

Attachment A for Question A2

Assembly Bill No. 41–Committee on Elections, Procedures, Ethics, and Constitutional Amendments

CHAPTER.....

AN ACT relating to elections; making various changes concerning voter registration and voting procedures for certain members of the Armed Forces of the United States and their spouses and dependents, and certain other voters who reside outside the United States; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill authorizes the Secretary of State to adopt regulations concerning standards for the approved electronic transmission of certain applications, forms and ballots. (NRS 293.247)

Section 8 of this bill expands the acceptable use of the form provided by the Federal Government from a special absent ballot to be used only in general elections and only for federal offices to allow its use in primary and special elections, in addition to general elections, and for state and local offices in addition to federal offices. (NRS 293.3155)

Section 15 of this bill provides that an elector of this State who resides outside the United States may use the special absent ballot as a simultaneous application for registration and ballot to vote. (NRS 293.501)

Sections 8, 9, 11, 12, 15, 16, 18 and 20-22 of this bill allow certain members of the Armed Forces and their spouses and dependents, and certain other electors of this State who reside outside the United States: (1) to request forms for registration, absent ballots, special absent ballots and the form provided by the Federal Government for simultaneous registration and request of an absent ballot; and (2) to return voted ballots by approved electronic transmission. (NRS 293.3155, 293.3157, 293.320, 293.323, 293.501, 293.502, 293.553, 293C.315, 293C.320, 293C.322)

Section 16 of this bill expands the eligibility for late registration by those who have recently returned to residency in the United States to include: (1) the spouses and dependents of members of the Armed Forces stationed outside the United States who have been recently discharged; and (2) persons recently separated from employment outside of the United States and the spouses and dependents of such persons. (NRS 293.502)

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 4 of this act.

Sec. 2. *“Approved electronic transmission” means the sending of information by facsimile machine or by use of the Internet pursuant to the acceptable standards set forth by regulations of the Secretary of State adopted pursuant to NRS 293.247.*

Sec. 3. (Deleted by amendment.)

Sec. 4. *“Special absent ballot” means the absent ballot provided by the Federal Government pursuant to 42 U.S.C. § 1973ff et seq. to Armed Forces personnel or overseas citizens.*

Sec. 5. NRS 293.010 is hereby amended to read as follows:
293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and sections 2 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 293.247 is hereby amended to read as follows:
293.247 1. The Secretary of State shall adopt regulations, not

inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election that are effective on or before December 31 of the year immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

3. The regulations must prescribe:

- (a) The duties of election boards;
- (b) The type and amount of election supplies;
- (c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;
- (d) The method to be used in distributing ballots to precincts and districts;
- (e) The method of inspection and the disposition of ballot boxes;
- (f) The form and placement of instructions to voters;
- (g) The recess periods for election boards;
- (h) The size, lighting and placement of voting booths;
- (i) The amount and placement of guardrails and other furniture and equipment at voting places;
- (j) The disposition of election returns;
- (k) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;
- (l) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;
- (m) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;
- (n) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;
- (o) The procedures to be used for the disposition of absent ballots in case of an emergency;
- (p) *The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors or registered voters who are authorized to use approved electronic transmission pursuant to the provisions of this title;*
- (q) The forms for applications to register to vote and any other forms necessary for the administration of this title; and
- ~~[(q)]~~ (r) Such other matters as determined necessary by the Secretary of State.

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

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

- (a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and
(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 7. NRS 293.270 is hereby amended to read as follows:

293.270 1. Voting at any election regulated by this title must be on printed ballots or by any other system approved by the Secretary of State or specifically authorized by law.

2. **[Voting] Except as otherwise provided in NRS 293.3155, voting** must be only upon candidates whose names appear upon the ballot prepared by the election officers, and no person may write in the name of an additional candidate for any office.

Sec. 8. NRS 293.3155 is hereby amended to read as follows:

293.3155 Notwithstanding any other provisions of this title:

1. Any registered voter of this State who **[resides outside the continental United States] is Armed Forces personnel or an overseas citizen** may use **[the form provided by the Federal Government as]** a special absent ballot for a **primary**, general **or special** election . **[if the voter:**

(a) Requests an absent ballot and the request is received by the county clerk not later than 30 days before the general election; and
(b) Does not receive the absent ballot.]

2. The special absent ballot **[must] may** be used **[only]** for the offices of President and Vice President of the United States, United States Senator and Representative in Congress **[.] , and for any state or local offices and ballot questions for which the registered voter is entitled to cast his ballot.** The ballot must allow the registered voter to vote by writing in his choice of a political party for each office or the name of a candidate whose name appears on the ballot for each office.

3. The **special absent ballot may be voted by completing the ballot according to the instructions and returning it to the county clerk by:**

(a) Mail, if it can be returned in a timely manner; or
(b) Approved electronic transmission.

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

(a) It is submitted from any location within the continental United States **[:] by an overseas citizen; or**
(b) **[The county clerk receives the request for an absent ballot less than 30 days before the general election; or**
(c) **The county clerk receives the regular absent ballot from the voter on or before the date of the primary, general or special election.**

5. **As used in this section, "regular absent ballot" means the absent ballot prepared by the county clerk pursuant to NRS 293.309.**

Sec. 9. 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] approved electronic transmission** to request an absent ballot. **Such a request must be received by the county clerk not later than 5 p.m. on the seventh day before the primary, general or special election.** The registered voter shall state on the request whether **[he]**

:

(a) **He** requests the county clerk to send the absent ballot by

mail or [facsimile machine] *approved electronic transmission*; and
[whether he]

(b) He will return the absent ballot to the county clerk by mail
or [facsimile machine.] *approved electronic transmission*.

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.] *approved
electronic transmission*, he shall include with his completed absent
ballot the following:

OATH OF VOTER

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

My residential address is

(Street Address) (City) (ZIP Code)

My current mailing address is

My e-mail address is .

My facsimile transmission number is (if
applicable) .

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

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

Dated this ____ day of _____, 20____.

(Signed)

Voter (power of attorney cannot be accepted)

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

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

5. Each county clerk shall , *insofar as is practicable*, ensure

the secrecy of absent ballots that are submitted by **[facsimile machine.] approved electronic transmission.**

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

Sec. 10. NRS 293.317 is hereby amended to read as follows:

293.317 Absent ballots, including special absent ballots , **[described in NRS 293.3155,]** received by the county or city clerk after the polls are closed on the day of election are invalid.

Sec. 11. NRS 293.320 is hereby amended to read as follows:

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

2. Armed Forces personnel **and overseas citizens** who are not registered to vote and are applying for absent ballots must complete:

(a) The application to register to vote required by NRS 293.517 for registration; **[or]**

(b) The form provided by the Federal Government for registration and request of an absent ballot, **pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.; or**

(c) A special absent ballot used only for purposes of registering the person to vote,

_ before receiving an absent ballot.

3. If the county clerk rejects an application submitted pursuant to subsection 2 , **[or submitted by an overseas voter,]** the county clerk shall inform the applicant of the reason for the rejection.

Sec. 12. NRS 293.323 is hereby amended to read as follows:

293.323 1. Except as otherwise provided in subsection 2 **[,]** **and NRS 293.3157,** 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 , or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot : **[, 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) An absent ballot;

(b) A return envelope;

(c) An envelope or similar device into which the ballot is inserted to ensure its secrecy;

(d) An identification envelope, if applicable pursuant to NRS 293.3157; and

(e) 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 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 and NRS 293.3157.

5. Before depositing a ballot in the mail 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. 13. NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in subsection 2, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine *or other approved electronic transmission* or in person, 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 an 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 other approved electronic transmission* or in person, the county clerk shall check the signature on the return envelope *[or]*, facsimile *or other approved electronic transmission* 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. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.

Sec. 14. (Deleted by amendment.)

Sec. 15. NRS 293.501 is hereby amended to read as follows:

293.501 Notwithstanding any other provisions of this title:

1. *[Any elector of this State who resides outside this State] Armed Forces personnel and overseas citizens* may use the form provided by the Federal Government *for registration and request of an absent ballot* pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, *[of 1986,]* 42 U.S.C. *[§ 1973,] §§ 1973ff et seq.*, to register to vote in this State.

2. *[The county clerk shall not register a voter who submits the form from any location within this State.]*

3. If an elector registers to vote pursuant to the provisions of subsection 1, he shall be deemed to be registered as of the date that the form or the envelope containing the form is postmarked. *An elector referred to in subsection 1 may complete the form and return it by:*

(a) Mail, if it can be returned in a timely manner; or

(b) Approved electronic transmission.

3. If an elector registers to vote pursuant to the provisions of this section and returns the form provided by the Federal Government for registration and request of an absent ballot by:
(a) Mail, he shall be deemed to be registered as of the date that the form or the envelope containing the form is postmarked.
(b) Approved electronic transmission, he shall be deemed to be registered as of the date on which he initiates the approved electronic transmission.

Sec. 16. NRS 293.502 is hereby amended to read as follows:

293.502 1. An elector **[who:**

(a) Complies] :

(a) Who complies with the requirements for registration set forth in the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. **[§ 1973;**

(b) Is] §§ 1973ff et seq.;

(b) Who, not more than 60 days before an election:

(1) Is discharged from the Armed Forces of the United States or is the spouse or dependent of an elector who is discharged from the Armed Forces; or

(2) Is separated from employment outside the territorial limits of the United States [not more than 60 days before an election;] or is the spouse or dependent of an elector who is separated from employment outside the territorial limits of the United States;

(c) [Presents] Who presents evidence of **[his] the** discharge *or separation from employment described in paragraph (b)* to the county clerk; and

(d) Is not registered to vote at the close of registration for that election,

_ must be allowed to register to vote in the election.

2. Such an elector must:

(a) Register in person; and

(b) Vote in the office of the county clerk unless he is otherwise entitled to vote an absent ballot pursuant to federal law.

3. The Secretary of State shall adopt regulations to carry out a program of registration for such electors.

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 293.553 is hereby amended to read as follows:

293.553 Any elector of this State who is in the service of the United States or attending an institution of learning, and by reason thereof is beyond the boundaries of this State, and who has not registered before or whose registration has been cancelled may, at any time, request from the county clerk of the county of the elector's residence **[by mail, telephone or telegram]** an application to register to vote. The county clerk, if satisfied that the elector is eligible for registration, shall forward the application immediately. The county clerk shall, upon receipt of the completed application, file it in the manner provided by law.

Sec. 19. (Deleted by amendment.)

Sec. 20. 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]** *approved electronic transmission* to request an absent ballot. *Such a request must be received by the city clerk not later than 5 p.m. on the seventh day before the primary, general or special election.*

The registered voter shall state on the request whether **[he] :**

(a) *He* requests the city clerk to send the absent ballot by mail or [facsimile machine] *approved electronic transmission*; and [whether he]

(b) *He* will return the absent ballot to the city clerk by mail or [facsimile machine.] *approved electronic transmission*.

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 or district 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,] *approved electronic transmission*, he shall include with his completed absent ballot the following:

OATH OF VOTER

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

My residential address is

(Street Address) (City) (ZIP Code)

My current mailing address is

My e-mail address is .

My facsimile transmission number is (if *applicable*) .

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

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

Dated this _____ day of _____, 20____.

(Signed)

Voter (power of attorney cannot be accepted)

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

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

5. Each city clerk shall , *insofar as is practicable*, ensure the secrecy of absent ballots that are submitted by ~~[facsimile machine.]~~ *approved electronic transmission.*

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

Sec. 21. NRS 293C.320 is hereby amended to read as follows:

293C.320 1. The city clerk shall determine before issuing an absent ballot that the person making application is a registered voter in the proper city.

2. Armed Forces personnel *and overseas citizens* who are not registered to vote and are applying for absent ballots must complete:

(a) The application to register to vote required by NRS 293.517 for registration; ~~[or]~~

(b) The form provided by the Federal Government for registration and request of an absent ballot, *pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.; or*

(c) A special absent ballot used only for purposes of registering the person to vote,

— before receiving an absent ballot.

Sec. 22. NRS 293C.322 is hereby amended to read as follows:

293C.322 1. Except as otherwise provided in subsection 2 ~~[,]~~ *and NRS 293C.315*, 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 , or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot : ~~[, 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) An absent ballot;

(b) A return envelope;

(c) An envelope or similar device into which the ballot is inserted to ensure its secrecy;

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

(e) 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 may mail his absent ballot to the city 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 and NRS 293C.315.

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. 23. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in subsection 2, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine *or other approved electronic transmission* or in person, 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 an 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 other approved electronic transmission* or in person, the county clerk shall check the signature on the return envelope, **[or]** facsimile *or other approved electronic transmission* 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. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.

Sec. 24. This act becomes effective on July 1, 2009.

Assembly Bill No. 79—Committee on Elections, Procedures, Ethics, and Constitutional Amendments

CHAPTER.....

AN ACT relating to city elections; authorizing the governing body of a city to conduct a city election in which all ballots must be cast by mail under certain circumstances; providing that a candidate who receives a majority of votes cast in a city primary election in certain cities must be declared elected; revising provisions concerning requests for an absent ballot; requiring that the voting results of a city election be posted on the Internet under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the governing body of a city to conduct a city election in which all ballots must be cast by mail if: (1) the election is a special election; (2) the election involves only offices and ballot questions that may be voted on by the voters of only one ward of the city; or (3) the election involves only a single office or ballot question. The provisions of existing law governing the conduct of city elections apply to such an election except for provisions concerning voting in person at polling places, voting by absent ballot and early voting in person. For the purpose of conducting such an election, each voting precinct in the city is treated as if it were a mailing precinct under existing law.

Under existing law, if a candidate for office in a city primary election held in a city whose population is 5,000 or more receives a majority of the votes cast for the

office, only his name must be placed on the ballot for the city general election, and he must run unopposed in that election. (NRS 293C.175) **Section 3** of this bill provides instead that such a candidate must be declared elected to the office based on the majority vote in the primary election and that his name must not be placed on the ballot for the city general election.

Section 4 of this bill eliminates a provision which enables a registered voter who is at least 65 years of age or who has a physical disability or condition that substantially impairs his ability to go to the polling place to request an absent ballot for all elections held during the year he requests an absent ballot, thus making it so that, with certain limited exceptions, any registered voter providing sufficient written notice may vote an absent ballot. (NRS 293C.310)

Existing law requires a counting board and a city clerk to post a signed copy of the voting results in a city election on the outside of the facility where the votes were counted, the courthouse or the city hall. (NRS 293C.380) **Section 5** of this bill requires that the results also be posted on an Internet website not later than the start of business on the day immediately following the election, if the city or the city clerk maintains such a website. **Section 5** also eliminates the requirement that the copy of the voting results be signed before it may be posted.

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

Section 1. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of a city may conduct a city election in which all ballots must be cast by mail if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293C.265 to 293C.302, inclusive, 293C.305 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.

3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.

Sec. 2. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in subsection 2, conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards [.] and do all other things required to carry the election into effect.

2. [The] *Except as otherwise provided in section 1 of this act, the* governing body of the city shall provide for:

(a) Absent ballots to be voted in a city election pursuant to NRS 293C.305 to 293C.325, inclusive, and 293C.330 to 293C.340, inclusive; and

(b) The conduct of:

(1) Early voting by personal appearance in a city election pursuant to NRS 293C.355 to 293C.361, inclusive;

(2) Voting by absent ballot in person in a city election pursuant to NRS 293C.327; or

(3) Both early voting by personal appearance as described in subparagraph (1) and voting by absent ballot in person as described in subparagraph (2).

Sec. 3. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. Except as otherwise provided in NRS 293C.115,

a primary city election must be held in each city of population category one, and in each city of population category two that has so

provided by ordinance, on the first Tuesday after the first Monday in April of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. Except as otherwise provided in NRS 293C.115, a candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not less than 60 days [nor] or more than 70 days before the date of the primary city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

3. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

4. If, in a primary city election held in a city of population category one or two, one candidate receives more than a majority of votes cast in that election for the office for which he is a candidate, *he must be declared elected to the office and* his name [alone] must *not* be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 4. NRS 293C.310 is hereby amended to read as follows:

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

2. [A registered voter who:

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

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

__ may request an absent ballot for all elections held during the year he requests an absent ballot.

3.] As used in this section, “sufficient written notice” means a:

(a) Written request for an absent ballot that is signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine;

(b) Form prescribed by the Secretary of State that is completed and signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

[4.] 3. A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as:

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

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

[5.] 4. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce

another person fraudulently to request an absent ballot in the name of another person. A person who violates any provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 5. NRS 293C.380 is hereby amended to read as follows:

293C.380 1. Except as otherwise provided in subsection 2, each counting board, before it adjourns, shall post a copy of the voting results in a conspicuous place on the outside of the place where the votes were counted.

2. If votes are cast on ballots that are mechanically or electronically tabulated in accordance with the provisions of this chapter, chapter 293 or 293B of NRS, the city clerk shall, as soon as possible, post copies of the tabulated voting results **[in]** :

(a) On an Internet website maintained by the city or the city clerk, if any, including, without limitation, a website maintained by the city clerk pursuant to NRS 293C.715; and

(b) In a conspicuous place on the outside of the counting facility, courthouse or city hall. Copies of the voting results posted pursuant to this paragraph must be posted not later than the start of business on the day immediately following the day of the election.

3. Each copy of the voting results posted in accordance with subsections 1 and 2 must set forth the accumulative total of all the votes cast within the city conducting the election. **[and must be signed by the members of the counting board or the computer program and processing accuracy board.]**

Sec. 6. NRS 293C.387 is hereby amended to read as follows:

293C.387 1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault **[.] designated by the city clerk.** No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.

2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the sixth working day following the election.

3. In completing the canvass of the returns, the governing body of the city and the mayor shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.

6. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

- (1) Certify the abstract;
- (2) Make a copy of the certified abstract;
- (3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;
- (4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State within 7 working days after the election; and
- (5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which he is nominated.

(b) General city election has been certified, the city clerk shall:

(1) Issue under his hand and official seal to each person elected a certificate of election; and

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.

Sec. 7. NRS 293C.390 is hereby amended to read as follows:

293C.390 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the governing body of the city, be sealed and deposited in the vaults of the city clerk. The tally lists collected pursuant to NRS 293B.400 must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after that period. A notice of the destruction must be published by the city clerk in at least one newspaper of general circulation in the city [,] or, if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city, not less than 2 weeks before the destruction of the materials.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

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

4. A contestant of an election may inspect all of the material relating to that election which is preserved pursuant to subsection 1 or 2, except the voted ballots.

5. The voted ballots deposited with the city clerk are not subject to the inspection of any person, except in cases of a contested election, and only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of the judge, body or board.

6. As used in this section, "vaults of the city clerk" means any place of secure storage designated by the city clerk.

Sec. 8. This act becomes effective upon passage and approval.

Senate Bill No. 162—Senators Woodhouse, Coffin, Wiener, Horsford; Breeden, Copening, Parks and Schneider

CHAPTER.....

AN ACT relating to elections; revising the date of the primary election to the second Tuesday in June of each even-numbered year; revising the provisions governing the registration of voters by mail; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill changes the date of the primary election from the twelfth Tuesday before the general election of each even-numbered year to the second Tuesday in June of each even-numbered year. (NRS 293.175) To provide an example, if the provisions of this bill had been in effect in 2008, the primary election would have been held on June 10, 2008, instead of August 12, 2008. As a result of changing the date of the primary election, **sections 1-5, 7-12 and 14-17** of this bill amend various other dates relating to elections such as the date for filing declarations of candidacy.

Section 16 of this bill changes the date on which a voter's registration or correction of registration information is deemed to be effective to the earlier of the date on which the application is postmarked or received by the county clerk. (NRS 293.5235)

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

Section 1. NRS 293.128 is hereby amended to read as follows:

293.128 1. To qualify as a major political party, any organization must, under a common name:

(a) On January 1 preceding any primary election, have been designated as a political party on the applications to register to vote of at least 10 percent of the total number of registered voters in this State; or

(b) File a petition with the Secretary of State not later than the last Friday in **[April] February** before any primary election signed by a number of registered voters equal to or more than 10 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

2. If a petition is filed pursuant to paragraph (b) of subsection 1, the names of the voters need not all be on one document, but each document of the petition must be verified by the circulator thereof to the effect that the signers are registered voters of this State according to his best information and belief and that the signatures are genuine and were signed in his presence. Each document of the petition must bear the name of a county, and only registered voters of that county may sign the document. The documents which are circulated for signature must then be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last Friday in **[April] February** preceding a primary election.

3. In addition to the requirements set forth in subsection 1, each organization which wishes to qualify as a political party must

file with the Secretary of State a certificate of existence which includes the:

- (a) Name of the political party;
- (b) Names and addresses of its officers;
- (c) Names of the members of its executive committee; and
- (d) Name of the person who is authorized by the party to act as registered agent in this State.

4. A political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate.

Sec. 2. NRS 293.165 is hereby amended to read as follows:

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

2. A vacancy occurring in a nonpartisan nomination after the close of filing and on or before 5 p.m. of the second Tuesday in ~~[June]~~ **April** must be filled by filing a nominating petition that is signed by registered voters of the State, county, district or municipality who may vote for the office in question. The number of registered voters who sign the petition must not be less than 1 percent of the number of persons who voted for the office in question in the State, county, district or municipality at the last preceding general election. The petition must be filed not earlier than the first Tuesday in ~~[May]~~ **March** and not later than the fourth Tuesday in ~~[June.]~~ **April**. The petition may consist of more than one document. Each document must bear the name of one county and must be signed only by a person who is a registered voter of that county and who may vote for the office in question. Each document of the petition must be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the county clerk of the county named on the document. A candidate nominated pursuant to the provisions of this subsection:

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

(b) May be elected only at a general election, and his name must not appear on the ballot for a primary election.

3. A vacancy occurring in a nonpartisan nomination after 5 p.m. of the second Tuesday in ~~[June]~~ **April** and on or before 5 p.m. on the first Tuesday after the primary election must be filled by the person who receives the next highest vote for the nomination in the primary.

4. No change may be made on the ballot for the general election after 5 p.m. on the first Tuesday after the primary election . **[of the year in which the general election is held.]** If a nominee dies after that time and date, his name must remain on the ballot for the general election and, if elected, a vacancy exists.

5. All designations provided for in this section must be filed on or before 5 p.m. on the first Tuesday after the primary election. In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on the date the designation is filed.

Sec. 3. NRS 293.1715 is hereby amended to read as follows:

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

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

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

(b) On January 1 preceding a primary election, the minor political party has been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or

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

3. The name of a candidate for partisan office for a minor political party other than a candidate for the office of President or Vice President of the United States must be placed on the ballot for the general election if the party has filed:

(a) A certificate of existence;

(b) A list of candidates for partisan office containing the name of the candidate pursuant to the provisions of NRS 293.1725 with the Secretary of State; and

(c) Not earlier than the first Monday in ~~[May]~~ *March* preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in ~~[May,]~~ *March*, a petition on behalf of the candidate with the Secretary of State containing not less than:

(1) Two hundred fifty signatures of registered voters if the candidate is to be nominated for a statewide office; or

(2) One hundred signatures of registered voters if the candidate is to be nominated for any office except a statewide office.

_ A minor political party that places names of one or more candidates for partisan office on the ballot pursuant to this subsection may also place the names of one or more candidates for partisan office on the ballot pursuant to subsection 2.

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

5. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 or paragraph (c) of subsection 3 with the Secretary of State before the petition may be circulated for signatures.

Sec. 4. NRS 293.1725 is hereby amended to read as follows:

293.1725 1. Except as otherwise provided in subsection 4, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:

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

(b) Files *or will file* a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715; or

(c) Whose candidates are entitled to appear on the ballot pursuant to subsection 3 of NRS 293.1715,

_ must file with the Secretary of State a list of its candidates for partisan office not earlier than the first Monday in ~~[May]~~ *March* preceding the election nor later than 5 p.m. on the second Friday after the first Monday in ~~[May.]~~ *March*. The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. The Secretary of State shall strike from the list each candidate who is not entitled to appear on the ballot pursuant to subsection 3 of NRS 293.1715 if the minor political party is not entitled to place candidates on the ballot pursuant to subsection 2 of NRS 293.1715. The list may be amended not later than 5 p.m. on the second Friday after the first Monday in ~~[May.]~~ *March*.

2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his declaration of candidacy.

3. Each candidate on the list must file his declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the date on which the list of candidates for partisan office of his minor political party is filed with the Secretary of State nor later than 5 p.m. on the second Friday after the first Monday in ~~[May.]~~ *March*.

4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election pursuant to subsection 2 of NRS 293.1715 must file with the Secretary of State a certificate of nomination for these offices not later than the first Tuesday in September.

Sec. 5. NRS 293.174 is hereby amended to read as follows:

293.174 1. If the qualification of a minor political party is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the third Friday in ~~[August.]~~ *June*. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the third Friday in ~~[August.]~~ *June*. A challenge pursuant to this subsection must be filed with the First Judicial District Court if the petition was filed with the Secretary of State.

2. If the qualification of a candidate of a minor political party other than a candidate for the office of President or Vice President of the United States is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Monday in ~~[May.]~~ *March*. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in ~~[May.]~~ *March*. A challenge pursuant to this subsection must be filed with:

(a) The First Judicial District Court; or

(b) If a candidate who filed a declaration of candidacy with a county clerk is challenged, the district court for the county where the declaration of candidacy was filed.

Sec. 6. NRS 293.175 is hereby amended to read as follows:

- 293.175 1. The primary election must be held on the [12th Tuesday before the general election] *second Tuesday* in *June* of each even-numbered year.
2. Candidates for partisan office of a major political party and candidates for nonpartisan office must be nominated at the primary election.
3. Candidates for partisan office of a minor political party must be nominated in the manner prescribed pursuant to NRS 293.171 to 293.174, inclusive.
4. Independent candidates for partisan office must be nominated in the manner provided in NRS 293.200.
5. The provisions of NRS 293.175 to 293.203, inclusive, do not apply to:
- (a) Special elections to fill vacancies.
 - (b) The nomination of the officers of incorporated cities.
 - (c) The nomination of district officers whose nomination is otherwise provided for by statute.

Sec. 7. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

- (a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in January; and
- (b) For all other candidates, the first Monday in [May] *March* of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in [May.] *March*.

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

- (a) For partisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF
State of Nevada
County of

For the purpose of having my name placed on the official ballot as a candidate for the Party nomination for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since September 1 before

the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)
Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:
DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF
State of Nevada
County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)
Subscribed and sworn to before me

this day of the month of of the year

.....

Notary Public or other person

authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been

convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 8. NRS 293.180 is hereby amended to read as follows:

293.180 1. Ten or more registered voters may file a certificate of candidacy designating any registered voter as a candidate for:

(a) Their major political party's nomination for any partisan elective office, or as a candidate for nomination for any nonpartisan office other than a judicial office, not earlier than the first Monday in ~~[April]~~ **February** of the year in which the election is to be held nor later than 5 p.m. on the first Friday in ~~[May;]~~ **March;** or

(b) Nomination for a judicial office, not earlier than the first Monday in December of the year immediately preceding the year in which the election is to be held nor later than 5 p.m. on the first Friday in January of the year in which the election is to be held.

2. When the certificate has been filed, the officer in whose office it is filed shall notify the person named in the certificate. If the person named in the certificate files an acceptance of candidacy and pays the required fee, as provided by law, he is a candidate in the primary election in like manner as if he had filed a declaration of candidacy.

3. If a certificate of candidacy relates to a partisan office, all of the signers must be of the same major political party as the candidate designated.

Sec. 9. NRS 293.200 is hereby amended to read as follows:

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

(a) A copy of the petition of candidacy that he intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 25 working days before the last day to file the petition pursuant to subsection 4.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the

document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his signature the address of the place at which he actually resides, the date that he signs the petition and the name of the county where he is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his knowledge and belief and were signed in his presence by persons registered to vote in that county.

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

4. Petitions of candidacy must be filed not earlier than the first Monday in **[May] March** preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in **[May.] March.**

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

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

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

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

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

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

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

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

Sec. 10. NRS 293.205 is hereby amended to read as follows:

293.205 1. Except as otherwise provided in NRS 293.208, on or before the third Wednesday in **[May] March** of every evennumbered year, the county clerk shall establish election precincts, define the boundaries thereof, abolish, alter, consolidate and designate precincts as public convenience, necessity and economy may require.

2. The boundaries of each election precinct must follow visible ground features or extensions of visible ground features, except where the boundary coincides with the official boundary of the State or a county or city.

3. Election precincts must be composed only of contiguous territory.

4. As used in this section, “visible ground feature” includes a street, road, highway, river, stream, shoreline, drainage ditch, railroad right-of-way or any other physical feature which is clearly visible from the ground.

Sec. 11. NRS 293.206 is hereby amended to read as follows:

293.206 1. On or before the last day in **[May] March** of every even-numbered year, the county clerk shall provide the Secretary of State and the Director of the Legislative Counsel Bureau with a copy or electronic file of a map showing the boundaries of all election precincts in the county.

2. If the Secretary of State determines that the boundaries of an election precinct do not comply with the provisions of NRS 293.205, he must provide the county clerk with a written statement of noncompliance setting forth the reasons the precinct is not in compliance. Within 15 days after receiving the notice of noncompliance, the county clerk shall make any adjustments to the boundaries of the precinct which are required to bring the precinct into compliance with the provisions of NRS 293.205 and he shall submit a corrected copy or electronic file of the precinct map to the Secretary of State and the Director of the Legislative Counsel Bureau.

3. If the initial or corrected election precinct map is not filed as required pursuant to this section or the county clerk fails to make the necessary changes to the boundaries of an election precinct pursuant to subsection 2, the Secretary of State may establish appropriate precinct boundaries in compliance with the provisions of NRS 293.205 to 293.213, inclusive. If the Secretary of State revises the map pursuant to this subsection, he shall submit a copy or electronic file of the revised map to the Director of the Legislative Counsel Bureau and the appropriate county clerk.

4. As used in this section, “electronic file” includes, without limitation, an electronic data file of a geographic information system.

Sec. 12. NRS 293.208 is hereby amended to read as follows:

293.208 1. Except as otherwise provided in subsections 2, 3 and 5 and in NRS 293.206, no election precinct may be created, divided, abolished or consolidated, or the boundaries thereof changed, during the period between the third Wednesday in **[May] March** of any year whose last digit is 6 and the time when the Legislature has been redistricted in a year whose last digit is 1, unless the creation, division, abolishment or consolidation of the precinct, or the change in boundaries thereof, is:

- (a) Ordered by a court of competent jurisdiction;
- (b) Required to meet objections to a precinct by the Attorney General of the United States pursuant to the Voting Rights Act of 1965, 42 U.S.C. §§ 1971 and 1973 et seq., and any amendments thereto;
- (c) Required to comply with subsection 2 of NRS 293.205;
- (d) Required by the incorporation of a new city; or
- (e) Required by the creation of or change in the boundaries of a special district.

— As used in this subsection, “special district” means any general improvement district or any other quasi-municipal corporation organized under the local improvement and service district laws of this State as enumerated in title 25 of NRS which is required by law to hold elections or any fire protection district which is required by

law to hold elections.

2. If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

3. A new election precinct may be established at any time if it lies entirely within the boundaries of any existing precinct.

4. If a change in the boundaries of an election precinct is made pursuant to this section during the time specified in subsection 1, the county clerk must:

(a) Within 15 days after the change to the boundary of a precinct is established by the county clerk or ordered by a court, send to the Director of the Legislative Counsel Bureau and the Secretary of State a copy or electronic file of a map showing the new boundaries of the precinct; and

(b) Maintain in his office an index providing the name of the precinct and describing all changes which were made, including any change in the name of the precinct and the name of any new precinct created within the boundaries of an existing precinct.

5. Cities of population categories two and three are exempt from the provisions of subsection 1.

6. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.

Sec. 13. (Deleted by amendment.)

Sec. 14. NRS 293.368 is hereby amended to read as follows:

293.368 1. Whenever a candidate whose name appears upon the ballot at a primary election dies after 5 p.m. of the second Tuesday in ~~[June,]~~ *April*, his name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary election receives the number of votes required to receive the nomination to the office for which he was a candidate, except as otherwise provided in subsection 3 of NRS 293.165, he shall be deemed nominated and ~~[there shall be a]~~ *the* vacancy in the nomination ~~[that]~~ must be filled as provided in NRS 293.165 or 293.166. If the deceased person was a candidate for a nonpartisan office, the nomination must be filled pursuant to subsection 2 of NRS 293.165.

3. Whenever a candidate whose name appears upon the ballot at a general election dies after 5 p.m. on the first Tuesday after the primary election, the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.

4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, he shall be deemed elected and the office to which he was elected shall be deemed vacant at the beginning of the term for which he was elected. The vacancy thus created must be filled in the same manner as if the candidate had died after taking office for that term.

Sec. 15. NRS 293.481 is hereby amended to read as follows:

293.481 1. Except as otherwise provided in subsection 2, every governing body of a political subdivision, public or quasipublic corporation, or other local agency authorized by law to

submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:

(a) At a general election, shall provide to each county clerk within the designated territory on or before the third Monday in July preceding the election:

- (1) A copy of the question, including an explanation of the question;
- (2) Except as otherwise provided in NRS 295.121 or 295.217, arguments for and against the question; and
- (3) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 293.482.

(b) At a primary election, shall provide to each county clerk within the designated territory on or before the second Friday after the first Monday in **[May] March** preceding the election:

- (1) A copy of the question, including an explanation of the question;
- (2) Arguments for and against the question; and
- (3) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 293.482.

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

- (1) A copy of the question, including an explanation of the question;
- (2) Arguments for and against the question; and
- (3) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 293.482.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide to the city clerk at least 60 days before the election:

- (1) A copy of the question, including an explanation of the question;
- (2) Arguments for and against the question; and
- (3) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 293.482.

2. A question may be submitted after the dates specified in subsection 1 if the question is expressly privileged or required to be submitted pursuant to the provisions of Article 19 of the Constitution of the State of Nevada, or pursuant to the provisions of chapter 295 of NRS or any other statute except NRS 293.482, 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that authorizes the governing body to issue bonds upon the approval of the voters.

3. A question that is submitted pursuant to subsection 1 may be

withdrawn if the governing body provides notification to each of the county or city clerks within the designated territory of its decision to withdraw the particular question on or before the same dates specified for submission pursuant to paragraph (a), (b), (c) or (d) of subsection 1, as appropriate.

4. A county or city clerk:

(a) Shall assign a unique identification number to a question submitted pursuant to this section; and

(b) May charge any political subdivision, public or quasi-public corporation, or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation, arguments and description of the anticipated financial effect on the ballot.

Sec. 16. NRS 293.5235 is hereby amended to read as follows:

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

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

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

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

5. If he determines that the application is complete, he shall, within 10 days after he receives the application, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

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

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, he shall, as soon as possible, mail a notice to the applicant informing him that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after he receives the information, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

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

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

7. The applicant shall be deemed to be registered or to have corrected the information in the register [:

(a) If the application is received by the county clerk or postmarked not more than 3 working days after the applicant completed the application, on the date the applicant completed the application; or

(b) If the application is received by the county clerk or postmarked more than 3 working days after the applicant completed the application, on the date the application is received by the county clerk.] *on the date the application is postmarked or received by the county clerk, whichever is earlier.*

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

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

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

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

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

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

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

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

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

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

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on his application to register to

vote in the manner set forth in NRS 293.530.

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

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

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

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

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

Sec. 17. NRS 293B.354 is hereby amended to read as follows:

293B.354 1. The county clerk shall, not later than **[June]**

April 15 of each year in which a general election is held, submit to the Secretary of State for his approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.

2. The city clerk shall, not later than January 1 of each year in which a general city election is held, submit to the Secretary of State for his approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of the ballots at a polling place, receiving center or central counting place.

3. Each plan must include:

(a) The location of the central counting place and of each polling place and receiving center;

(b) A procedure for the establishment of areas within each polling place and receiving center and the central counting place from which members of the general public may observe the activities set forth in subsections 1 and 2;

(c) The requirements concerning the conduct of the members of the general public who observe the activities set forth in subsections 1 and 2; and

(d) Any other provisions relating to the accommodation of members of the general public who observe the activities set forth in subsections 1 and 2 which the county or city clerk considers appropriate.

Adopted Regulation R092-09

ADOPTED REGULATION OF THE SECRETARY OF STATE

LCB File No. R092-09

Effective October 27, 2009

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

AUTHORITY: §§1, 4, 10, 11, 13-15, 23, 25, 26, 32-34, 37, 38, 41 and 44, NRS 293.124 and 293.247; §2, NRS 293.124, 293.1277 and 293.247; §3, NRS 293.124, 293.247 and 293.3568; §§5, 6, 8, 17, 27, 28, 30 and 31, NRS 293.124, 293.247 and 293.250; §§7 and 29, NRS 293.124, 293.247, 293.250 and 293.317; §9, NRS

293.124, 293.247 and 293.524; §12, NRS 293.124, 293.247 and 293.469; §16, NRS 293.124, 293.247, 293.3155 and 293.3157; §18, NRS 293.124, 293.247 and 293.393; §19, NRS 293.124, 293.247, 293.387 and 293.395; §20, NRS 293.124, 293.247 and 293.524; §21, NRS 293.124, 293.247, 293.440, 293.530 and 293.557; §22, NRS 293.124, 293.247, 293.540 and 293.543; §24, NRS 293.124, 293.247, 293.3677 and 293B.105; §35, NRS 293.124, 293.247, 293.250 and 293C.330; §36, 293.124, 293.247 and 293C.315; §39, NRS 293.124, 293.247 and 293B.103; §40, NRS 293.124, 293.247 and 293C.369; §§42 and 43, NRS 293.124, 293.247 and 295.055.

A REGULATION relating to elections; making various changes relating to absent ballots; making various changes to provisions relating to petitions proposing a statute, an amendment to a statute or an amendment to the Constitution; making various other changes relating to elections; and providing other matters properly relating thereto.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive of this regulation.

Sec. 2. *In the case of a petition that proposes a statute, an amendment to a statute or an amendment to the Constitution of this State:*

1. If more than 500 names have been signed on the documents submitted to a county clerk and signatures on the petition were gathered from more than one county within the petition district, the Secretary of State will determine the number of signatures that the county clerk is required to verify pursuant to subsection 2 of NRS 293.1277 based on the percentage of signatures collected in that county for the petition district.

2. If a county comprises more than one petition district, in completing the statistical sampling required pursuant to NRS 293.1277, when a county clerk is determining the number of registered voters who signed the petition for each petition district contained fully or partially within the county, the county clerk shall count the signature of a registered voter regardless of whether the registered voter indicated on the petition the correct petition district in which the registered voter resides.

3. In completing the certificate showing the results of a county clerk's examination of signatures required pursuant to NRS 293.1277, the county clerk shall report to the Secretary of State the number of registered voters who signed the petition for each petition district contained fully or partially within the county regardless of whether the registered voters indicated on the petition the correct petition districts in which they reside. If a petition district comprises more than one county, the Secretary of State will determine based on the certificates submitted by all county clerks of counties contained fully or partially within the petition district the number of registered voters who signed the petition for the petition district.

Sec. 3. 1. *On each voting day during the period for early voting described in NRS 293.3568, the county clerk shall notify the Secretary of State by facsimile or electronic mail:*
(a) If the opening or closing of any permanent polling place located within the jurisdiction of the county clerk was delayed. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the delay occurs and must include, without limitation, an explanation of the reason for the delay.

(b) Of the number of persons who cast ballots on that day at each permanent polling place located within the jurisdiction of the county clerk. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the close of all permanent polling places located within the jurisdiction of the county clerk.

2. If a county clerk reports a delay of an opening or closing of a polling place pursuant to paragraph (a) of subsection 1, the county clerk shall inform the Secretary of State when the delay has been cured and the polling place has opened or closed, as the case may be. The notification required pursuant to this subsection must be sent to the Secretary of State as soon as practicable after the opening or closing, as the case may be, of the polling place.

3. On the last day of the period for early voting described in NRS 293.3568, the county

clerk shall notify the Secretary of State by facsimile or electronic mail at the time when all polling places within the jurisdiction of the county clerk closed that day. The notification required pursuant to this subsection must be sent to the Secretary of State as soon as practicable after the close of all permanent polling places located within the jurisdiction of the county clerk.

Sec. 4. 1. *On election day for each election other than a city election, the county clerk shall notify the Secretary of State by facsimile or electronic mail:*

(a) Except as otherwise provided in paragraph (b), of the time at which each polling place within the jurisdiction of the county clerk opened on election day. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the opening of all polling places within the jurisdiction of the county clerk.

(b) If the opening or closing of any polling place was delayed on that day. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the delay occurs and include, without limitation, an explanation of the reason for the delay.

(c) Of the time at which each polling place within the jurisdiction of the county clerk closed that day and all registered voters waiting to vote at the time the polls closed have voted. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the closing of all polling places within the jurisdiction of the county clerk.

2. *If a county clerk reports a delay of an opening or closing of a polling place pursuant to paragraph (b) of subsection 1, the county clerk shall inform the Secretary of State when the delay has been cured and the polling place has opened or closed, as the case may be. The notification required pursuant to this subsection must be sent to the Secretary of State as soon as practicable after the opening or closing, as the case may be, of the polling place.*

3. *A county clerk shall not report on election day any unofficial results of election returns related to a candidate for statewide or multicounty office or a statewide or multicounty ballot question until the Secretary of State:*

(a) Receives the notification required pursuant to paragraph (c) of subsection 1 from every county clerk; and

(b) Notifies the county clerk that the county clerk may report such unofficial results.

Sec. 5. *If a county clerk or the authorized representative of a county clerk sends an absent ballot by approved electronic transmission, the county clerk or the county clerk's authorized representative shall:*

1. *Cause a unique identification number to be included on the absent ballot.*

2. *Record in the absent ballot record:*

(a) The name of each voter who requested an absent ballot by approved electronic transmission, the voter's precinct or district, the voter's political affiliation, if any, and the unique identification number of the absent ballot.

(b) The method of approved electronic transmission used by the county clerk or the county clerk's authorized representative to send the absent ballot, including, without limitation, the destination of the absent ballot, such as the facsimile transmission number or electronic mailing address, as applicable, to which the county clerk or the county clerk's authorized representative sent the absent ballot.

(c) The date and time that the county clerk or the county clerk's authorized representative sent the absent ballot to the voter by approved electronic transmission.

(d) The initials of the person who sent the absent ballot to the voter.

3. *Maintain the original ballot card in a secured area where access is allowed only with the approval of the county clerk.*

Sec. 6. 1. *An absent ballot sent to a voter by approved electronic transmission must:*

(a) Contain instructions for marking the absent ballot.

(b) Contain instructions for returning the absent ballot by approved electronic

transmission, including, without limitation, the:

(1) Facsimile transmission number or electronic mail address, as applicable, that the voter may use to return the absent ballot.

(2) Deadline for returning the absent ballot by approved electronic transmission to the county clerk.

(c) Contain the contact information of the county clerk or an authorized representative of the county clerk who will be available during normal business hours to answer questions from the voter concerning the absent ballot. Such information must include, without limitation, the county clerk or authorized representative's name, address, phone number, facsimile transmission number and electronic mail address.

(d) Instruct the voter that the absent ballot may not be used by another voter or duplicated.

(e) Instruct the voter to read and sign the oath required pursuant to subsection 3 of NRS 293.3157.

(f) Contain a statement that failure to sign the oath required pursuant to subsection 3 of NRS 293.3157 will result in the absent ballot not being counted.

(g) Contain any other information required by the Secretary of State or county clerk.

2. Except as otherwise provided in NRS 293.309, an absent ballot and the information required pursuant to subsection 1 must be written on a form 8 1/2 x 11 inches in size and printed in a size equal to at least 10-point black type on a white background.

Sec. 7. 1. *To be counted, an absent ballot must be received by the office of the county clerk by 7 p.m. on the day of the election.*

2. The county clerk shall place each rejected absent ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the rejection of the absent ballot.

3. When an absent ballot is returned to the county clerk, the county clerk shall:

(a) Record the receipt of the absent ballot in the absent ballot record; and

(b) If the absent ballot is returned by approved electronic transmission and the voter requests confirmation of receipt of the absent ballot, send a confirmation to the voter using approved electronic transmission.

4. The county clerk shall check the signature on the return envelope, facsimile or other electronic document, as applicable, of the absent ballot against the original signature of the voter on his or her application to register to vote. Each county clerk shall establish a procedure for duplicating absent ballots received pursuant to this section that must be approved by the Secretary of State before it is used by the county clerk.

5. If a voter returns more than one voted absent ballot for the same election and the county clerk receives all such absent ballots before the polls are closed on the day of the election, the county clerk shall count the absent ballot received first.

Sec. 8. *Not later than 60 days after the date of an election, a county clerk shall report to the Secretary of State, in the form prescribed by the Secretary of State:*

1. The number of absent ballots for that election that the county clerk sent using approved electronic transmission.

2. The number of absent ballots for that election that were returned by voters using approved electronic transmission.

3. The number of absent ballots described in subsection 2 which were counted by the county clerk.

Sec. 9. 1. *Each voter registration agency shall designate one employee in each of its offices to be responsible for providing oversight and direction, as necessary, to ensure that the voter registration agency is in compliance with the provisions of 42 U.S.C. §§ 1973gg-1 et. seq.*

2. An employee designated pursuant to subsection 1 shall:

(a) In cooperation with the county clerks and registrars of voters, conduct training programs once every 6 months to familiarize the employees of the voter registration agency with the required procedures for registering voters through the voter registration agency.

(b) Review each completed application to register to vote that is received by the voter registration agency.

(c) Transmit completed applications to register to vote to the county clerk or registrar of voters.

(d) Ensure that the voter registration agency maintains an adequate supply of applications to register to vote and other materials related to voter registration.

3. The Secretary of State will provide:

(a) Annual training to employees designated pursuant to this section on the provisions of 42 U.S.C. §§ 1973gg-1 et seq.

(b) Any materials that are necessary for employees designated pursuant to this section to conduct training programs pursuant to paragraph (a) of subsection 2. The Secretary of State will ensure that any such materials are updated, as necessary.

Sec. 10. NAC 293.040 is hereby amended to read as follows:

293.040 1. The Secretary of State will **[**:

(a) Not] not later than November 15 of the year before the year in which a primary election is held, prepare and send to each county clerk a written notice which designates the judicial , **statewide and multicounty district** offices for which candidates are to be nominated at the primary election . **[; and**

(b) Not later than March 15 of the year in which a primary election is held, prepare and send to each county clerk a written notice which designates the statewide and multicounty district offices for which candidates are to be nominated at the primary election.]

2. Within 10 days after receipt of a notice required to be sent pursuant to subsection 1, the county clerk shall publish once in a newspaper published in his **or her** county that portion of the Adopted Regulation R092-09 notice which applies to his **or her** county. If no newspaper is published in his **or her** county, the publication must be made in any newspaper of general circulation which is published in the nearest county of this State.

Sec. 11. NAC 293.182 is hereby amended to read as follows:

293.182 1. A person who submits a petition that consists of more than one document to the county clerk for verification of the signatures shall sequentially number each page of each document in the petition, beginning with the number 1.

2. If a petition consists of more than one document, each of those documents must, in addition to any other requirements:

(a) Contain sequentially numbered spaces for:

(1) The name of each person signing the petition.

(2) The signature of the person signing the petition.

(3) The street address of the residence where the person signing the petition actually resides, unless a street address has not been assigned. If a street address has not been assigned, the document may contain the mailing address of the person signing the petition.

(4) The name of the county where the person is a registered voter.

(5) The date of the signature.

[(6) If the petition is a municipal initiative or referendum proposed pursuant to NRS 295.195 to 295.220, inclusive, the name of the city in which the person signing the petition is registered to vote.]

(b) Have attached to it, when filed, an affidavit signed by the person who circulated the document in substantially the following form:

STATE OF NEVADA

COUNTY OF _____

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state);

(2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) **[that I believe them to be genuine**

signatures; and(6)] that I believe each person who signed was at the time of signing a registered voter in the county of his *or her* residence [.] ; and (6) that the number of signatures affixed thereon is _____.

Signature of circulator

Subscribed and sworn to or affirmed

before me this ____ day of ____, ____.

Notary public or other person licensed
to administer an oath

--11--

Adopted Regulation R092-09

3. Any document of a petition may consist of more than one page. If a document consists of more than one page:

(a) Each page, including a blank signature page, must be numbered sequentially, beginning with the number 1 for each document;

(b) All the pages must be [permanently] stapled, bound or attached *in a similar manner that does not include the use of paper clips, rubber bands or binder clips and must be placed* in numerical order; and

(c) The affidavit required by paragraph (b) of subsection 2 must appear on the last pages of the document.

4. As used in this section, "petition" means a petition containing signatures which are required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, [295.056,] 298.109, 306.015, 306.035 or 306.110.

Sec. 12. NAC 293.187 is hereby amended to read as follows:

293.187 An alternative format for the purposes of providing information concerning elections, information concerning how to register to vote and information concerning the manner of voting for use by a person who is elderly or a person with a disability pursuant to NRS 293.469 includes, without limitation:

1. An audio tape;
2. The telephone;
3. A telecommunications device that is accessible to a person who is deaf;
4. An Internet site ; [that has been approved by Bobby WorldWide at <http://www.cast.org/bobby/Approval1504.cfm;>] or
5. A closed-captioned video.

Sec. 13. NAC 293.200 is hereby amended to read as follows:

293.200 1. The Secretary of State will reimburse the counties for the cost of the basic stock for ballots. Reimbursement will not be made for setup and other costs, including the cost of personalized printing, stitching, binding or numbering of the ballots.

2. Payment will be made after a claim of cost is presented to the Secretary of State. A county clerk shall present the claim :

(a) For the cost of the basic stock for ballots for the primary election not later than June 30 of the year in which the general election is held.

(b) For the cost of the basic stock for ballots for the general election not later than December 31 of [a] the year in which [a] the general election is held.

☐ A manufacturer's invoice showing an itemized list of all charges must accompany the claim. The Secretary of State will not pay claims presented more than 30 days after [December 31 of the year in which the general election was held.] *the date that the claim is required to be presented pursuant to paragraph (a) or (b).*

Sec. 14. NAC 293.245 is hereby amended to read as follows:

293.245 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]~~ *the person* observes the conduct of voting:

- (a) May not talk to voters within the polling place;
- (b) May not use a mobile telephone *or computer* within the polling place;
- (c) May not advocate for or against a candidate, political party or ballot question;

--13--

Adopted Regulation R092-09

(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 *or her* 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]~~ *chair* 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.

Sec. 15. NAC 293.270 is hereby amended to read as follows:

293.270 1. A person who completes the written affirmation required by NRS 293.3082 must be provided with a provisional ballot, regardless of whether the person is at the wrong polling place or precinct.

2. If an election official becomes aware that a person appearing to vote is a registered voter who has appeared to vote in the wrong polling place, the election official must inform the person of the location of the correct polling place for the person. The election official must also inform the person that although a provisional ballot may be cast at the incorrect precinct, the provisional ballot will not be counted unless the *requirements of subsection 3 are satisfied and the* voter casts the provisional ballot at a polling place that is located in the congressional district in which the voter resides.

3. A county clerk shall count a provisional ballot if the county clerk determines that all the following requirements were satisfied by the date of the election for which the provisional ballot was cast:

- (a) The voter was properly registered in the county where the provisional ballot was cast;
- (b) The voter was a citizen of the United States;
- (c) The voter was 18 years of age or older;
- (d) The voter had continuously resided in the county where he *or she* registered to vote for at least 30 days;
- (e) The voter had continuously resided in the precinct for which he *or she* registered to vote for at least 10 days;
- (f) The voter had not been convicted of a felony or, if the voter had been convicted of a

felony, the civil rights of the voter had been lawfully restored;

(g) The voter signed the required affirmation;

--15--

Adopted Regulation R092-09

(h) If the provisional ballot was cast at a polling place, the voter did not cast any other ballot, including an absent or mail-in ballot;

(i) If the voter did not show proof of residence and identity at the time he *or she* registered to vote, that the voter provided official identification establishing residence and identity by 5 p.m. on the Friday following election day;

(j) The voter cast the provisional ballot at a polling place that was authorized to accept a ballot for the congressional district in which the voter resides; and

(k) The provisional ballot cast listed the correct federal offices for the congressional district in which the voter resides.

4. The county clerk shall, not earlier than 5 p.m. on the Friday immediately following election day, post and submit to the Secretary of State the totals of provisional votes counted. The county clerk shall post and submit the updated results in the same manner and form as election day results.

Sec. 16. NAC 293.301 is hereby amended to read as follows:

293.301 [1. A registered voter of this State who resides outside the continental United States and who uses a facsimile machine to request an absent ballot must request the absent ballot from the appropriate county clerk before 5 p.m. on the Tuesday preceding the election in which he wishes to vote.

2.] A county clerk may use the electronic transmission network that is available through the *Federal* Voting Assistance Program of the United States Department of Defense to send an absent ballot to a registered voter who requests [a] *an absent* ballot [in accordance with subsection 1.

3. After receipt of a request for an absent ballot, the county clerk shall confirm that the person requesting the absent ballot is a registered voter in his county. If the person is a registered voter, the county clerk shall:

(a) Use a facsimile machine to send the absent voter a ballot card and a cover sheet;

(b) Record the number of the ballot card, the name of the absent voter, his precinct or district, and his political affiliation, if any, in the roster for absent ballots;

(c) Record the destination of the ballot and the date that the ballot was sent; and

(d) Maintain the original ballot card in a secured area where access is allowed only with the approval of the county clerk.

4. The cover sheet must:

(a) Contain instructions for marking the ballot;

(b) Contain instructions for returning the ballot;

(c) Instruct the voter to read and sign the statement required pursuant to subsection 5 and to sign the back of the mailing envelope, if applicable; and

(d) Contain a statement that failure to sign the back of the mailing envelope, if applicable, will result in the ballot not being counted.

5. The absent voter must sign and return with his ballot a statement in substantially the following form:

I understand that I am receiving this ballot via facsimile machine and that I must return it, either by mail or facsimile machine, to the county clerk or registrar of voters by 7 p.m. on the day of the election. I understand that my marked ballot will be duplicated onto a ballot card so that it can be counted by a computer and that this duplication could violate the secrecy of my ballot. I therefore swear or affirm that I am waiving the secrecy of my ballot.

6. The absent ballot must be received by the office of the county clerk by 7 p.m. on the day of the election. An absent ballot received after 7 p.m. must not be counted. The county clerk

shall place each rejected absent ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the rejection of the ballot.

7. When an absent ballot is returned by mail or facsimile machine, the county clerk shall make a record in the absent ballot record book. The county clerk shall check the signature on the return envelope or facsimile against the original signature of the voter on his application to register to vote. Each county clerk shall establish a procedure for duplicating absent ballots received pursuant to this section that must be approved by the Secretary of State before it is used by the county clerk.

8. If a voter who is living outside of the United States returns a voted ballot both by mail and by facsimile machine and the county clerk receives both ballots before the polls are closed on the day of the election, the county clerk shall count the ballot received first.] *pursuant to NRS 293.3157.*

Sec. 17. NAC 293.307 is hereby amended to read as follows:

293.307 1. Each county clerk or city clerk shall provide, with each absent ballot, instructions that must include the following:

If you make a mistake or change your mind while voting this ballot, **do not use correction fluid or tape**. Simply cross out the name of the candidate you **do not** wish to vote for and connect the arrow of the candidate you **do** wish to vote for. See example below. Call XXXXXXXX for assistance if needed.

George Washington (Graphic does not display)

Ben Franklin

2. A county clerk or city clerk shall not duplicate any absent ballot *[pursuant to NAC 293.301 or 293C.180]* which the voter has marked to indicate a correction or on which the voter has used correction tape or fluid unless the clerk determines that no ambiguity exists as to the intent of the voter.

Sec. 18. NAC 293.335 is hereby amended to read as follows:

293.335 1. A county abstract must contain:

- (a) The name of the county.
- (b) The title of the election.
- (c) The date of the election.
- (d) The information required by NRS 293.387, 293.393 and 293.395.
- (e) The title of the office.
- (f) The name of the candidate as it appeared on the ballot.
- (g) *[The candidate's party affiliation or nonpartisan office.*
- (h)]* The number of registered voters in each precinct.
- [(i)] (h)* The number of ballots cast in each precinct.
- [(j)] (i)* The number of votes cast for each candidate in each precinct.
- [(k)] (j)* The total for all precincts of the items set forth in paragraphs *(g), (h) [,] and (i) .*
- [and (j).*
- (l)] (k)* The number of each ballot question.
- [(m)] (l)* The number of "Yes" votes and "No" votes in each precinct for each ballot question.
- [(n)] (m)* The total number of "Yes" votes and "No" votes for each ballot question in all precincts.

2. When preparing the county abstract, the county clerk may include all precincts containing less than 10 registered voters in one precinct.

Sec. 19. NAC 293.341 is hereby amended to read as follows:

293.341 A mechanized report of an abstract of votes, as required by NRS 293.387 and 293.395, must be transmitted to the Secretary of State. The Secretary of State will, not later than March 1 of each year *[,] in which the general election is held,* notify each county clerk of the specifications for the mechanized report of the abstract of votes required pursuant to this section.

Sec. 20. NAC 293.410 is hereby amended to read as follows:

- 293.410 1. A voter registration agency shall place in a conspicuous position in each of its offices a sign which indicates that a person may register to vote in that office.
2. A registered voter may change his *or her* name, address or political party affiliation on the application to register to vote.
3. The information required by the application to register to vote must be printed in black or blue ink with a ballpoint pen.
4. A voter registration agency may not accept an application to register to vote which includes any erasure of or line drawn through information provided by the applicant relating to *[his] the* political party affiliation *[.] of the applicant.*
5. A voter registration agency shall include with each application to register to vote or group of applications which is transmitted to the county clerk or registrar of voters a transmittal form prescribed and provided by the *[agency.] Secretary of State.*
6. A voter registration agency shall not void an application unless the applicant is present. If the agency voids an application, the agency shall:
- (a) Write or stamp the word “void” on the front of the application;
 - (b) Forward the voided application to the county clerk; and
 - (c) Maintain a record of the voided application.
7. A voter registration agency shall ascertain whether a file stamp obliterates the portion of the application reserved for the applicant’s signature. If a file stamp does obliterate this portion, the voter registration agency shall issue a new application to the applicant.
8. Before each application completed by an employee of the *[Department] voter registration agency* is forwarded to the county clerk or registrar of voters, it must be reviewed by *[a second] the* employee of the *[Department] voter registration agency designated pursuant to section 9 of this regulation* who shall determine whether the application is legible. If the employee determines that an application is illegible, he *or she* shall cause a computer-generated copy of the information contained in the records relating to the applicant’s driver’s license or identification card to be attached to the application.
9. *[A voter registration agency shall, in cooperation with the county clerks and registrar of voters, conduct training programs once every 6 months to familiarize the employees of the agency with the required procedures for registering voters through the agency.*
- 10.] A voter registration agency shall *, in a form prescribed by the Secretary of State,* maintain a record of the *[transmittal of each application to the county clerk or registrar of voters pursuant to the agency’s schedule for the retention and disposal of records.] number of persons who decline to register to vote when applying for or receiving services or assistance from the agency or when submitting an application for recertification, renewal or a change of address related to such services or assistance.*
- [11.] 10.* A voter registration agency shall stamp the original and the voter’s *[copy of] receipt from* the completed application with the date *[of receipt.] that the completed application is received by the agency.* Except as otherwise provided in this subsection, the stamp used by the agency must not include the name of the agency. *[The stamp used by the Department may include the name of the Department.]*

Sec. 21. NAC 293.412 is hereby amended to read as follows:

293.412 1. A county clerk *[:] shall:*

- (a) *[May maintain] Maintain* a separate list of inactive voters or designate inactive voters as such on regular lists of registered voters and election board registers.
- (b) *[Shall, at] At* the request of the Secretary of State, report to the Secretary of State the total number of inactive voters.

2. The name of each inactive voter:

- (a) Must be included on any list made available for public inspection pursuant to NRS 293.440 unless the person requesting the list requests the exclusion of those names.

- (b) Must not be included on any list made available for public inspection pursuant to NRS 293.557.

3. The signature of an inactive voter shall be deemed to be the signature of a registered voter for all purposes regarding any petition authorized or required pursuant to title 24 of NRS.

4. A city or county clerk is not required to send a sample ballot to an inactive voter.

5. As used in this section, "inactive voter" means a voter designated as inactive pursuant to NRS 293.530 whose registration has not been cancelled.

Sec. 22. NAC 293.414 is hereby amended to read as follows:

293.414 1. The Secretary of State will immediately provide the county clerks with any information [he] *the Secretary of State* receives from the Attorney General of the United States regarding the conviction of any person of a felony.

2. A county clerk may, for the purpose of making the determination to cancel the registration of a person required by subsection 3 of NRS 293.540, rely upon any information [he] *the county clerk* receives from the Secretary of State pursuant to subsection 1 or from the Central Repository for Nevada Records of Criminal History regarding the conviction of any person of a felony.

3. The Secretary of State will immediately provide the county clerks with any information [he] *the Secretary of State* receives regarding a person convicted of a felony who has had his *or her* right to vote restored and is currently eligible to register to vote.

4. A county clerk may, for purposes of determining whether a person applying to register to vote who was convicted of a felony has had his *or her* right to vote restored and is currently eligible to register, rely on:

(a) The information received from the Secretary of State pursuant to subsection 3;

--23--

Adopted Regulation R092-09

(b) An order of any federal or state court restoring the right to vote to the applicant;

(c) A document issued to the applicant by a penal agency of the State of Nevada, any other state or the Federal Government verifying that the right to vote of the applicant has been restored; or

(d) A document issued by a penal agency of the State of Nevada, any other state or the Federal Government verifying that the applicant received a pardon or was discharged from probation, parole or prison before July 1, 2003.

5. If a county clerk has reason to believe that a document described in subsection 4 is invalid or forged, the county clerk shall attempt to verify the document. The county clerk must accept the document as legitimate unless [he] *the county clerk* can verify that the document is invalid or forged.

6. If a county clerk does not receive a document described in subsection 4 within 15 days after a person who was convicted of a felony applies to register to vote, the county clerk shall reject the application of the person to register to vote. A person whose application to register to vote is rejected pursuant to this subsection may submit a new application to register to vote.

Sec. 23. NAC 293.440 is hereby amended to read as follows:

293.440 1. [The] *A county clerk, a field registrar, an employee of a voter registration agency, a person assisting an applicant to register to vote or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote* shall not alter or deface a blank application form in any way other than by addressing the form to the applicant and affixing postage.

2. Such an application must not be marked, stamped, or partially or fully completed by anyone other than:

(a) An applicant who is attempting to register to vote; or

(b) Another person who is assisting the applicant after being requested by the applicant to do so.

Sec. 24. NAC 293B.090 is hereby amended to read as follows:

293B.090 1. Before and after each election, as provided in NRS 293B.140 to 293B.170, inclusive, the county clerk in a county using a mechanical voting system shall ensure that each

mechanical recording device which directly records votes electronically, each VVPAT and the automatic tabulating equipment and programs to be used in the election will accurately record the votes cast for all offices and on all measures by completing the tests required pursuant to this section and chapter 293B of NRS.

2. A county clerk shall, in the course of performing **[his] the** other tests of the system, conduct a test to ascertain that the VVPAT correctly records on the paper record the selection made on the mechanical voting device for all offices and all measures on the ballot. If a county clerk is required to conduct an election in more than one language, the test ballots must be processed in each required language.

3. A county clerk shall conduct the test required pursuant to subsection 2 by:

(a) Processing on a mechanical recording device, during the periods prescribed in NRS 293B.150 and 293B.165, a group of logic and accuracy test ballots voted so as to record:

(1) A vote for each candidate and a vote for and against each measure on the ballot;

(2) A vote for "None of these candidates" for all statewide contests;

(3) "No selection made" for each contest and ballot measure; and

(4) In all contests in which a voter may vote for more than one candidate, each option available to the voter, from "No selection made" to the total number of candidates a voter may select.

(b) Comparing the paper record with the contests and candidate names required to be on the ballot to ensure the paper record is accurately recording and reflecting the selections made on the mechanical recording device.

4. If any error is detected during the test required pursuant to subsection 2, the error must be immediately reported to the Secretary of State. The cause of the error must be ascertained and corrected and an errorless count must be made before the particular mechanical recording device or VVPAT is approved for use in the election or certified for accuracy in the official counting of the ballots.

5. A vote is properly cast on a mechanical recording device which directly records votes electronically when:

(a) The voter selects his **or her** choice;

(b) The mechanical voting system verifies the selection of the voter;

(c) The voter submits his **or her** selections; and

(d) The mechanical voting system verifies that the selections have been submitted.

6. Each mechanical recording device which directly records votes electronically must include:

(a) Instructions for casting a vote;

(b) A method for a voter to select his **or her** vote in each contest;

(c) A method for a voter to change his **or her** selection;

(d) A visual verification of the selections made by the voter for each contest;

(e) A visual notice to the voter if the voter has not made a selection in a contest or if the voter has undervoted in a contest in which the voter may select more than one candidate;

(f) Protection from an overvote;

(g) A method for the voter to review his **or her** selections and make changes before the ballot is cast;

(h) A notice advising the voter to confirm his **or her** selections before casting his **or her** ballot and informing **[him] the voter** that casting the ballot is irrevocable;

(i) A verification that the vote has been cast; **[and]**

(j) **A paper record of each vote that is cast; and**

(k) An electronic record of each ballot stored by the mechanical voting system.

7. A mechanical recording device which directly records votes electronically must create a trail for an audit of the mechanical voting system which substantiates that:

(a) Only ballots cast by authorized voters have been included in the tally list;

(b) All ballots have been unmodified since they were cast;

(c) All ballots cast have been accounted for; and

(d) The results of the tabulation of the ballots have been correctly accumulated from the ballots of the authorized voters and are capable of repetition with the same results.

8. Persons authorized to observe the tests conducted pursuant to NRS 293B.150 and 293B.165 must not interfere with the conduct of such tests. The results of the tests conducted pursuant to this section are confidential pursuant to NRS 293B.155.

Sec. 25. NAC 293B.130 is hereby amended to read as follows:

293B.130 1. Subject to the provisions of subsections 2, 3 and 4, any person may observe a test conducted pursuant to NRS 293B.155 in an area designated by the county clerk.

2. Before observing a test pursuant to subsection 1, a person must sign a form stating that the person, during the time he *or she* observes the test:

(a) May not talk to county election personnel;

(b) May not take photographs within the designated area;

(c) May not use a mobile telephone *or computer* within the designated area;

(d) May not advocate for or against a candidate, political party or ballot question;

(e) May not argue for or against or challenge any decisions of county election personnel;

(f) May not interfere with the test being conducted; and

(g) May be removed from the designated area by the county clerk for violating any provision of title 24 of NRS or any of the provisions of paragraphs (a) to (f), inclusive.

3. The county clerk may, at his *or her* discretion, remove from the designated area a person observing a test 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 a test pursuant to this section 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. As used in this section, “advocate” includes, without limitation, speaking, displaying or disseminating written material and wearing identifying clothing, buttons or other paraphernalia.

Sec. 26. Chapter 293C of NAC is hereby amended by adding thereto the provisions set forth as sections 27 to 30, inclusive, of this regulation.

Sec. 27. *If a city clerk or the authorized representative of a city clerk sends an absent ballot by approved electronic transmission, the city clerk or the city clerk’s authorized representative shall:*

1. Cause a unique identification number to be included on the absent ballot.

2. Record in the absent ballot record:

(a) The name of each voter who requested an absent ballot by approved electronic transmission, the voter’s precinct or district, the voter’s political affiliation, if any, and the unique identification number of the absent ballot.

(b) The method of approved electronic transmission used by the city clerk or the city clerk’s authorized representative to send the absent ballot, including, without limitation, the destination of the absent ballot, such as the facsimile transmission number or electronic mailing address, as applicable, to which the city clerk or the city clerk’s authorized representative sent the absent ballot.

(c) The date and time that the city clerk or the city clerk’s authorized representative sent the absent ballot to the voter by approved electronic transmission.

(d) The initials of the person who sent the absent ballot to the voter.

3. Maintain the original ballot card in a secured area where access is allowed only with the approval of the city clerk.

Sec. 28. 1. *An absent ballot sent to a voter by approved electronic transmission must:*

(a) Contain instructions for marking the absent ballot.

(b) Contain instructions for returning the absent ballot by approved electronic transmission, including, without limitation, the:

(1) Facsimile transmission number or electronic mail address, as applicable, that the

voter may use to return the absent ballot.

(2) Deadline for returning the absent ballot by approved electronic transmission to the city clerk.

(c) Contain the contact information of the city clerk or an authorized representative of the city clerk who will be available during normal business hours to answer questions from the voter concerning the absent ballot. Such information must include, without limitation, the city clerk or authorized representative's name, address, phone number, facsimile transmission number and electronic mail address.

(d) Instruct the voter that the absent ballot may not be used by another voter or duplicated.

(e) Instruct the voter to read and sign the oath required pursuant to subsection 3 of NRS 293.3157.

(f) Contain a statement that failure to sign the oath required pursuant to subsection 3 of NRS 293.3157 will result in the absent ballot not being counted.

(g) Contain any other information required by the Secretary of State or city clerk.

2. Except as otherwise provided in NRS 293.309, an absent ballot and the information required pursuant to subsection 1 must be written on a form 8 1/2 x 11 inches in size and printed in a size equal to at least 10-point black type on a white background.

Sec. 29. 1. *To be counted, an absent ballot must be received by the office of the city clerk by 7 p.m. on the day of the election.*

2. The city clerk shall place each rejected absent ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the rejection of the absent ballot.

3. When an absent ballot is returned to the city clerk, the city clerk shall:

(a) Record the receipt of the absent ballot in the absent ballot record; and

(b) If the absent ballot is returned by approved electronic transmission and the voter requests confirmation of receipt of the absent ballot, send a confirmation to the voter using approved electronic transmission.

4. The city clerk shall check the signature on the return envelope, facsimile or other electronic document, as applicable, against the original signature of the voter on his or her application to register to vote. Each city clerk shall establish a procedure for duplicating absent ballots received pursuant to this section that must be approved by the Secretary of State before it is used by the city clerk.

5. If a voter returns more than one voted absent ballot for the same election and the city clerk receives all such absent ballots before the polls are closed on the day of the election, the city clerk shall count the absent ballot received first.

Sec. 30. *Not later than 60 days after the date of an election, a city clerk shall report to the election board:*

1. The number of absent ballots for that election that the city clerk sent using approved electronic transmission.

2. The number of absent ballots for that election that were returned by voters using approved electronic transmission.

3. The number of absent ballots described in subsection 2 which were counted by the city clerk.

Sec. 31. NAC 293C.090 is hereby amended to read as follows:

293C.090 1. Preceding every ballot question to be voted upon must be a number, to be assigned by the city clerk, in **[type not smaller than 24-point]** boldface type.

2. If any question is to be submitted to a vote of the people, it must be printed upon the ballot or ballot page assembly in a manner that enables a voter to vote "Yes" or "No" upon the question submitted.

Sec. 32. NAC 293C.100 is hereby amended to read as follows:

293C.100 1. Each city clerk shall prepare for each precinct a quantity of ballots at least equal to the number of registered voters in the precinct.

2. For the purposes of this section, to determine the number of registered voters in a precinct for:

(a) A primary election, the city clerk shall use the number of voters who are registered [on June 30] 90 days immediately preceding the date of the primary election.

(b) A general election, the city clerk shall use the number of voters who are registered [on August 31] 90 days immediately preceding the date of the general election.

(c) A recall election, the city clerk shall use the number of voters who are registered on the date the call for the recall election is issued pursuant to NRS 306.040.

(d) Any special election other than a recall election, the city clerk shall use the number of voters who are registered 60 days before the date of the special election.

Sec. 33. NAC 293C.140 is hereby amended to read as follows:

293C.140 1. At least 2 days before any election, every city clerk shall prepare the following supplies for each polling place:

(a) One flag of the United States.

(b) [Cards for providing:

(1) The appropriate warning regarding interference with the conduct of the election.

(2) Notice of the law prohibiting voting more than once.

(3) Notice of the law prohibiting electioneering within 100 feet from the entrance to the voting area or the building or other structure in which a] Any notices or other materials required to be posted at each polling place [is located, as applicable.] pursuant to NRS 293.177, 293.2549, 293.2955, 293.301, 293.302, 293.3025, 293.361, 293.740 and 293.780.

(c) One copy of the statutes and regulations governing elections, or one copy of a compilation of the statutes and regulations governing elections.

(d) If a procedure for bilingual voting is used in the city, the required notices in the appropriate foreign language.

2. The city clerk may prepare for each polling place any additional supplies [he] the city clerk considers necessary or desirable for carrying out the election.

3. On or before the day preceding the day of a city election, each city clerk may deliver the election supplies to a person designated by the city clerk for further distribution. The election supplies may be delivered in sealed containers and may include any other accountable items. The designated person shall sign a receipt for all of the items received . [by him.] The designated person shall immediately, and in a safe manner, distribute the election supplies to those members of election boards who are designated by the city clerk to receive and take custody of the supplies. The designated person shall obtain a signed receipt from each member of an election board to whom the sealed container or any other accountable item is delivered.

4. When an election board accepts delivery of election supplies, it shall check the supplies against the list of inventory and immediately notify the city clerk of any shortage. The city clerk shall immediately correct the shortage.

5. At each polling place within the city, the city clerk shall provide a quantity of booths that is sufficient to allow voters to vote their ballots conveniently and in a manner that allows their voting to be screened from the view of others.

6. Each of the booths must, during the election, be provided with the necessary supplies for voting ballots, and must be sufficiently lighted to enable voters to read clearly all of the printing on ballots or ballot page assemblies and to enable members of election boards to perform their duties.

7. Before opening the polls, the members of the election board shall carefully inspect the ballot box to ensure that nothing remains in the ballot box from a previous election. The ballot box must be locked after the inspection, and the key to any lock on the ballot box must be delivered to the [chairman] chair of the election board or, if there is no lock, the ballot box must be sealed by a seal approved by the Secretary of State. The ballot box must not be opened during the election except as otherwise provided in NRS 293C.625.

Sec. 34. NAC 293C.150 is hereby amended to read as follows:

293C.150 1. The [chairman] *chair* of the election board shall designate the officer of the election board who is to make the proclamation required pursuant to NRS 293.273. That officer shall make the proclamation at the entrance or inside of the polling place.

2. During the time the polls are open, the members of an election board may take time for meals or personal needs, except that only one member may be absent at any time from a polling place where four or fewer members are employed, and only two members may be absent at any time from a polling place where five or more members are employed.

3. The election board shall, to the extent possible, prevent any person who has given assistance in voting to another from disclosing the nature of the assisted person's vote.

4. *In polling places in which a mechanical voting system is not used:*

(a) The number of replacement ballots that may be issued to a voter who spoils his *or her* ballot may be decided, in good faith, by the election board.

[5.]

(b) The [chairman] *chair* of the election board shall make a record of the cancelled ballots. The envelope in which cancelled ballots are placed must be marked with the words "cancelled ballots."

[6.] 5. Any election board that receives mailing ballots from the city clerk shall follow the procedure prescribed for absent ballots in NRS 293C.332 and 293C.352.

[7.] 6. When it is time to close the polls, a member of the election board shall proclaim that the polls are closed for voting.

[8.] 7. After the completion of an election [, all] :

(a) *In polling places in which a mechanical voting system is not used*, ballot boxes must be returned by the chief law enforcement officer of the city or representative of the city clerk and placed by him *or her* in a secure storage area designated and provided by the city clerk.

(b) *In polling places in which a mechanical voting system is used, all ballots and paper records of VVPATs must be returned by the chief law enforcement officer of the city or representative of the city clerk and placed by him or her in a secure storage area designated and provided by the city clerk.*

[9.] 8. If an absent ballot central counting board is appointed, the members of the board shall meet at a place designated by the city clerk as soon as the polls close. The city council shall prepare abstracts of votes on a form that was submitted by the city clerk to and approved by the Secretary of State.

Sec. 35. NAC 293C.165 is hereby amended to read as follows:

293C.165 1. In addition to the requirements set forth in paragraph (a) of subsection 1 of NRS 293C.306, the form to request an absent ballot must:

(a) *[Be 8 1/2 inches by 5 1/2 inches in size;*

(b)] Include a line for:

(1) The name of the registered voter requesting the absent ballot;

(2) The signature of the registered voter requesting the absent ballot; and

(3) A tracking number that consists of the:

(I) Control number of the application to register to vote assigned to the application by the Secretary of State pursuant to NAC 293.420; or

(II) Voter registration number that is generated by computer and assigned by the county clerk in a county where a computer is used to register voters; *and*

[(c) Include a notice that sets forth the provisions of subsection 2; and

[(d)] (b) Include the name and address of the city clerk of the city where the registered voter requesting the ballot resides.

2. A registered voter who receives an absent ballot may [not] vote at a polling place *[unless he surrenders] if the registered voter:*

(a) Surrenders the absent ballot to the city clerk or [his] *the* designee *[.] of the city clerk; or*

(b) Complies with the requirements set forth in subsection 3 of NRS 293C.330.

Sec. 36. NAC 293C.180 is hereby amended to read as follows:

293C.180 [1. A registered voter of this State who resides outside the continental United States and who uses a facsimile machine to request an absent ballot must request the absent ballot from the appropriate city clerk before 5 p.m. on the Tuesday preceding the election in which he wishes to vote.

2.] A city clerk may use the electronic transmission network that is available through the **Federal** Voting Assistance Program of the United States Department of Defense to send an absent ballot to a registered voter who requests a ballot in accordance with [subsection 1.

3. After receipt of a request for an absent ballot, the city clerk shall confirm that the person requesting the absent ballot is a registered voter in his city. If the person is a registered voter, the city clerk may:

- (a) Use a facsimile machine to send the absent voter a ballot card and a cover sheet;
- (b) Record the number of the ballot card, the name of the absent voter and his precinct in the roster for absent ballots;
- (c) Record the destination of the ballot and the date that the ballot was sent; and
- (d) Maintain the original ballot card in a secured area where access is allowed only with the approval of the city clerk.

4. The cover sheet must:

- (a) Contain instructions for marking the ballot;
- (b) Contain instructions for returning the ballot;
- (c) Instruct the voter to read and sign the statement required pursuant to subsection 5 and to sign the back of the mailing envelope, if applicable; and
- (d) Contain a statement that failure to sign the back of the mailing envelope, if applicable, will result in the ballot not being counted.

5. The absent voter must sign and return with his ballot a statement in substantially the following form:

--37--

Adopted Regulation R092-09

I understand that I am receiving this ballot via facsimile machine and that I must return it, either by mail or facsimile machine, to the city clerk by 7 p.m. on the day of the election. I understand that my marked ballot will be duplicated onto a ballot card so that it can be counted by a computer and that this duplication could violate the secrecy of my ballot. I therefore swear or affirm that I am waiving the secrecy of my ballot.

6. The absent ballot must be received by the office of the city clerk by 7 p.m. on the day of the election. An absent ballot received after 7 p.m. must not be counted. The city clerk shall place each rejected absent ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the rejection of the ballot.

7. When an absent ballot is returned by mail or facsimile machine, the clerk shall make a record in the absent ballot record book. The city clerk shall check the signature on the return envelope or facsimile against the original signature of the voter on his application to register to vote. Each city clerk shall establish a procedure for duplicating absent ballots received pursuant to this section that must be approved by the Secretary of State before it is used by the city clerk.

8. The city clerk shall place each absent ballot in a separate envelope and record on the outside of the envelope the precinct number of the voter and that the ballot contained therein is an absent ballot sent to the voter by facsimile machine.

9. If a voter who is living outside of the United States returns a voted ballot both by mail and by facsimile machine and the city clerk receives both ballots before the polls are closed on the date of the election, the city clerk shall count the ballot received first.] **NRS 293C.315.**

Sec. 37. NAC 293C.310 is hereby amended to read as follows:

293C.310 1. At least 2 days before any election, the city clerk shall prepare the following supplies for each precinct:

- (a) The election board register;
- (b) Copies of the roster [and pollbook] in such a quantity and form as the **city** clerk

determines appropriate;

- (c) A quantity of mechanical voting devices that ensures an efficient flow of voters;
- (d) A container for transporting ballots that is equipped with a lock and key, numbered seal or other device that prevents unauthorized entry;
- (e) At least three copies of each sample ballot that pertains to the election;
- (f) A procedural checklist for election boards; and
- (g) One list of the inventory of the supplies provided to the election board, including a notation whether the supplies have been inserted into the container for transporting ballots.

2. Each city clerk may prepare for the precincts any additional supplies he *or she* considers necessary or desirable for carrying out the election.

Sec. 38. NAC 293C.320 is hereby amended to read as follows:

293C.320 1. Each member of the election board must be present in the polling place where *[he] the member* is to serve at least 45 minutes before the time the polling place is to open.

2. The election board shall set up the vote recording devices in a manner that creates the most efficient flow of voters.

3. The election board shall *, if applicable,* ensure that the correct ballot page assemblies have been properly inserted into the vote recording devices. As a check, the boards shall compare a sample ballot for the particular precinct with the official ballot page assemblies being inserted into the recording devices to assure that they contain the same candidates and questions.

Sec. 39. NAC 293C.330 is hereby amended to read as follows:

293C.330 1. After a person is identified as being a registered voter *[.] and has signed the roster,* a member of the election board shall *[give him all appropriate ballot cards and a protective sleeve and shall record the number of the card or series of the card in the pollbook opposite the voter's name.*

2. The election board shall direct each] direct the voter to a voting booth *[that contains a vote recording device that is appropriately]* equipped to handle the voter's ballot . *[card.*

3.] 2. A member of the election board shall not permit any person to enter a voting booth to vote until he *or she* ascertains that the person understands how to operate the vote recording device.

[4. To carry out NRS 293B.103, the election board shall:

(a) Upon issuing a ballot to a voter, retain the top portion of the ballot card or stub that is stapled to the pack of ballot cards.

(b) When the voter returns his voted ballot, give him the detachable portion that is located immediately above the ballot and contains holes for the alignment of the ballot on the recording device.

5.] 3. If it is obvious to the members of an election board that a voter is trying to delay an election by repeatedly *[spoiling his ballot cards,] voiding his or her selections and not casting a ballot, a member of* the election board *must warn the voter that such actions are unlawful and offer assistance if necessary. If the voter continues to attempt to delay the election, the election board* may take any appropriate action to expedite the election *[. The stub on a spoiled ballot must be left attached to the ballot.*

6.], including, without limitation, removing the voter from the polling place if the county or city clerk has approved the removal.

4. Before the commencement of voting and periodically throughout the election, members of the election board shall examine the voting booths to ensure that each booth does not contain any campaign cards, political advertising, partisan notes or any other matter that constitutes an unauthorized attempt to influence the voters. *[During each examination, a special ballot card used to test the vote recording device must be inserted into the vote recording device to verify that the device is functioning properly. If the device uses punchcards, the special ballot card must be punched at random to verify that the device is functioning properly.]*

Sec. 40. NAC 293C.340 is hereby amended to read as follows:

293C.340 1. If a difference exists between the number of persons voting and the number of ballots cast, the difference must be reported in writing to the city clerk, together with any known reasons for the difference.

2. The total number of voters must be entered by the election board on the forms provided by the city clerk.

3. The [chairman] *chair* of an election board is responsible for the safe delivery of the [ballot cards] *ballots and VVPATs* to the central place designated by the city clerk for the counting of ballots, except that a ballot pick-up board, if established, is responsible for the delivery.

4. After closing the polls, the election board shall compare the quantity of its *results cartridges, VVPATs, mechanical recording devices and other essential election* supplies that were furnished by the city clerk with the city clerk's inventory, [and shall] note any shortages [.] *and immediately notify the county and city clerk if any shortages are noted.* The [chairman] *chair* of the election board is responsible for the safe return of all supplies, including all records and equipment pertaining to the election, in accordance with the directions of the city clerk.

[5. If any extraneous writing or other mark, such as a cross, check, tear or scratch, has been placed on a ballot card, the votes on the card must be counted unless the writing or other mark identifies the ballot as being that of the voter. Whether or not such an extraneous writing or other mark identifies the voter, the writing or other mark must not be counted as a vote.

6. Votes on a ballot card must not be counted if it is impossible or extremely difficult to determine the voter's intention because he has placed his ballot incorrectly in the vote recording device.

7. If a chip on a ballot card is found in any of the following conditions, the chip must be counted as an intended vote:

(a) A chip that is attached to the card at one or two corners.

(b) A chip that is attached to the card at three corners with the fourth corner obviously disconnected.

(c) A chip that is attached to the card at three or four corners with the paper fibers on one or two sides broken in a way that permits unimpeded light to be seen through the ballot. If no unimpeded light is visible on any side of a chip, the vote must not be counted.]

Sec. 41. NAC 293C.390 is hereby amended to read as follows:

293C.390 1. There must be an adequate supply, as determined by the city clerk, of voting booths for each precinct.

2. The city clerk shall, at least 2 days before the day of any election, prepare the following supplies for each precinct:

(a) The election board register;

(b) Copies of the roster [and pollbook] in such a quantity and form as the *city* clerk determines appropriate;

(c) A container for transporting ballots that is equipped with a lock and key, numbered seal or other device that prevents unauthorized entry;

(d) At least three copies of each sample ballot that pertains to the election; and

(e) Such other supplies as are necessary for conducting the election.

3. The city clerk shall print, in plain type, sets of instructions for voters for obtaining and marking their ballots. On the day of an election, the election board shall post at least one set of instructions in each voting booth and at least three additional sets of instructions at places open to public view in or about the polling place.

4. The [chairman] *chair* of each election board shall require the members of [his] *the* board to prepare the ballots and any other supplies or equipment necessary for voting and may assign specific duties to the members of the election board to complete the preparation.

Sec. 42. Chapter 295 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Each document of a petition that proposes a statute, an amendment to a statute or an

amendment to the Constitution of this State must bear the name of a county and petition district, and only registered voters of that county may sign the document.

2. If a county comprises more than one petition district, a petition that proposes a statute, an amendment to a statute or an amendment to the Constitution of this State must consist of a separate document for each petition district contained fully or partially within the county.

Sec. 43. NAC 295.020 is hereby amended to read as follows:

295.020 1. A person who submits a petition that consists of more than one document to the county clerk for verification of the signatures shall sequentially number each page of each document in the petition, beginning with the number 1.

2. If a petition for an initiative or referendum consists of more than one document, each document must, in addition to any other requirements, contain the full text of the proposed measure and:

(a) Include sequentially numbered spaces for:

(1) The name of each person who signs the petition.

(2) The signature of the person signing the petition.

(3) The street address of the residence where the person signing the petition actually resides, unless a street address has not been assigned. If a street address has not been assigned, the document may contain the mailing address of the person signing the petition.

(4) The name of the county where the person who signs is a registered voter.

(5) The date of the signature.

(6) If the petition is a municipal initiative or referendum proposed pursuant to the provisions of NRS 295.195 to 295.220, inclusive, the name of the city in which the person who signs is registered to vote.

(b) Have attached to it, when filed, an affidavit signed by the person who circulated the document in substantially the following form:

STATE OF NEVADA

COUNTY OF _____

I, _____ (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe each person who signed was at the time of signing a registered voter in the county of his *or her* residence; (6) that the number of signatures affixed thereon is _____; and (7) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

Signature of circulator

Subscribed and sworn to or affirmed

before me this day of , .

Notary public or other person licensed

to administer an oath

3. Any document of a petition may consist of more than one page. If a document consists of more than one page:

(a) Each page, including a blank signature page, must be numbered sequentially, beginning with the number 1 for each document;

(b) All the pages must be **[permanently] stapled, bound or** attached **[together] in a similar manner that does not include the use of paper clips, rubber bands or binder clips and must be placed** in numerical order; and

(c) The affidavit of the circulator required by NRS 295.095 or 295.205 must appear on the last pages of the document.

4. As used in this section, “petition” means a petition described in Article 19 of the Nevada Constitution or NRS 295.015 or 295.045.

Sec. 44. NAC 293C.160 and 293C.210 are hereby repealed.

TEXT OF REPEALED SECTIONS

293C.160 Observation of polling place by representative of candidate or political party. (NRS 293.124, 293.247)

1. Any registered voter of this State may be appointed to observe the conduct of voting at a polling place as the representative of:

(a) Any candidate whose name appears on a ballot for the election for which the representative is appointed; or

(b) Any political party or committee sponsored by a political party.

2. A representative appointed pursuant to subsection 1:

(a) Shall present a written certificate of his appointment to the chairman of the election board upon his arrival at the polling place. The certificate must contain:

(1) The name and signature of the representative;

(2) The name of the candidate, political party or committee appointing the person as its representative; and

(3) The precinct, polling place and date of the election for which the representative is appointed.

(b) May sit or stand at such a location near the election board as to observe and hear conveniently the activities conducted at the polling place for which he is appointed without interfering with the voting.

3. No person may be appointed pursuant to this section to observe the conduct of voting at more than one polling place.

293C.210 Requirements for multiple documents of petitions; documents consisting of multiple sheets. (NRS 293.124, 293.247)

1. If a petition consists of more than one document, each of those documents must, in addition to any other requirements:

(a) Contain sequentially numbered spaces for:

(1) The name of each person signing the petition, including the person signing the verification required by paragraph (b);

(2) The signature of the person;

(3) The residential address of the person;

(4) The name of the city where the person is a registered voter; and

(5) The date of the signature.

(b) Have attached to it, when filed, an affidavit signed by the person who circulated the document in substantially the following form:

STATE OF NEVADA

COUNTY OF _____

CITY OF _____

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe them to be genuine signatures; and (6) that I believe each person who signed was at the time of signing a registered voter in the city of his residence.

Signature of circulator

Subscribed and sworn to or affirmed

before me this day of , .

Notary public or other person licensed
to administer an oath

2. Any document of a petition may consist of more than one sheet. If a document consists of more than one sheet:

(a) Each sheet must be numbered sequentially;

(b) All the sheets must be permanently attached in numerical order; and

(c) The affidavit required by paragraph (b) of subsection 1 must appear on the last sheet of

the document.

3. As used in this section, “petition” means a petition containing signatures that are required to be verified pursuant to NRS 306.015 and 306.035.

NOTICE OF ADOPTION OF PROPOSED REGULATION

LCB File No. R092-09

The Secretary of State adopted regulations which pertain to chapters 293, 293B, 293C and 295 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

The following statement is submitted for the adopted regulations pertaining to Nevada Administrative Code chapters 293, 293B, 293C, and 295 in accordance with NRS 233B.066(2).

1. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects; and

(b) Both immediate and long-term effects.

These adopted regulations do not have any economic effect on any business. The effect on the public will be to allow overseas voters to vote their ballot by electronic transmission.

2. The estimated cost to the agency for enforcement of the proposed regulation.

No additional cost is anticipated to enforce these adopted regulations. These regulations revise the provisions relating to the manner in which county and city clerks notify the Secretary of State when their respective polls open; provide for electronic transmission of certain absent ballots; change the manner in which Initiatives and Referenda may be fastened; provide annual training to voter registration agencies; change the date within which the county clerks notify the Secretary of State for reimbursement of certain election costs; and repeals NAC 293C.160, and 293C.210.

3. A description of any regulations of the state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The adopted regulations do not duplicate or overlap any other state or government agency regulations.

4. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of those provisions.

The adopted regulations do not include provisions that are more stringent than a federal regulation regulating the same activity.

5. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

The adopted regulations do not establish a new fee or increase an existing fee.

6. The Secretary of State held a public workshop on October 14, 2009, and an adoption hearing on October 15, 2009. One person attended the public workshop and two people attended the Adoption Hearing. .

