

Amendment No. 989

Senate Amendment to Assembly Bill No. 497 First Reprint	(BDR 24-442)
Proposed by: Committee on Legislative Operations and Elections	
Amendment Box:	
Resolves Conflicts with: N/A	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: No	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
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Amend section 1, pages 1 and 2, by deleting lines 4 through 9 on page 1 and lines 1 and 2 on page 2, and inserting:

“election laws of this State on or after the date he is deemed to be registered to vote pursuant to subsection 5 of NRS 293.517 or subsection ~~5~~ 7 of NRS 293.5235.”.

Amend the bill as a whole by deleting sections 2 through 4, renumbering sections 5 through 19 as sections 4 through 18 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

“**Sec. 2.** NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

JCB/KMG

Date: 5/26/2005

A.B. No. 497—Revises provisions relating to initiatives and referendums.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall register voters within the county for which he is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform his duties as the county clerk may direct.

3. A field registrar shall demand of any person who applies for registration all information required by the application to register to vote and shall administer all oaths required by this chapter.

4. When a field registrar has in his possession five or more completed applications to register to vote, he shall forward them to the county clerk, but in no case may he hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his possession immediately after the fifth Sunday preceding an election. Within 5 days after the fifth Sunday preceding any general election or general city election, a field registrar shall return all unused applications in his possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection ~~[12]~~ **13** of NRS 293.5235 shall not:

(a) Delegate any of his duties to another person; or

(b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself out to be or attempt to exercise the duties of a field registrar unless he has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection ~~[12]~~ **13** of NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a voter on the subject of marking his ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

↳ while he is registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar, he shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons registered; and

(b) The political party of the persons registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection ~~[12]~~ **13** of NRS 293.5235 shall not:

(a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote;

(b) Alter or deface an application to register to vote that has been signed by an elector except to correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required; or

(c) Register a person who fails to provide satisfactory proof of identification and the address at which he actually resides.

13. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

14. A person who violates any of the provisions of subsection 8, 9, 10 or 12 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 3. 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 ~~9~~ **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.

~~[→ The applicant shall be deemed to be registered or to have corrected the information in the register as of the date the application is postmarked or personally delivered.]~~

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.

↪ ~~[The applicant shall be deemed to be registered or to have corrected the information in the register as of the date the application is postmarked or personally delivered.]~~ 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 not more than 3 working days after the applicant completed the application, on the date the application is postmarked or personally delivered; or

(b) If the application is received by the county clerk more than 3 working days after the applicant completed the application, on the date the application is received by the county clerk.

8. If the applicant fails to check the box described in paragraph (b) of subsection ~~[9.]~~ **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.

~~[8.]~~ **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.

~~[9.]~~ **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.

~~{10}~~ **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.

~~{11}~~ **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.

~~{12.}~~ **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.

~~{13.}~~ **14.** An application to register to vote must be made available to all persons, regardless of political party affiliation.

~~{14.}~~ **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.

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

~~{16.}~~ **17.** The Secretary of State shall adopt regulations to carry out the provisions of this section.”.

Amend sec. 5, page 2, line 16, after “*petition;*” by inserting “*and*”.

Amend sec. 5, page 2, by deleting lines 19 through 34 and inserting “*petition.*”.

Amend sec. 7, page 3, line 14, by deleting:

“filed pursuant to” and inserting:

“~~filed pursuant to~~”.

Amend sec. 7, page 3, line 15, by deleting:

“NRS 295.015 to 295.061, inclusive,” and inserting:

“~~NRS 295.015 to 295.061, inclusive,}~~ *for an initiative or referendum*”.

Amend sec. 7, page 3, line 16, by deleting “5” and inserting “~~{5}~~ 7”.

Amend sec. 7, page 3, line 17, by deleting “filed with” and inserting:

“~~filed with~~ *certified as sufficient by*”.

Amend sec. 7, page 3, line 18, by deleting “State.” and inserting:

“State ~~[-]~~ *pursuant to NRS 293.1278 and 293.1279.*”

Amend sec. 7, page 3, line 20, by deleting “~~[30] 3~~” and inserting “30”.

Amend sec. 9, page 3, by deleting line 33 and inserting:

“295.095 1. Any ~~[five registered voters]~~ *registered voter* of the county may”.

Amend sec. 9, page 4, line 6, by deleting “~~[eighty] fifty~~” and inserting “eighty”.

Amend sec. 9, page 4, line 8, by deleting “~~[thirty] forty-five~~” and inserting “thirty”.

Amend sec. 16, page 10, by deleting line 34 and inserting:

“295.095 1. Any ~~[five registered voters]~~ *registered voter* of the city may”.

Amend sec. 16, page 11, line 10, by deleting “~~[eighty] fifty~~” and inserting “eighty”.

Amend sec. 16, page 11, line 12, by deleting “~~[thirty] forty-five~~” and inserting “thirty”.

Amend sec. 19, page 14, lines 12 and 13, by deleting “*county*” and inserting “*city*”.

Amend the title of the bill by deleting the second through seventh lines and inserting:

“when a person who registers to vote by mail shall be deemed to be registered; revising the provisions relating to a petition for”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises provisions relating to registering to vote and provisions relating to initiatives and referenda. (BDR 24-442)”.