

ASSEMBLY BILL NO. 216—ASSEMBLYMEN HANSEN, WHEELER, ELLISON, HAMBRICK, FIORE; PAUL ANDERSON, GRADY, LIVERMORE AND STEWART

MARCH 7, 2013

JOINT SPONSOR: SENATOR GUSTAVSON

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises certain provisions governing voter identification. (BDR 24-125)

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

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

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

AN ACT relating to elections; requiring registered voters to provide photographic identification to vote in person; requiring county clerks to issue photographic identification under certain circumstances; revising provisions concerning provisional ballots; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a registered voter to provide satisfactory identification to
2 vote in person. (NRS 293.2725, 293.277, 293.303, 293.3085, 293.353, 293.3585,
3 293.541, 293C.270, 293C.292, 293C.3585) **Sections 8, 9, 11, 14, 15, 17, 18, 19**
4 **and 20** of this bill require a registered voter who wishes to vote in person to
5 provide photographic identification as that term is defined in **section 2** of this bill.
6 That definition includes various forms of photographic identification that may be
7 issued by an agency of this State, the United States or a federally recognized Indian
8 tribe. The definition also includes a photographic voter identification card issued by
9 a county clerk pursuant to **section 3** of this bill and a document given by the
10 administrator of a licensed medical facility or licensed facility for the dependent to
11 a resident of the facility attesting to the person’s identity and that he or she is a
12 resident of the facility. The provisions of this bill that require photographic
13 identification, as that term is defined in **section 2**, in order to vote in person are
14 similar to the provisions of the Indiana law upheld by the United States Supreme



15 Court. (*Crawford v. Marion Cty. Election Bd.*, 128 S. Ct. 1610 (2008)) The Court
16 held that the Indiana law requiring a person to provide photographic identification
17 to vote in person did not unconstitutionally burden the person's right to vote, in part
18 because Indiana provided one of the forms of required photographic identification
19 free of charge. **Section 3** requires county clerks to issue, free of charge, a
20 photographic voter identification card to any registered voter who does not possess
21 one of the other forms of photographic identification. **Sections 4 and 5** of this bill
22 set forth the requirements for the issuance and the form of the voter identification
23 card. **Section 6** of this bill requires the Secretary of State to adopt regulations
24 concerning the voter identification cards.

25 Under existing law, a person who is not eligible to cast a regular ballot because
26 he or she fails to produce identification at the polling place may vote a provisional
27 ballot for federal offices if he or she fulfills certain requirements. (NRS 293.3081,
28 293.3082) However, the provisional ballot will not be counted unless the person
29 provides identification to the county or city clerk by 5 p.m. on the Friday following
30 the election. (NRS 293.3085) **Section 14** of this bill extends that period until 12
31 p.m. on the Monday following the election and further provides that the person's
32 provisional ballot will be counted if the person provides photographic identification
33 or executes an affidavit stating that he or she is unable to provide the photographic
34 identification because he or she is indigent or has a religious objection to being
35 photographed.

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

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

4 **Sec. 2. 1. "Photographic identification" means:**

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

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

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

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

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

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

17 **(c) A document described in subsection 2.**

18 **2. A document provided by the administrator of a licensed**
19 **medical facility or licensed facility for the dependent to a resident**
20 **of the facility attesting to the person's identity and that he or she is**
21 **a resident of the facility shall be deemed to be photographic**
22 **identification.**

23 **3. As used in this section:**



1 (a) "Facility for the dependent" has the meaning ascribed to it
2 in NRS 449.0045.

3 (b) "Medical facility" has the meaning ascribed to it in
4 NRS 449.0151.

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

7 (a) Issue a voter identification card to a person who:

8 (1) Is registered to vote in this State;

9 (2) Does not possess photographic identification as set forth
10 in paragraph (a) of subsection 1 of section 2 of this act; and

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

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

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

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

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

20 2. Proof of the applicant's date of birth;

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

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

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

31 1. Must include, without limitation:

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

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

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

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

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

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

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

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



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

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

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

8 (a) May vote at a polling place only if the person presents
9 *photographic identification* to the election board officer at the
10 polling place ; †

11 ~~———— (1) A current and valid photo identification of the person,~~
12 ~~which shows his or her physical address; or~~

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

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

20 (1) A copy of ~~{a current and valid photo}~~ *any photographic*
21 *identification* of the person ~~{†}~~ which shows his or her physical
22 address; or

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

27 ➤ If there is a question as to the physical address of the person, the
28 election board officer or clerk may request additional information.

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

30 (a) Registers to vote by mail and submits *a copy of his or her*
31 *photographic identification* with an application to register to vote ;
32 †

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

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

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



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

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

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

9 **Sec. 9.** NRS 293.277 is hereby amended to read as follows:

10 293.277 ~~HH~~ Except as otherwise provided in NRS 293.541,
11 if a person's name appears in the election board register or if the
12 person provides an affirmation pursuant to NRS 293.525, the person
13 is entitled to vote and must :

14 **1. Present photographic identification; and**

15 **2. Except as otherwise provided in NRS 293.283,** sign his or
16 her name in the election board register when he or she applies to
17 vote. The signature must be compared by an election board officer
18 with the signature or a facsimile thereof on the person's original
19 application to register to vote or ~~one of the forms of identification~~
20 ~~listed in subsection 2.~~

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

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

26 ~~—(b) A driver's license;~~

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

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

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

33 **Sec. 10.** NRS 293.3025 is hereby amended to read as follows:

34 293.3025 The Secretary of State and each county and city clerk
35 shall ensure that a copy of each of the following is posted in a
36 conspicuous place at each polling place on election day:

37 1. A sample ballot;

38 2. Information concerning the date and hours of operation of
39 the polling place;

40 3. Instructions for voting and casting a ballot, including a
41 provisional ballot;

42 4. Instructions concerning the *photographic* identification
43 required for persons who registered by mail *or computer* and are
44 first-time voters for federal office in this State;



1 5. Information concerning the accessibility of polling places to
2 persons with disabilities;

3 6. General information concerning federal and state laws which
4 prohibit acts of fraud and misrepresentation; and

5 7. Information concerning the eligibility of a candidate, a ballot
6 question or any other matter appearing on the ballot as a result of a
7 judicial determination or by operation of law, if any.

8 **Sec. 11.** NRS 293.303 is hereby amended to read as follows:

9 293.303 1. A person applying to vote may be challenged:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

30 (a) Furnishes ~~{official}~~ *photographic* identification ; ~~{which~~
31 ~~contains a photograph of the person, such as a driver's license or~~
32 ~~other official document;}~~ or

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

35 (1) Furnishes ~~{official}~~ *photographic* identification ; ~~{which~~
36 ~~contains a photograph of that person, such as a driver's license or~~
37 ~~other official document;}~~ and

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

40 9. The election board officers shall:

41 (a) Record on the challenge list:

42 (1) The name of the challenged person;

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

45 (3) The result of the challenge; and



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

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

4 293.3081 A person at a polling place may cast a provisional
5 ballot in an election to vote for a candidate for federal office if the
6 person complies with the applicable provisions of NRS 293.3082
7 and:

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

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

13 (b) *An* election official asserts that the person is not eligible to
14 vote in that election in that jurisdiction ~~is~~ *for any reason,*
15 *including, without limitation, that the person has failed to present*
16 *photographic identification;*

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

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

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

28 293.3082 1. Before a person may cast a provisional ballot
29 pursuant to NRS 293.3081, the person must complete a written
30 affirmation on a form provided by an election board officer, as
31 prescribed by the Secretary of State, at the polling place which
32 includes:

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

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

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

38 (d) The date and type of election;

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

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

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

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



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

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

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

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

10 (5) A statement informing the voter that if the voter does not
11 provide **photographic** identification at the time the voter casts the
12 provisional ballot ~~the~~:

13 (I) The required **photographic** identification ; or

14 (II) **An affidavit stating that the voter is unable to**
15 **provide photographic identification because he or she is indigent**
16 **or has a religious objection to being photographed,**

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

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

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

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

26 (3) A statement informing the voter that ~~the~~:

27 (I) The required **photographic** identification ; or

28 (II) **An affidavit stating that the voter is unable to**
29 **provide photographic identification because he or she is indigent**
30 **or has a religious objection to being photographed,**

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

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

37 2. After a person completes a written affirmation pursuant to
38 subsection 1:

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



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

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

6 **Sec. 14.** NRS 293.3085 is hereby amended to read as follows:

7 293.3085 1. Following each election, a canvass of the
8 provisional ballots cast in the election must be conducted pursuant
9 to NRS 293.387 and, if appropriate, pursuant to NRS 293C.387.

10 2. The county and city clerk shall not:

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

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

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

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

21 (b) A voter who failed to provide required identification at the
22 polling place or with his or her mailed ballot provides ~~the required~~
23 ~~identification~~ to the county or city clerk not later than ~~5~~ 12 p.m.
24 on the ~~Friday~~ *Monday* following election day ~~5~~ *12* :

25 *(I) If the voter cast his or her provisional ballot at the*
26 *polling place:*

27 *(I) His or her photographic identification; or*

28 *(II) An affidavit stating that the voter cannot provide*
29 *photographic identification because he or she is indigent or has a*
30 *religious objection to being photographed; or*

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

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

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

42 **Sec. 15.** NRS 293.3585 is hereby amended to read as follows:

43 293.3585 1. Upon the appearance of a person to cast a ballot
44 for early voting, the deputy clerk for early voting shall ~~f~~



1 ~~—(a) Determine that~~ *determine whether* the person is a registered
2 voter in the county †

3 ~~—(b)† and, if so:~~

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

5 (b) *Require the voter to present photographic identification;*
6 and

7 (c) Verify the signature of the voter against that contained on the
8 original application to register to vote or a facsimile thereof †, ~~the~~
9 ~~card issued to the voter at the time of registration or some other~~
10 ~~piece of official identification.†~~ *or on the voter's photographic*
11 *identification.*

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

15 3. The roster for early voting must contain:

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

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

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

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

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

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

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

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

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

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

37 293.5235 1. Except as otherwise provided in NRS 293.502
38 and chapter 293D of NRS, a person may register to vote by mailing
39 an application to register to vote to the county clerk of the county in
40 which the person resides or may register to vote by computer, if the
41 county clerk has established a system pursuant to NRS 293.506 for
42 using a computer to register to vote. The county clerk shall, upon
43 request, mail an application to register to vote to an applicant. The
44 county clerk shall make the applications available at various public



1 places in the county. An application to register to vote may be used
2 to correct information in the registrar of voters' register.

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

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

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

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

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

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

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

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

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

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

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

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

43 9. The Secretary of State shall prescribe the form for an
44 application to register to vote by:



1 (a) Mail, which must be used to register to vote by mail in this
2 State.

3 (b) Computer, which must be used to register to vote in a county
4 if the county clerk has established a system pursuant to NRS
5 293.506 for using a computer to register to vote.

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

7 (a) A notice in at least 10-point type which states:
8

9 NOTICE: You are urged to return your application to
10 register to vote to the County Clerk in person or by mail. If
11 you choose to give your completed application to another
12 person to return to the County Clerk on your behalf, and the
13 person fails to deliver the application to the County Clerk,
14 you will not be registered to vote. Please retain the duplicate
15 copy or receipt from your application to register to vote.
16

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

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

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

27 (e) A statement informing the applicant that if the application is
28 submitted by mail and the applicant is registering to vote for the first
29 time, the applicant must ~~submit the information set forth in~~
30 ~~paragraph (a) of subsection 2 of NRS 293.2725 to avoid the~~
31 ~~requirements of subsection 1~~ *comply with the provisions* of NRS
32 293.2725 upon voting for the first time.

33 11. Except as otherwise provided in subsection 5 of NRS
34 293.518, the county clerk shall not register a person to vote pursuant
35 to this section unless that person has provided all of the information
36 required by the application.

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

44 13. A person who, by mail, registers to vote pursuant to this
45 section may be assisted in completing the application to register to



1 vote by any other person. The application must include the mailing
2 address and signature of the person who assisted the applicant. The
3 failure to provide the information required by this subsection will
4 not result in the application being deemed incomplete.

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

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

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

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

16 **Sec. 17.** NRS 293.541 is hereby amended to read as follows:

17 293.541 1. The county clerk shall cancel the registration of a
18 voter if:

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

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

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

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

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

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

43 (b) In counties where records of registration are kept by
44 computer, the county clerk shall have the affidavit of cancellation



1 printed on the computer entry for the registration and add a copy of
2 it to the election board register.

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

7 (a) ~~{Official}~~ **Photographic** identification ; ~~{which contains a~~
8 ~~photograph of the voter, including, without limitation, a driver's~~
9 ~~license or other official document,}~~ and

10 (b) Satisfactory ~~{identification that contains}~~ proof of the
11 address at which the voter actually resides and that address is
12 consistent with the address listed on the election board register.

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

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

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

23 (b) Residence ~~{or identity}~~ of a person.

24 **Sec. 18.** NRS 293C.270 is hereby amended to read as follows:

25 293C.270 ~~{H}~~ If a person's name appears in the election
26 board register or if the person provides an affirmation pursuant to
27 NRS 293C.525, the person is entitled to vote and must :

28 **1. Present photographic identification; and**

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

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

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

39 ~~—(b) A driver's license;~~

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

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

43 ~~—(e) Any other form of identification issued by a governmental~~
44 ~~agency that contains the voter's signature and physical description~~
45 ~~or picture.} on the person's photographic identification.~~



1 **Sec. 19.** NRS 293C.292 is hereby amended to read as follows:
2 293C.292 1. A person applying to vote may be challenged:

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

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

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

10 (a) If the challenge is on the ground that the challenged person
11 does not reside at the residence for which the address is listed in the
12 election board register, "I swear or affirm under penalty of perjury
13 that I reside at the residence for which the address is listed in the
14 election board register";

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

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

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

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

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

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

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



1 to NRS 293.517 does not provide proof of the address at which a
2 person resides.

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

7 (a) Furnishes ~~{official}~~ *photographic* identification ; ~~{which~~
8 ~~contains a photograph of the person, such as a driver's license or~~
9 ~~other official document;}~~ or

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

12 (1) Furnishes ~~{official}~~ *photographic* identification ; ~~{which~~
13 ~~contains a photograph of the person, such as a driver's license or~~
14 ~~other official document;}~~ and

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

17 8. The election board officers shall:

18 (a) Record on the challenge list:

19 (1) The name of the challenged person;

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

22 (3) The result of the challenge; and

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

25 **Sec. 20.** NRS 293C.3585 is hereby amended to read as
26 follows:

27 293C.3585 1. Upon the appearance of a person to cast a
28 ballot for early voting, the deputy clerk for early voting shall ~~†~~

29 ~~—(a) Determine that†~~ *determine whether* the person is a registered
30 voter in the county ~~†~~

31 ~~—(b)†~~ *and, if so:*

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

33 (b) *Require the voter to provide photographic identification;*
34 and

35 (c) Verify the signature of the voter against that contained on the
36 original application to register to vote or a facsimile thereof ~~†, the~~
37 ~~card issued to the voter at the time of registration or some other~~
38 ~~piece of official identification.†~~ *or on the voter's photographic*
39 *identification.*

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

43 3. The roster for early voting must contain:



- 1 (a) The voter's name, the address where he or she is registered
2 to vote, his or her voter identification number and a place for the
3 voter's signature;
- 4 (b) The voter's precinct or voting district number; and
5 (c) The date of voting early in person.
- 6 4. When a voter is entitled to cast a ballot and has identified
7 himself or herself to the satisfaction of the deputy clerk for early
8 voting, the voter is entitled to receive the appropriate ballot or
9 ballots, but only for his or her own use at the polling place for early
10 voting.
- 11 5. If the ballot is voted on a mechanical recording device which
12 directly records the votes electronically, the deputy clerk for early
13 voting shall:
- 14 (a) Prepare the mechanical recording device for the voter;
15 (b) Ensure that the voter's precinct or voting district and the
16 form of ballot are indicated on the voting receipt, if the city clerk
17 uses voting receipts; and
18 (c) Allow the voter to cast a vote.
- 19 6. A voter applying to vote early by personal appearance may
20 be challenged pursuant to NRS 293C.292.
- 21 **Sec. 21.** The provisions of NRS 354.599 do not apply to any
22 additional expenses of a local government that are related to the
23 provisions of this act.
- 24 **Sec. 22.** This act becomes effective on:
- 25 1. October 1, 2013, for the purpose of adopting regulations and
26 performing other preparatory administrative tasks that are necessary
27 to carry out the provisions of this act; and
28 2. October 1, 2014, for all other purposes.



