey*

***Statutory Overview***

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help us to better understand the quantitative data relating to the 2008 general election that we are collecting from all U.S. states and territories.

We understand that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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## DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable).

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks legal standing but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, please specify.

Please put your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

### Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

*Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.*

*There is no limit to the length of your response.*

[End definition (a) above this line.]

## SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

[Begin definition (a) below this line.]

**NRS 293B.085 Several elective to same offices; effect of overvote.**

A mechanical voting system must permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more. If a voter casts more votes for an office than he is lawfully entitled, the counting device or electronic computer must be programmed so that those votes are not counted. The remainder of the voter's ballot must be counted if it is otherwise lawfully voted.

[End definition (a) above this line.]

b. Under-vote

[Begin definition (b) below this line.]

While express lacking legal definition, it is widely understood in practice in Nevada that an undervote is when a person does not vote for as many persons as he is lawfully entitled.

[End definition (b) above this line.]

c. Blank ballot

[Begin definition (c) below this line.]

While express lacking legal definition, it is widely understood in practice in Nevada that a blank ballot is a ballot that has no votes for any race on the ballot.

[End definition (c) above this line.]

d. Void/Spoiled ballot

[Begin definition (d) below this line.]

**NRS 293.107 "Spoiled ballot" defined.** "Spoiled ballot" means a ballot defaced by a voter and exchanged for a new one.

[End definition (d) above this line.]

e. Provisional/Challenged ballot

[Begin definition (e) below this line.]

**NRS 293.082 "Provisional ballot" defined.** "Provisional ballot" means a ballot voted by a person pursuant to [NRS 293.3081](#) to [293.3086](#), inclusive.

**NRS 293.3081 Casting of provisional ballot: General conditions; declaration or application.** A person at a polling place may cast a provisional ballot in an election to vote for a candidate for federal office if the person complies with the applicable provisions of [NRS 293.3082](#) and:

1. Declares that he has registered to vote and is eligible to vote at that election in that jurisdiction, but his name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;

2. Applies by mail, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of [NRS 293.2725](#) to the election board officer at the polling place; or
3. Declares that he is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election.

[End definition (e) above this line.]

f. Absentee

[Begin definition (f) below this line.]

**NRS 293.013 “Absent ballot” defined.** “Absent ballot” means a ballot voted by a person who expects to be or is absent from the polling place for his precinct or district on election day.

[End definition (f) above this line.]

g. Early voting

[Begin definition (g) below this line.]

**NRS 293.3564 Permanent polling places for early voting.** The county clerk may establish permanent polling places for early voting by personal appearance in the county at the locations selected by him pursuant to [NRS 293.3561](#).

**Additionally, see NRS 293.3568 Period for early voting; hours for permanent polling places.** The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and holidays excepted.

[End definition (g) above this line.]

h. Active Voter

[Begin definition (h) below this line.]

**NRS 293.017 “Active registration” defined.** “Active registration” means a current registration of a voter in the official register, entitling such voter to vote in the manner provided by this title.

[End definition (h) above this line.]

i. Inactive Voter

[Begin definition (i) below this line.]

**NRS 293.530 (in part) Correction of statewide voter registration list; authority of county clerk to make investigations; county clerk to cancel registration of voter under certain circumstances; maintenance of records regarding notices of cancellation; designation of voter as inactive; regulations.** Except as otherwise provided in [NRS 293.541](#):

7. If a voter fails to return the postcard mailed pursuant to subsection 3 within 30 days, the county clerk shall designate the voter as inactive on his application to register to vote.

Section 3 reads:

3. A county clerk shall cancel the registration of a voter pursuant to this section if:
- (a) He mails a written notice to the voter which the United States Postal Service is required to forward;
  - (b) He mails a return postcard with the notice which has a place for the voter to write his new address, is addressed to the county clerk and has postage guaranteed;
  - (c) The voter does not respond; and
  - (d) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

[End definition (i) above this line.]

- j. Other terms (please specify) \_\_\_\_\_

[Identify each TERM and definition separately and begin below this line.]

Nevada defines additional election terms. These definitions, because of their volume, will not be listed here, but may be found at NRS 293.010 through NRS 293.1275.

[End TERM(s) and definition(s) above this line.]

A2. Please provide the legal citation for any **significant** changes to election laws or procedures that have been enacted or adopted since the previous Federal election. By “significant,” we do not mean routine or technical changes (such as changes to election district boundaries or polling place changes). However, we would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

[Begin response to above question (A2) below this line.]

**NRS 293.233 Appointment and duties of voting board and counting board in precinct or district where there are 200 or more registered voters and paper ballots are used.** Repealed. (See chapter 478, [Statutes of Nevada 2007, at page 2626.](#))

**NRS 293.245 Placing of absent ballots in ballot box.** Repealed. (See chapter 478, [Statutes of Nevada 2007, at page 2626.](#))

**Sec. 3. NRS 293.262** is hereby amended to read as follows:

293.262 An absent ballot or a ballot voted by a voter who resides in a mailing precinct must be voted:

1. On a paper ballot ~~1;~~  
~~2. On a ballot which is voted by punching a card; or~~  
~~3.; or~~
2. By any other system authorized by state or federal law.

**Sec. 16. NRS 293.230** is hereby amended to read as follows:

293.230 ~~1. In precincts or districts where there are less than 200 registered voters and paper ballots are used, the election board shall perform all duties required from the time of preparing for the opening of the polls through delivering the supplies and result of votes cast to the county clerk.~~

~~2.]~~ Except as otherwise provided in NRS 293.235, one election board must be appointed by the county clerk for all mailing precincts within the county and must be designated the central election board. The county clerk shall deliver the mailed ballots to that board in his office and the board shall count the votes on those ballots in the manner required by law.

**Sec. 5. NRS 293.2725** is hereby amended to read as follows:

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

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

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

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[-without limitation,]~~ a check  which indicates the name and address of the person , **but not including a voter registration card issued pursuant to NRS 293.517;** and

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

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

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[-without limitation,]~~ a check  which indicates the name and address of the person , **but not including a voter registration card issued pursuant to NRS 293.517.**

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

(a) Registers to vote by mail and submits with his application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including ~~[-without limitation,]~~ a check  which indicates the name and address of the person , **but not including a voter registration card issued pursuant to NRS 293.517;**

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

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

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

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

**Sec. 25. NRS 293.285** is hereby amended to read as follows:

293.285  A registered voter applying to vote shall state his name to the election board officer in charge of the election board register and the officer shall immediately announce the name and take the registered voter's signature. ~~[After a registered voter is properly identified at a polling place where paper ballots are used, one partisan ballot and, if required, one nonpartisan ballot, correctly folded must be given to the voter and the number of the ballot or ballots must be written by an election board officer upon the pollbook, opposite the name of the registered voter receiving the ballot or ballots.~~

~~2. In pollbooks in which voters' names have been entered, election officers may indicate the application to vote without writing the name.]~~

**NRS 293.293 Procedure for voting by paper ballot; duties of election board officer upon receipt of voted ballot.** Repealed. (See chapter 478, [Statutes of Nevada 2007, at page 2626.](#))

**Sec. 26. NRS 293.297** is hereby amended to read as follows:

293.297  ~~Except as otherwise provided in subsection 2:~~

~~— (a) Any voter who spoils his ballot may return the spoiled ballot to the election board and receive another in its place.~~

~~— (b) The election board officers shall indicate in the pollbook that the ballot is spoiled and shall enter the number of the ballot issued in its place.~~

~~— (c) Each spoiled ballot returned must be cancelled by writing the word "Cancelled" across the back of the ballot. A spoiled paper ballot must be cancelled without unfolding it.~~

~~— (d) A record must be made of those cancelled ballots at the closing of the polls and before counting. The ballots must be placed in a separate envelope and returned to the appropriate county clerk with the election supplies.~~

~~2. If ballots which are voted on a] A~~ mechanical recording device which directly records ~~[the]~~ votes electronically ~~[are used.]~~ **must allow** the voter ~~[must be able]~~ to change his vote before the mechanical recording device permanently records that vote.

**NRS 293.300 Return of ballot not voted; cancellation.** Repealed. (See chapter 478, [Statutes of Nevada 2007, at page 2626.](#))

**Sec. 6. NRS 293.303** is hereby amended to read as follows: 7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he furnishes satisfactory identification which contains proof of the address at which he actually resides. ***For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.***

**Sec. 7.5. NRS 293.3157** is hereby amended to read as follows:

293.3157 1. Any registered voter of this State who resides outside the continental United States may use a facsimile machine to request an absent ballot. ***The registered voter shall state on the request whether he requests the county clerk to send the absent ballot by mail or facsimile machine and whether he will return the absent ballot to the county clerk by mail or facsimile machine.***

2. ***If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by mail, he shall include with his completed absent ballot the identification envelope provided by the county clerk. The identification envelope must be in the form prescribed by the Secretary of State and include, without limitation:***

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

(b) ***The signature of the registered voter;***

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

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

3. ***If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by facsimile machine, he shall include with his completed absent ballot the following:***

#### OATH OF VOTER

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

***My residential address is***

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

***My current mailing address is***

\_\_\_\_\_.

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

***My facsimile transmission number is \_\_\_\_\_.***

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

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

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

(Signed)

*voter (power of attorney cannot be accepted)*

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

4. The county clerk, *if so requested pursuant to subsection 1*, shall use a facsimile machine to send an absent ballot *and the oath, as required pursuant to subsection 3*, to the registered voter.

~~3. The registered voter shall mail his absent ballot to the county clerk.~~

~~4.]~~ 5. *Each county clerk shall ensure the secrecy of absentee ballots that are submitted by facsimile machine.*

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

**Sec. 8. NRS 293.323** is hereby amended to read as follows:

293.323 1. Except as otherwise provided in subsection 2, if the request for an absent ballot is made by mail or facsimile machine, the county clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail, *unless otherwise requested pursuant to NRS 293.3157*, if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail, *unless otherwise requested pursuant to NRS 293.3157*, if the absent voter is in a foreign country but not on a military base:

(a) ~~Except as otherwise provided in paragraph (b):~~

~~(1)]~~ An absent ballot;

~~[(2)]~~ (b) A return envelope;

~~[(3)]~~ (c) Supplies for marking the ballot;

~~[(4)]~~ (d) An envelope or similar device into which the ballot is inserted to ensure its secrecy; ~~and]~~

~~[(5)]~~ Instructions.

~~(b) In those counties using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(1) A card attached to a sheet of foam plastic or similar backing material;~~

~~(2) A return envelope;~~

~~(3) A punching instrument;~~

~~(4) A sample ballot;~~

~~(5) An envelope or similar device into which the card is inserted to ensure its secrecy; and~~

~~(6)]~~ (e) *An identification envelope, if applicable pursuant to NRS 293.3157; and*

(f) Instructions.

2. If the county clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the county clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter ~~shall]~~ *may* mail his absent ballot to the county clerk ~~or submit his absent ballot by facsimile machine.~~

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

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

5. Before depositing a ballot in the mails or sending a ballot by facsimile machine, the county clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, his political affiliation, if any, the number of the ballot and any remarks he finds appropriate.

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

**Sec. 8.5. NRS 293.325** is hereby amended to read as follows:

293.325 1. Except as otherwise provided in subsections 2 and 3, when an absent ballot is returned by a registered voter to the county clerk through the mails *or facsimile machine* and record thereof is made in the absent ballot record book, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. If the county clerk has appointed an absent ballot central counting board, the county clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope *or facsimile* against the original signature of the voter on the county clerk's register. If the county clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. At the end of each day before election day, the county clerk may remove the ballots from each ballot box and neatly stack the ballots in a container. Except as otherwise provided in subsection 3, on election day the county clerk shall deliver the ballot box and, if applicable, each container to the absent ballot counting board to be counted.

3. If the county uses a mechanical voting system, the county clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope *or facsimile* against the original signature of the *voter on the* county clerk's register. If the county clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Except as otherwise provided in this subsection, on election day the county clerk shall deliver the ballot box and each container, if applicable, to the central counting place. If the county uses a mechanical voting system and the county clerk has appointed an absent ballot central counting board, the county clerk may, not earlier than 4 working days before the election, deliver the ballots to the absent ballot central counting board to be processed and prepared for tabulation pursuant to the procedures established by the Secretary of State.

**Sec. 9.5. NRS 293.333** is hereby amended to read as follows:

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

1. The name of the voter, as shown on the return envelope  *or facsimile*, must be called and checked as if the voter were voting in person;
2. The signature on the back of the return envelope *or on the facsimile* must be compared with that on the original application to register to vote;
3. If the board determines that the absent voter is entitled to cast his ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot, and, if the numbers are the same, the ballot deposited in the regular ballot box; and
4. The election board officers shall mark in the pollbook opposite the name of the voter the word "Voted."

**Sec. 21. NRS 293.517** is hereby amended to read as follows:

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

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his identity and right to vote, and providing proof of his residence and identity;

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

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

(d) At his residence with the assistance of a field registrar pursuant to NRS 293.5237.

The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering him. If the applicant registers to vote pursuant to this subsection and fails to provide proof of his residence and identity, the applicant must provide proof of his residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. *For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.*

2. The application to register to vote must be signed and verified under penalty of perjury by the elector registering.

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

4. An elector who is registered and changes his name must complete a new application to register to vote. He may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote; or

(d) At any voter registration agency.

□ If the elector fails to register under his new name, he may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

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

6. After the county clerk determines that the application to register to vote of a person is complete and that the person is eligible to vote, he shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

**Sec. 22. NRS 293.541** is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(b) Residence or identity of a person.*

**Sec. 33. NRS 293C.256** is hereby amended to read as follows:

293C.256 An absent ballot for a city election or a ballot for a city election voted by a voter who resides in a mailing precinct must be voted on a paper ballot. ~~for a ballot which is voted by punching a card.~~

**Sec. 34. NRS 293C.292** is hereby amended, in part, to read as follows:

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

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

**Sec. 35.5. NRS 293C.315** is hereby amended to read as follows:

293C.315 1. Any registered voter of this State who resides outside the continental United States may use a facsimile machine to request an absent ballot. *The registered voter shall state on the request whether he requests the city clerk to send the absent ballot by mail or facsimile machine and whether he will return the absent ballot to the city clerk by mail or facsimile machine.*

2. *If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by mail, he shall include with his completed absent ballot the identification envelope provided by the city clerk. The identification envelope must be in the form prescribed by the Secretary of State and include, without limitation:*

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

*(b) The signature of the registered voter;*

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

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

3. *If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by facsimile machine, he shall include with his completed absent ballot the following:*

**OATH OF VOTER**

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

*My residential address is*

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

*My current mailing address is*

\_\_\_\_\_.

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

*My facsimile transmission number is \_\_\_\_\_.*

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

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

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

(Signed)

*voter (power of attorney cannot be accepted)*

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

4. The city clerk, *if so requested pursuant to subsection 1*, shall use a facsimile machine to send an absent ballot *and the oath, as required pursuant to subsection 3*, to the registered voter.

~~3. The registered voter shall mail his absent ballot to the city clerk.~~

~~4.] 5. Each city clerk shall ensure the secrecy of absentee ballots that are submitted by facsimile machine.~~

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

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

293C.322 1. Except as otherwise provided in subsection 2, if the request for an absent ballot is made by mail or facsimile machine, the city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail, *unless otherwise requested pursuant to NRS 293C.315*, if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail, *unless otherwise requested pursuant to NRS 293C.315*, if the absent voter is in a foreign country but not on a military base:

(a) ~~Except as otherwise provided in paragraph (b):~~

~~(1)] An absent ballot;~~

~~[(2)] (b) A return envelope;~~

~~[(3)] (c) Supplies for marking the ballot;~~

~~[(4)] (d) An envelope or similar device into which the ballot is inserted to ensure its secrecy; ~~and]~~~~

~~[(5) Instructions.~~

~~(b) In those cities using a mechanical voting system whereby a vote is cast by punching a card:~~

~~(1) A card attached to a sheet of foam plastic or similar backing material;~~

~~(2) A return envelope;~~

~~(3) A punching instrument;~~

~~(4) A sample ballot;~~

~~(5) An envelope or similar device into which the card is inserted to ensure its secrecy; and~~

~~(6)] (e) An identification envelope, if applicable pursuant to NRS 293C.315; and~~

(f) Instructions.

2. If the city clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the city clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter shall mail his absent ballot to the city clerk.

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

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2.

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

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

**Sec. 36.5. NRS 293C.325** is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in subsections 2 and 3, when an absent ballot is returned by a registered voter to the city clerk through the mails ~~or~~ *or facsimile* and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the precinct or district election board.

2. If the city clerk has appointed an absent ballot central counting board, the city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope *or facsimile* against the original signature of the voter on the county clerk's register. If the city

clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. At the end of each day before election day, the city clerk may remove the ballots from each ballot box and neatly stack the ballots in a container. Except as otherwise provided in subsection 3, on election day the city clerk shall deliver the ballot box and, if applicable, each container to the absent ballot counting board to be counted.

3. If the city uses a mechanical voting system, the city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope *or facsimile* against the original signature of the *voter on the* county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Except as otherwise provided in this subsection, on election day the city clerk shall deliver the ballot box and each container, if applicable, to the central counting place. If the city uses a mechanical voting system and the city clerk has appointed an absent ballot central counting board, the city clerk may, not earlier than 4 working days before the election, deliver the ballots to the absent ballot central counting board to be processed and prepared for tabulation pursuant to the procedures established by the Secretary of State.

**Sec. 56. NRS 217.468** is hereby amended to read as follows:

217.468 1. Except as otherwise provided in subsections 2 and 3, the Secretary of State shall cancel the fictitious address of a participant 4 years after the date on which the Secretary of State approved the application.

2. The Secretary of State shall not cancel the fictitious address of a participant if, before the fictitious address of the participant is cancelled, the participant shows to the satisfaction of the Secretary of State that the participant remains in imminent danger of becoming a victim of domestic violence, sexual assault or stalking.

3. The Secretary of State may cancel the fictitious address of a participant at any time if:

(a) The participant changes his confidential address from the one listed in the application and fails to notify the Secretary of State within 48 hours after the change of address; ~~for~~

(b) The Secretary of State determines that false or incorrect information was knowingly provided in the application ~~is~~; *or*

(c) *The participant files a declaration or acceptance of candidacy pursuant to NRS 293.177 or 293C.185.*

[End response to above question (A2) above this line.]

## SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

[Begin response to above question (B1) below this line.]

Nevada has a bottom-up voter registration database system.

[End response to above question (B1) above this line.]

If your state has a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

[Begin response to above clarification question to B1 below this line.]

Local jurisdictions transmit registration information to the state list on each business night.

[End response to above clarification question to B1 above this line.]

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

[Begin response to above question (B2) below this line.]

NRS 293.530 states the procedure to move voters from the active list to the inactive list.

**NRS 293.530 Correction of statewide voter registration list; authority of county clerk to make investigations; county clerk to cancel registration of voter under certain circumstances; maintenance of records regarding notices of cancellation; designation of voter as inactive; regulations.** Except as otherwise provided in [NRS 293.541](#):

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

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

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

(a) He mails a written notice to the voter which the United States Postal Service is required to forward;

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

(c) The voter does not respond; and

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

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

5. The county clerk shall maintain records of:

(a) Any notice mailed pursuant to subsection 3;

(b) Any response to such notice; and

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

↳ for not less than 2 years after creation.

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

7. If a voter fails to return the postcard mailed pursuant to subsection 3 within 30 days, the county clerk shall designate the voter as inactive on his application to register to vote.

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

[End response to above question (B2) above this line.]

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

[Begin response to above question (B3) below this line.]

Please see below for a list of circumstances in which Nevada's county clerks are required to cancel the registration of a voter. Please read Nevada's language of cancel to mean remove.

**NRS 293.540 Circumstances in which county clerk is required to cancel registration of voter.** The county clerk shall cancel the registration:

1. If he has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in his office.
2. If the insanity or mental incompetence of the person registered is legally established.
3. Upon the determination that the person registered has been convicted of a felony unless:
  - (a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of [NRS 213.090](#), [213.155](#) or [213.157](#).
  - (b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.
4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.
5. Upon the request of any registered voter to affiliate with any political party or to change his affiliation, if that change is made before the end of the last day to register to vote in the election.
6. At the request of the person registered.
7. If he has discovered an incorrect registration pursuant to the provisions of [NRS 293.5235](#), [293.530](#) or [293.535](#) and the elector has failed to respond or appear to vote within the required time.
8. As required by [NRS 293.541](#).
9. Upon verification that the application to register to vote is a duplicate if he has the original or another duplicate of the application on file in his office.

Nevada has established procedures to have letters sent to the voter, or in the instance of a death, to the voter's family, to verify reasons for a potential removal.

Regarding the removal of UOCAVA voters, similar procedures will be used as those listed in 293.540.

[End response to above question (B3) above this line.]

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's drivers license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

[Begin response to above question (B4) below this line.]

Nevada's voter registration database can share information electronically with our state's drivers license agency. Nevada's voter registration database is indirectly linked with databases of other state or federal agencies. The data is first sent to the Nevada DMV to match driver's license numbers, then once run through that agency, it is sent via the American Association of Motor Vehicle Administrators to the Social Security Administration to match social security numbers. Nevada's voter registration database is also checked against Nevada's Vital Statistics.

[End response to above question (B4) above this line.]

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with using NCOA?

[Begin response to above question (B5) below this line.]

The use of the National Change of Address is found in NRS 293.5303:

**NRS 293.5303 Data concerning change of address of registered voter: Agreement with United States Postal Service or other authorized person for use of data by county clerk.** In addition to the methods described in [NRS 293.530](#), the county clerk in each county may enter into an agreement with the United States Postal Service or any person authorized by it to obtain the data compiled by the United States Postal

Service concerning changes of addresses of its postal patrons for use by the county clerk to correct the portions of the statewide voter registration list relevant to the county clerk.

Nevada uses the National Change of Address as updated information to send letters to correct the portions of the statewide voter registration list relevant to the county clerk. It is important to note that the change of addresses provided to the clerks aren't automatically entered as a voter's new address, but rather as a place to send correspondence to confirm a change of address has been made.

[End response to above question (B5) above this line.]

**B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)**

[Begin response to above question (B6) below this line.]

In 2003, the Nevada Legislature passed Assembly Bill 55, which restored, among other things, the right to vote for persons convicted of certain felonies. Pursuant to NRS 213.155, persons convicted of certain felonies and have been discharged honorably are immediately restored the right to vote. NRS 213.157 provides that persons convicted of certain felonies who have served out their sentence are immediately restored the right to vote.

Persons who may have had their civil rights restored pursuant to NRS 213.155 may present either: (1) an official document of the honorable discharge; or (2) a court order restoring the right to vote. Persons who may have had their civil rights restored pursuant to NRS 213.157 may present either: (1) an official document of release from prison; or (2) a court order restoring the right to vote.

The documentation may be provided at the time of registration to ensure that the registration is not subsequently cancelled pursuant to NRS 293.540. NRS 293.540(3) requires the county clerk or registrar to cancel a person's registration:

Upon the determination that the person registered has been convicted of a felony unless:

(a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of [NRS 213.090](#), [213.155](#) or [213.157](#).

(b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.

The documentation must be provided if the registration is cancelled pursuant to NRS 293.540(3). NRS 293.543(2) allows the county clerk or registrar to accept the following documentation for reregistration after cancellation:

[T]he elector may reregister after he presents satisfactory evidence which demonstrates that:

(a) His conviction has been overturned; or

(b) His civil rights have been restored:

(1) If he was convicted in this State, pursuant to the provisions of [NRS 213.090](#), [213.155](#) or [213.157](#).

(2) If he was convicted in another state, pursuant to the laws of the state in which he was convicted.

[End response to above question (B6) above this line.]

**B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).**

[Begin response to above question (B7) below this line.]

No, Nevada does not use the Internet to facilitate voter registration.

[End response to above question (B7) above this line.]

## **SECTION C: ELECTION ADMINISTRATION**

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

[Begin response to above question (a) below this line.]

Votes are counted at a central counting place. See, NRS 293.3625.

[End response to above question (a) above this line.]

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

[Begin response to above question (b) below this line.]

No, in Nevada, as soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. See, NRS 293.387.

[End response to above question (b) above this line.]

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

[Begin response to above question (c) below this line.]

If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the county clerk who shall have the results added to the regular votes of the precinct. The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. See, NRS 293.385.

[End response to above question (c) above this line.]

d. How are UOCAVA ballots counted and reported?

[Begin response to above question (d) below this line.]

UOCAVA ballots are counted and reported in the same manner that other absentee ballots are reported.

[End response to above question (d) above this line.]

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

[Begin response to above question (C2) below this line.]

Nevada allows no-excuse absentee voting as long as the voter is registered. See, NRS 293.313.

[End response to above question (C2) above this line.]

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

[Begin response to above question (C3) below this line.]

Yes, Nevada provides for in-person early voting. Early voting is defined as voting by personal appearance beginning the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and holidays excepted. See, NRS 293.3568. Ballots are counted at a central location. These votes are reported separately.

[End response to above question (C3) above this line.]

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

[Begin response to above question (C4) below this line.]

Nevada does have mail-in ballot districts. See NRS 293.343.

[End response to above question (C4) above this line.]

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

[Begin response to above question (C5) below this line.]

Situations that require a provisional ballot in Nevada may be found in NRS 293.3081.

**NRS 293.3081 Casting of provisional ballot: General conditions; declaration or application.** A person at a polling place may cast a provisional ballot in an election to vote for a candidate for federal office if the person complies with the applicable provisions of [NRS 293.3082](#) and:

1. Declares that he has registered to vote and is eligible to vote at that election in that jurisdiction, but his name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;
2. Applies by mail, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of [NRS 293.2725](#) to the election board officer at the polling place; or
3. Declares that he is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election.

[End response to above question (C5) above this line.]

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

[Begin response to above question (C6) below this line.]

Nevada does not count provisional ballots of voters who are registered in different precincts (or jurisdictions as they are called in NRS 293.3082), but those ballots are not automatically rejected. After a provisional ballot is cast, a voter has until the Friday after the Tuesday election to provide proof of residence. A clerk or registrar of voters will use this, as well as other research, to determine if the voter's ballot may lawfully be counted.

The process local election officials use in determining whether to count a provisional ballot are found in NRS 293.3085.

**NRS 293.3085 (in part) Canvass and counting of provisional ballots.**

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

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

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

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

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

[End response to above question (C6) above this line.]

C7. Please describe your state's laws regarding post-election audits, if any.

[Begin response to above question (C7) below this line.]

Nevada has a post-election audit and/or test of the voter-verifiable paper trail, and mechanical recording devices.

**NAC 293.255 Postelection certification audits of VVPATs. ([NRS 293.124](#), [293.247](#))**

1. After each election, a county clerk shall conduct a postelection certification audit of VVPATs randomly selected pursuant to subsection 3 or 4, as applicable, to ensure that the paper record produced by a VVPAT accurately records all votes cast by voters on a mechanical recording device.

2. A county clerk must conduct a postelection certification audit of a VVPAT by comparing each vote cast for each candidate and on each measure which was electronically recorded on the mechanical recording device to each vote cast for each candidate and on each measure which was recorded on the attached VVPAT. Such comparison may be conducted manually or by a mechanical device determined by the Secretary of State to be capable of accurately reading the votes cast and printed and otherwise qualified for use in the State pursuant to applicable state and federal law.

3. The county clerk of a county whose population is 100,000 or more must randomly select a number of mechanical recording devices equal to 2 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than 20 mechanical recording devices, whichever is greater, for the postelection certification audit.

4. The county clerk of a county whose population is less than 100,000 must randomly select a number of mechanical recording devices equal to 3 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than four mechanical recording devices, whichever is greater, for the postelection certification audit.

5. The county clerk shall transmit the results of the audit to the Secretary of State within 7 working days after the date of the election.
6. Any member of the public who observes the postelection certification audit shall not interfere with the conduct of the audit.

**NRS 293B.165 Tests required before and after counting of ballots; certification of tests by accuracy certification board.**

1. A test conducted in the manner prescribed in subsections 1 and 2 of [NRS 293B.155](#) must be conducted immediately before the start of the official count of the ballots and again within 24 hours after the official count of the ballots.
2. Such tests must be certified by the accuracy certification board.

For reference, please see sections 1 and 2 of NRS 293B.155 below:

**NRS 293B.155 Procedure for conducting tests; inspection of results of test.**

1. The tests prescribed by [NRS 293B.150](#) and [293B.165](#) must be conducted by processing a preaudited group of logic and accuracy test ballots so voted or marked as to record a predetermined number of valid votes for each candidate and on each measure, and must include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the mechanical recording device or the automatic tabulating equipment and programs to reject those votes.
2. If any error is detected, the cause therefor must be ascertained and corrected and an errorless count must be made before the mechanical recording device or the automatic tabulating equipment and programs are approved.

[End response to above question (C7) above this line.]

C8. Please describe any state requirements for poll worker training.

[Begin response to above question (C8) below this line.]

Pursuant to NRS 293.227(3), the county or city clerk shall conduct or cause to be conducted a school to acquaint the members of an election board with the election laws, duties of election boards, regulations of the Secretary of State and with the procedure for making the records of election and using the register for election boards.

[End response to above question (C8) above this line.]

## SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

[Begin response to above question (D1) below this line.]

The capture of over-votes is codified in NRS 293B.085.

**NRS 293B.085 Several elective to same offices; effect of overvote.** A mechanical voting system must permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more. If a voter casts more votes for an office than he is lawfully entitled, the counting device or electronic computer must be programmed so that those votes are not counted. The remainder of the voter's ballot must be counted if it is otherwise lawfully voted.

Also see, NRS 293.3677 (when counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted).

The capture of under-votes is also captured in the mechanical voting system, and will be counted. The ability of Nevada's mechanical voting machines to be able to perform this function is tested and verified in in NRS 293B.385(2)(d) (Where multiple votes may be cast, the maximum number of votes permitted a voter cannot be exceeded without rejecting the vote for that selection, but any undervote will be counted).

[End response to above question (D1) above this line.]

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

[Begin response to above question (a) below this line.]

In registering to vote, Nevada law specifically interprets official identification under NAC 293.395.

**NAC 293.395 "Official identification" interpreted.** ([NRS 293.124](#), [293.247](#), [293.517](#)) For the purposes of [NRS 293.517](#) (registration of elector):

1. The Secretary of State interprets "official identification" to mean a government-issued, or otherwise official, article or combination of articles, which establishes both the identity and residence of a person submitting an application to register to vote.

2. The following articles may be used to establish identity:

(a) A current and valid Nevada driver's license;

(b) A current and valid identification card issued by the Department;

(c) A current and valid identification card issued by a branch of the Armed Forces of the United States;

(d) A current and valid identification card issued by a sheriff of a Nevada county to an employee as a condition of his employment by certain business enterprises;

(e) A current and valid identification card issued by an agency of the State of Nevada or political subdivision thereof or the United States, including, without limitation, a public school, college or university;

(f) A current and valid student identification card from an accredited private school, college or university;

(g) A current and valid United States passport;

(h) A current and valid insurance plan identification card which the county clerk determines, in his discretion, to be a reliable indication of the true name and identity of the person;

- (i) A current and valid tribal identification card;
  - (j) A current and valid employee identification card which the county clerk determines, in his discretion, to be a reliable indication of the true name and identity of the person; or
  - (k) Any other official article which the county clerk determines, in his discretion, to be a reliable indication of the true name and identity of the person, including, without limitation, an expired article listed in paragraphs (a) to (j), inclusive, if that article has been expired for 30 calendar days or less and is otherwise valid.
3. The following articles may be used to establish residency if the current residential address of the applicant, as indicated on the application to register to vote, is displayed on the article:
- (a) Any article set forth in subsection 2;
  - (b) A current and valid utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;
  - (c) A current and valid bank or credit union statement;
  - (d) A current and valid paycheck;
  - (e) A current and valid income tax return;
  - (f) A current and valid statement concerning the mortgage, rental or lease of a residence;
  - (g) A current and valid motor vehicle registration;
  - (h) A current and valid document issued by a governmental agency;
  - (i) A current and valid property tax statement; or
  - (j) Any other official article which the county clerk determines, in his discretion, to be a reliable indication of the true residential address of the person.

[End response to above question (a) above this line.]

b. casting an in-person ballot;

[Begin response to above question (b) below this line.]

The identification requirements in regards to casting an in-person ballot are listed in NRS 293.277.

**NRS 293.277 Conditions for entitlement of person to vote; forms of identification to identify registered voter.**

1. Except as otherwise provided in [NRS 293.541](#), if a person's name appears in the election board register or if he provides an affirmation pursuant to [NRS 293.525](#), he is entitled to vote and must sign his name in the election board register when he applies to vote. His signature must be compared by an election board officer with the signature or a facsimile thereof on his original application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in [NRS 293.2725](#), the forms of identification which may be used individually to identify a voter at the polling place are:

- (a) The card issued to the voter at the time he registered to vote;
- (b) A driver's license;
- (c) An identification card issued by the Department of Motor Vehicles;
- (d) A military identification card; or
- (e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

[End response to above question (b) above this line.]

c. casting a mail-in or absentee vote;

[Begin response to above question (c) below this line.]

When the absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or in person, the county clerk shall check the signature on the return envelope or facsimile against the original signature of the voter on the county clerk's register. See, NRS 293.325(2).

[End response to above question (c) above this line.]

d. casting a ballot under UOCAVA;

[Begin response to above question (d) below this line.]

Regarding overseas voters, Nevada law has provisions regarding an oath of the voter regarding their identification.

**NRS 293.3157 Registered voter residing outside continental United States may request absent ballot by facsimile machine; return of absent ballot; oath of voter; regulations.**

1. Any registered voter of this State who resides outside the continental United States may use a facsimile machine to request an absent ballot. The registered voter shall state on the request whether he requests the county clerk to send the absent ballot by mail or facsimile machine and whether he will return the absent ballot to the county clerk by mail or facsimile machine.

2. If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by mail, he shall include with his completed absent ballot the identification envelope provided by the county clerk. The identification envelope must be in the form prescribed by the Secretary of State and include, without limitation:

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

(b) The signature of the registered voter;

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

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

3. If the registered voter indicates pursuant to subsection 1 that he will submit the absent ballot by facsimile machine, he shall include with his completed absent ballot the following:

OATH OF VOTER

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

My residential address is

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

My current mailing address is

\_\_\_\_\_.

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

My facsimile transmission number is \_\_\_\_\_.

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

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

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

(Signed)

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voter (power of attorney cannot be accepted)

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

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

5. Each county clerk shall ensure the secrecy of absent ballots that are submitted by facsimile machine.

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

Additionally, the identification provisions of NRS 293.2725, titled "Voter who registered to vote by mail and has not previously voted in election for federal office in Nevada: Prerequisites to voting at polling place and to voting by mail; applicability of section; exceptions" do not apply to a person who is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq. See, NRS 293.2725.

[End response to above question (d) above this line.]

e. any other stage in registration or voting process in which identification is required (please specify).

[Begin response to above question (e) below this line.]

Pursuant to NAC 293.270(3)(i), another stage in the voting process in which identification is required is if a provisional ballot is cast, and the voter did not show proof of residence and identity at the time he registered to vote, the voter will have to provide official identification establishing residence and identity by 5 p.m. on the Friday following election day.

[End response to above question (e) above this line.]

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

[Begin response to above question (D3) below this line.]

Nevada's law regarding access to the polling place for election observers, as well as decisions on access to observers, is located in NAC 293.245.

**NAC 293.245 Observation of conduct of voting at polling place. ([NRS 293.124](#), [293.247](#))**

1. Subject to the provisions of subsections 2 to 6, inclusive, any person may observe the conduct of voting at a polling place.

2. Before observing the conduct of voting at a polling place pursuant to subsection 1, a person must sign a form prescribed by the Secretary of State stating that the person, during the time he observes the conduct of voting:

- (a) May not talk to voters within the polling place;
- (b) May not use a mobile telephone within the polling place;
- (c) May not advocate for or against a candidate, political party or ballot question;
- (d) May not argue for or against or challenge any decisions of county or city election personnel;
- (e) May not interfere with the conduct of voting; and
- (f) May be removed from the polling place by the county or city clerk for violating any provision of title 24 of NRS or any of the provisions of paragraphs (a) to (f), inclusive.

3. The county or city clerk may, at his discretion, remove from a polling place a person observing the conduct of voting pursuant to this section for violating any provision of title 24 of NRS or any of the provisions of paragraphs (a) to (f), inclusive, of subsection 2.

4. A person observing the conduct of voting at a polling place pursuant to subsection 1 must comply with the same requirements that apply to members of the general public pursuant to [NRS 293.274](#), [293.305](#) and [293.730](#).

5. A person observing the conduct of voting at a polling place pursuant to subsection 1 may remain in the designated area in the polling place after the polls close pursuant to [NRS 293.273](#) so as to observe the closing of the polling place. The person shall not interfere with the closing of the polling place.

6. A person observing the conduct of voting at a polling place pursuant to subsection 1 may remain in an area designated by the chairman of the election board to observe the activities conducted at the polling place without interfering with the voting. The designated area must allow for meaningful observation, but must not be located in an area that would allow an observer to infringe on the privacy and confidentiality of the ballot of the voter.

7. As used in this section, "advocate" includes, without limitation, speaking, displaying or disseminating written material and wearing identifying clothing, buttons or other paraphernalia.

[End response to above question (D3) above this line.]

## SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to have in place administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

[Begin response to above question (E1) below this line.]

No, Nevada's administrative complaint procedures have not been revised since first implemented in 2004. Please see NAC 293.500 to 293.560.

[End response to above question (E1) above this line.]

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

[Begin response to above question (E2) below this line.]

If the EAC has additional questions based up the answers provided, the Nevada Secretary of State's office will gladly provide expedited follow up and/or more detailed information. For follow up questions or clarification, please contact Ryan High, HAVA Administrator at the contact information above.

[End response to above question (E2) above this line.]

\* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website ([www.eac.gov](http://www.eac.gov)). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 3/31/09). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2008 Election Administration and Voting Survey, 1225 New York Avenue, Suite 1100, Washington, DC 20005.