

THE ONE HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), June 2, 2019

Assembly called to order at 9:42 a.m.

Mr. Speaker presiding.

Roll called.

All present and one vacant.

Prayer by the Chaplain, Reverend Richard Snyder.

Creator God, You are the source of life and liberty. Be close to us this day while important decisions are being made that will affect the people of Nevada. Bless and guide the members of the People's House and all who work here. May Your energizing Spirit be felt here this day.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 552, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDRA JAUREGUI, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 84, 530, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 393.

The following Senate amendment was read:

Amendment No. 766.

AN ACT relating to governmental administration; prohibiting the foreclosure of real property or a lien against a unit in a common-interest community owned by a federal worker, tribal worker, state worker or household member of such a worker during a government shutdown in certain circumstances; providing certain protections to a tenant who is a federal

worker, tribal worker, state worker or household member of such a worker during a government shutdown; prohibiting a person from repossessing the vehicle of a federal worker, tribal worker, state worker or household member of such a worker during a government shutdown; authorizing the provision of assistance in paying for natural gas and electricity to a federal worker, tribal worker, state worker or household member of such a worker during a government shutdown; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The Federal Employees Civil Relief Act, which is pending before Congress, proposes to provide relief to federal employees and employees of contractors during a lapse in appropriations for any federal agency or department by suspending the enforcement of certain civil liabilities of such employees during the lapse. (S. 72, 116th Cong. (2019)) This bill generally enacts similar provisions in state law intended to provide certain protections to federal workers, tribal workers, state workers and household members of such workers during a lapse in appropriations at the state or federal level or for the tribal government. This bill defines the following terms: (1) “federal worker” to mean an employee of a federal agency or an employee of a contractor who has entered into a contract with a federal agency; (2) “tribal worker” to mean an employee of a federally recognized Nevada Indian tribe that receives at least a majority of its funding from the Federal Government or an employee of a contractor who has entered into a contract with such a tribe; (3) “state worker” to mean an employee of a state agency or an employee of a contractor who has entered into a contract with a state agency; ~~and~~ (4) “shutdown” to mean any period in which there is a lapse in appropriations for a federal or state agency or tribal government that continues through any unpaid payday for a federal worker, tribal worker or state worker employed by that agency or government ~~+~~; **and (5) “household member” to mean any person who is related by blood, marriage, adoption or other legal process and is currently residing with a federal worker, tribal worker or state worker affected by a shutdown.**

Section 6 of this bill provides that if a mortgagor or grantor of a deed of trust under a residential mortgage loan is a federal worker, tribal worker, state worker or, in certain circumstances, a household member or landlord of such a worker, a person is prohibited from conducting a foreclosure sale during the period commencing on the date that a shutdown begins and ending on the date that is 90 days after the date on which the shutdown ends. **Section 6** also provides that in any civil action for a foreclosure sale that is filed during that period against a federal worker, tribal worker or state worker or, if applicable, a household member or landlord of such a worker, the court is authorized or required, depending on the circumstances, to stay the proceedings in the action for a certain period or issue an order that conserves the interests of the parties unless the court determines that the ability of the federal worker, tribal worker, state worker or household member or landlord of such a worker to comply with

the terms of the obligation secured by the residential mortgage loan is not materially affected by the shutdown. **Section 6** further provides that any such protection against foreclosure only applies to a residential mortgage loan that was secured before the shutdown. **Section 6** provides that any person who knowingly conducts a foreclosure sale in violation of the provisions of **section 6** is guilty of a misdemeanor and is liable for actual damages, reasonable attorney's fees and costs incurred by the injured party. This protection against foreclosure provided by **section 6** is similar to that provided in existing law to a servicemember on active duty or deployment. (NRS 40.439) Existing law requires that a servicemember receive notice of such protections before a notice of default and election to sell is recorded for a trustee's sale or before the commencement of a civil action for a foreclosure sale. (NRS 107.500) **Section 12** of this bill extends this requirement to provide notice of the similar protections to a federal worker, tribal worker or state worker or household member or landlord of such a worker in relation to a shutdown.

Section 13 of this bill applies the applicable provisions set forth in **section 6** to the foreclosure of a lien of a unit-owners' association against a unit in a common-interest community and provides that if a unit's owner or his or her successor in interest is a federal worker, tribal worker or state worker or, in certain circumstances, a household member or landlord of such a worker, an association is generally prohibited from initiating the foreclosure of a lien by sale during any period between the commencement of a shutdown and 90 days after the end of a shutdown. **Section 13** also requires a unit-owners' association to: (1) inform each unit's owner or his or her successor in interest that if the person is a federal worker, tribal worker, state worker or household member or landlord of such a worker, he or she may be entitled to certain protections pursuant to **section 13**; and (2) give the person the opportunity to provide any information required to enable the association to verify whether the person is entitled to the protections set forth in **section 13**. **Section 13** also requires that before an association takes certain action relating to the foreclosure of a lien by sale, the association must, if such information is provided, verify whether a unit's owner or his or her successor in interest is entitled to the protections set forth in **section 13** or, if such information is not provided, make a good faith effort to verify whether a unit's owner or his or her successor in interest is entitled to such protections. This protection against foreclosure provided by **section 13** is similar to that provided to a servicemember on active duty or deployment. (NRS 116.311625)

Existing law prescribes criteria for unlawful detainer by a tenant of real property, a recreational vehicle or a mobile home. (NRS 40.251, 40.2512) **Section 7** of this bill: (1) authorizes a tenant who is a federal worker, tribal worker, state worker or household member of such a worker to request to be allowed to continue in possession of real property or a dwelling unit during a shutdown and for a period of not more than 30 days after the shutdown; and (2) requires a landlord who receives such a request to allow the tenant to remain in possession of the property or unit during that period. **Section 8** of

this bill provides that a tenant who provides to a landlord proof that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown is not guilty of unlawful detainer.

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises defaults in the payment of rent. (NRS 40.253) **Section 9** of this bill provides that the summary eviction procedure does not apply to a tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

Existing law prescribes basic obligations of a tenant, which include requiring a tenant to comply with the terms of a rental agreement. (NRS 118A.310) **Section 20** of this bill makes any term of a rental agreement requiring the payment of rent at a specified time unenforceable against a tenant who is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown. **Section 20** also requires a landlord to accept payment of rent for the period in which a federal or state agency or tribal government was experiencing a shutdown for a period not to exceed 30 days after the end of the shutdown. **Section 21** of this bill prohibits a landlord from taking certain retaliatory action against a tenant who pays rent in the period prescribed in **section 20**.

Section 18.7 of this bill authorizes a landlord to petition the court for relief from the protections for federal workers, tribal workers, state workers and certain household members of such workers prescribed in **sections 6 and 20** if: (1) a shutdown continues for a period of 30 days or more; and (2) the requirements prescribed by **sections 6 and 20** impose an undue hardship on the landlord. **Section 18.7** provides that if the court grants relief from these provisions: (1) the parties may modify the terms of the rental agreement; or (2) the landlord may terminate the rental agreement and commence eviction proceedings. **Sections 7-9, 20 and 21** make conforming changes.

Sections 26 and 27 of this bill prohibit a landlord of a manufactured home park from charging any late fee for a late rental payment by a federal worker, tribal worker, state worker or household member of such a worker during a shutdown. **Section 28** of this bill prohibits a landlord of a manufactured home park from terminating a rental agreement for failure of the tenant to pay rent if the tenant provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown. **Section 29** of this bill prohibits a landlord from taking certain retaliatory action against a tenant who provides such proof.

Section 30 of this bill prohibits a person from repossessing the vehicle of a federal worker, tribal worker, state worker or household member of such a worker who provides proof that he or she is such a person during a shutdown or for a period of 30 days immediately after the end of a shutdown. **Section 30** provides that any person who knowingly repossesses a vehicle in violation of the provisions of **section 30** is guilty of a misdemeanor and is liable for actual damages, reasonable attorney's fees and costs incurred by the injured party.

Existing law requires that certain notice be provided before a vehicle repossessed pursuant to a security agreement may be sold. (NRS 482.516) **Section 30.5** of this bill requires that information about the protections provided by **section 30** be included in that notice.

Existing law authorizes the Division of Welfare and Supportive Services of the Department of Health and Human Services to use money in the Fund for Energy Assistance and Conservation to assist eligible households in paying for natural gas and electricity. (NRS 702.260) **Section 31** of this bill makes households that include at least one federal worker, tribal worker or state worker eligible for such assistance during a shutdown.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 5.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Federal worker” means an employee of a federal agency or an employee of a contractor who has entered into a contract with a federal agency.*

Sec. 3.25. *“Household member” means any person who is related by blood, marriage, adoption or other legal process and is currently residing with a federal worker, tribal worker or state worker affected by a shutdown.*

Sec. 3.5. *“Qualified Indian tribe” means a federally recognized Nevada Indian tribe that receives at least a majority of its funding from the Federal Government.*

Sec. 4. *“Shutdown” means any period in which there is a lapse in appropriations for a federal or state agency or tribal government that continues through any unpaid payday for a federal worker, state worker or tribal worker employed by that agency or tribal government.*

Sec. 5. *“State worker” means an employee of a state agency or an employee of a contractor who has entered into a contract with a state agency.*

Sec. 5.5. *“Tribal worker” means an employee of a qualified Indian tribe or an employee of a contractor who has entered into a contract with a qualified Indian tribe.*

Sec. 6. 1. *Notwithstanding any other provision of law and except as otherwise ordered by a court of competent jurisdiction, if a borrower provides proof that he or she is a federal worker, tribal worker or state worker or, in accordance with subsection 5, a household member or landlord of such a worker, a person shall not initiate or direct or authorize another person to initiate a foreclosure sale during the period commencing on the date on which a shutdown begins and ending on the date that is 90 days after the date on which the shutdown ends.*

2. *Except as otherwise provided in subsection 3, in any civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan that is filed against a federal worker, tribal worker or state worker or, in accordance with subsection 5, a household member or landlord of such a worker, during a shutdown or during the 90-day period immediately after the end of a shutdown, the court may, on its own motion after a hearing, or shall, on a motion or on behalf of the federal worker, tribal worker, state worker or household member or landlord of such a worker, as applicable, do one or both of the following:*

(a) *Stay the proceedings in the action until at least 90 days after the end of the shutdown; or*

(b) *Adjust the obligation to preserve the interests of the parties.*

3. *The provisions of subsection 2 do not apply if the court determines that the ability of the federal worker, tribal worker, state worker or household member or landlord of such a worker to comply with the terms of the obligation secured by the residential mortgage loan is not materially affected by the shutdown.*

4. *The provisions of this section apply only to a residential mortgage loan that was secured by a federal worker, tribal worker or state worker or, in accordance with subsection 5, a household member or landlord of such a worker, before the shutdown.*

5. *Upon application to the court, a household member or landlord of such a worker is entitled to the protections provided to a federal worker, tribal worker or state worker pursuant to this section if the ability of the household member or landlord of such a worker to make payments required by a residential mortgage loan is materially affected by the shutdown.*

6. *Except as otherwise provided in subsection 7, any person who knowingly initiates or directs or authorizes another person to initiate a foreclosure sale in violation of this section:*

(a) *Is guilty of a misdemeanor; and*

(b) *May be liable for actual damages, reasonable attorney's fees and costs incurred by the injured party.*

7. *The provisions of subsection 6 do not apply to a trustee who initiates a foreclosure sale pursuant to the direction or authorization of another person.*

8. *In imposing liability pursuant to paragraph (b) of subsection 6, a court shall, when determining whether to reduce such liability, take into consideration any due diligence used by the person before he or she initiated or directed or authorized another person to initiate the foreclosure sale.*

9. *As used in this section:*

(a) *"Borrower" has the meaning ascribed to it in NRS 107.410.*

(b) *"Initiate a foreclosure sale" means to commence a civil action for a foreclosure sale pursuant to NRS 40.430 or, in the case of the exercise of a trustee's power of sale pursuant to NRS 107.080 and 107.0805, to execute*

and cause to be recorded in the office of the county recorder a notice of the breach and of the election to sell or cause to be sold the property pursuant to paragraph (b) of subsection 2 of NRS 107.080 and paragraph (b) of subsection 1 of NRS 107.0805.

(c) "Residential mortgage loan" has the meaning ascribed to it in NRS 107.450.

(d) "Trustee" means a person described in NRS 107.028.

Sec. 7. NRS 40.251 is hereby amended to read as follows:

40.251 1. A tenant of real property, a recreational vehicle or a mobile home for a term less than life is guilty of an unlawful detainer when having leased:

(a) Real property, except as otherwise provided in this section, or a mobile home for an indefinite time, with monthly or other periodic rent reserved, the tenant continues in possession thereof, in person or by subtenant, without the landlord's consent after the expiration of a notice of:

(1) For tenancies from week to week, at least 7 days;

(2) Except as otherwise provided in subsection 2, for all other periodic tenancies, at least 30 days; or

(3) For tenancies at will, at least 5 days.

(b) A dwelling unit subject to the provisions of chapter 118A of NRS, the tenant continues in possession, in person or by subtenant, without the landlord's consent after expiration of:

(1) The term of the rental agreement or its termination and, except as otherwise provided in subparagraph (2), the expiration of a notice of:

(I) At least 7 days for tenancies from week to week; and

(II) Except as otherwise provided in subsection 2, at least 30 days for all other periodic tenancies; or

(2) A notice of at least 5 days where the tenant has failed to perform the tenant's basic or contractual obligations under chapter 118A of NRS.

(c) A mobile home lot subject to the provisions of chapter 118B of NRS, or a lot for a recreational vehicle in an area of a mobile home park other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215, the tenant continues in possession, in person or by subtenant, without the landlord's consent:

(1) After notice has been given pursuant to NRS 118B.115, 118B.170 or 118B.190 and the period of the notice has expired; or

(2) If the person is not a natural person and has received three notices for nonpayment of rent within a 12-month period, immediately upon failure to pay timely rent.

(d) A recreational vehicle lot, the tenant continues in possession, in person or by subtenant, without the landlord's consent, after the expiration of a notice of at least 5 days.

2. Except as otherwise provided in this section, if a tenant with a periodic tenancy pursuant to paragraph (a) or (b) of subsection 1, other than a tenancy from week to week, is 60 years of age or older or has a physical or mental

disability, the tenant may request to be allowed to continue in possession for an additional 30 days beyond the time specified in subsection 1 by submitting a written request for an extended period and providing proof of the tenant's age or disability. A landlord may not be required to allow a tenant to continue in possession if a shorter notice is provided pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. *Except as otherwise provided in this section, if a tenant with a periodic tenancy pursuant to paragraph (a) or (b) of subsection 1 is a federal worker, tribal worker, state worker or household member of such a worker, the tenant may request to be allowed to continue in possession during the period commencing on the date on which a shutdown begins and ending on the date that is 30 days after the date on which the shutdown ends by submitting a written request for the extended period and providing proof that he or she is a federal worker, tribal worker, state worker or household member of such a worker during the shutdown.*

4. *Except as otherwise provided in section 18.7 of this act, a landlord who receives a request from a tenant pursuant to subsection 3 shall allow a tenant to continue in possession for the period requested.*

5. Any notice provided pursuant to paragraph (a) or (b) of subsection 1 must include a statement advising the tenant of the provisions of ~~subsection~~ **subsections 2 ~~+~~, 3 and 4.**

~~4.~~ **6.** If a landlord rejects a request to allow a tenant to continue in possession for an additional 30 days pursuant to subsection 2, the tenant may petition the court for an order to continue in possession for the additional 30 days. If the tenant submits proof to the court that the tenant is entitled to request such an extension, the court may grant the petition and enter an order allowing the tenant to continue in possession for the additional 30 days. If the court denies the petition, the tenant must be allowed to continue in possession for 5 calendar days following the date of entry of the order denying the petition.

Sec. 8. NRS 40.2512 is hereby amended to read as follows:

40.2512 ~~+~~

1. *Except as otherwise provided in subsection 2, a tenant of real property or a mobile home for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after default in the payment of any rent and after a notice in writing, requiring in the alternative the payment of the rent or the surrender of the detained premises, remains uncomplied with for a period of 5 days, or in the case of a mobile home lot, 10 days after service thereof. The notice may be served at any time after the rent becomes due.*

2. *Except as otherwise provided in section 18.7 of this act, the provisions of subsection 1 do not apply to a person who provides to the landlord proof that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.*

Sec. 9. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 10, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) At or before noon of the fifth full day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

↪ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in paragraph (a) of subsection 1 of NRS 40.280. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located or to the district court of the county in which the dwelling, apartment, mobile home, recreational vehicle or commercial premises are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon

the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

- (a) The tenant has vacated or been removed from the premises; and
 - (b) A copy of those charges has been requested by or provided to the tenant,
- ↪ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

- (a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 and any accumulating daily costs; and
- (b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.

10. ~~This~~ **Except as otherwise provided in section 18.7 of this act, this section does not apply to ~~the~~:**

- (a) **The** tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other

than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

Sec. 10. NRS 40.426 is hereby amended to read as follows:

40.426 As used in NRS 40.426 to 40.495, inclusive, **and section 6 of this act**, unless the context otherwise requires, the words and terms defined in NRS 40.427, 40.428 and 40.429 have the meanings ascribed to them in those sections.

Sec. 11. NRS 107.480 is hereby amended to read as follows:

107.480 1. In addition to the requirements of NRS 40.439, 107.085 , ~~and~~ 107.086 ~~;~~ **and section 6 of this act**, the exercise of a trustee's power of sale pursuant to NRS 107.080 with respect to a deed of trust securing a residential mortgage loan is subject to the provisions of NRS 107.400 to 107.560, inclusive.

2. In addition to the requirements of NRS 40.430 to 40.4639, inclusive, **and section 6 of this act**, a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan is subject to the requirements of NRS 107.400 to 107.560, inclusive.

Sec. 12. NRS 107.500 is hereby amended to read as follows:

107.500 1. At least 30 calendar days before recording a notice of default and election to sell pursuant to subsection 2 of NRS 107.080 or commencing a civil action for a foreclosure sale pursuant to NRS 40.430 involving a failure to make a payment required by a residential mortgage loan and at least 30 calendar days after the borrower's default, the mortgage servicer, mortgagee or beneficiary of the deed of trust shall mail, by first-class mail, a notice addressed to the borrower at the borrower's primary address as indicated in the records of the mortgage servicer, mortgagee or beneficiary of the deed of trust, which contains:

(a) A statement that if the borrower is ~~at~~ :

(1) A servicemember or a dependent of a servicemember, he or she may be entitled to certain protections under the federal Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 et seq., and NRS 40.439 regarding the servicemember's interest rate and the risk of foreclosure, and counseling for covered servicemembers that is available from Military OneSource and the United States Armed Forces Legal Assistance or any other similar agency.

(2) **A federal worker, tribal worker, state worker or a household member or landlord of such a worker, he or she may be entitled to certain protections under section 6 of this act.**

(b) A summary of the borrower's account which sets forth:

(1) The total amount of payment necessary to cure the default and reinstate the residential mortgage loan or to bring the residential mortgage loan into current status;

(2) The amount of the principal obligation under the residential mortgage loan;

(3) The date through which the borrower's obligation under the residential mortgage loan is paid;

(4) The date of the last payment by the borrower;

(5) The current interest rate in effect for the residential mortgage loan, if the rate is effective for at least 30 calendar days;

(6) The date on which the interest rate for the residential mortgage loan may next reset or adjust, unless the rate changes more frequently than once every 30 calendar days;

(7) The amount of the prepayment fee charged under the residential mortgage loan, if any;

(8) A description of any late payment fee charged under the residential mortgage loan;

(9) A telephone number or electronic mail address that the borrower may use to obtain information concerning the residential mortgage loan; and

(10) The names, addresses, telephone numbers and Internet website addresses of one or more counseling agencies or programs approved by the United States Department of Housing and Urban Development.

(c) A statement of the facts establishing the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430.

(d) A statement of the foreclosure prevention alternatives offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of trust.

(e) A statement that the borrower may request:

(1) A copy of the borrower's promissory note or other evidence of indebtedness;

(2) A copy of the borrower's mortgage or deed of trust;

(3) A copy of any assignment, if applicable, of the borrower's mortgage or deed of trust required to demonstrate the right of the mortgage servicer, mortgagee or beneficiary of the deed of trust to cause the trustee to exercise the trustee's power of sale pursuant to NRS 107.080 or to commence a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430; and

(4) A copy of the borrower's payment history since the borrower was last less than 60 calendar days past due.

2. Unless a borrower has exhausted the process described in NRS 107.520 and 107.530 for applying for a foreclosure prevention alternative offered by, or through, the mortgage servicer, mortgagee or beneficiary of the deed of the trust, not later than 5 business days after a notice of default and election to sell is recorded pursuant to subsection 2 of NRS 107.080 or a civil action for the recovery of any debt, or for the enforcement of any right, under a residential mortgage loan that is not barred by NRS 40.430 is commenced, the mortgage

servicer, mortgagee or beneficiary of the deed of trust that offers one or more foreclosure prevention alternatives must send to the borrower a written statement:

(a) That the borrower may be evaluated for a foreclosure prevention alternative or, if applicable, foreclosure prevention alternatives;

(b) Whether a complete application is required to be submitted by the borrower if the borrower wants to be considered for a foreclosure prevention alternative; and

(c) Of the means and process by which a borrower may obtain an application for a foreclosure prevention alternative.

3. As used in this section:

(a) *“Federal worker” has the meaning ascribed to it in section 3 of this act.*

(b) *“Household member” has the meaning ascribed to it in section 3.25 of this act.*

(c) *“State worker” has the meaning ascribed to it in section 5 of this act.*

~~(e)~~ (d) *“Tribal worker” has the meaning ascribed to it in section 5.5 of this act.*

Sec. 13. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Notwithstanding any other provision of law and except as otherwise provided in subsection 2 or ordered by a court of competent jurisdiction, if a unit’s owner or his or her successor in interest is a federal worker, tribal worker or state worker or, in accordance with subsection 3, a household member or landlord of a federal worker, tribal worker or state worker, an association shall not initiate the foreclosure of a lien by sale during the period commencing on the date on which a shutdown begins and ending on the date that is 90 days after the date on which the shutdown ends.*

2. *The provisions of subsection 1 do not apply if a court determines that the ability of the federal worker, tribal worker, state worker, household member or landlord to comply with the terms of the obligation secured by the residential mortgage loan is not materially affected by the shutdown.*

3. *Upon application to the court, a household member or landlord of a federal worker, tribal worker or state worker is entitled to the protections provided to a federal worker, tribal worker or state worker pursuant to this section if the ability of the household member or landlord to make payments required by a lien of a unit-owners’ association is materially affected by the shutdown.*

4. An association shall:

(a) *Inform each unit’s owner or his or her successor in interest that if the person is a federal worker, tribal worker, state worker, household member or landlord of such a worker, he or she may be entitled to certain protections pursuant to this section; and*

(b) Give the person the opportunity to provide any information required to enable the association to verify whether he or she is entitled to the protections set forth in this section.

5. Before an association takes any action pursuant to paragraph (a) of subsection 4 of NRS 116.31162, if information required to verify whether a unit's owner or his or her successor in interest is entitled to the protections set forth in this section:

(a) Has been provided to the association pursuant to subsection 4, the association must verify whether the person is entitled to the protections set forth in this section.

(b) Has not been provided to the association pursuant to subsection 4, the association must make a good faith effort to verify whether the person is entitled to the protections set forth in this section.

6. Any person who knowingly initiates the foreclosure of a lien by sale in violation of this section:

(a) Is guilty of a misdemeanor; and

(b) May be liable for actual damages, reasonable attorney's fees and costs incurred by the injured party.

7. In imposing liability pursuant to paragraph (b) of subsection 6, a court shall, when determining whether to reduce such liability, take into consideration any due diligence used by the person before he or she initiated the foreclosure of the lien by sale.

8. As used in this section:

(a) "Federal worker" has the meaning ascribed to it in section 3 of this act.

(b) "Good faith effort" means that an association acts honestly and fairly when trying to verify whether a unit's owner or his or her successor in interest is entitled to the protections set forth in this section, as evidenced by the following actions:

(1) The association informs the unit's owner or his or her successor in interest of the information required pursuant to paragraph (a) of subsection 4;

(2) The association makes reasonable efforts to give the unit's owner or his or her successor in interest the opportunity to provide any information required to enable the association to verify whether the person is entitled to the protections set forth in this section pursuant to paragraph (b) of subsection 4; and

(3) The association makes reasonable efforts to utilize all resources available to the association to verify whether the unit's owner or his or her successor in interest is a federal worker, tribal worker, state worker or household member or landlord of such a worker.

(c) "Household member" has the meaning ascribed to it in section 3.25 of this act.

(d) *“Initiate the foreclosure of a lien by sale” means to take any action in furtherance of foreclosure of a lien by sale after taking the actions set forth in paragraph (a) of subsection 4 of NRS 116.31162.*

~~[(d)]~~ (e) *“Shutdown” has the meaning ascribed to it in section 4 of this act.*

~~[(e)]~~ (f) *“State worker” has the meaning ascribed to it in section 5 of this act.*

~~[(f)]~~ (g) *“Tribal worker” has the meaning ascribed to it in section 5.5 of this act.*

Sec. 14. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 5, 6 or 7, in a condominium, in a planned community, in a cooperative where the owner’s interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner’s interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, **and section 13 of this act**, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit’s owner or his or her successor in interest, at his or her address, if known, and at the address of the unit or, if authorized by the parties, delivered by electronic transmission, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing or delivering by electronic transmission the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the total amount of the deficiency in payment, with a separate statement of:

(I) The amount of the association’s lien that is prior to the first security interest on the unit pursuant to subsection 3 of NRS 116.3116 as of the date of the notice;

(II) The amount of the lien described in sub-subparagraph (I) that is attributable to assessments based on the periodic budget adopted by the association pursuant to NRS 116.3115 as of the date of the notice;

(III) The amount of the lien described in sub-subparagraph (I) that is attributable to amounts described in NRS 116.310312 as of the date of the notice; and

(IV) The amount of the lien described in sub-subparagraph (I) that is attributable to the costs of enforcing the association's lien as of the date of the notice.

(3) State that:

(I) If the holder of the first security interest on the unit does not satisfy the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116, the association may foreclose its lien by sale and that the sale may extinguish the first security interest as to the unit; and

(II) If, not later than 5 days before the date of the sale, the holder of the first security interest on the unit satisfies the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116 and, not later than 2 days before the date of the sale, a record of such satisfaction is recorded in the office of the recorder of the county in which the unit is located, the association may foreclose its lien by sale but the sale may not extinguish the first security interest as to the unit.

(4) State the name and address of the person authorized by the association to enforce the lien by sale.

(5) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

(d) The unit's owner or his or her successor in interest, or the holder of a recorded security interest on the unit, has, for a period which commences in the manner and subject to the requirements described in subsection 3 and which expires 5 days before the date of sale, failed to pay the assessments and other sums that are due to the association in accordance with subsection 1 of NRS 116.3116.

(e) The association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, an affidavit which states, based on the direct, personal knowledge of the affiant, the personal knowledge which the affiant acquired by a review of a trustee sale guarantee or a similar product or the personal knowledge which the affiant acquired by a review of the business records of the association or other person conducting the sale, which business records must meet the standards set forth in NRS 51.135, the following:

(1) The name of each holder of a security interest on the unit to which the notice of default and election to sell and the notice of sale was mailed, as

required by subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635; and

(2) The address at which the notices were mailed to each such holder of a security interest.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days described in paragraph (c) of subsection 1 begins on the first day following:

(a) The date on which the notice of default and election to sell is recorded; or

(b) The date on which a copy of the notice of default and election to sell is mailed by certified or registered mail, return receipt requested or delivered by electronic transmission, as applicable, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

↪ whichever date occurs later.

4. An association may not mail or deliver by electronic transmission to a unit's owner or his or her successor in interest a letter of its intent to mail or deliver by electronic transmission a notice of delinquent assessment pursuant to paragraph (a) of subsection 1, mail or deliver by electronic transmission the notice of delinquent assessment or take any other action to collect a past due obligation from a unit's owner or his or her successor in interest unless the association has complied with the provisions of subsections 4 and 5 of NRS 116.311625 and ~~†~~ **subsections 4 and 5 of section 13 of this act and:**

(a) Not earlier than 60 days after the obligation becomes past due, the association mails to the address on file for the unit's owner or, if authorized by the parties, delivers by electronic transmission:

(1) A schedule of the fees that may be charged if the unit's owner fails to pay the past due obligation;

(2) A proposed repayment plan; and

(3) A notice of the right to contest the past due obligation at a hearing before the executive board and the procedures for requesting such a hearing; and

(b) Within 30 days after the date on which the information described in paragraph (a) is mailed or delivered by electronic transmission, as applicable, the past due obligation has not been paid in full or the unit's owner or his or her successor in interest has not entered into a repayment plan or requested a hearing before the executive board. If the unit's owner or his or her successor in interest requests a hearing or enters into a repayment plan within 30 days after the date on which the information described in paragraph (a) is mailed or delivered by electronic transmission, as applicable, and is unsuccessful at the hearing or fails to make a payment under the repayment plan within 10 days after the due date, the association may take any lawful action pursuant to subsection 1 to enforce its lien.

5. The association may not foreclose a lien by sale if the association has not mailed a copy of the notice of default and election to sell and a copy of the notice of sale to each holder of a security interest on the unit in the manner and subject to the requirements set forth in subsection 2 of NRS 116.31163 and paragraph (d) of subsection 1 of NRS 116.311635.

6. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

7. The association may not foreclose a lien by sale if the association has received notice pursuant to NRS 107.086 that the unit is subject to foreclosure mediation pursuant to that section, unless:

(a) The trustee of record has recorded the certificate provided to the trustee pursuant to subparagraph (1) or (2) of paragraph (e) of subsection 2 of NRS 107.086; or

(b) The unit's owner has failed to pay to the association any amounts enforceable as assessments pursuant to subsection 1 of NRS 116.3116 that become due during the pendency of foreclosure mediation pursuant to NRS 107.086, other than past due obligations as described in subsection 11 of NRS 107.086.

Sec. 15. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 18.7, inclusive, of this act.

Sec. 16. *"Federal worker" has the meaning ascribed to it in section 3 of this act.*

Sec. 17. *"Shutdown" has the meaning ascribed to it in section 4 of this act.*

Sec. 18. *"State worker" has the meaning ascribed to it in section 5 of this act.*

Sec. 18.5. *"Tribal worker" has the meaning ascribed to it in section 5.5 of this act.*

Sec. 18.7. 1. *If a shutdown continues for a period of 30 days or more, the landlord may petition the court for relief from the requirements prescribed in subsection 4 of NRS 40.251 and subsection 2 of NRS 118A.310 on the basis that the requirements impose an undue hardship on the landlord. In determining whether to grant relief from these requirements, the court may consider, without limitation:*

(a) The mortgage on the property and the risk of foreclosure; and

(b) Any additional financial responsibilities of the landlord, including, without limitation:

(1) Child support or alimony;

(2) Educational costs which must be paid by the landlord;

(3) *Motor vehicle payments, student loans, medical bills and payment plans; and*

(4) *Any costs associated with the continued operation of a business of the landlord.*

2. *If the court grants relief pursuant to subsection 1:*

(a) *The parties may modify the terms of the rental agreement; or*

(b) *The landlord may terminate the rental agreement and commence eviction proceedings in accordance with the provisions of chapter 40 of NRS.*

Sec. 19. NRS 118A.020 is hereby amended to read as follows:

118A.020 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 118A.030 to 118A.170, inclusive, **and sections 16 to 18.5, inclusive, of this act** have the meanings ascribed to them in those sections.

Sec. 20. NRS 118A.310 is hereby amended to read as follows:

118A.310 **I.** A tenant shall, as basic obligations under this chapter:

~~1. Comply~~

(a) *Except as otherwise provided in subsection 2, comply* with the terms of the rental agreement;

~~2.~~ (b) *Keep that part of the premises which is occupied and used as clean and safe as the condition of the premises permit;*

~~3.~~ (c) *Dispose of all ashes, garbage, rubbish and other waste from the dwelling unit in a clean and safe manner;*

~~4.~~ (d) *Keep all plumbing fixtures in the dwelling unit as clean as their condition permits;*

~~5.~~ (e) *Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances, including elevators, in the premises;*

~~6.~~ (f) *Not deliberately or negligently render the premises uninhabitable or destroy, deface, damage, impair or remove any part of the premises or knowingly permit any person to do so; and*

~~7.~~ (g) *Conduct himself or herself and require other persons on the premises with his or her consent to conduct themselves in a manner that will not disturb a neighbor's peaceful enjoyment of the premises.*

2. *Except as otherwise provided in section 18.7 of this act:*

(a) *Any term of a rental agreement requiring the payment of rent at a specified time pursuant to NRS 118A.210 is unenforceable against a tenant who is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown. As used in this paragraph, "household member" has the meaning ascribed to it in section 3.25 of this act.*

(b) *If the terms of a rental agreement require the payment of rent at a specified time, the landlord shall accept payment of rent for the period in which a federal or state agency or tribal government was experiencing a shutdown from such a tenant for a period not to exceed 30 days after the end of the shutdown.*

Sec. 21. NRS 118A.510 is hereby amended to read as follows:

118A.510 1. Except as otherwise provided in subsection 3, the landlord may not, in retaliation, terminate a tenancy, refuse to renew a tenancy, increase rent or decrease essential items or services required by the rental agreement or this chapter, or bring or threaten to bring an action for possession if:

(a) The tenant has complained in good faith of a violation of a building, housing or health code applicable to the premises and affecting health or safety to a governmental agency charged with the responsibility for the enforcement of that code;

(b) The tenant has complained in good faith to the landlord or a law enforcement agency of a violation of this chapter or of a specific statute that imposes a criminal penalty;

(c) The tenant has organized or become a member of a tenant's union or similar organization;

(d) A citation has been issued resulting from a complaint described in paragraph (a);

(e) The tenant has instituted or defended against a judicial or administrative proceeding or arbitration in which the tenant raised an issue of compliance with the requirements of this chapter respecting the habitability of dwelling units;

(f) The tenant has failed or refused to give written consent to a regulation adopted by the landlord, after the tenant enters into the rental agreement, which requires the landlord to wait until the appropriate time has elapsed before it is enforceable against the tenant;

(g) The tenant has complained in good faith to the landlord, a government agency, an attorney, a fair housing agency or any other appropriate body of a violation of NRS 118.010 to 118.120, inclusive, or the Fair Housing Act of 1968, 42 U.S.C. §§ 3601 et seq., or has otherwise exercised rights which are guaranteed or protected under those laws; ~~for~~

(h) The tenant or, if applicable, a cotenant or household member, is a victim of domestic violence, harassment, sexual assault or stalking or terminates a rental agreement pursuant to NRS 118A.345 ~~+~~; *or*

(i) ***Except as otherwise provided in section 18.7 of this act, the tenant is a federal worker, tribal worker, state worker or household member of such a worker and the tenant pays rent during the time specified in subsection 2 of NRS 118A.310. As used in this paragraph, "household member" has the meaning ascribed to it in section 3.25 of this act.***

2. If the landlord violates any provision of subsection 1, the tenant is entitled to the remedies provided in NRS 118A.390 and has a defense in any retaliatory action by the landlord for possession.

3. A landlord who acts under the circumstances described in subsection 1 does not violate that subsection if:

(a) The violation of the applicable building, housing or health code of which the tenant complained was caused primarily by the lack of reasonable care by

the tenant, a member of his or her household or other person on the premises with his or her consent;

(b) The tenancy is terminated with cause;

(c) A citation has been issued and compliance with the applicable building, housing or health code requires alteration, remodeling or demolition and cannot be accomplished unless the tenant's dwelling unit is vacant; or

(d) The increase in rent applies in a uniform manner to all tenants.

↪ The maintenance of an action under this subsection does not prevent the tenant from seeking damages or injunctive relief for the landlord's failure to comply with the rental agreement or maintain the dwelling unit in a habitable condition as required by this chapter.

4. As used in this section:

(a) "Cotenant" has the meaning ascribed to it in NRS 118A.345.

(b) "Domestic violence" has the meaning ascribed to it in NRS 118A.345.

(c) "Harassment" means a violation of NRS 200.571.

(d) "Household member" has the meaning ascribed to it in NRS 118A.345.

(e) "Sexual assault" means a violation of NRS 200.366.

(f) "Stalking" means a violation of NRS 200.575.

Sec. 22. Chapter 118B of NRS is hereby amended by adding thereto the provisions set forth as sections ~~23.1, 24 and 25~~ **to 25.5, inclusive**, of this act.

Sec. 23. *"Federal worker" has the meaning ascribed to it in section 3 of this act.*

Sec. 23.5. *"Household member" has the meaning ascribed to it in section 3.25 of this act.*

Sec. 24. *"Shutdown" has the meaning ascribed to it in section 4 of this act.*

Sec. 25. *"State worker" has the meaning ascribed to it in section 5 of this act.*

Sec. 25.5. *"Tribal worker" has the meaning ascribed to it in section 5.5 of this act.*

Sec. 26. NRS 118B.140 is hereby amended to read as follows:

118B.140 1. Except as otherwise provided in subsection 2, the landlord or his or her agent or employee shall not:

(a) Require a person to purchase a manufactured home from the landlord or any other person as a condition to renting a manufactured home lot to the purchaser or give an adjustment of rent or fees, or provide any other incentive to induce the purchase of a manufactured home from the landlord or any other person.

(b) Charge or receive:

(1) Any entrance or exit fee for assuming or leaving occupancy of a manufactured home lot.

(2) Any transfer or selling fee or commission as a condition to permitting a tenant to sell his or her manufactured home or recreational vehicle within the manufactured home park, even if the manufactured home or recreational vehicle is to remain within the park, unless the landlord is licensed as a dealer

of manufactured homes pursuant to NRS 489.311 and has acted as the tenant's agent in the sale pursuant to a written contract.

(3) Any fee for the tenant's spouse or children.

(4) Any fee for pets kept by a tenant in the park. If special facilities or services are provided, the landlord may also charge a fee reasonably related to the cost of maintenance of the facility or service and the number of pets kept in the facility.

(5) Any additional service fee unless the landlord provides an additional service which is needed to protect the health and welfare of the tenants, and written notice advising each tenant of the additional fee is sent to the tenant 90 days in advance of the first payment to be made, and written notice of the additional fee is given to prospective tenants on or before commencement of their tenancy. A tenant may only be required to pay the additional service fee for the duration of the additional service.

(6) Any fee for a late monthly rental payment within 4 days after the date the rental payment is due or which exceeds \$5 for each day, excluding Saturdays, Sundays and legal holidays, which the payment is overdue, beginning on the day after the payment was due. Any fee for late payment of charges for utilities must be in accordance with the requirements prescribed by the Public Utilities Commission of Nevada.

(7) Any fee for a late monthly rental payment by a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

(8) Any fee, surcharge or rent increase to recover from his or her tenants the costs resulting from converting from a master-metered water system to individual water meters for each manufactured home lot.

~~[(8)]~~ (9) Any fee, surcharge or rent increase to recover from his or her tenants any amount that exceeds the amount of the cost for a governmentally mandated service or tax that was paid by the landlord.

2. Except for the provisions of subparagraphs (3), (4), (6) and ~~[(8)]~~ (9) of paragraph (b) of subsection 1, the provisions of this section do not apply to a corporate cooperative park.

Sec. 27. NRS 118B.150 is hereby amended to read as follows:

118B.150 1. Except as otherwise provided in subsections 2 and 3, the landlord or his or her agent or employee shall not:

(a) Increase rent or additional charges unless:

(1) The rent charged after the increase is the same rent charged for manufactured homes of the same size or lots of the same size or of a similar location within the park, including, without limitation, manufactured homes and lots which are held pursuant to a long-term lease, except that a discount may be selectively given to persons who:

(I) Are handicapped;

(II) Are 55 years of age or older;

(III) Are long-term tenants of the park if the landlord has specified in the rental agreement or lease the period of tenancy required to qualify for such a discount;

(IV) Pay their rent in a timely manner; or

(V) Pay their rent by check, money order or electronic means;

(2) Any increase in additional charges for special services is the same amount for each tenant using the special service; and

(3) Written notice advising a tenant of the increase is received by the tenant 90 days before the first payment to be increased and written notice of the increase is given to prospective tenants before commencement of their tenancy. In addition to the notice provided to a tenant pursuant to this subparagraph, if the landlord or his or her agent or employee knows or reasonably should know that the tenant receives assistance from the Account, the landlord or his or her agent or employee shall provide to the Administrator written notice of the increase 90 days before the first payment to be increased.

(b) Require a tenant to pay for an improvement to the common area of a manufactured home park unless the landlord is required to make the improvement pursuant to an ordinance of a local government.

(c) Require a tenant to pay for a capital improvement to the manufactured home park unless the tenant has notice of the requirement at the time the tenant enters into the rental agreement. A tenant may not be required to pay for a capital improvement after the tenant enters into the rental agreement unless the tenant consents to it in writing or is given 60 days' notice of the requirement in writing. The landlord may not establish such a requirement unless a meeting of the tenants is held to discuss the proposal and the landlord provides each tenant with notice of the proposal and the date, time and place of the meeting not less than 60 days before the meeting. The notice must include a copy of the proposal. A notice in a periodic publication of the park does not constitute notice for the purposes of this paragraph.

(d) Require a tenant to pay the rent by check or money order.

(e) Require a tenant who pays the rent in cash to apply any change to which the tenant is entitled to the next periodic payment that is due. The landlord or his or her agent or employee shall have an adequate amount of money available to provide change to such a tenant.

(f) Prohibit or require fees or deposits for any meetings held in the park's community or recreational facility by the tenants or occupants of any manufactured home or recreational vehicle in the park to discuss the park's affairs, or any political meeting sponsored by a tenant, if the meetings are held at reasonable hours and when the facility is not otherwise in use, or prohibit the distribution of notices of those meetings.

(g) Interrupt, with the intent to terminate occupancy, any utility service furnished the tenant except for nonpayment of utility charges when due. Any landlord who violates this paragraph is liable to the tenant for actual damages.

(h) Prohibit a tenant from having guests, but the landlord may require the tenant to register the guest within 48 hours after his or her arrival, Sundays and

legal holidays excluded, and if the park is a secured park, a guest may be required to register upon entering and leaving.

(i) Charge a fee for a guest who does not stay with the tenant for more than a total of 60 days in a calendar year. The tenant of a manufactured home lot who is living alone may allow one other person to live in his or her home without paying an additional charge or fee, unless such a living arrangement constitutes a violation of chapter 315 of NRS. No agreement between a tenant and his or her guest alters or varies the terms of the rental contract between the tenant and the landlord, and the guest is subject to the rules and regulations of the landlord.

(j) Prohibit a tenant from erecting a fence on the tenant's lot if the fence complies with any standards for fences established by the landlord, including limitations established for the location and height of fences, the materials used for fences and the manner in which fences are to be constructed.

(k) Prohibit any tenant from soliciting membership in any association which is formed by the tenants who live in the park. As used in this paragraph, "solicit" means to make an oral or written request for membership or the payment of dues or to distribute, circulate or post a notice for payment of those dues.

(l) Prohibit a public officer, candidate for public office or the representative of a public officer or candidate for public office from walking through the park to talk with the tenants or distribute political material.

(m) If a tenant has voluntarily assumed responsibility to trim the trees on his or her lot, require the tenant to trim any particular tree located on the lot or dispose of the trimmings unless a danger or hazard exists.

(n) Charge a fee for a late monthly rental payment by a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

2. The landlord is entitled to require a security deposit from a tenant who wants to use the manufactured home park's clubhouse, swimming pool or other park facilities for the tenant's exclusive use. The landlord may require the deposit at least 1 week before the use. The landlord shall apply the deposit to costs which occur due to damage or cleanup from the tenant's use within 1 week after the use, if any, and shall, on or before the eighth day after the use, refund any unused portion of the deposit to the tenant making the deposit. The landlord is not required to place such a deposit into a financial institution or to pay interest on the deposit.

3. The provisions of paragraphs (a), (b), (c), (j) and (m) of subsection 1 do not apply to a corporate cooperative park.

4. As used in this section, "long-term lease" means a rental agreement or lease the duration of which exceeds 12 months.

Sec. 28. NRS 118B.200 is hereby amended to read as follows:

118B.200 1. Notwithstanding the expiration of a period of a tenancy or service of a notice pursuant to subsection 1 of NRS 118B.190, the rental

agreement described in NRS 118B.190 may not be terminated except on one or more of the following grounds:

(a) ~~Failure~~ ***Except as otherwise provided in subsection 3, failure*** of the tenant to pay rent, utility charges or reasonable service fees within 10 days after written notice of delinquency served upon the tenant in the manner provided in NRS 40.280;

(b) Failure of the tenant to correct any noncompliance with a law, ordinance or governmental regulation pertaining to manufactured homes or recreational vehicles or a valid rule or regulation established pursuant to NRS 118B.100 or to cure any violation of the rental agreement within a reasonable time after receiving written notification of noncompliance or violation;

(c) Conduct of the tenant in the manufactured home park which constitutes an annoyance to other tenants;

(d) Violation of valid rules of conduct, occupancy or use of park facilities after written notice of the violation is served upon the tenant in the manner provided in NRS 40.280;

(e) A change in the use of the land by the landlord pursuant to NRS 118B.180;

(f) Conduct of the tenant which constitutes a nuisance as defined in NRS 40.140 or which violates a state law or local ordinance, specifically including, without limitation:

- (1) Discharge of a weapon;
- (2) Prostitution;
- (3) Illegal drug manufacture or use;
- (4) Child molestation or abuse;
- (5) Elder molestation or abuse;
- (6) Property damage as a result of vandalism; and
- (7) Operating a motor vehicle while under the influence of alcohol or any

other controlled substance; or

(g) In a manufactured home park that is owned by a nonprofit organization or housing authority, failure of the tenant to meet qualifications relating to age or income which:

- (1) Are set forth in the lease signed by the tenant; and
- (2) Comply with federal, state and local law.

2. A tenant who is not a natural person and who has received three or more 10-day notices to surrender for failure to pay rent in the preceding 12-month period may have his or her tenancy terminated by the landlord for habitual failure to pay timely rent.

3. *A rental agreement may not be terminated for failure of the tenant to pay rent if the tenant provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.*

Sec. 29. NRS 118B.210 is hereby amended to read as follows:

118B.210 1. The landlord shall not terminate a tenancy, refuse to renew a tenancy, increase rent or decrease services the landlord normally supplies, or

bring or threaten to bring an action for possession of a manufactured home lot as retaliation upon the tenant because:

(a) The tenant has complained in good faith about a violation of a building, safety or health code or regulation pertaining to a manufactured home park to the governmental agency responsible for enforcing the code or regulation.

(b) The tenant has complained to the landlord concerning the maintenance, condition or operation of the park or a violation of any provision of NRS 118B.040 to 118B.220, inclusive, or 118B.240.

(c) The tenant has organized or become a member of a tenants' league or similar organization.

(d) The tenant has requested the reduction in rent required by:

(1) NRS 118.165 as a result of a reduction in property taxes.

(2) NRS 118B.153 when a service, utility or amenity is decreased or eliminated by the landlord.

(e) ***The tenant provides the proof required by subsection 3 of NRS 118B.200.***

(f) A citation has been issued to the landlord as the result of a complaint of the tenant.

~~(f)~~ (g) In a judicial proceeding or arbitration between the landlord and the tenant, an issue has been determined adversely to the landlord.

2. A landlord, manager or assistant manager of a manufactured home park shall not willfully harass a tenant.

3. A tenant shall not willfully harass a landlord, manager or assistant manager of a manufactured home park or an employee or agent of the landlord.

4. As used in this section, "harass" means to threaten or intimidate, through words or conduct, with the intent to affect the terms or conditions of a tenancy or a person's exercise of his or her rights pursuant to this chapter.

Sec. 30. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law and except as otherwise ordered by a court of competent jurisdiction, if a person liable on a security agreement provides proof that he or she is a federal worker, tribal worker, state worker or household member of such a worker and a shutdown is occurring or has occurred, a person shall not repossess or direct or authorize another person to repossess a vehicle of that person during the period commencing on the date on which a shutdown begins and ending on the date that is 30 days after the date on which the shutdown ends.

2. Any person who knowingly repossesses a vehicle or authorizes another person to repossess a vehicle in violation of this section:

(a) Is guilty of a misdemeanor; and

(b) May be liable for actual damages, reasonable attorney's fees and costs incurred by the injured party.

3. In imposing liability pursuant to paragraph (b) of subsection 2, a court shall, when determining whether to reduce such liability, take into consideration any due diligence used by the person before he or she

repossessed a vehicle or directed or authorized another person to repossess a vehicle.

4. As used in this section:

(a) *“Federal worker” has the meaning ascribed to it in section 3 of this act.*

(b) *“Household member” has the meaning ascribed to it in section 3.25 of this act.*

(c) *“Shutdown” has the meaning ascribed to it in section 4 of this act.*

~~(c)~~ (d) *“State worker” has the meaning ascribed to it in section 5 of this act.*

~~(d)~~ (e) *“Tribal worker” has the meaning ascribed to it in section 5.5 of this act.*

Sec. 30.5. NRS 482.516 is hereby amended to read as follows:

482.516 1. Any provision in any security agreement for the sale or lease of a vehicle to the contrary notwithstanding, at least 10 days’ written notice of intent to sell or again lease a repossessed vehicle must be given to all persons liable on the security agreement. The notice must be given in person or sent by mail directed to the address of the persons shown on the security agreement, unless such persons have notified the holder in writing of a different address.

2. The notice:

(a) **Must *inform such persons of the provisions of section 30 of this act;***

(b) **Must** set forth that there is a right to redeem the vehicle and the total amount required as of the date of the notice to redeem;

~~(b)~~ (c) May inform such persons of their privilege of reinstatement of the security agreement, if the holder extends such a privilege;

~~(c)~~ (d) Must give notice of the holder’s intent to resell or again lease the vehicle at the expiration of 10 days from the date of giving or mailing the notice;

~~(d)~~ (e) Must disclose the place at which the vehicle will be returned to the buyer or lessee upon redemption or reinstatement; and

~~(e)~~ (f) Must designate the name and address of the person to whom payment must be made.

3. During the period provided under the notice, the person or persons liable on the security agreement may pay in full the indebtedness evidenced by the security agreement. Such persons are liable for any deficiency after sale or lease of the repossessed vehicle only if the notice prescribed by this section is given within 60 days after repossession and includes an itemization of the balance and of any costs or fees for delinquency, collection or repossession. In addition, the notice must either set forth the computation or estimate of the amount of any credit for unearned finance charges or cancelled insurance as of the date of the notice or state that such a credit may be available against the amount due.

Sec. 31. NRS 702.260 is hereby amended to read as follows:

702.260 1. Seventy-five percent of the money in the Fund must be distributed to the Division of Welfare and Supportive Services for programs to

assist eligible households in paying for natural gas and electricity. The Division may use not more than 5 percent of the money distributed to it pursuant to this section for its administrative expenses.

2. Except as otherwise provided in NRS 702.150, after deduction for its administrative expenses, the Division may use the money distributed to it pursuant to this section only to:

- (a) Assist eligible households in paying for natural gas and electricity.
- (b) Carry out activities related to consumer outreach.
- (c) Pay for program design.
- (d) Pay for the annual evaluations conducted pursuant to NRS 702.280.

3. Except as otherwise provided in ~~subsection 4,~~ **subsections 4 and 5**, to be eligible to receive assistance from the Division pursuant to this section, a household must have a household income that is not more than 150 percent of the federally designated level signifying poverty, as determined by the Division.

4. ***In addition to the persons eligible to receive assistance from the Division pursuant to subsection 3, a household that includes at least one federal worker, tribal worker or state worker is eligible for such assistance during a shutdown.***

5. The Division is authorized to render emergency assistance to a household if an emergency related to the cost or availability of natural gas or electricity threatens the health or safety of one or more of the members of the household. Such emergency assistance may be rendered upon the good faith belief that the household is otherwise eligible to receive assistance pursuant to this section.

~~5-1~~ 6. Before July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the Division shall determine the amount of assistance that the household will receive by using the existing formulas set forth in the state plan for low-income home energy assistance.

~~6-1~~ 7. On or after July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the Division:

(a) Shall, to the extent practicable, determine the amount of assistance that the household will receive by determining the amount of assistance that is sufficient to reduce the percentage of the household's income that is spent on natural gas and electricity to the median percentage of household income spent on natural gas and electricity statewide.

(b) May adjust the amount of assistance that the household will receive based upon such factors as:

- (1) The income of the household;
- (2) The size of the household;
- (3) The type of energy that the household uses; and

(4) Any other factor which, in the determination of the Division, may make the household particularly vulnerable to increases in the cost of natural gas or electricity.

~~7.1~~ **8.** The Division shall adopt regulations to carry out and enforce the provisions of this section and NRS 702.250.

~~8.1~~ **9.** In carrying out the provisions of this section, the Division shall:

(a) Solicit advice from the Housing Division and from other knowledgeable persons;

(b) Identify and implement appropriate delivery systems to distribute money from the Fund and to provide other assistance pursuant to this section;

(c) Coordinate with other federal, state and local agencies that provide energy assistance or conservation services to low-income persons and, to the extent allowed by federal law and to the extent practicable, use the same simplified application forms as those other agencies;

(d) Establish a process for evaluating the programs conducted pursuant to this section;

(e) Develop a process for making changes to such programs; and

(f) Engage in annual planning and evaluation processes with the Housing Division as required by NRS 702.280.

~~9.1~~ **10.** For the purposes of this section ~~the “eligible”~~:

(a) **“Eligible household”** includes, without limitation:

~~(a)~~ (1) A tenant of a manufactured home park or mobile home park subject to the provisions of NRS 704.905 to 704.960, inclusive; and

~~(b)~~ (2) A tenant who purchases electricity from a landlord as described in paragraph (c) of subsection 2 of NRS 702.090 based on the actual usage of electricity by the tenant.

(b) **“Federal worker”** has the meaning ascribed to it in section 3 of this act.

(c) **“Shutdown”** has the meaning ascribed to it in section 4 of this act.

(d) **“State worker”** has the meaning ascribed to it in section 5 of this act.

(e) **“Tribal worker”** has the meaning ascribed to it in section 5.5 of this act.

Sec. 32. The provisions of this act apply to any contract entered into:

1. Before the effective date of this act that remains in effect on the effective date of this act.

2. On and after the effective date of this act.

Sec. 33. This act becomes effective upon passage and approval.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 766 to Assembly Bill No. 393.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment adds a definition of “household member” for the purposes of the bill to mean any person who is related by blood, marriage, adoption, or other legal process and is currently residing with a federal worker, tribal worker, or state worker affected by a shutdown.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:48.

ASSEMBLY IN SESSION

At 10:07 a.m.

Mr. Speaker presiding.

Quorum present.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:08 a.m.

ASSEMBLY IN SESSION

At 12:31 p.m.

Mr. Speaker pro Tempore presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 155, 216, 300, 524, 534, 536.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 9.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 135, 202, 381, 388.

SHERRY RODRIGUEZ

Assistant Secretary of the Senate

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 123.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendments Nos. 780, 850 to Senate Bill No. 151.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 203.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 403.

SHERRY RODRIGUEZ

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Wheeler, Kramer, Hambrick and Hardy (Emergency Request of Assembly Minority Leader):

Assembly Bill No. 544—AN ACT relating to public health; revising provisions pertaining to the sale or distribution of cigarettes, cigarette paper, tobacco, products made or derived from tobacco, vapor products and

alternative nicotine products to certain persons; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 123.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 135.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 202.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 381.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 388.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:35 p.m.

ASSEMBLY IN SESSION

At 2:55 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 168, Amendment No. 1072; Assembly Bill No. 267, Amendment No. 1063; Assembly Bill No. 289, Amendment No. 1071, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 553, 555.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 554.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 211, 287.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 547.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 463.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Frierson (Emergency Request of Speaker of the Assembly):

Assembly Bill No. 545—AN ACT relating to state financial administration; creating the Civil Judgment and Settlement Account; requiring, with certain exceptions, that all money obtained by the Attorney General as a result of a civil action of this State be deposited in the State Treasury for credit to the Account; requiring that certain annual distributions of money to certain legal services organizations be made from the Account; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 211.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 287.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 547.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 553.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 554.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 555.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3 p.m.

ASSEMBLY IN SESSION

At 3:06 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 555, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 555.

Bill read third time.

Remarks by Assemblymen Carlton, Titus, and Edwards.

ASSEMBLYWOMAN CARLTON:

I stand in support of S.B. 555. A lot of the work that has gone on in this building has been to get this bill to this point, on this day, so that we can serve the half million children in this state with the education that they so deserve.

So you have before you Senate Bill 555, which provides funding for K-12 public education for the 2019-2021 biennium. The total public support for school districts and charter schools, for the support of public schools, is estimated to be at \$10,227 per pupil in FY 2020 and \$10,319 per pupil in FY 2021. The bill has a number of different sections. I am not going to go through each section with the body, but there are some particular things that I think should be pointed out. Over our last interim, we had many conversations about education and about its different funding levels.

Section 5 appropriates \$1.167 billion in the first year—that is just the first year—and \$1.163 billion in the second year of the biennium from the State General Fund to the Distributive School Account [DSA]. It is important to remember that that is just the money going to the DSA. There is a lot more than that.

There are other revenues that are involved and I would like to delineate some of those, Mr. Speaker, if I may. I would be happy to share the floor statement on this bill. It is about four pages, so if every member would like a copy of this floor statement so that you can go through the bill and understand it, it is a bit more in layman's language. I want to put some important facts on the record because we have heard so much about the DSA and there is so much more that we fund than just the DSA.

In Budget Account 2615, which is the School Remediation Trust Fund, sections 26, 27, 28, 29, and 30 cover Zoom Schools, Victory Schools, teacher incentives for new teachers, and for transferring teachers in Title I schools, and Nevada Ready 21. That alone is \$89,218,829 over the DSA.

Going on, Budget Account 2618, Professional Development Programs, those are what really support our teachers. Sections 31, 33, 34, 35, and 37 address things like regional professional development, Statewide Council for the Coordination on Regional Training Programs, Great Teaching and Leading Fund, and peer assistance and review. Those are large numbers also. We have \$7 million in professional development, over \$4 million in Great Teaching and Leading, and other numbers associated with it.

There are incentives for licensed educational personnel—another thing that helps support teachers—at a million dollars in each year. Teach Nevada Scholarship Program, another budget item that supports teachers, is almost \$2.5 million in each year. School safety, something that has been discussed very avidly in this building, is found in sections 43 and 44 and is \$16,603,000 in the first year and \$21,382,000 in the second year, in addition to the \$1.1 billion.

Moving down to the Nevada Education Funding Plan, K-12 weighted funding, in addition to another \$69 million in each year, State Supplemental School Support Account, Financial Literacy—something that is near and dear to my heart and to the heart of the Chair of Finance—is \$750,000 in each year of the biennium.

So, Mr. Speaker, the reason I wanted to do it this way instead of doing the standard floor statement that we normally do is that there has been way too much discussion about the DSA and accusations that we do not fund the DSA. Nobody wants to talk about all the extra millions and millions of dollars that go to fund education in this state outside of the DSA. A lot of that goes to support our teachers, which I believe that everyone in this body, all 63 of us, came here to do this session.

ASSEMBLYWOMAN TITUS:

I would encourage you, if you have concerns about this bill, you should read her floor statement. It specifically points out some of the good that we have done. I want to point out that we have heard a lot from folks, especially in Clark County, about funding their needs. In the budget we are about to pass, there is an additional \$66 million specifically for Clark County. I would encourage all of my colleagues to support this. There has been a lot of time and effort that went into this budget.

ASSEMBLYWOMAN EDWARDS:

I have a question for the Chair of Ways and Means. Does this bill implement the new funding formula that we have heard about or is that going to be something totally separate?

ASSEMBLYWOMAN CARLTON:

To my colleague from Assembly District 19, no, this does not implement the S.B. 543 that has been thoroughly discussed in this building. That plan is a parallel plan that is being addressed in a statutory way. This is the current Nevada funding formula that we have operated on for the last 50-some years. It was developed probably about the same time I was born, so yes, it is an older funding plan. This is not the new funding plan. It incorporates S.B. 178 from last session. The new funding plan is being discussed in Ways and Means here in the near future, and it is a statutory plan moving forward.

Roll call on Senate Bill No. 555:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 555 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 44, 68, 128, 223, 234, 264, 291, 364, 383, 449, 456, 466, 476, 494, 498, 537; Assembly Joint Resolution No. 10; Senate Bills Nos. 313, 378, 432.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:15 p.m.

ASSEMBLY IN SESSION

At 8:20 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 216, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 544, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DINA NEAL, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 102, 485, 503, 504, 505, 506, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 525, 526, 527, 533, 534, 550, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

JOURNAL OF THE ASSEMBLY
MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 345, Amendment No. 1080, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 171.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 171.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 319 and 408 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 319.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1088.

AN ACT relating to education; defining “school counselor,” “school psychologist” and “school social worker” for certain purposes; establishing the duties of a school counselor, psychologist and social worker; ~~requiring certain school counselors, psychologists, social workers, audiologists, occupational therapists and physical therapists to receive an additional 5 percent of the base salary each year;~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensing of social workers. (Chapter 641B of NRS) Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing educational personnel. (NRS 391.019) **Section 1** of this bill defines school counselor, school psychologist and school social worker, respectively, for the school environment. **Sections 3-5** of this bill establish the duties of a school counselor, psychologist and social worker, respectively, employed by a school district. **Section 1.5** of this bill requires a public school, to the extent that money is available, to employ a school counselor on a full-time basis and provide for a comprehensive school counseling program.

~~Existing law requires an annual 5 percent salary increase for teachers, speech language pathologists and school library media specialists who hold certain national certifications. (NRS 391.161-391.163) Section 6 of this bill requires an additional 5 percent to be added to the base salary of a counselor, psychologist or social worker who holds a national certification unless an applicable collective bargaining agreement provides for a greater increase. Section 6.5 of this bill requires an additional 5 percent to be added to the base salary of an audiologist, occupational therapist or physical therapist who holds a national certification unless an applicable collective bargaining agreement provides for a greater increase.~~

~~Section 7 of this bill makes a conforming change.~~

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

Section 1. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. “Achievement charter school” means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.
2. “Department” means the Department of Education.
3. “English learner” has the meaning ascribed to it in 20 U.S.C. § 7801(20).
4. “Homeschooled child” means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.
5. “Local school precinct” has the meaning ascribed to it in NRS 388G.535.
6. “Opt-in child” means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.
7. “Public schools” means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.
8. “School bus” has the meaning ascribed to it in NRS 484A.230.
9. ***“School counselor” or “counselor” means a person who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school counselor issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school counselor.***

10. “School psychologist” or “psychologist” means a person who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school psychologist issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school psychologist.

11. “School social worker” or “social worker” means a social worker licensed pursuant to chapter 641B of NRS who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school social worker issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school social worker.

12. “State Board” means the State Board of Education.

~~10.1~~ 13. “University school for profoundly gifted pupils” has the meaning ascribed to it in NRS 388C.040.

Sec. 1.5. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

Each public school, including, without limitation, each charter school, shall, to the extent that money is available for that purpose:

1. *Employ a school counselor at the school on a full-time basis.*
2. *Provide for a comprehensive program for school counseling developed by a school counselor pursuant to section 3 of this act.*

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6.5, inclusive, of this act.

Sec. 3. 1. *A school counselor shall:*

(a) Design and deliver a comprehensive program for school counseling that promotes achievement of pupils; and

(b) Devote not less than 80 percent of his or her time providing direct or indirect services to pupils.

2. *A school counselor may, through consultation or collaboration with other educational personnel or by providing direct services:*

(a) Analyze data concerning the academic, career, social and emotional development of pupils to identify issues, needs and challenges of pupils;

(b) Address needs relating to the academic, career, social and emotional development of all pupils;

(c) Advocate for equitable access to a rigorous education for all pupils and work to remove systemic barriers to such access;

(d) Deliver school counseling lessons through large-group, classroom, small-group and individual settings to promote pupil success;

(e) Provide to individual pupils services relating to academic planning and goal setting;

(f) Provide peer facilitation, crisis counseling and short-term counseling to pupils in individual and small-group settings;

(g) Provide referrals to a pupil and the parent or legal guardian of a pupil, as needed, for additional support services provided by the school or within the community;

(h) Participate on committees within the school and the school district, as appropriate; and

(i) Participate in planning for and implementing a response to a crisis at the school.

3. Each school counselor must be supervised by a licensed administrator.

Sec. 4. 1. A school psychologist may, through consultation or collaboration with other educational personnel or by providing direct services:

(a) Deliver mental and behavioral health services to pupils in a school;

(b) Collaborate with the school, community and parents or legal guardians of pupils to promote a safe and supportive learning environment;

(c) Provide preventative, intervention and postintervention services through integrated systems of support;

(d) Collect and analyze data on the mental and behavioral health of pupils;

(e) Administer applicable assessments to pupils;

(f) Monitor the progress of the academic, mental and behavioral health of pupils;

(g) Assist with the development and implementation of school-wide practices to promote learning;

(h) Analyze resilience and risk factors of pupils;

(i) Provide instructional support to other educational personnel;

(j) Evaluate and make recommendations for the improvement of special education services;

(k) Promote diversity in development and learning;

(l) Conduct research and evaluate programs related to the mental and behavioral health of pupils; and

(m) Participate in planning for and implementing a response to a crisis at the school.

2. In a school district in which more than 50,000 pupils were enrolled during the preceding school year, each school psychologist must be supervised by a psychologist licensed pursuant to chapter 391 of NRS who is a licensed administrator.

3. In a school district in which not more than 50,000 pupils were enrolled during the preceding school year, each school psychologist must be supervised by a licensed administrator.

Sec. 5. 1. A school social worker may, through consultation or collaboration with other educational personnel or by providing direct services:

(a) Act as a liaison between the home, school and community;

- (b) Provide therapy, counseling and support services for pupils and the families of pupils;*
- (c) Provide individual and small-group therapy, counseling and support services;*
- (d) Provide mediation services;*
- (e) Advocate for the academic, social and emotional success of pupils;*
- (f) Assist other educational personnel with case management;*
- (g) Write applications for grants, as necessary;*
- (h) Assist other educational personnel, including, without limitation, a school psychologist, with developing a plan for providing prevention and intervention services to pupils;*
- (i) Administer biopsychosocial assessments to pupils, as necessary;*
- (j) Support the learning of pupils;*
- (k) Provide services for professional development of staff;*
- (l) Provide support and consultation to the school, the pupils and the parents or legal guardians of pupils at the school regarding, without limitation, education law and services related to special education;*
- (m) Provide strengths-based assessments for the school, the pupils and the parents or legal guardians of pupils at the school;*
- (n) Assist parents or legal guardians with problem solving;*
- (o) Assist pupils with developing social skills;*
- (p) Provide referrals to pupils and parents or legal guardians of pupils for education services; and*
- (q) Participate in planning for and implementing a response to a crisis at the school.*

2. Each school social worker must be supervised by a licensed administrator.

~~Sec. 6. *H. Except as otherwise provided in subsection 2, each year when determining the salary of a person who is employed by a school district as a school counselor, psychologist or social worker, the school district shall add 5 percent to the salary that the person would otherwise receive in 1 year for the person's classification on the schedule of salaries of the school district if:*~~

~~*(a) On or before September 15 of the school year, the person has submitted evidence satisfactory to the school district of the current certification of the person;*~~

~~*(1) As a school counselor by the National Board for Professional Teaching Standards or its successor organization;*~~

~~*(2) As a national certified school counselor by the National Board for Certified Counselors or its successor organization;*~~

~~*(3) As a nationally certified school psychologist by the National Association of School Psychologists or its successor organization;*~~

~~*(4) As a school psychologist by the American Board of School Psychology or its successor organization; or*~~

~~(5) As a certified school social work specialist by the National Association of Social Workers or its successor organization; and~~

~~(b) The person is assigned by the school district to serve as a school counselor, psychologist or social worker, as applicable, during that school year.~~

~~➤ No increase in salary may be given pursuant to this section during a particular school year to a person who submits evidence of certification after September 15 of that school year. Once a person has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this section is in addition to any other increase to which the person may otherwise be entitled.~~

~~2. If an applicable collective bargaining agreement provides for a greater increase to the salary of a person who satisfies the requirements of paragraphs (a) and (b) of subsection 1 than the increase in salary provided by subsection 1, the provisions of the collective bargaining agreement prevail.] (Deleted by amendment.)~~

Sec. 6.5. ~~1. Except as otherwise provided in subsection 2, each year when determining the salary of a person who is employed by a school district as an audiologist, occupational therapist or physical therapist, the school district shall add 5 percent to the salary that the person would otherwise receive in 1 year for the person's classification on the schedule of salaries of the school district if:~~

~~(a) On or before September 15 of the school year, the person has submitted evidence satisfactory to the school district of the current certification of the person:~~

~~(1) As a nationally certified audiologist;~~

~~(2) As a nationally certified occupational therapist; or~~

~~(3) As a nationally certified physical therapist; and~~

~~(b) The person is assigned by the school district to serve as an audiologist, occupational therapist or physical therapist, as applicable, during that school year.~~

~~➤ No increase in salary may be given pursuant to this section during a particular school year to a person who submits evidence of certification after September 15 of that school year. Once a person has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this section is in addition to any other increase to which the person may otherwise be entitled.~~

~~2. If an applicable collective bargaining agreement provides for a greater increase to the salary of a person who satisfies the requirements of paragraphs (a) and (b) of subsection 1 than the increase in salary provided by subsection 1, the provisions of the collective bargaining agreement prevail.] (Deleted by amendment.)~~

Sec. 7. ~~NRS 391.160 is hereby amended to read as follows:~~

~~391.160 The salaries of teachers and other employees must be determined by the character of the service required as described in NRS 391.161 to 391.169, inclusive [], and sections 6 and 6.5 of this act. A school district shall not discriminate between male and female employees in the matter of salary.] (Deleted by amendment.)~~

Sec. 8. This act becomes effective on July 1, 2019.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 408.

Bill read third time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 1061.

AN ACT relating to public safety; revising provisions relating to motorcycles, trimobiles and mopeds; revising provisions relating to the duties of a pedestrian at certain intersections; providing provisions governing the operation of a mobile carrying device on sidewalks and in crosswalks; revising provisions relating to the imposition by a court of the requirement to install an ignition interlock device for certain convictions; requiring the driver and passenger on a trimobile or a moped to wear protective headgear; ~~providing a penalty;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 6 of this bill clarify that, for the purposes of vehicle registration and traffic laws, a vehicle designed to travel with three wheels in contact with the ground must be equipped with handlebars and a saddle seat to meet the definition of "trimobile." (NRS 482.129, 486.057)

Existing law provides pedestrians on or near a highway of this State with certain rights and imposes certain duties. (NRS 484B.280-484B.297) **Section 2.7** of this bill authorizes the movement of a mobile carrying device on sidewalks and in crosswalks and provides that such a device generally has the rights and duties of a pedestrian. Such a device must have an operator who is actively monitoring the navigation and movement of the device, and the operator must ensure that the device does not: (1) fail to comply with traffic control signals or devices; (2) unreasonably interfere with pedestrians or vehicle traffic; (3) transport hazardous material or a person; and (4) fail to yield to pedestrians on a sidewalk or in a crosswalk. A violation of the provisions governing the operation of a mobile carrying device is **not** a misdemeanor, ~~but~~ is not a moving traffic violation for the purposes of NRS 483.473, ~~but~~ **and is punishable by a civil penalty of \$250.** **Section 2.5** defines a mobile carrying device generally as an electrically powered wheeled device that is intended primarily to transport personal property. **Sections 1.5 and 2.9** of this

bill make conforming changes. **Sections 11 and 12 of this bill authorize the governing body of a county or a city, respectively, to enact an ordinance regulating the time, place and manner of the operation of a mobile carrying device to protect the health and safety of the public, except that such an ordinance may not prohibit the use of such a device on sidewalks that are at least 36 inches wide.**

Existing law requires a person driving a motorcycle, other than a trimobile or a moped, to wear protective headgear. (NRS 486.231) **Section 8** of this bill requires a driver or a passenger on a trimobile or a moped to wear protective headgear.

Existing law requires the Department of Motor Vehicles to establish the Program for the Education of Motorcycle Riders, which provides courses in motorcycle safety. (NRS 486.372, 486.374) Certain persons in this State who hold a motorcycle driver's license or a driver's license with a motorcycle endorsement are eligible to enroll in the Program. (NRS 486.373) **Section 9** of this bill authorizes the Program to include instruction applicable to a trimobile or a moped and **section 10** of this bill makes a person who holds a driver's license eligible to enroll in the Program.

Existing law provides requirements for pedestrians crossing a highway of this State when certain signals are in place exhibiting the words "Walk," "Wait" or "Don't Walk." (NRS 484B.283) **Section 3** of this bill clarifies that, when a countdown timer is included with such signals, a pedestrian may cross a roadway when such a signal is flashing, so long as the pedestrian completes the crossing before the countdown timer reaches zero. **Section 3** also revises references to include certain symbols displayed on such signals, including a walking person symbol and an upraised hand symbol.

Under existing law a court must order a person who is convicted of certain offenses involving driving a motor vehicle while under the influence of intoxicating liquor, a controlled substance or a combination of both, to install an ignition interlock device. (NRS 484C.460) The interlock ignition device must be installed for a period of not less than 185 days unless: (1) the violation was punishable as a felony or vehicular homicide; (2) the person proximately caused the death of or substantial bodily injury to another; or (3) the person was found to have had a concentration of alcohol of 0.18 or more in his or her breath. If any of those conditions are present the interlock ignition device must be installed for a period of not less than 12 months or more than 36 months. **Section 4** of this bill clarifies that such a person is only required to install the ignition interlock device for the longer time period if one of the conditions listed above is present. The result of the change is that regardless of whether or not a blood or breath test was administered, or whether the results or lack of results was used in the prosecution or defense of the person, so long as none of the conditions listed above are present, he or she is eligible for the shorter period of required use of an ignition interlock device, which **section 4** requires to be 185 days.

Existing law provides several exceptions to the requirement for installing an ignition interlock device upon a conviction if a court makes certain determinations. (NRS 484C.460) **Section 4** eliminates from the list of exceptions a determination by the court that: (1) requiring the person to install a device would cause the person to experience an economic hardship; (2) the person requires the use of the motor vehicle to travel to and from work in the scope of his or her employment; or (3) the person requires the use of the motor vehicle to obtain medicine, food or other necessities or to obtain health care services for the person or a family member of the person.

Finally, existing law requires the manufacturer of an ignition interlock device or an agent of the manufacturer to notify the Director of the Department if the device has been tampered with. (NRS 484C.460) Existing law also requires the Director, or the Director of the Department of Public Safety, to notify a court that has ordered an ignition interlock device if certain irregularities occurred with the device. (NRS 484C.460, 484C.470) **Sections 4 and 5** of this bill require the manufacturer of the device or its agent to also notify the court in such circumstances.

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

Section 1. NRS 482.129 is hereby amended to read as follows:

482.129 “Trimobile” means every motor vehicle *equipped with handlebars and a saddle seat and* designed to travel with three wheels in contact with the ground, at least one of which is power driven. The term does not include a motorcycle with a sidecar.

Sec. 1.5. NRS 482.135 is hereby amended to read as follows:

482.135 Except as otherwise provided in NRS 482.36348, “vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway. The term does not include:

1. Devices moved by human power or used exclusively upon stationary rails or tracks;
2. Mobile homes or commercial coaches as defined in chapter 489 of NRS;
- ~~for~~
3. Electric personal assistive mobility devices ~~†~~; *or*
4. *A mobile carrying device as that term is defined in section 2.5 of this act.*

Sec. 2. (Deleted by amendment.)

Sec. 2.3. Chapter 484B of NRS is hereby amended by adding thereto the provisions set forth as sections 2.5 and 2.7 of this act.

Sec. 2.5. “*Mobile carrying device*” means an electrically powered wheeled device that:

1. *Is designed to operate semi-autonomously not more than 25 feet from its operator;*
2. *Is equipped with technology that allows for active monitoring of the operation of the device by the operator;*

3. *Is intended primarily to transport personal property on sidewalks and crosswalks;*

4. *Weighs less than 90 pounds when empty; and*

5. *Has a maximum speed of 12.5 miles per hour.*

Sec. 2.7. 1. ~~FA~~ *Except as otherwise provided in section 11 or 12 of this act, a mobile carrying device may be operated on a sidewalk or crosswalk provided that:*

(a) *The operator of the mobile carrying device is actively monitoring the navigation and movement of the mobile carrying device;*

(b) *The mobile carrying device is equipped with a braking device that enables the mobile carrying device to come to a controlled stop; and*

(c) *The mobile carrying device is operated in accordance with any requirements imposed by this section.*

2. *The operator of a mobile carrying device may not allow a mobile carrying device to:*

(a) *Operate on the highways of this State except when crossing within a crosswalk;*

(b) *Fail to comply with any traffic-control signal or devices that a pedestrian is obligated to comply with;*

(c) *Unreasonably interfere with pedestrians or vehicle traffic;*

(d) *Transport hazardous material as that term is defined in NRS 459.7024; or*

(e) *Transport a person.*

3. *A mobile carrying device has all the rights and duties of a pedestrian except those which by their nature can have no application, except that the operator of a mobile carrying device must ensure that the mobile carrying device yields the right of way to a pedestrian on a sidewalk or in a crosswalk.*

4. *A violation of this section ~~is~~:*

~~(a) *Is not a misdemeanor and shall*;~~

~~(b) *Shall not be deemed a moving traffic violation ~~f~~; and*~~

~~(c) *Is punishable by the imposition of a civil penalty of \$250.*~~

Sec. 2.9. NRS 484B.003 is hereby amended to read as follows:

484B.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484B.007 to 484B.077, inclusive, *and section 2.5 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 484B.283 is hereby amended to read as follows:

484B.283 1. Except as otherwise provided in NRS 484B.287, 484B.290 and 484B.350:

(a) When official traffic-control devices are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the highway within a crosswalk when the pedestrian is upon the half of the highway upon which the vehicle is traveling ~~f~~ *or onto which the vehicle is turning*, or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger.

(b) A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle until the driver has determined that the vehicle being overtaken was not stopped for the purpose of permitting a pedestrian to cross the highway.

(d) Whenever signals exhibiting the words "Walk," ~~or~~ "Don't Walk," ~~or~~ **"Wait" or similar symbols** are in place, such signals indicate as follows:

(1) While the "Walk" indication *or walking person symbol* is illuminated, pedestrians facing the signal may proceed across the highway in the direction of the signal and must be given the right-of-way by the drivers of all vehicles.

(2) While the "Don't Walk" *or "Wait"* indication *or an upraised hand symbol* is illuminated, ~~either steady or is flashing and is accompanied by a countdown timer,~~ a pedestrian ~~shall not start to cross~~ *may proceed across* the highway in the direction of the signal, but ~~any pedestrian who has partially completed~~ *must complete* the crossing ~~during the "Walk" indication shall proceed to a sidewalk, or to a safety zone if one is provided.~~

~~—(3) Whenever the word "Wait" still appears in a signal, the indication has the same meaning as assigned in this section to the "Don't Walk" indication.~~

~~—(4) Whenever a signal system provides a signal phase for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and "Walk" and "Don't Walk" indications control pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection when the "Walk" indication is exhibited, and when signals and other official traffic control devices direct pedestrian movement in the manner provided in this section and in NRS 484B.307, before the countdown timer gets to zero.~~

(3) *While the "Don't Walk" or "Wait" indication or an upraised hand symbol is illuminated and flashing but is not accompanied by a countdown timer, a pedestrian may not proceed to cross the highway, but a pedestrian who entered the highway lawfully pursuant to subparagraph (1) may continue to cross the highway but must proceed to a curb, sidewalk, safety zone if one is provided or other place of safety before the "Don't Walk" or "Wait" indication or an upraised hand symbol is illuminated and steady.*

(4) *While the "Don't Walk" or "Wait" indication or an upraised hand symbol is illuminated and steady a pedestrian may not proceed to cross the highway, but a pedestrian who entered the highway lawfully pursuant to subparagraph (1) or (2) may continue to cross the highway but must proceed to a curb, sidewalk, safety zone if one is provided or other place of safety as soon as possible.*

2. If, while violating paragraph (a) or (c) of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.135.

4. As used in this section, “half of the highway” means all traffic lanes of a highway which are designated for traffic traveling in one direction, and includes the entire highway in the case of a one-way highway.

Sec. 4. NRS 484C.460 is hereby amended to read as follows:

484C.460 1. Except as otherwise provided in subsections 2 and 5, a court shall order a person convicted of:

(a) ~~¶A¶~~ **Except as otherwise provided in paragraph (b), a violation of paragraph (a), (b) or (c) of subsection 1 or paragraph (b) of subsection 2 of NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, [if the person is found to have had a concentration of alcohol of less than 0.18 in his or her blood or breath,]** to install, at his or her own expense and for a period of 185 days, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

(b) A violation of:

(1) NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of 0.18 or more in his or her blood or breath;

(2) NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410; or

(3) NRS 484C.130 or 484C.430,

↪ to install, at his or her own expense and for a period of not less than 12 months or more than 36 months, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

2. A court may, in the interests of justice, provide for an exception to the provisions of subsection 1 for a person who is convicted of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, ~~to avoid undue hardship to the person]~~ if the court determines that:

(a) ~~[Requiring the person to install a device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship;~~

~~—(b) The person requires the use of the motor vehicle to:~~

~~—(1) Travel to and from work or in the course and scope of his or her employment; or~~

~~—(2) Obtain medicine, food or other necessities or to obtain health care services for the person or another member of the person’s immediate family;~~

~~(e)~~ The person is unable to provide a deep lung breath sample for a device, as certified in writing by a physician of the person; or

~~(d)~~ (b) The person resides more than 100 miles from a manufacturer of a device or its agent.

3. If the court orders a person to install a device pursuant to subsection 1:

(a) The court shall immediately prepare and transmit a copy of its order to the Director. The order must include a statement that a device is required and the specific period for which it is required. The Director shall cause this information to be incorporated into the records of the Department and noted as a restriction on the person's driver's license.

(b) The person who is required to install the device shall provide proof of compliance to the Department before the person may receive a restricted license or before the driving privilege of the person may be reinstated, as applicable. Each model of a device installed pursuant to this section must have been certified by the Committee on Testing for Intoxication.

4. A person whose driving privilege is restricted pursuant to this section or NRS 483.490 shall have the device inspected, calibrated, monitored and maintained by the manufacturer of the device or its agent at least one time each 90 days during the period in which the person is required to use the device to determine whether the device is operating properly. Any inspection, calibration, monitoring or maintenance required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484C.480. The manufacturer or its agent shall submit a report to the Director indicating whether the device is operating properly, whether any of the incidents listed in subsection 1 of NRS 484C.470 have occurred and whether the device has been tampered with. If the device has been tampered with, the Director *and the manufacturer or its agent* shall notify the court that ordered the installation of the device. Upon receipt of such notification and before the court imposes a penalty pursuant to subsection 3 of NRS 484C.470, the court shall afford any interested party an opportunity for a hearing after reasonable notice.

5. If a person is required to operate a motor vehicle in the course and scope of his or her employment and the motor vehicle is owned by the person's employer, the person may operate that vehicle without the installation of a device, if:

(a) The employee notifies his or her employer that the employee's driving privilege has been so restricted; and

(b) The employee has proof of that notification in his or her possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

➔ This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

6. The running of the period during which a person is required to have a device installed pursuant to this section commences when the Department issues a restricted license to the person or reinstates the driving privilege of the

person and is tolled whenever and for as long as the person is, with regard to a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation.

Sec. 5. NRS 484C.470 is hereby amended to read as follows:

484C.470 1. The court may extend the order of a person who is required to install a device pursuant to NRS 484C.210 or 484C.460, not to exceed one-half of the period during which the person is required to have a device installed, if the court receives from the Director of the Department of Public Safety *or the manufacturer of the device or its agent* a report that 4 consecutive months prior to the date of release any of the following incidents occurred:

(a) Any attempt by the person to start the vehicle with a concentration of alcohol of 0.04 or more in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure of the person to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the person at the time of the missed test;

(c) Failure of the person to pass any random retest with a concentration of alcohol of 0.025 or lower in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.025, and the digital image confirms the same person provided both samples;

(d) Failure of the person to have the device inspected, calibrated, monitored and maintained by the manufacturer or its agent pursuant to subsection 4 of NRS 484C.460; or

(e) Any attempt by the person to operate a motor vehicle without a device or tamper with the device.

2. A person required to install a device pursuant to NRS 484C.210 or 484C.460 shall not operate a motor vehicle without a device or tamper with the device.

3. A person who violates any provision of subsection 2:

(a) Must have his or her driving privilege revoked in the manner set forth in subsection 4 of NRS 483.460; and

(b) Shall be:

(1) Punished by imprisonment in jail for not less than 30 days nor more than 6 months; or

(2) Sentenced to a term of not less than 60 days in residential confinement nor more than 6 months, and by a fine of not less than \$500 nor more than \$1,000.

↪ No person who is punished pursuant to this section may be granted probation, and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless, in the judgment of the attorney, the charge is not supported by probable cause or cannot be proved at trial.

Sec. 6. NRS 486.057 is hereby amended to read as follows:

486.057 “Trimobile” means every motor vehicle *equipped with handlebars and a saddle seat and* designed to travel with three wheels in contact with the ground, at least one of which is power driven. The term does not include a motorcycle with a sidecar.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 486.231 is hereby amended to read as follows:

486.231 1. The Department shall adopt standards for protective headgear and protective glasses, goggles or face shields to be worn by the drivers and passengers of motorcycles and transparent windscreens for motorcycles.

2. Except as *otherwise* provided in this section, when any motorcycle ~~†~~ ~~except a trimobile†~~ or moped ~~†~~ is being driven on a highway, the driver and passenger shall wear protective headgear securely fastened on the head and protective glasses, goggles or face shields meeting those standards. ~~†Drivers and passengers of trimobiles shall wear protective glasses, goggles or face shields which meet those standards.†~~

3. When a motorcycle or a ~~†trimobile†~~ *moped* is equipped with a transparent windscreen meeting those standards, the driver and passenger are not required to wear glasses, goggles or face shields.

4. When a motorcycle *or moped* is being driven in a parade authorized by a local authority, the driver and passenger are not required to wear the protective devices provided for in this section.

5. When a three-wheel ~~†motorcycle†~~ *vehicle, except a trimobile*, on which the driver and passengers ride within an enclosed cab is being driven on a highway, the driver and passengers are not required to wear the protective devices required by this section.

Sec. 9. NRS 486.370 is hereby amended to read as follows:

486.370 “Motorcycle” ~~†does not include a trimobile.†~~ *includes a moped.*

Sec. 10. NRS 486.373 is hereby amended to read as follows:

486.373 1. A resident of this State who holds a *driver’s license, a motorcycle driver’s license or a motorcycle endorsement to a driver’s license* or who is eligible to apply for such a license or endorsement, or a nonresident who is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard and who is stationed at a military installation located in Nevada, may enroll in the Program.

2. The Director shall establish a fee of not more than \$150 for the Program.

Sec. 11. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, the board of commissioners of each county in this State may, to protect the health and safety of the public, enact an ordinance which regulates the time, place and manner of the operation of a mobile carrying device in the unincorporated areas of the county, including, without limitation, by prohibiting the use of a mobile carrying device in a specified area of the county.

2. A board of county commissioners, in enacting an ordinance pursuant to subsection 1, may not prohibit the use of a mobile carrying device on a sidewalk in the county that is more than 36 inches wide.

3. As used in this section, “mobile carrying device” has the meaning ascribed to it in section 2.5 of this act.

Sec. 12. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, the city council or other governing body of each incorporated city in this State, whether or not organized under general law or special charter, may, to protect the health and safety of the public, enact an ordinance which regulates the time, place and manner of the operation of a mobile carrying device in the city, including, without limitation, by prohibiting the use of a mobile carrying device in a specified area of the city.

2. A city council or governing body, in enacting an ordinance pursuant to subsection 1, may not prohibit the use of a mobile carrying device on a sidewalk in the city that is more than 36 inches wide.

3. As used in this section, “mobile carrying device” has the meaning ascribed to it in section 2.5 of this act.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 544.

Bill read third time.

Roll call on Assembly Bill No. 544:

YEAS—38.

NAYS—Carlton, Ellison, Titus—3.

VACANT—1.

Assembly Bill No. 544 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 84.

Bill read third time.

Roll call on Senate Bill No. 84:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 216 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 508 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 88.

Bill read third time.

Roll call on Senate Bill No. 88:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 102.

Bill read third time.

Roll call on Senate Bill No. 102:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 135.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

I rise in support of S.B. 135. The right to form a union has been a long-time struggle. It is not, and should not be considered a privilege that can simply be withheld or taken away. For generations, workers in this country and around the world have had to fight for their right to organize and have a seat at the negotiation table. We have a long history of workers organizing to bargain for collective bargaining. Their efforts not only benefitted them as union members but it benefitted those who were not union members because it raised the wages that were being paid and also improved the living and working conditions of all employees, whether they were members of the union or not. In our state, unfortunately, Nevada has unfairly excluded their state employees. That includes our hardworking Highway Patrol Officers and our corrections officers. I urge the members of this body—I know the benefits of being a union worker. I was a member of the North Las Vegas Police Officers Association, I served on that board, I negotiated for contracts that made it fair for all employees. I urge the members of this body to vote for this bill.

Roll call on Senate Bill No. 135:

YEAS—28.

NAYS—Edwards, Ellison, Hafen, Hambrick, Hansen, Hardy, Kramer, Krasner, Leavitt, Roberts, Titus, Tolles, Wheeler—13.

VACANT—1.

Senate Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 485.

Bill read third time.

Roll call on Senate Bill No. 485:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 503.

Bill read third time.

Roll call on Senate Bill No. 503:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 504.

Bill read third time.

Roll call on Senate Bill No. 504:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 505.

Bill read third time.

Roll call on Senate Bill No. 505:

YEAS—40.

NAYS—Edwards.

VACANT—1.

Senate Bill No. 505 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 506.

Bill read third time.

Roll call on Senate Bill No. 506:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 506 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 509.

Bill read third time.

Roll call on Senate Bill No. 509:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 509 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 510.

Bill read third time.

Roll call on Senate Bill No. 510:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 511.

Bill read third time.

Roll call on Senate Bill No. 511:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 511 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 512.

Bill read third time.

Roll call on Senate Bill No. 512:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 512 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 513.

Bill read third time.

Roll call on Senate Bill No. 513:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 513 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 514.

Bill read third time.

Roll call on Senate Bill No. 514:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 514 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 515.

Bill read third time.

Roll call on Senate Bill No. 515:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 515 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 516.

Bill read third time.

Roll call on Senate Bill No. 516:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 516 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 517.

Bill read third time.

Roll call on Senate Bill No. 517:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 517 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 518.

Bill read third time.

Roll call on Senate Bill No. 518:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 519.

Bill read third time.

Roll call on Senate Bill No. 519:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 519 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 525.

Bill read third time.

Roll call on Senate Bill No. 525:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 526.

Bill read third time.

Roll call on Senate Bill No. 526:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 526 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 527.

Bill read third time.

Roll call on Senate Bill No. 527:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 527 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 533.

Bill read third time.

Roll call on Senate Bill No. 533:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 533 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 530.

Bill read third time.

Roll call on Senate Bill No. 530:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 530 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 534.

Bill read third time.

Roll call on Senate Bill No. 534:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 534 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 550.

Bill read third time.

Roll call on Senate Bill No. 550:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 550 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 552.

Bill read third time.

Roll call on Senate Bill No. 552:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 552 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 554.

Bill read third time.

Roll call on Senate Bill No. 554:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 554 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 319.

Bill read third time.

Roll call on Senate Bill No. 319:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 408.

Bill read third time.

Roll call on Senate Bill No. 408:

YEAS—32.

NAYS—Edwards, Ellison, Hafen, Hambrick, Hansen, Kramer, Krasner, Titus, Wheeler—9.

VACANT—1.

Senate Bill No. 408 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 345.

The following Senate amendment was read:

Amendment No. 1080.

AN ACT relating to elections; authorizing each county and city clerk to establish polling places where any registered voter of the county or city, respectively, may vote in person on the day of certain elections; authorizing an elector to register to vote during certain periods before and on the day of certain elections and setting forth the requirements for such registration; requiring the Secretary of State to establish a system for voter registration on the Internet website of the Secretary of State and setting forth certain requirements for that system; requiring the Department of Motor Vehicles to provide a form to decline voter registration or indicate a political party affiliation after concluding certain transactions with the Department; requiring a county clerk to reject certain applications to register to vote that are automatically transmitted to the county clerk by the Department of Motor

Vehicles; revising requirements to publish certain information relating to elections in a newspaper; revising certain provisions relating to a student trainee serving as election board officer; requiring a provisional ballot to include all offices, candidates and measures upon which the person casting the provisional ballot would be entitled to vote if he or she were casting a regular ballot; revising certain deadlines related to absent ballots; authorizing a registered voter to request an absentee ballot for all elections; revising certain other requirements for absent ballots; revising the hours for early voting; authorizing county and city clerks to extend the hours for early voting after the hours have been published; establishing certain protections for private property owners who rent private property for use as a polling place; establishing certain requirements for the database of the Department of Motor Vehicles relating to processing and verifying voter registration information; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under the Nevada Constitution, a person must be a qualified elector in order to be a registered voter. (Nev. Const. Art. 2, §§ 1, 6) Under Nevada’s elections laws, a person who is a qualified elector and meets certain statutory requirements may register to vote, and a person who is at least 17 years but less than 18 years of age and meets certain statutory requirements may preregister to vote. Within a certain period after such a person registers or preregisters to vote and is deemed to be a registered voter, the person must be issued a voter registration card that contains certain registration information. (NRS 293.485, 293.4855, 293.517)

Section 1.5 of this bill defines the term “voter registration card” for the purposes of Nevada’s elections laws, and **section 1.7** of this bill lists the information that must be contained in the voter registration card under existing law. In addition, **section 1.7** clarifies that if a person is qualified to register to vote for an election and has properly completed any authorized method to register to vote for the election, the issuance of a voter registration card to the person is not a prerequisite to vote in the election. Similarly, **section 56** of this bill also clarifies that once a person who preregisters to vote is deemed to be a registered voter, the issuance of a voter registration card to the person is not a prerequisite to vote in an election.

Existing law requires the county clerk to establish the boundaries of election precincts and authorizes election precincts to be combined into election districts. (NRS 293.205-293.209) Existing law prohibits a person from applying for or receiving a ballot at any election precinct or district other than the one at which the person is entitled to vote. (NRS 293.730) **Section 2** of this bill authorizes the county clerk to establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of a primary or general election. **Section 3** of this bill requires the county clerk to publicize the location of such polling places. **Section 4** of this bill requires the county clerk to prepare a roster of registered voters in the county for any such polling place. **Section 5** of this bill sets forth

the procedure for a person to vote in person at any such polling place. **Sections 73-76** of this bill set forth corresponding provisions authorizing the city clerks to establish polling places where any person who is entitled to vote in the city by personal appearance may do so on the day of the primary city or general city election.

Existing law sets forth deadlines for registering to vote by mail, computer or appearing in person at the office of the county or city clerk. (NRS 293.560, 293C.527) The last day to register to vote for a primary election, primary city election, general election or general city election: (1) by mail is the fourth Tuesday preceding the election; (2) by appearing in person at the office of the county or city clerk, as applicable, is the third Tuesday preceding the election; and (3) by computer is the Thursday preceding the first day of the period for early voting for the election. **Sections 5.1-9.8, 64 and 105** of this bill revise these deadlines and authorize additional methods and times for voter registration for a primary election, primary city election, general election or general city election.

Section 6 of this bill provides that: (1) through the Thursday preceding the election, an elector may register to vote by computer using the online registration system provided on the website of the Office of the Secretary of State; and (2) after such online registration, the elector may appear and vote in person at a polling place during the period for early voting or on election day under certain circumstances. **Section 6** further provides that the elector must vote by casting a provisional ballot for all offices, candidates and measures on the ballot, except that the elector is entitled to cast a regular ballot if it is verified, at the time of voting, that the elector is qualified to cast a regular ballot in the election.

In addition to other methods of registration and notwithstanding the close of registration under other provisions of law, **sections 8 and 9** of this bill authorize an elector to register to vote in person at a polling place during the period for early voting or on the day of the election and to vote on the same day as the registration under certain circumstances. **Sections 8 and 9** also direct the county or city clerk to authorize one or more of the following methods of registration at the polling place: (1) a paper application; (2) a computer system established for the county; or (3) the Secretary of State's online system. However, **sections 8 and 9** permit the county or city clerk to limit the use of a particular method, such as a paper application, to circumstances when another method is not reasonably available.

To register and vote in person on the same day under **sections 8 and 9**, an elector must appear at a polling place, complete an application to register to vote by computer or another authorized method at the polling place and provide proof of identity and residence. Upon completion of the application and verification of identity and residence, the elector: (1) is deemed to be conditionally registered to vote and may vote in that election only at the polling place at which he or she registered to vote; and (2) must vote by casting a provisional ballot for all offices, candidates, questions and measures on the

ballot. However, under **section 8**, the elector is entitled to cast a regular ballot during the period for early voting if it is verified, at the time of voting, that the elector is qualified to cast a regular ballot in the election.

Sections 6, 8, 9 and 9.4 of this bill provide that, if the elector casts a provisional ballot, it will be counted only after final verification to determine whether the elector was qualified to register to vote and to cast the ballot in the election. **Section 9.6** of this bill provides that the county or city clerk: (1) shall not include any provisional ballot in the unofficial results reported on election night; and (2) beginning on the day following the election, shall regularly report the results of the counting of the provisional ballots until such counting is completed. **Section 9.8** of this bill directs the Secretary of State to establish a system, such as a toll-free telephone number or an Internet website, to inform an elector who cast a provisional ballot whether or not the ballot was counted and, if not, the reason why the ballot was not counted. **Section 148.8 of this bill makes an appropriation for the costs of implementing this bill.**

With regard to other methods of voter registration, **sections 64 and 105** of this bill change the deadline for registering in person at the offices of the county or city clerk to the fourth Tuesday preceding the election, which is the same deadline for registering by mail. **Sections 64 and 105** also eliminate the existing requirement that certain offices of the county or city clerk remain open for extended office hours during the last days before the deadline to register in person at those offices.

Under existing law, a registered voter may use an application to register to vote to correct his or her voter registration information. (NRS 293.5235) **Section 5.9** of this bill allows a registered voter, after the close of registration, to use certain authorized methods to update his or her voter registration information. **Section 5.9** also authorizes the county or city clerk to require the voter to cast a provisional ballot if any circumstances exist that give the clerk reasonable cause to believe that the use of a provisional ballot is necessary to provide sufficient time to verify and determine whether the voter is eligible to cast the ballot in the election based on his or her updated voter registration information.

Under existing law and various city charters, the Legislature has provided that city elections are governed by Nevada's elections laws, so far as those laws can be made applicable and are not inconsistent with the city charters. (NRS 293.126, 293C.110) To ensure statewide uniformity and consistency in the application of **sections 5.1-9.8** regarding voter registration, **sections 5.7, 15.5, 82, 117, 118, 120, 123, 125, 128, 131, 134, 137, 140, 143, 145 and 147** of this bill amend existing law and the applicable city charters to provide that **sections 5.1-9.8** apply to city elections and supersede and preempt any conflicting provisions of the city charters.

Under existing law, the Secretary of State serves as the Chief Officer of Elections and is responsible for the execution and enforcement of state and federal law relating to Nevada's elections. (NRS 293.124) **Section 11** of this bill requires the Secretary of State to establish an online system for voter

registration on the Internet website of the Office of the Secretary of State and sets forth certain requirements for the online system. **Section 148.6** of this bill makes an appropriation to the Secretary of State for the purposes of implementing and operating the online system and verifying voter registration information.

At the 2018 general election, the voters approved Ballot Question No. 5, also known as the Automatic Voter Registration Initiative, which requires the Department of Motor Vehicles to: (1) establish a system for the secure electronic storage and transmission of voter registration information obtained from a person who applies for the issuance or renewal of or a change of address on any driver's license or identification card; (2) collect certain voter registration information from the person, unless he or she affirmatively declines to apply to register to vote; and (3) transmit that information to the county clerk of the county in which the person resides to register that person to vote or update his or her voter registration information. (2018 Ballot Question No. 5, Automatic Voter Registration Initiative)

In carrying out its duties regarding voter registration, **section 12** of this bill requires the Department to provide a person with a form that allows the person to: (1) affirmatively decline to be registered to vote or have his or her voter registration updated; and (2) indicate a political party affiliation. The form also must inform the person that he or she may return the form immediately after his or her transaction with the Department to a secured container within the Department or update his or her voter registration information using the Secretary of State's online system. **Section 12** further provides that if a person fails to return the form at the end of his or her transaction with the Department, that person will be deemed to have consented to the transmission of his or her voter registration information, and the Department will transmit that information to the county clerk who will list the person's political party as nonpartisan under certain circumstances. **Sections 148.4 and 148.5** of this bill make appropriations to the Department for the purposes of carrying out its duties regarding voter registration.

After receiving the voter registration information transmitted by the Department, **section 13** of this bill provides that the county clerk must review the information to determine whether the person is eligible to register to vote. If the county clerk determines the person is not eligible to register to vote, **section 13** provides that the voter registration information shall be deemed not to be a complete application to register to vote and that person shall be deemed not to have applied to register to vote.

Existing law requires the county and city clerk to publish certain information relating to a primary election or general election in a newspaper of general circulation. (NRS 293.203, 293.253, 293C.187) **Sections 20, 85 and 112** of this bill remove the requirement for the county and city clerk to publish the names of the candidates and offices to which the candidates seek nomination or election. **Section 23** of this bill removes the additional requirement for the

county clerk to publish a condensation of any statewide measure and its explanation, arguments, rebuttals and fiscal note.

Existing law prohibits the county or city clerk from assigning more than one student trainee to serve as an election board officer to any one polling place. (NRS 293.2175, 293.227, 293C.222) **Sections 21, 21.5 and 86** of this bill remove that prohibition so that more than one student trainee may be assigned to a polling place.

Existing federal law requires states to allow certain registered voters to cast provisional ballots in special circumstances to ensure that the voters facing those circumstances are not unfairly denied the right to vote. (Section 302 of the Help America Vote Act of 2002, 52 U.S.C. § 21082) To comply with federal law, existing Nevada law authorizes a person to cast a provisional ballot if the person completes a written affirmation and: (1) declares that he or she is registered to vote and is eligible to vote in the election in the jurisdiction but his or her name does not appear on the voter registration list; (2) has registered to vote by mail or computer, has not voted in an election for federal office in this State and fails to provide identification to an election board officer at the polling place; or (3) declares that he or she is entitled to vote after the polling place would close as a result of certain court orders. A provisional ballot allows the person casting it to vote only for candidates for federal office. After the election, provisional ballots are kept separate from regular ballots and are only counted towards the result of the election under certain circumstances. (NRS 293.3081-293.3085) **Sections 10.3 and 37-39** of this bill ensure that the provisions governing provisional ballots subject to the federal requirements are kept separate in Nevada's elections laws from the provisions governing provisional ballots cast under **sections 5.1-9.8**. However, **sections 5.8 and 10.6** of this bill ensure that both types of provisional ballots include all offices, candidates and measures on which the person who is casting the provisional ballot would be entitled to vote if he or she were casting a regular ballot.

Existing law requires a person who will distribute forms to request absent ballots to provide written notice to the county or city clerk within 14 days of distributing the forms and mail the forms not later than 21 days before the election. (NRS 293.3095, 293C.306) **Sections 42 and 93** of this bill revise the time periods to require the person to provide notice to the county or city clerk within 28 days of distributing the forms and to mail the forms not later than 35 days before an election.

Existing law requires a registered voter, with limited exceptions, to request an absent ballot by 5 p.m. on the seventh calendar day preceding a primary, primary city, general or general city election. (NRS 293.313, 293C.310) **Sections 43 and 94** of this bill revise the deadline to require a person to request an absent ballot by 5 p.m. on the 14th day preceding an election.

Existing law authorizes a registered voter with a physical disability or who is at least 65 years of age to submit a written request to the county or city clerk to receive an absent ballot for all elections at which the registered voter is

eligible to vote. (NRS 293.3165, 293C.318) **Sections 44 and 95** of this bill instead provide that any registered voter may submit a written request to receive an absent ballot for all elections at which the registered voter is eligible to vote.

Existing law requires that an absent ballot be received by the county or city clerk by the time the polls close on the day of an election. (NRS 293.317) **Sections 45 and 76.5** of this bill instead provide that an absent ballot must be: (1) delivered by hand to the county or city clerk by the time set for the closing of the polls; or (2) mailed to the county or city clerk and postmarked on or before the day of an election and also received by the county or city clerk within the period for the counting of absent ballots, which continues through the seventh day following the election.

Existing law establishes a process for the county or city clerk to follow upon receiving an absent ballot from a registered voter. (NRS 293.325, 293C.325) **Sections 46 and 96** of this bill revise this process to require the county or city clerk to check the signature on the envelope of an absent ballot against all signatures of the voter in the records of the clerk, and if two employees of the office of the clerk question whether the signature matches, the county or city clerk must contact the voter to ask whether it is the signature of the voter. **Sections 46 and 96** further require the county or city clerk to contact a voter who has neglected to sign the return envelope of an absent ballot.

Existing law requires a permanent polling place for early voting by personal appearance at a primary or general election to remain open: (1) on Monday through Friday during the first week of early voting, from 8 a.m. to 6 p.m.; (2) on Monday through Friday during the second week of early voting, from 8 a.m. to 6 p.m. or 8 p.m.; and (3) on any Saturday during early voting, for at least 4 hours between 10 a.m. to 6 p.m. (NRS 293.3568, 293C.3568) **Sections 49 and 101** of this bill revise the hours a polling place must remain open during the period for early voting: (1) on Monday through Friday during early voting, for at least 8 hours during such times as the county or city clerk may establish; and (2) on any Saturday during early voting, for at least 4 hours during such times as the county or city clerk may establish.

Existing law requires the county or city clerk to publish the dates and hours that early voting will be conducted at each permanent and temporary polling place for early voting. (NRS 293.3576, 293C.3576) **Sections 50 and 102** of this bill provide that the county or city clerk may extend the hours that early voting will be conducted after the hours have been published.

Existing law authorizes the county or city clerk to rent privately owned locations to be designated as a polling place on election day. (NRS 293.437) **Section 52.6** of this bill provides that the legal rights and remedies of the owner or lessor of the private property to be rented as a location to be used as a polling place are not impaired or affected by renting the property.

Existing law requires the Secretary of State to establish and maintain an official statewide voter registration list, which, among other requirements, must be coordinated with the databases of the Department of Motor Vehicles.

(NRS 293.675) **Section 69** of this bill: (1) requires the Department to ensure that its database is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as feasible; and (2) prohibits the Department from limiting the number of applications or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

Existing law provides that the counties and certain cities must complete the canvass of the election returns in the county or city, respectively, on or before the sixth working day following the election. (NRS 293.387, 293.393, 293C.387) However, various city charters set different periods for certain cities to complete the canvass of the election returns following the election. **Sections 52.2, 52.4, 104.5, 116, 119, 121, 124, 126, 129, 132, 135, 138, 141, 144 and 148** of this bill provide that all counties and cities must complete the canvass of the election returns on or before the 10th day following the election.

Under the Nevada Constitution and existing statutes, persons who circulate initiative and referendum petitions proposing changes in the law are required to submit the petitions to the county clerks by certain deadlines, so the clerks can verify whether the petitions have a sufficient number of valid signatures to qualify for the ballot. (Nev. Const. Art. 19, §§ 1, 2; NRS 295.056) **Section 112.2** of this bill revises those deadlines.

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 1.5 to 13, inclusive, of this act.

Sec. 1.5. *“Voter registration card” means a voter registration card that is issued to a voter pursuant to any provision of this title and contains the information set forth in section 1.7 of this act.*

Sec. 1.7. 1. *A voter registration card must contain:*

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

(b) The date of its issuance; and

(c) The signature of the county clerk.

2. *If a voter is qualified to register to vote for an election and has properly completed any method authorized by the provisions of this title to register to vote for the election, the issuance of a voter registration card to the voter is not a prerequisite to vote in the election.*

Sec. 2. 1. *A county clerk may establish one or more polling places in the county where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.*

2. *Any person entitled to vote in the county by personal appearance may do so at any polling place established pursuant to subsection 1.*

Sec. 3. 1. Except as otherwise provided in subsection 2, if a county clerk establishes one or more polling places pursuant to section 2 of this act, the county clerk must:

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.

(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the board of county commissioners. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The county clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. The provisions of subsection 1 do not apply if every polling place in the county is a polling place where any person entitled to vote in the county by personal appearance may do so on the day of the primary election or general election.

3. No additional polling place may be established pursuant to section 2 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.

Sec. 4. 1. For each polling place established pursuant to section 2 of this act, if any, the county clerk shall prepare a roster that contains, for every registered voter in the county, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.

2. The roster must be delivered or caused to be delivered by the county clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 5. 1. Except as otherwise provided in NRS 293.283 and sections 5.1 to 9.8, inclusive, of this act, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 2 of this act, the election board officer shall:

(a) Determine that the person is a registered voter in the county and has not already voted in that county in the current election;

(b) Instruct the voter to sign the roster or a signature card; and

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the voter registration card issued to the voter.

3. *If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.*

4. *The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.*

5. *When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.*

6. *If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:*

(a) Prepare the mechanical voting device for the voter;

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

(c) Allow the voter to cast a vote.

7. *A voter applying to vote at a polling place established pursuant to section 2 of this act may be challenged pursuant to NRS 293.303.*

Sec. 5.1. *As used in sections 5.1 to 9.8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5.2 to 5.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5.2. *“Election” means:*

1. A primary election;

2. A general election;

3. A primary city election; or

4. A general city election.

Sec. 5.3. *“Final verification” means the procedures established pursuant to section 9.4 of this act to verify and determine whether a person who cast a provisional ballot was qualified to register to vote and to cast the ballot in the election.*

Sec. 5.4. *“Polling place for early voting” means any permanent or temporary polling place for early voting.*

Sec. 5.5. 1. *“Provisional ballot” means a provisional ballot cast by a person pursuant to sections 5.1 to 9.8, inclusive, of this act.*

2. *The term does not include a provisional ballot cast by a person pursuant to:*

(a) NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act; or

(b) Section 302 of the Help America Vote Act of 2002, 52 U.S.C. § 21082, as amended.

Sec. 5.6. 1. *The procedures authorized pursuant to the provisions of sections 5.1 to 9.8, inclusive, of this act are subject to all other provisions of this title relating to the registration of electors and the voting of registered*

voters, but only to the extent that the other provisions of this title do not conflict with the provisions of sections 5.1 to 9.8, inclusive, of this act.

2. If there is any conflict between the provisions of sections 5.1 to 9.8, inclusive, of this act and the other provisions of this title, the provisions of sections 5.1 to 9.8, inclusive, of this act control.

3. The provisions of sections 5.1 to 9.8, inclusive, of this act must be liberally construed and broadly interpreted to achieve their intended public purpose of encouraging and facilitating a greater number of electors to participate in the electoral process by voting, and if there is any uncertainty or doubt regarding the construction, interpretation or application of the provisions of sections 5.1 to 9.8, inclusive, of this act, that uncertainty or doubt must be resolved in favor of this public purpose.

Sec. 5.7. 1. Except as otherwise provided in subsections 2 and 3, the provisions of sections 5.1 to 9.8, inclusive, of this act apply to city elections and supersede and preempt any conflicting provisions of a city charter, regardless of the date of the enactment or amendment of the conflicting provisions of the city charter.

2. The provisions of sections 5.1 to 9.8, inclusive, of this act relating to early voting do not apply to a city election if the governing body of the city has not provided for the conduct of early voting by personal appearance in the city election pursuant to NRS 293C.110.

3. The provisions of sections 5.1 to 9.8, inclusive, of this act do not apply to a city election in which all ballots must be cast by mail pursuant to NRS 293C.112.

Sec. 5.8. If a person casts a provisional ballot pursuant to sections 5.1 to 9.8, inclusive, of this act, the provisional ballot must include all offices, candidates and measures upon which the person would have been entitled to vote if the person had cast a regular ballot.

Sec. 5.9. 1. After the close of registration for an election pursuant to NRS 293.560 or 293C.527, a registered voter may update his or her voter registration information, including, without limitation, his or her name, address and party affiliation.

2. The county or city clerk shall authorize one or more of the following methods for a registered voter to update his or her voter registration information pursuant to this section:

- (a) A paper application;
- (b) A system established pursuant to NRS 293.506 for using a computer to register voters; or
- (c) The system established by the Secretary of State pursuant to section 11 of this act.

↪ If the county or city clerk authorizes the use of more than one method, the county or city clerk may limit the use of a particular method to circumstances when another method is not reasonably available.

3. If a registered voter updates his or her voter registration information pursuant to this section and applies to vote in the election, the county or city

clerk may require the voter to cast a provisional ballot in the election if any circumstances exist that give the county or city clerk reasonable cause to believe that the use of a provisional ballot is necessary to provide sufficient time to verify and determine whether the voter is eligible to cast the ballot in the election based on his or her updated voter registration information.

4. If a registered voter casts a provisional ballot in the election pursuant to this section, the provisional ballot is subject to final verification in accordance with the procedures that apply to other provisional ballots cast in the election pursuant to sections 5.1 to 9.8, inclusive, of this act.

Sec. 6. 1. Through the Thursday preceding the day of the election, an elector may register to vote in the county or city, as applicable, in which the elector is eligible to vote by submitting an application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act before the elector appears at a polling place described in subsection 2 to vote in person.

2. If an elector submits an application to register to vote pursuant to this section, the elector may vote only in person:

(a) During the period for early voting, at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote; or

(b) On the day of the election, at:

(1) A polling place established pursuant to section 2 or 73 of this act, if one has been established in the county or city, as applicable, in which the elector is eligible to vote; or

(2) The polling place for his or her election precinct.

3. To vote in person, an elector who submits an application to register to vote pursuant to this section must:

(a) Appear before the close of polls at a polling place described in subsection 2;

(b) Inform an election board officer that, before appearing at the polling place, the elector submitted an application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act; and

(c) Except as otherwise provided in subsection 4, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

4. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

- (b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;*
- (c) A bank or credit union statement;*
- (d) A paycheck;*
- (e) An income tax return;*
- (f) A statement concerning the mortgage, rental or lease of a residence;*
- (g) A motor vehicle registration;*
- (h) A property tax statement; or*
- (i) Any other document issued by a governmental agency.*

5. Subject to final verification, if an elector submits an application to register to vote and appears at a polling place to vote in person pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the elector submitted the application to register to vote by computer using the system established by the Secretary of State pursuant to section 11 of this act and that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

Sec. 7. (Deleted by amendment.)

Sec. 8. 1. *Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.*

2. *To register to vote in person during the period for early voting, an elector must:*

(a) Appear before the close of polls at a polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize one or more of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application;

(2) A system established pursuant to NRS 293.506 for using a computer to register voters; or

(3) The system established by the Secretary of State pursuant to section 11 of this act.

↳ If the county or city clerk authorizes the use of more than one method, the county or city clerk may limit the use of a particular method to circumstances when another method is not reasonably available.

(c) Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

3. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

- (a) A military identification card;*
- (b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;*
- (c) A bank or credit union statement;*
- (d) A paycheck;*
- (e) An income tax return;*
- (f) A statement concerning the mortgage, rental or lease of a residence;*
- (g) A motor vehicle registration;*
- (h) A property tax statement; or*
- (i) Any other document issued by a governmental agency.*

4. Subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

Sec. 9. 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person on the day of the election at any polling place in the county or city, as applicable, in which the elector is eligible to vote.

2. *To register to vote on the day of the election, an elector must:*

(a) *Appear before the close of polls at a polling place in the county or city, as applicable, in which the elector is eligible to vote.*

(b) *Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize one or more of the following methods for a person to register to vote pursuant to this paragraph:*

(1) *A paper application;*

(2) *A system established pursuant to NRS 293.506 for using a computer to register voters; or*

(3) *The system established by the Secretary of State pursuant to section 11 of this act.*

↪ *If the county or city clerk authorizes the use of more than one method, the county or city clerk may limit the use of a particular method to circumstances when another method is not reasonably available.*

(c) *Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.*

3. *If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:*

(a) *A military identification card;*

(b) *A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;*

(c) *A bank or credit union statement;*

(d) *A paycheck;*

(e) *An income tax return;*

(f) *A statement concerning the mortgage, rental or lease of a residence;*

(g) *A motor vehicle registration;*

(h) *A property tax statement; or*

(i) *Any other document issued by a governmental agency.*

4. *Subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:*

(a) *The elector shall be deemed to be conditionally registered to vote at the polling place upon:*

(1) *The determination that the application to register to vote is complete; and*

(2) *The verification of the elector's identity and residency pursuant to this section.*

(b) *After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:*

- (1) May vote in the election only at that polling place;*
- (2) Must vote as soon as practicable and before leaving that polling place; and*
- (3) Must vote by casting a provisional ballot.*

Sec. 9.2. If an elector is deemed to be conditionally registered to vote at a polling place pursuant to sections 5.1 to 9.8, inclusive, of this act, the county clerk shall issue to the elector a voter registration card as soon as practicable after final verification.

Sec. 9.4. 1. Each county and city clerk shall establish procedures, approved by the Secretary of State, for:

(a) Carrying out final verification to verify and determine whether a person who cast a provisional ballot was qualified to register to vote and to cast the ballot in the election; and

(b) Keeping each provisional ballot separate from other ballots until such final verification.

2. For the purposes of final verification:

(a) The Secretary of State shall verify that an elector has voted in the election in only one county or city, as applicable, and provide each county and city clerk with a copy of the verification report; and

(b) Each county and city clerk shall verify that an elector has voted in the election at only one polling place in the county or city, as applicable.

Sec. 9.6. 1. Following each election, a canvass of the provisional ballots cast in the election must be conducted pursuant to NRS 293.387 and 293C.387.

2. The county or city clerk shall not include any provisional ballot in the unofficial results reported on election night.

3. Beginning on the day following the election, the county or city clerk shall regularly report the results of the counting of the provisional ballots until such counting is completed.

Sec. 9.8. 1. The Secretary of State shall establish a free access system, such as a toll-free telephone number or an Internet website, to inform a person who cast a provisional ballot whether the person's ballot was counted and, if the ballot was not counted, the reason why the ballot was not counted.

2. The free access system must ensure secrecy of the ballot while protecting the confidentiality and integrity of personal information contained therein.

3. Access to information concerning a provisional ballot must be restricted to the person who cast the provisional ballot.

Sec. 10. (Deleted by amendment.)

Sec. 10.3. As used in this section, NRS 293.3081 to 293.3086, inclusive, and section 10.6 of this act, unless the context otherwise requires:

1. "Provisional ballot" means a provisional ballot cast by a person pursuant to this section, NRS 293.3081 to 293.3086, inclusive, and section 10.6 of this act.

2. *The term does not include a provisional ballot cast by a person pursuant to sections 5.1 to 9.8, inclusive, of this act.*

Sec. 10.6. *If a person casts a provisional ballot pursuant to this section, NRS 293.3081 to 293.3086, inclusive, and section 10.3 of this act, the provisional ballot must include all offices, candidates and measures upon which the person would have been entitled to vote if the person had cast a regular ballot.*

Sec. 11. 1. *The Secretary of State shall establish a system on the Internet website of the Office of the Secretary of State to allow persons by computer to:*

- (a) Preregister and register to vote;*
- (b) Cancel his or her preregistration or voter registration;*
- (c) Update his or her preregistration or voter registration information, including, without limitation, the person's name, address and party affiliation; and*
- (d) Determine at what polling place or places he or she is entitled to vote.*

2. *The system established pursuant to subsection 1 must:*

- (a) Be user friendly;*
- (b) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250 and 293.4855; and*
- (c) Inform any person who uses the system to register to vote for an election pursuant to sections 6, 8 and 9 of this act that the person may vote in the election only if the person complies with the applicable requirements established by those sections.*

3. *The Secretary of State shall include on the system, in black lettering and not more than 14-point type, the following information:*

- (a) The qualifications to register or preregister to vote;*
- (b) That if the applicant does not meet the qualifications, he or she is prohibited from registering or preregistering to vote; and*
- (c) The penalties for submitting a false application.*

4. *The Secretary of State shall not include on the system:*

- (a) Any additional warnings regarding the penalties for submitting a false application; or*
- (b) The notice set forth in NRS 225.083.*

Sec. 12. 1. *At the time the Department of Motor Vehicles notifies a person of the qualifications to vote in this State pursuant to section 3 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, the Department shall provide the person with a paper form on which the person may:*

- (a) Affirmatively decline to be registered to vote or have his or her voter registration updated; and*
- (b) Elect to indicate a political party affiliation.*

2. *The form provided by the Department pursuant to subsection 1:*

- (a) Must include a notice informing the person of the information required pursuant to paragraphs (b) and (c) of subsection 2 of section 3 of*

the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, and that the person may:

(1) Return the completed form at the end of his or her transaction with the Department by depositing the form in the secured container provided by the Department pursuant to subsection 3; or

(2) Use the system established by the Secretary of State pursuant to section 11 of this act to update his or her voter registration information, including, without limitation, the person's name, address and party affiliation.

(b) May include any other information that the Department determines is necessary to carry out the provisions of this section.

3. The Department shall provide a secured container within the Department designated for the return of any form provided to a person pursuant to this section.

4. For the purposes of sections 4 and 5 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative:

(a) If a person deposits the completed form in the secured container at the end of his or her transaction with the Department and has not affirmatively declined in the form to be registered to vote or have his or her voter registration updated:

(1) The Department shall be deemed to have collected the information contained in the form from the person during his or her transaction with the Department; and

(2) The person shall be deemed to have consented to the transmission of that information and the other information and documents collected during his or her transaction with the Department to the Secretary of State and the appropriate county clerks for the purpose of registering the person to vote or updating the person's existing voter registration information in order to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

(b) If a person does not deposit the form in the secured container at the end of his or her transaction with the Department:

(1) The person shall be deemed to have consented to the transmission of the information and documents collected during his or her transaction with the Department to the Secretary of State and the appropriate county clerks for the purpose of registering the person to vote or updating the person's existing voter registration information in order to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

(2) The appropriate county clerk shall list the person's political party as nonpartisan, unless the person is already a registered voter listed as affiliated with a political party in the person's existing voter registration information.

5. The Department may adopt regulations to carry out the provisions of this section.

Sec. 13. 1. *Each county clerk shall review the voter registration information transmitted by the Department of Motor Vehicles pursuant to section 5 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, and section 12 of this act to determine whether the person is eligible to register to vote in this State.*

2. *If the county clerk determines that a person is not eligible to register to vote pursuant to subsection 1:*

(a) It shall be deemed that the transmittal is not a completed voter registration application;

(b) It shall be deemed that the person did not apply to register to vote; and

(c) The county clerk must reject the application and may not register that person to vote.

Sec. 13.3. 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 section 1.5 of this act** have the meanings ascribed to them in those sections.

Sec. 13.5. NRS 293.093 is hereby amended to read as follows:

293.093 “Regular votes” means the votes cast by registered voters, except votes cast by :

1. *An absent ballot ;*

2. *A provisional ballot pursuant to sections 5.1 to 9.8, inclusive, of this act; or*

3. *A provisional ballot ~~+~~ pursuant to NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act.*

Sec. 14. NRS 293.095 is hereby amended to read as follows:

293.095 “Roster” means the record in printed or electronic form furnished to election board officers which ~~contains~~ :

1. *Contains a list of ~~eligible~~ registered voters and is to be used for obtaining the signature of each ~~person applying for a ballot.~~ registered voter who applies to vote at a polling place; or*

2. *Is to be used for obtaining the signature of each elector who applies to register to vote or applies to vote at a polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.*

Sec. 15. (Deleted by amendment.)

Sec. 15.5. NRS 293.126 is hereby amended to read as follows:

293.126 **1.** *The provisions of sections 5.1 to 9.8, inclusive, of this act apply to city elections.*

2. The *other* provisions of this chapter, not inconsistent with the provisions of chapter 293C of NRS or a city charter, *also* apply to city elections.

Sec. 16. NRS 293.1273 is hereby amended to read as follows:

293.1273 ~~In any county where registrations are performed and records are kept by computer, a~~ A facsimile of a voter’s signature that is created by a computer may be used if a verification or comparison of the signature is required by any provision of this title.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 18.5. NRS 293.12757 is hereby amended to read as follows:

293.12757 ~~{A}~~ ***If a person is qualified to register to vote and has properly completed any method authorized by the provisions of this title to register to vote:***

1. *The person may sign a petition required under the election laws of this State on or after the date **on which** the person is deemed to be registered to vote pursuant to NRS 293.4855, ~~or~~ 293.517 ~~[- subsection 7 of NRS] or 293.5235 ~~or~~, sections 5.1 to 9.8, inclusive, of this act, section 6 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative ~~[-], or any other provision of this title; and~~~~*

2. *The county clerk shall use the date prescribed by subsection 1 for the purposes of the verification of the person's signature on the petition.*

Sec. 19. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 5, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

5. If:

(a) Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer;

(b) ***A person registers to vote using the system established by the Secretary of State pursuant to section 11 of this act;***

(c) A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature; or

~~(d)~~ (d) A person registers to vote pursuant to section 4 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative,

↳ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

6. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

7. Except as otherwise provided in subsection 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide

measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk’s office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

8. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

9. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 19.5. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, 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 and not 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 March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in 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 December 31 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; that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of 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; that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of 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

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 the candidate 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 the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall 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. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

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

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

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

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

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

6. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her 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 the 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.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her 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 the candidate has had his or her 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.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 20. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates from the Secretary of State, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.

~~4. The names of the candidates.~~

~~5. A list of the offices to which the candidates seek nomination or election.~~

↪ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution or constitutional amendment pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 21. NRS 293.2175 is hereby amended to read as follows:

293.2175 1. The county clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

- (a) A United States citizen, a resident of Nevada and a resident of the county in which the pupil serves;
 - (b) Enrolled in high school; and
 - (c) At the time of service, at least 16 years of age.
2. The county clerk may only appoint a pupil as a trainee if:

- (a) The pupil is appointed without party affiliation;
- (b) The county clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;
- (c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the pupil's assigned school counselor receives the county clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;
- (d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and
- (e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the county clerk may assign a trainee such duties as the county clerk deems appropriate. The county clerk shall not ~~+~~

~~—(a) Require~~ **require** the trainee to perform those duties later than 10 p.m. or any applicable curfew, whichever is earlier. ~~+~~ ~~or~~

~~—(b) Assign more than one trainee to serve as an election board officer in any one polling place.~~

4. The county clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 21.5. NRS 293.227 is hereby amended to read as follows:

293.227 1. Each election board must have one member designated as the chair by the county or city clerk. The election boards shall make the records of election required by this chapter.

2. The appointment of a trainee as set forth in NRS 293.2175 and 293C.222 may be used to determine the number of members on the election board, but under no circumstances may ~~+~~

~~—(a) The election board of any polling place include more than one trainee; or~~

~~—(b) A~~ **a** trainee serve as chair of the election board.

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

4. The board of county commissioners of any county or the city council of any city may reimburse the members of an election board who attend the school for their travel expenses at a rate not exceeding 10 cents per mile.

Sec. 22. NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

- (a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of ~~the~~ :

(1) A system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.

(2) *The system established by the Secretary of State pursuant to section 11 of this act for using a computer to register voters.*

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 23. NRS 293.253 is hereby amended to read as follows:

293.253 1. The Secretary of State shall provide each county clerk with copies of any proposed constitution ~~†~~ **or** constitutional amendment ~~for statewide measure†~~ which will appear on the general election ballot, together with the copies of the condensations, explanations, arguments, rebuttals and fiscal notes prepared pursuant to NRS 218D.810, 293.250 and 293.252.

2. Whenever feasible, the Secretary of State shall provide those copies on or before the first Monday in August of the year in which the proposals will appear on the ballot. Copies of any additional proposals must be provided as soon after their filing as feasible.

3. Each county clerk shall cause a copy of the full text of any such constitution or amendment and its condensation, explanation, arguments, rebuttals and fiscal note to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general circulation in the county three times at intervals of not less than 7 days, the first publication to be on or before the first Monday in October. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.

4. If a copy of any such constitution or amendment is furnished by the Secretary of State too late to be published at 7-day intervals, it must be published three times at the longest intervals feasible in each county.

~~5. Each county clerk shall cause a copy of the condensation of any statewide measure and its explanation, arguments, rebuttals and fiscal note to be published on or before the first Monday in October in a newspaper of general circulation in the county. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.~~

~~6.†~~ The portion of the cost of publication which is attributable to publishing the questions, explanations, arguments, rebuttals and fiscal notes of proposed constitutions ~~†~~ **or** constitutional amendments ~~for statewide measures†~~ is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 24. NRS 293.2546 is hereby amended to read as follows:

293.2546 The Legislature hereby declares that each voter has the right:

1. To receive and cast a ballot that:

(a) Is written in a format that allows the clear identification of candidates; and

(b) Accurately records the voter's preference in the selection of candidates.

2. To have questions concerning voting procedures answered and to have an explanation of the procedures for voting posted in a conspicuous place at the polling place.

3. To vote without being intimidated, threatened or coerced.

4. To vote **during any period for early voting or** on election day if the voter is waiting in line **to vote or register to vote** at ~~his or her~~ a polling place **at which the voter is entitled to vote or register to vote** ~~before 7 p.m.~~ **at the time that the polls close** and the voter has not already cast a vote in that election.

5. To return a spoiled ballot and is entitled to receive another ballot in its place.

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner as provided by law.

8. To receive instruction in the use of the equipment for voting during early voting or on election day.

9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.

10. To have a uniform, statewide standard for counting and recounting all votes accurately.

11. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 293.272 is hereby amended to read as follows:

293.272 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law, ~~or~~ NRS 293.316 ~~for 293.3165~~ or chapter 293D of NRS;

(c) Is disabled;

(d) **Is provided the right to vote otherwise than in person pursuant to the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.;**

(e) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

~~(e)~~ (f) Requests an absent ballot in person at the office of the county clerk.

Sec. 27. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083, *in sections 5.1 to 9.8, inclusive, of this act* and in federal law, a person who registers to vote by mail or computer or registers to vote pursuant to section 4 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, or a person who preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and who has not previously voted in an election for federal office in this State:

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

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

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

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

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

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

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

2. The provisions of subsection 1 do not apply to a person who:

(a) Registers to vote by mail or computer, or preregisters to vote by mail or computer and is subsequently deemed to be registered to vote, and submits with an application to preregister or register to vote:

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

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

(b) Except as otherwise provided in subsection 3, registers to vote by mail or computer and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to section 4 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, and at that time presents to the Department of Motor Vehicles:

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

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

(3) A driver’s license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;

(e) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.; or

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

3. The provisions of subsection 1 apply to a person described in paragraph (b) of subsection 2 if the voter registration card issued to the person ~~pursuant to subsection 6 of NRS 293.517~~ is mailed by the county clerk to the person and returned to the county clerk by the United States Postal Service.

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as otherwise provided in ~~subsection 2 and~~ NRS 293.305, at all elections held under the provisions of this title, the polls must open at 7 a.m. and close at 7 p.m.

2. ~~Whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed.~~

~~3.~~ Upon opening the polls, one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications ~~of registered voters to vote~~ will be received ~~f-~~

~~4.~~ **from:**

(a) *Registered voters who apply to vote at the polling place; and*

(b) *Electors who apply to register to vote or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.*

3. No person , other than election board officers engaged in receiving, preparing or depositing ballots *or registering electors*, may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this title.

Sec. 30. NRS 293.275 is hereby amended to read as follows:

293.275 ~~No~~

1. *Except as otherwise provided in subsection 2, an* election board may *not* perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it ~~the~~ :

(a) *The roster designated for registered voters who apply to vote at the polling place* ~~††~~; *and*

(b) *The roster designated for electors who apply to register to vote or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.*

2. *For a polling place established pursuant to section 2 or 73 of this act, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county or city, as applicable.*

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 293.277 is hereby amended to read as follows:

293.277 1. Except as otherwise provided in NRS 293.283 and 293.541 ~~††~~ *and sections 5.1 to 9.8, inclusive, of this act*, if a person's name appears in the roster, or if the person provides an affirmation pursuant to NRS 293.525, the person is entitled to vote and must sign his or her name in the roster or on a signature card when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

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

(a) *The voter registration card issued to the voter ;* ~~†at the time he or she registered to vote or was deemed to be registered to vote.†~~

(b) A driver's license;

(c) An identification card issued by the Department of Motor Vehicles;

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

3. *The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that county in the current election.*

Sec. 32.5. NRS 293.283 is hereby amended to read as follows:

293.283 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster or on a signature card as required by NRS 293.277, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the *voter registration* card issued to the voter . ~~†at the time he or she registered to vote or was deemed to be registered to vote.†~~

2. If the identity of the voter is verified, the election board officer shall indicate in the roster “Identified” by the voter’s name.

Sec. 33. NRS 293.285 is hereby amended to read as follows:

293.285 1. Except as otherwise provided in NRS 293.283 ~~[-a]~~ **and sections 5.1 to 9.8, inclusive, of this act:**

(a) A registered voter applying to vote shall state his or her name to the election board officer in charge of the roster ; ~~[-]~~ and ~~[-the]~~

(b) **The election board** officer shall ~~[-immediately announce]~~ :

(1) **Announce** the name ~~[-, instruct]~~ **of the registered voter;**

(2) **Instruct** the **registered** voter to sign the roster or signature card ~~[-, and verify]~~ ;

(3) **Verify** the signature of the **registered** voter in the manner set forth in NRS 293.277 ~~[-]~~ ; **and**

(4) **Verify that the registered voter has not already voted in that county in the current election.**

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the **voter registration** card issued to the voter . ~~[-at the time he or she registered to vote or was deemed to be registered to vote.]~~

3. If the signature of the voter has changed in comparison to the signature on the application to preregister or register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 34. NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

(a) The voter’s employer or an agent of the voter’s employer; or

(b) An officer or agent of the voter’s labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the county clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the

voter to vote at ~~his or her~~ a polling place ~~†~~ **at which he or she is entitled to vote.**

Sec. 35. NRS 293.3025 is hereby amended to read as follows:

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

1. A sample ballot;
2. Information concerning the date and hours of operation of the polling place;
3. Instructions for voting and casting a ballot, including a provisional ballot ~~†~~ **pursuant to sections 5.1 to 9.8, inclusive, of this act or a provisional ballot pursuant to NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act;**
4. Instructions concerning the identification required for persons who registered by mail **or computer** and are first-time voters for federal office in this State;
5. Information concerning the accessibility of polling places to persons with disabilities;
6. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and
7. Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.

Sec. 35.5. NRS 293.303 is hereby amended to read as follows:

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

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

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

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

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

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

(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the roster, "I swear or

affirm under penalty of perjury that I reside at the residence for which the address is listed in the roster”;

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

(e) If the challenge is on the ground that the challenged person is not the person he or she claims to be, “I swear or affirm under penalty of perjury that I am the person whose name is in this roster.”

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

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, the person must not be issued a ballot, and the election board officer shall indicate in the roster “Challenged” by the person’s name.

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

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

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

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification which contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card ~~issued pursuant to NRS 293.5171~~ does not provide proof of the address at which a person resides.

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

(a) Furnishes official identification which contains a photograph of the person, such as a driver’s license or other official document; or

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

(1) Furnishes official identification which contains a photograph of that person, such as a driver’s license or other official document; and

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

9. The election board officers shall:

(a) Record on the challenge list:

- (1) The name of the challenged person;
- (2) The name of the registered voter who initiated the challenge; and
- (3) The result of the challenge; and

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

Sec. 36. NRS 293.305 is hereby amended to read as follows:

293.305 1. If at the hour of closing the polls there are any ~~registered~~ :

(a) **Registered** voters waiting **in line to apply to** vote ~~at~~ **at the polling place;**

or

(b) **Electors waiting in line to apply to register to vote or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act,**

~~the doors of the polling place must be closed after all ~~such~~ those registered voters and electors have been admitted to the polling place. ~~Voting.~~ The registration of those electors and the voting by those registered voters and electors must continue until ~~those voters have voted.~~ all such registration and voting has been completed.~~

2. The deputy sheriff shall allow other persons to enter the polling place after the doors have been closed **pursuant to subsection 1** for the purpose of observing or any other legitimate purpose if there is room within the polling place and ~~such~~ **the admittance of the other persons** will not interfere unduly with the **registration of the electors and the voting ~~at~~ by the registered voters and electors.**

Sec. 37. NRS 293.3081 is hereby amended to read as follows:

293.3081 A person at a polling place may cast a provisional ballot in an election ~~to vote for a candidate for federal office~~ **pursuant to NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act** if the person complies with the applicable provisions of NRS 293.3082 and:

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

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

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

Sec. 38. NRS 293.3082 is hereby amended to read as follows:

293.3082 1. Before a person may cast a provisional ballot pursuant to NRS 293.3081, the person must complete a written affirmation on a form

provided by an election board officer, as prescribed by the Secretary of State, at the polling place which includes:

- (a) The name of the person casting the provisional ballot;
- (b) The reason for casting the provisional ballot;
- (c) A statement in which the person casting the provisional ballot affirms under penalty of perjury that he or she is a registered voter in the jurisdiction and is eligible to vote in the election;
- (d) The date and type of election;
- (e) The signature of the person casting the provisional ballot;
- (f) The signature of the election board officer;
- (g) A unique affirmation identification number assigned to the person casting the provisional ballot;
- (h) If the person is casting the provisional ballot pursuant to subsection 1 of NRS 293.3081:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 39. NRS 293.3083 is hereby amended to read as follows:

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

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

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

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

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. NRS 293.3095 is hereby amended to read as follows:

293.3095 1. A person who, during the 6 months immediately preceding an election, distributes to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Distribute the form prescribed by the Secretary of State, which must, in 14-point type or larger:

(1) Identify the person who is distributing the form; and

(2) Include a notice stating, "This is a request for an absent ballot.";

(b) Not later than ~~{14}~~ 28 days before distributing such a form, provide to the county clerk of each county to which a form will be distributed written notification of the approximate number of forms to be distributed to voters in the county and of the first date on which the forms will be distributed;

(c) Not return or offer to return to a county clerk a form that was mailed to a registered voter pursuant to this subsection; and

(d) Not mail such a form later than ~~{21}~~ 35 days before the election.

2. The provisions of this section do not authorize a person to vote by absent ballot if the person is not otherwise eligible to vote by absent ballot.

Sec. 43. NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter may request an absent ballot if, before 5 p.m. on the ~~{seventh}~~ **14th** calendar day preceding the election, the registered voter:

(a) Provides sufficient written notice to the county clerk; and

(b) Has identified himself or herself to the satisfaction of the county clerk.

2. A registered voter may request an absent ballot for all elections held during the year he or she requests an absent ballot.

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

request for an absent ballot for the primary and general elections immediately following the date on which the county clerk received the request.

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 this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 44. NRS 293.3165 is hereby amended to read as follows:

293.3165 1. A registered voter ~~[with a physical disability or]~~ who ~~is at least 65 years of age and~~ provides sufficient written notice to the appropriate county clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote.

2. Except as otherwise provided in subsection 4, upon receipt of a request submitted by a registered voter pursuant to subsection 1, the county clerk shall:

(a) Issue an absent ballot to the registered voter for each primary election, general election and special election other than a special city election that is conducted after the date the written statement is submitted to the county clerk.

(b) Inform the applicable city clerk of receipt of the written statement. Upon receipt of the notice from the county clerk, the city clerk shall issue an absent ballot for each primary city election, general city election and special city election that is conducted after the date the city clerk receives notice from the county clerk.

3. If, at the direction of the registered voter ~~†~~ ***with a physical disability or who is at least 65 years of age***, a person:

(a) Marks and signs an absent ballot issued to the registered voter pursuant to the provisions of this section on behalf of the registered voter, the person must:

(1) Indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter; and

(2) Submit a written statement with the absent ballot that includes the name, address and signature of the person.

(b) Assists a registered voter to mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section, the person or registered voter must submit a written statement with the absent ballot that includes the name, address and signature of the person.

4. A county clerk may not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530; ~~or~~

(b) The county clerk cancels the registration of the person pursuant NRS 293.527, 293.530, 293.535 or 293.540 ~~†~~; ***or***

(c) ***An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.***

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

Sec. 45. NRS 293.317 is hereby amended to read as follows:

293.317 ~~{Absent}~~

1. Except as otherwise provided in subsection 2, absent ballots, including special absent ballots, ~~{received}~~ must be:

(a) Delivered by hand to the county ~~{or city}~~ clerk ~~{after}~~ before the time set for closing of the polls ~~{are closed}~~ pursuant to NRS 293.273; or

(b) Mailed to the county clerk and:

(1) Postmarked on or before the day of election ~~{are invalid}~~; and

(2) Received by the county clerk within the period for the counting of absent ballots pursuant to subsection 2 of NRS 293.333.

2. If an absent ballot is received not more than 3 days after the day of the election and the date of the postmark cannot be determined, the absent ballot shall be deemed to have been postmarked on or before the day of the election.

Sec. 46. NRS 293.325 is hereby amended to read as follows:

293.325 **1.** Except as otherwise provided in ~~{subsection 2 and}~~ NRS 293D.200, 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 **check the signature in accordance with the following procedure:**

(a) The county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against all signatures of the voter available in the records of the county clerk.

(b) If at least two employees in the office of the county clerk believe there is a reasonable question of fact as to whether the signature on the absent ballot matches the signature of the voter, the county clerk shall contact the voter and ask the voter to confirm whether the signature on the absent ballot belongs to the voter.

2. Except as otherwise provided in subsection 3, if the county clerk determines pursuant to subsection 1 that the absent voter is entitled to cast a ballot and:

(a) No absent ballot central counting board has been appointed, 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 appropriate election board.

~~{2. Except as otherwise provided in NRS 293D.200, if an}~~

(b) 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, 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 a ballot,~~ the county clerk 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.

3. *If the county clerk determines when checking the signature of the voter pursuant to subsection 1 that the absent voter did not sign the return envelope as required pursuant to NRS 293.330 but is otherwise entitled to cast a ballot, the county clerk shall contact the absent voter and advise the voter of the procedures to provide a signature established pursuant to subsection 4. For the absent ballot to be counted, the absent voter must provide a signature within the period for the counting of absent ballots pursuant to subsection 2 of NRS 293.333.*

4. *Each county clerk shall prescribe procedures for a voter who did not sign the return envelope of an absent ballot in order to:*

- (a) Contact the voter;***
- (b) Allow the voter to provide a signature; and***
- (c) After a signature is provided, ensure the absent ballot is delivered to the appropriate election board or the absent ballot central counting board, as applicable.***

Sec. 47. NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in subsection 2 of NRS 293.323 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail *or deliver* the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

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

(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

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

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

4. Except as otherwise provided in NRS 293.316 and 293.3165, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 48. NRS 293.333 is hereby amended to read as follows:

293.333 **1.** Except as otherwise provided in NRS 293D.200, on the day of an election, the election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

~~1-1~~ **(a)** The name of the voter, as shown on the return envelope or approved electronic transmission must be called and checked as if the voter were voting in person;

~~1-2~~ **(b)** The signature on the back of the return envelope or on the approved electronic transmission must be compared with that on the application to register to vote;

~~1-3~~ **(c)** If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope or approved electronic transmission compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

~~1-4~~ **(d)** The election board officers shall indicate in the roster "Voted" by the name of the voter.

2. *Counting of absent ballots must continue through the seventh day following the election.*

Sec. 49. NRS 293.3568 is hereby amended to read as follows:

293.3568 **1.** The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and federal holidays excepted.

2. The county clerk may:

(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday ~~†~~

~~— (1) During the first week of early voting, from 8 a.m. until 6 p.m.~~

~~— (2) During the second week of early voting, from 8 a.m. until 6 p.m., or~~

~~until 8 p.m. if~~ **during the period for early voting, for at least 8 hours during such hours as the county clerk ~~†~~so requires.† may establish.**

(b) On any Saturday that falls within the period for early voting, for at least 4 hours ~~between 10 a.m. and 6 p.m.†~~ **during such hours as the county clerk may establish.**

(c) If the county clerk includes a Sunday that falls within the period for early voting, pursuant to subsection 2, during such hours as the county clerk may establish.

Sec. 50. NRS 293.3576 is hereby amended to read as follows:

293.3576 1. The county clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:

(a) The location of each permanent and temporary polling place for early voting.

(b) The dates and hours that early voting will be conducted at each location.

2. The county clerk shall post a copy of the schedule on the bulletin board used for posting notice of meetings of the board of county commissioners. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The county clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

5. *The hours that early voting will be conducted at each polling place for early voting may be extended at the discretion of the county clerk after the schedule is published pursuant to this section.*

Sec. 51. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Except as otherwise provided in NRS 293.283 ~~†~~ **and sections 5.1 to 9.8, inclusive, of this act**, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting ~~†~~ or a signature card.

(c) Verify the signature of the voter in the manner set forth in NRS 293.277.

(d) Verify that the voter has not already voted *in that county* in the current election. ~~[pursuant to this section.]~~

2. If the signature of the voter does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293.277 other than the *voter registration* card issued to the voter. ~~[at the time he or she registered to vote or was deemed to be registered to vote.]~~

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The county clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted *in that county* in the current election. ~~[pursuant to this section.]~~

5. The roster for early voting or a signature card, as applicable, must contain:

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

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

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

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

(c) Allow the voter to cast a vote.

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

Sec. 52. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance : ~~[in an election other than a presidential preference primary election.]~~

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

- (1) The title of the election;
- (2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;
- (3) The number of ballots voted on the mechanical recording device for that day;
- (4) The number of signatures in the roster for early voting for that day;

~~and~~
 (5) The number of signatures on signature cards for the day ~~†~~; *and*
 (6) *The number of signatures in the roster designated for electors who applied to register to vote or applied to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.*

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

- (a) The statements for all polling places for early voting;
- (b) The voting rosters used for early voting;
- (c) The signature cards used for early voting;
- (d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and
- (e) Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

- (a) Indicate the number of ballots on an official statement of ballots; and
- (b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 52.2. NRS 293.387 is hereby amended to read as follows:

293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the ~~sixth working~~ **10th** day following the election.

2. In making its canvass, the board 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.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall

cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

- (a) A copy of the certified abstract; and
 - (b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,
- ➔ and transmit them to the Secretary of State not more than 7 working days after the election.

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.

Sec. 52.4. NRS 293.393 is hereby amended to read as follows:

293.393 1. On or before the ~~sixth working~~ **10th** day after any general election or any other election at which votes are cast for any United States Senator, Representative in Congress, member of the Legislature or any state officer who is elected statewide, the board of county commissioners shall open the returns of votes cast and make abstracts of the votes.

2. Abstracts of votes must be prepared in the manner prescribed by the Secretary of State by regulation.

3. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the district, county and township offices.

4. Each certificate must be delivered to the person elected upon application at the office of the county clerk.

Sec. 52.6. NRS 293.437 is hereby amended to read as follows:

293.437 1. The county or city clerk may designate any building, public or otherwise, or any portion of a building, as the site for any polling place or any number of polling places for any of the precincts or districts in the county or city.

2. If, in the opinion of the county or city clerk, the convenience and comfort of the voters and election officers will be best served by putting two or more polling places in any such building, or if, in the opinion of the county or city clerk, the expense to the county or city for polling places can be diminished by putting two or more polling places in any such building, the county or city clerk may so provide.

3. In precincts where there are no public buildings or other appropriate locations owned by the State, county, township, city, town or precinct, privately owned locations may be rented at a rate not to exceed \$35 for each election if only one precinct is involved and at a rate not to exceed \$50 for each election if more than one precinct is involved.

4. *The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a polling place pursuant to subsection 3, except to the extent necessary to conduct voting at that location.*

Sec. 53. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place *or places* at which the registered voter is ~~required~~ *entitled* to cast a ballot; and

(b) The abstract of votes required pursuant to the provisions of NRS 293.388.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 54. NRS 293.469 is hereby amended to read as follows:

293.469 Each county clerk is encouraged to:

1. Not later than the earlier date of the notice provided pursuant to NRS 293.203 or the first notice provided pursuant to subsection ~~4~~ 3 of NRS 293.560, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293.2955, 293.296, 293.313, 293.316 and 293.3165.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the county clerk to the public in printed form.

Sec. 54.5. NRS 293.4695 is hereby amended to read as follows:

293.4695 1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:

(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.

(b) A report on each malfunction of any mechanical voting system, including, without limitation:

- (1) Any known reason for the malfunction;
- (2) The length of time during which the mechanical voting system could not be used;
- (3) Any remedy for the malfunction which was used at the time of the malfunction; and
- (4) Any effect the malfunction had on the election process.

(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.

(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.

(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.

(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.

(g) *The number of provisional ballots cast pursuant to sections 5.1 to 9.8, inclusive, of this act.*

(h) The number of provisional ballots cast *pursuant to NRS 293.3081 to 293.3086, inclusive, and sections 10.3 and 10.6 of this act* and the reason for the casting of each *such* provisional ballot.

2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.

3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.

4. The Secretary of State shall establish and maintain an Internet website pursuant to which the Secretary of State shall solicit and collect voter comments regarding election processes.

5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature not sooner than 30 days before and not later than 30 days after the first day of each regular session of the Legislature.

6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.

Sec. 55. (Deleted by amendment.)

Sec. 56. NRS 293.4855 is hereby amended to read as follows:

293.4855 1. Every citizen of the United States who is 17 years of age or older but less than 18 years of age and has continuously resided in this State

for 30 days or longer may preregister to vote by any of the ~~means~~ *methods* available for a person to register to vote pursuant to this title. A person eligible to preregister to vote is deemed to be preregistered to vote upon the submission of a completed application to preregister to vote.

2. If a person preregisters to vote, he or she shall be deemed to be a registered voter on his or her 18th birthday unless:

(a) The person's preregistration has been cancelled as described in subsection 7; or

(b) Except as otherwise provided in NRS 293D.210, on the person's 18th birthday, he or she does not satisfy the voter eligibility requirements set forth in NRS 293.485.

3. The county clerk shall issue to a person who is deemed to be registered to vote pursuant to subsection 2 a voter registration card ~~as described in subsection 6 of NRS 293.517~~ as soon as practicable after the person is deemed to be registered to vote ~~+~~, ***but the issuance of a voter registration card to the person is not a prerequisite to vote in an election.***

4. On the date that a person who preregisters to vote is deemed to be registered to vote, his or her application to preregister to vote is deemed to be his or her application to register to vote.

5. If a person preregistered to vote:

(a) By mail or computer, he or she shall be deemed to have registered to vote by mail or computer, as applicable.

(b) In person, he or she shall be deemed to have registered to vote in person.

6. The preregistration information of a person may be updated by any of the ~~means~~ *methods* for updating the voter registration information of a person pursuant to this chapter.

7. The preregistration to vote of a person may be cancelled by any of the means and for any of the reasons for cancelling voter registration pursuant to this chapter.

8. Except as otherwise provided in this subsection, all preregistration information relating to a person is confidential and is not a public record. Once a person's application to preregister to vote is deemed to be an application to register to vote, any voter registration information related to the person must be disclosed pursuant to any law that requires voter registration information to be disclosed.

9. The Secretary of State shall adopt regulations providing for preregistration to vote. The regulations:

(a) Must include, without limitation, provisions to ensure that once a person is deemed to be a registered voter pursuant to subsection 2, the person is ~~immediately~~ issued a voter registration card ***as soon as practicable*** and ***is immediately*** added to the statewide voter registration list and the registrar of voters' register; and

(b) Must not require a county clerk to provide to a person who preregisters to vote sample ballots or any other voter information provided to registered

voters unless the person will be eligible to vote at the election for which the sample ballots or other information is provided.

Sec. 56.5. 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.

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 preregister and register voters within the county for which the field registrar 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 such duties as the county clerk may direct. The county clerk shall not knowingly appoint any person as a field registrar who has been convicted of a felony involving theft or fraud. The Secretary of State may bring an action against a county clerk to collect a civil penalty of not more than \$5,000 for each person who is appointed as a field registrar in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

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

4. When a field registrar has in his or her possession five or more completed applications to preregister or register to vote, the field registrar shall forward them to the county clerk, but in no case may the field registrar 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 or her possession immediately after the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable. Within 5 days after the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, a field registrar shall return all unused applications in his or her 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 preregister or 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 or her 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 13 of~~ NRS 293.5235 shall not:

- (a) Delegate any of his or her duties to another person; or
- (b) Refuse to preregister or register a person on account of that person's political party affiliation.

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

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

- (a) Solicit a vote for or against a particular question or candidate;
- (b) Speak to a person on the subject of marking his or her 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 preregistering or registering the person.

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

- (a) The number of persons preregistered or registered; and
- (b) The political party of the persons preregistered or registered.

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

- (a) Knowingly:
 - (1) Register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or
 - (2) Preregister a person who does not meet the qualifications set forth in NRS 293.4855; or
- (b) Preregister or register a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting another person pursuant to ~~subsection 13 of~~ NRS 293.5235 or any other person providing a form for the application to preregister or register to vote to an elector for the purpose of preregistering or registering to vote:

- (a) If the person who assists another person with completing the form for the application to preregister or register to vote retains the form, shall enter his or her name on the duplicate copy or receipt retained by the person upon completion of the form; and
- (b) Shall not alter, deface or destroy an application to preregister or register to vote that has been signed by a person except to correct information contained in the application after receiving notice from the person that a change in or addition to the information is required.

14. 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.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 57. NRS 293.506 is hereby amended to read as follows:

293.506 1. A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration.

2. A system established pursuant to subsection 1 must:

(a) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250; and

(b) Allow a person to preregister to vote and the county clerk to keep records of preregistration by computer.

3. *Except as otherwise provided in sections 5.1 to 9.8, inclusive, of this act, regardless of whether a county clerk establishes a system pursuant to subsection 1, the county clerk shall accept applications to preregister and register to vote submitted by computer to the Secretary of State through the system established by the Secretary of State pursuant to section 11 of this act.*

Sec. 58. NRS 293.510 is hereby amended to read as follows:

293.510 1. Except as otherwise provided in subsection 3, in counties where computers are not used to register voters, the county clerk shall:

(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept separately for each precinct or district. These applications must be used to prepare the rosters.

(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.

2. Except as otherwise provided in subsection 3, in any county where a computer is used to register voters, the county clerk shall:

(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.

(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be used to prepare the rosters.

3. From the applications to register to vote received by each county clerk, the county clerk shall:

(a) Segregate the applications electronically transmitted by the Department of Motor Vehicles pursuant to subsection 1 of section 5 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, in a computer file according to the precinct or district in which the registered voters reside; and

(b) Arrange the applications in each precinct or district in alphabetical order.

4. Each county clerk shall keep the applications to preregister to vote separate from the applications to register to vote until such applications are deemed to be applications to register to vote pursuant to *subsection 2 of NRS 293.4855*.

Sec. 59. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any person who meets the qualifications set forth in NRS 293.4855 residing within the county may preregister to vote and any elector residing within the county may register to vote:

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

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

(c) Pursuant to the provisions of NRS 293.524 or chapter 293D of NRS or section 4 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative;

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237; ~~for~~

(e) By submitting an application to preregister or register to vote by computer ~~for~~ **using the system:**

(1) Established by the Secretary of State pursuant to section 11 of this act; or

(2) Established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters ~~for~~ ;
or

(f) By any other method authorized by the provisions of this title.

↪ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before preregistering or registering the person. If the applicant preregisters or registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 ~~for 293.3083~~ **to 293.3086, inclusive, and sections 10.3 and 10.6 of this act.** For the purposes of this subsection, a voter registration card ~~issued pursuant to subsection 6~~ does not provide proof of the residence or identity of a person.

2. In addition to the methods for registering to vote described in subsection 1, an elector may register to vote pursuant to sections 5.1 to 9.8, inclusive, of this act.

3. Except as otherwise provided in sections 2 to 7, inclusive, of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, the

application to preregister or register to vote must be signed and verified under penalty of perjury by the person preregistering or the elector registering.

~~§~~ 4. Each person or elector who is or has been married must be preregistered or registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

~~§~~ 5. A person or an elector who is preregistered or registered and changes his or her name must complete a new application to preregister or register to vote, as applicable. The person or elector may obtain a new application:

- (a) At the office of the county clerk or field registrar;
- (b) By submitting an application to preregister or register to vote pursuant to the provisions of NRS 293.5235;
- (c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to preregister or register to vote;
- (d) At any voter registration agency; or
- (e) By submitting an application to preregister or register to vote by computer ~~§~~ **using the system:**

(1) Established by the Secretary of State pursuant to section 11 of this act; or

(2) Established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

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

~~§~~ 6. Except as otherwise provided in subsection ~~§~~ 8, **sections 5.1 to 9.8, inclusive, and 13 of this act** and sections 4 to 7, inclusive, of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

~~§~~ 7. After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter. ~~which contains:~~

- ~~(a) The name, address, political affiliation and precinct number of the voter;~~
- ~~(b) The date of issuance; and~~
- ~~(c) The signature of the county clerk.~~

~~§~~ 8. If a person or an elector submits an application to preregister or register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application is incomplete or that, except as otherwise provided in NRS 293D.210, the person is not eligible to preregister pursuant to NRS 293.4855 or the elector is not eligible to vote pursuant to NRS 293.485, as applicable. If the county clerk objects pursuant to this subsection, he or she

shall immediately notify the person or elector, as applicable, and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application is complete and, except as otherwise provided in NRS 293D.210, the person is eligible to preregister pursuant to NRS 293.4855 or the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application.

~~†~~

9. If the district attorney advises the county clerk to process the application *pursuant to subsection 8*, the county clerk shall immediately issue a voter registration card to the applicant ~~pursuant to subsection 6, if applicable.~~, *unless the applicant is preregistered to vote and does not currently meet the requirements to be issued a voter registration card pursuant to NRS 293.4855.*

Sec. 60. (Deleted by amendment.)

Sec. 61. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502, *sections 5.1 to 9.8, inclusive, of this act* and chapter 293D of NRS, a person may preregister or register to vote by ~~mailing~~:

(a) *Mailing* an application to preregister or register to vote to the county clerk of the county in which the person resides. ~~for may preregister or register to vote by~~

(b) A computer ~~†~~ using:

(1) *The system established by the Secretary of State pursuant to section 11 of this act; or*

(2) *A system established by the county clerk*, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.

(c) *Any other method authorized by the provisions of this title.*

2. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places in the county.

3. *Except as otherwise provided in sections 5.1 to 9.8, inclusive, of this act:*

(a) An application to preregister to vote may be used to correct information in a previous application.

(b) An application to register to vote may be used to correct information in the registrar of voters' register.

~~†~~ 4. An application to preregister or 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.

~~13-1~~ 5. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection ~~110-1~~ 12 and signing the application.

~~14-1~~ 6. The county clerk shall, upon receipt of an application, determine whether the application is complete.

~~15-1~~ 7. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card ; ~~as required by subsection 6 of NRS 293.517-1~~ or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

~~16-1~~ 8. Except as otherwise provided in subsection 5 of NRS 293.518 ~~1-1~~ **and section 13 of this act**, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant 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 receiving the information, mail to the applicant:

(a) A notice that the applicant is:

(1) Preregistered to vote; or

(2) Registered to vote and a voter registration card ; ~~as required by subsection 6 of NRS 293.517-1~~ or

(b) A notice that the person's application to preregister to vote or 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.

~~17-1~~ 9. The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the registrar of voters' register on the date the application is postmarked or received by the county clerk, whichever is earlier.

~~18-1~~ 10. If the applicant fails to check the box described in paragraph (b) of subsection ~~110-1~~ 12, 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 the assigned polling place.

~~19-1~~ 11. The Secretary of State shall prescribe the form for applications to preregister or register to vote by:

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

(b) Computer, which must be used to preregister or register to vote ~~in a county~~ **by computer using:**

(1) *A system established by the county clerk*, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote ~~†~~; *or*

(2) *The system established by the Secretary of State pursuant to section 11 of this act.*

~~††~~ **12.** The application to preregister or 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 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 preregistered or registered to vote, as applicable. Please retain the duplicate copy or receipt from your application to preregister or 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) If the application is to:

(1) Preregister to vote, the question, “Are you at least 17 years of age and not more than 18 years of age?” and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.

(2) Register to vote, 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:

(1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).

(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or 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.

~~††~~ **13.** Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

~~†~~ **14.** The county clerk shall mail, by postcard, the notices required pursuant to subsections ~~†~~ 7 and ~~†~~ 8. 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 the application to preregister or register to vote in the manner set forth in NRS 293.530.

~~¶3-¶~~ **15.** A person who, by mail, preregisters or registers to vote pursuant to this section may be assisted in completing the application to preregister or 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.

~~¶4-¶~~ **16.** An application to preregister or register to vote must be made available to all persons, regardless of political party affiliation.

~~¶5-¶~~ **17.** 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.

~~¶6-¶~~ **18.** A person who willfully violates any of the provisions of subsection ~~¶3, 4-¶~~ **15, 16** or ~~¶5-¶~~ **17** is guilty of a category E felony and shall be punished as provided in NRS 193.130.

~~¶7-¶~~ **19.** The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 62. NRS 293.530 is hereby amended to read as follows:

293.530 1. Except as otherwise provided in NRS 293.541:

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

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

(c) A county clerk shall cancel the registration of a voter pursuant to this subsection if:

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

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

(3) The voter does not respond; and

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

(d) For the purposes of this subsection, the date of the notice is deemed to be 3 days after it is mailed.

(e) The county clerk shall maintain records of:

(1) Any notice mailed pursuant to paragraph (c);

(2) Any response to such notice; and

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

↳ for not less than 2 years after creation.

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

(g) If a voter fails to return the postcard mailed pursuant to paragraph (c) within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote.

(h) The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to paragraph (g).

(i) If:

(1) The name of a voter is added to the statewide voter registration list pursuant to section 6 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative; or

(2) The voter registration information of a voter whose name is on the statewide voter registration list is updated pursuant to section 6 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative,

↳ the county clerk shall provide written notice of the addition or change to the voter not later than 5 working days after the addition or change is made. Except as otherwise provided in this paragraph, the notice must be mailed to the current residence of the voter. The county clerk may send the notice by electronic mail if the voter confirms the validity of the electronic mail address to which the notice will be sent by responding to a confirmation inquiry sent to that electronic mail address. Such a confirmation inquiry must be sent for each notice sent pursuant to this paragraph.

2. A county clerk is not required to take any action pursuant to this section in relation to a person who preregisters to vote until the person is deemed to be registered to vote pursuant to *subsection 2 of* NRS 293.4855.

Sec. 63. NRS 293.535 is hereby amended to read as follows:

293.535 1. The county clerk shall notify a registrant if any elector or other reliable person files an affidavit with the county clerk stating that:

(a) The registrant is not a citizen of the United States; or

(b) The registrant has:

(1) Moved outside the boundaries of the county where he or she is registered to another county, state, territory or foreign country, with the intention of remaining there for an indefinite time and with the intention of abandoning his or her residence in the county where registered; and

(2) Established residence in some other state, territory or foreign country, or in some other county of this state, naming the place.

↳ The affiant must state that he or she has personal knowledge of the facts set forth in the affidavit.

2. Upon the filing of an affidavit pursuant to paragraph (b) of subsection 1, the county clerk shall notify the registrant in the manner set forth in NRS 293.530 and shall enclose a copy of the affidavit. If the registrant fails to respond or appear to vote within the required time, the county clerk shall cancel the registration.

3. An affidavit filed pursuant to paragraph (a) of subsection 1 must be filed not later than 30 days before an election. Upon the filing of such an affidavit, the county clerk shall notify the registrant by registered or certified mail, return receipt requested, of the filing of the affidavit, and shall enclose a copy of the affidavit. Unless the registrant, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of citizenship, the county clerk shall cancel the registration.

4. The provisions of this section do not prevent the challenge provided for in NRS 293.303 or 293C.292.

5. A county clerk is not required to take any action pursuant to this section in relation to a person who is preregistered to vote until the person is deemed to be registered to vote pursuant to *subsection 2 of* NRS 293.4855.

Sec. 63.5. NRS 293.541 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

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

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

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

(b) Residence or identity of a person.

Sec. 64. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300 ~~+~~ **and sections 5.1 to 9.8, inclusive, of this act:**

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the ~~third~~ **fourth** Tuesday preceding the primary or general election.

(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the ~~first day of the period for early voting.~~ **primary or general election, unless the system is used to register voters for the election pursuant to section 8 or 9 of this act.**

(4) **By computer using the system established by the Secretary of State pursuant to section 11 of this act, is the Thursday preceding the primary or general election, unless the system is used to register voters for the election pursuant to section 8 or 9 of this act.**

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any ~~means~~ **method of registration** is the third Saturday preceding the recall or special election.

2. ~~For a primary or special election, the office of the county clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. In a county whose population is less than 100,000, the office of the~~

county clerk may close at 5 p.m. during the last 2 days a person may register to vote in person if approved by the board of county commissioners.

~~3. For a general election:~~

~~(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. The office of the county clerk may close at 5 p.m. if approved by the board of county commissioners.~~

~~(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which a person may register to vote in person, according to the following schedule:~~

~~(1) On weekdays until 9 p.m.; and~~

~~(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.~~

~~4. Except as otherwise provided in sections 5.1 to 9.8, inclusive, of this act, after the deadlines for the close of registration for a primary or general election set forth in subsection 1, no person may register to vote for the election.~~

3. Except for a *recall or* special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that *each method of registration for the election, as set forth in subsection 1*, will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

↪ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

~~5.4~~ 4. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

~~6.1~~ 5. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 65. (Deleted by amendment.)

Sec. 66. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and the election, the county clerk shall prepare for ~~each~~ :

(a) *Each* polling place ~~at~~ :

(1) A roster containing the registered voters eligible to vote at the polling place ~~at~~; and

(2) A roster designated for electors who apply to register to vote or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act; and

(b) Each polling place established pursuant to section 2 or 73 of this act a roster containing the registered voters eligible to vote in the county or city, respectively.

2. The ~~roster~~ **rosters** must be delivered or caused to be delivered by the county or city clerk to an election board officer of the proper polling place before the opening of the polls.

Sec. 67. (Deleted by amendment.)

Sec. 68. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word “Incumbent” must appear on the ballot next to the name of the candidate who is the incumbent, the word “Incumbent” must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county

clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~+~~ **or places**. If the location of the polling place **or places** has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE **OR PLACES**
HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or

disabled, make reasonable accommodations to allow the voter to vote at his or her polling place *or places* and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place ~~††~~ *or places*.

13. The cost of distributing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 69. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

2. The statewide voter registration list must:

- (a) Be a uniform, centralized and interactive computerized list;
- (b) Serve as the single method for storing and managing the official list of registered voters in this State;
- (c) Serve as the official list of registered voters for the conduct of all elections in this State;
- (d) Contain the name and registration information of every legally registered voter in this State;
- (e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;
- (f) Except as otherwise provided in subsection ~~†6,†~~ 7, be coordinated with the appropriate databases of other agencies in this State;
- (g) Be electronically accessible to each state and local election official in this State at all times;
- (h) Except as otherwise provided in subsection ~~†7,†~~ 8, allow for data to be shared with other states under certain circumstances; and
- (i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:

- (a) Except for information related to the preregistration of persons to vote, electronically enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

6. ***The Department of Motor Vehicles shall ensure that its database:***

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

7. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

~~7.1~~ 8. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 70. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than ~~the~~ one at which the person is entitled to vote.

(e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he or she intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.

3. Any person who violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 71. NRS 293.790 is hereby amended to read as follows:

293.790 If any person whose vote has been rejected offers to vote at the same election, at any polling place other than ~~the~~ one in which the person is ~~registered~~ **entitled** to vote, such person is guilty of a gross misdemeanor.

Sec. 72. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 73 to 76.5, inclusive, of this act.

Sec. 73. 1. *A city clerk may establish one or more polling places in the city where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.*

2. *Any person entitled to vote in the city by personal appearance may do so at any polling place established pursuant to subsection 1.*

Sec. 74. 1. *Except as otherwise provided in subsection 2, if a city clerk establishes one or more polling places pursuant to section 73 of this act, the city clerk must:*

(a) Publish during the week before the election in a newspaper of general circulation a notice of the location of each such polling place.

(b) Post a list of the location of each such polling place on any bulletin board used for posting notice of meetings of the governing body of the city. The list must be posted continuously for a period beginning not later than the fifth business day before the election and ending at 7 p.m. on the day of the election. The city clerk shall make copies of the list available to the public during the period of posting in reasonable quantities without charge.

2. *The provisions of subsection 1 do not apply if every polling place in the city is designated as a polling place where any person entitled to vote in the city by personal appearance may do so on the day of the primary city election or general city election.*

3. *No additional polling place may be established pursuant to section 73 of this act after the publication pursuant to this section, except in the case of an emergency and if approved by the Secretary of State.*

Sec. 75. 1. *For each polling place established pursuant to section 73 of this act, if any, the city clerk shall prepare a roster that contains, for every registered voter in the city, the voter's name, the address where he or she is registered to vote, his or her voter identification number, the voter's precinct or district number and the voter's signature.*

2. *The roster must be delivered or caused to be delivered by the city clerk to an election board officer of the proper polling place before the opening of the polls.*

Sec. 76. 1. *Except as otherwise provided in NRS 293C.272 and sections 5.1 to 9.8, inclusive, of this act, upon the appearance of a person to cast a ballot at a polling place established pursuant to section 73 of this act, if any, the election board officer shall:*

(a) *Determine that the person is a registered voter in the city and has not already voted in that city in the current election;*

(b) *Instruct the voter to sign the roster or a signature card; and*

(c) *Verify the signature of the voter in the manner set forth in NRS 293C.270.*

2. *If the signature of the voter does not match, the voter must be identified by:*

(a) *Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;*

(b) *Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or*

(c) *Providing the election board officer with proof of identification as described in NRS 293C.270 other than the voter registration card issued to the voter.*

3. *If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.*

4. *The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.*

5. *When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place where he or she applies to vote.*

6. *If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:*

(a) *Prepare the mechanical voting device for the voter;*

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

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

7. *A voter applying to vote at a polling place established pursuant to section 73 of this act, if any, may be challenged pursuant to NRS 293C.292.*

Sec. 76.5. 1. *Except as otherwise provided in subsection 2, absent ballots, including special absent ballots, must be:*

(a) *Delivered by hand to the city clerk before the time set for closing of the polls pursuant to NRS 293C.267; or*

(b) *Mailed to the city clerk and:*

(1) *Postmarked on or before the day of election; and*

(2) *Received by the city clerk within the period for the counting of absent ballots pursuant to subsection 2 of NRS 293C.332.*

2. *If an absent ballot is received not more than 3 days after the day of the election and the date of the postmark cannot be determined, the absent ballot shall be deemed to have been postmarked on or before the day of the election.*

Sec. 77. (Deleted by amendment.)

Sec. 78. (Deleted by amendment.)

Sec. 79. (Deleted by amendment.)

Sec. 80. (Deleted by amendment.)

Sec. 81. (Deleted by amendment.)

Sec. 82. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in subsection 2 ~~†~~ **and section 5.7 of this act, the** 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. Except as otherwise provided in NRS 293C.112, the governing body of the city shall provide for:

(a) Absent ballots to be voted in a city election pursuant to NRS 293C.304 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 ~~†~~, **and sections 5.1 to 9.8, inclusive, of this act;**

(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. 83. NRS 293C.112 is hereby amended to read as follows:

293C.112 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 *sections 5.1 to 9.8, inclusive, of this act*, NRS 293C.265 to 293C.302, inclusive, 293C.304 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. 84. (Deleted by amendment.)

Sec. 84.5. (Deleted by amendment.)

Sec. 84.6. (Deleted by amendment.)

Sec. 84.8. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

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

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

City 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 city, township 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 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; that I understand that knowingly and willfully filing a declaration of candidacy or acceptance of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of 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

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate 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 the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate’s address as a post office box unless a street address has not been assigned to the residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall 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. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate’s residence or because the rural or remote location of the candidate’s residence makes it impracticable to present the proof of

residency required by subsection 3, the candidate shall present to the filing officer:

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

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

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

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

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

6. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. 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 city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

7. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:

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

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

8. The receipt of information by the city attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 85. NRS 293C.187 is hereby amended to read as follows:

293C.187 Not later than 30 days before the primary city election and the general city election, the city clerk shall cause to be published a notice of the election in a newspaper of general circulation in the city once a week for 2

successive weeks. If a newspaper of general circulation is not published in the city, the publication may be made in a newspaper of general circulation published within the county in which the city is located. If a newspaper of general circulation is not published in that county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county.

The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
- ~~4. The names of the candidates.~~
- ~~5. A list of the offices to which the candidates seek nomination or election.~~

Sec. 86. NRS 293C.222 is hereby amended to read as follows:

293C.222 1. The city clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

- (a) A United States citizen, a resident of Nevada and a resident of the city in which the pupil serves;
 - (b) Enrolled in high school; and
 - (c) At the time of service, at least 16 years of age.
2. The city clerk may only appoint a pupil as a trainee if:
- (a) The pupil is appointed without party affiliation;
 - (b) The city clerk sends the pupil a certificate stating the date and hours that the pupil will act as a trainee;
 - (c) At least 20 days before the election in which the pupil will act as a trainee, the principal of the high school or the assigned school counselor of the pupil receives the city clerk's certificate and a written request signed by the pupil's parent or guardian to be excused from school for the time specified in the certificate;
 - (d) The principal of the high school or the assigned school counselor of the pupil approves the pupil's request; and
 - (e) The pupil attends the training class required by NRS 293B.260.

3. Except as otherwise provided in this subsection, the city clerk may assign a trainee such duties as the city clerk deems appropriate. The city clerk shall not ~~⌋~~

~~(a) Require~~ **require** the trainee to perform those duties later than 10 p.m., or any applicable curfew, whichever is earlier. ~~⌋; or~~

~~(b) Assign more than one trainee to serve as an election board officer in any one polling place.~~

4. The city clerk may compensate a trainee for service at the same rate fixed for election board officers generally.

Sec. 87. NRS 293C.265 is hereby amended to read as follows:

293C.265 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered by mail or computer to vote shall, for the first city election in which the person votes at which that

registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) Is entitled to vote in the manner prescribed in NRS 293C.342 to 293C.352, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law, ~~for~~ NRS 293C.317 ~~for 293C.318~~ or chapter 293D of NRS;

(c) Is disabled;

(d) ***Is provided the right to vote otherwise than in person pursuant to the Voting Accessibility for the Elderly and Handicapped Act, 52 U.S.C. §§ 20101 et seq.;***

(e) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

~~(e)~~ (f) Requests an absent ballot in person at the office of the city clerk.

Sec. 88. NRS 293C.267 is hereby amended to read as follows:

293C.267 1. Except as otherwise provided in ~~subsection 2 and~~ NRS 293C.297, at all elections held pursuant to the provisions of this chapter, the polls must open at 7 a.m. and close at 7 p.m.

2. ~~Whenever at any election all the votes of the polling place, as shown on the roster, have been cast, the election board officers shall close the polls and the counting of votes must begin and continue without unnecessary delay until the count is completed.~~

~~3.~~ Upon opening the polls, one of the election board officers shall cause a proclamation to be made so that all present may be aware of the fact that applications ~~of registered voters to vote~~ will be received ~~from~~

~~4.~~ ***from:***

(a) ***Registered voters who apply to vote at the polling place; and***

(b) ***Electors who apply to register to vote or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.***

3. No person, other than election board officers engaged in receiving, preparing or depositing ballots ***or registering electors***, may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary to keep order and carry out the provisions of this chapter.

Sec. 89. NRS 293C.270 is hereby amended to read as follows:

293C.270 1. Except as otherwise provided in NRS 293C.272 ~~and~~ ***sections 5.1 to 9.8, inclusive, of this act***, if a person's name appears in the roster, or if the person provides an affirmation pursuant to NRS 293C.525, the person is entitled to vote and must sign his or her name in the roster or on a signature card when he or she applies to vote. The signature must be compared by an election board officer with the signature or a facsimile thereof on the person's application to register to vote or one of the forms of identification listed in subsection 2.

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

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

3. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election.

Sec. 89.5. NRS 293C.272 is hereby amended to read as follows:

293C.272 1. If, because of physical limitations, a registered voter is unable to sign his or her name in the roster or on a signature card as required by NRS 293C.270, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or
- (c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the **voter registration** card issued to the voter . ~~at the time he or she registered to vote or was deemed to be registered to vote.~~

2. If the identity of the voter is verified, the election board officer shall indicate in the roster "Identified" by the voter's name.

Sec. 90. NRS 293C.275 is hereby amended to read as follows:

293C.275 1. Except as otherwise provided in NRS 293C.272 ~~to~~ **and sections 5.1 to 9.8, inclusive, of this act:**

(a) A registered voter who applies to vote must state his or her name to the election board officer in charge of the roster ; ~~to~~ and ~~the~~

(b) **The election board** officer shall ~~immediately announce~~ :

- (1) **Announce** the name ~~to~~ **of the registered voter;**
- (2) **Instruct** the **registered** voter to sign the roster or signature card ~~to~~ and ~~verify~~ ;

(3) **Verify** the signature of the **registered** voter in the manner set forth in NRS 293C.270 ~~to~~ ; and

(4) **Verify that the registered voter has not already voted in that city in the current election.**

2. If the signature does not match, the voter must be identified by:

- (a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;
- (b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the *voter registration* card issued to the voter. ~~At the time he or she registered to vote or was deemed to be registered to vote.~~

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

Sec. 91. NRS 293C.282 is hereby amended to read as follows:

293C.282 1. Any registered voter who, because of a physical disability or an inability to read or write English, is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his or her own choice, except:

- (a) The voter's employer or an agent of the voter's employer; or
- (b) An officer or agent of the voter's labor organization.

2. A person providing assistance pursuant to this section to a voter in casting a vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof or when the registered voter requests such assistance in any manner.

4. In addition to complying with the requirements of this section, the city clerk and election board officer shall, upon the request of a registered voter with a physical disability, make reasonable accommodations to allow the voter to vote at ~~this or her~~ a polling place ~~at which he or she is entitled to vote.~~

Sec. 91.5. NRS 293C.292 is hereby amended to read as follows:

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

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

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

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

(a) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the roster, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the roster";

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

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

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

3. If the challenged person refuses to execute the oath or affirmation so tendered, the person must not be issued a ballot, and the election board officer shall indicate in the roster “Challenged” by the person’s name.

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

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

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

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

(a) Furnishes official identification which contains a photograph of the person, such as a driver’s license or other official document; or

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

(1) Furnishes official identification which contains a photograph of the person, such as a driver’s license or other official document; and

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

8. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

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

(3) The result of the challenge; and

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

Sec. 92. NRS 293C.297 is hereby amended to read as follows:

293C.297 1. If at the hour of closing the polls there are any ~~registered~~

:

(a) **Registered** voters waiting *in line to apply to vote* ~~at~~ *at the polling place;*

or

(b) *Electors waiting in line to apply to register to vote or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act,*

↪ the doors of the polling place must be closed after all those *registered voters and electors* have been admitted to the polling place. ~~Voting.~~ *The registration of those electors and the voting by those registered voters and electors* must continue until ~~those voters have voted.~~ *all such registration and voting has been completed.*

2. The officer appointed by the chief law enforcement officer of the city shall allow other persons to enter the polling place after the doors have been closed ~~to observe or~~ *pursuant to subsection 1 for the purpose of observing or* any other ~~lawful~~ *legitimate* purpose if there is room within the polling place and ~~their~~ *the* admittance *of those other persons* will not interfere *unduly* with the *registration of the electors and the voting* ~~by the registered voters and electors.~~

Sec. 93. NRS 293C.306 is hereby amended to read as follows:

293C.306 1. A person who, during the 6 months immediately preceding an election, distributes to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Distribute the form prescribed by the Secretary of State, which must, in 14-point type or larger:

(1) Identify the person who is distributing the form; and

(2) Include a notice stating, "This is a request for an absent ballot.";

(b) Not later than ~~14~~ *28* days before distributing such a form, provide to the city clerk of each city to which a form will be distributed written notification of the approximate number of forms to be distributed to voters in the city and of the first date on which the forms will be distributed;

(c) Not return or offer to return to the city clerk a form that was mailed to a registered voter pursuant to this subsection; and

(d) Not mail such a form later than ~~21~~ *35* days before the election.

2. The provisions of this section do not authorize a person to vote by absent ballot if the person is not otherwise eligible to vote by absent ballot.

Sec. 94. 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 may request an absent ballot if, before 5 p.m. on the ~~seventh~~ *14th* calendar day preceding the election, the registered voter:

(a) Provides sufficient written notice to the city clerk; and

(b) Has identified himself or herself to the satisfaction of the city clerk.

2. 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 primary and general elections immediately following the date on which the city clerk received the request.

3. 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. 95. NRS 293C.318 is hereby amended to read as follows:

293C.318 1. A registered voter ~~[with a physical disability or]~~ who ~~[is at least 65 years of age and]~~ provides sufficient written notice to the appropriate city clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote.

2. Except as otherwise provided in subsection 4, upon receipt of a request submitted by a registered voter pursuant to subsection 1, the city clerk shall:

(a) Issue an absent ballot to the registered voter for each primary city election, general city election and special city election that is conducted after the date the written statement is submitted to the city clerk.

(b) Inform the county clerk of receipt of the written statement. Upon receipt of the notice from the city clerk, the county clerk shall issue an absent ballot for each primary election, general election and special election that is not a city election that is conducted after the date the county clerk receives notice from the city clerk.

3. If, at the direction of the registered voter ~~[]~~ ***with a physical disability or who is at least 65 years of age***, a person:

(a) Marks and signs an absent ballot issued to a registered voter pursuant to the provisions of this section on behalf of the registered voter, the person must:

(1) Indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter; and

(2) Submit a written statement with the absent ballot that includes the name, address and signature of the person.

(b) Assists a registered voter to mark and sign an absent ballot issued to the registered voter pursuant to this section, the person or registered voter must submit a written statement with the absent ballot that includes the name, address and signature of the person.

4. A city clerk may not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530; ~~[or]~~

(b) The county clerk cancels the registration of the person pursuant to NRS 293.527, 293.530, 293.535 or 293.540 ~~[]~~; ***or***

(c) ***An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.***

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

Sec. 96. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in ~~[subsection 2 and]~~ NRS 293D.200, 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 *check the signature in accordance with the following procedure:*

(a) The city clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against all signatures of the voter available in the records of the city clerk.

(b) If at least two employees in the office of the city clerk believe there is a reasonable question of fact as to whether the signature on the absent ballot matches the signature of the voter, the city clerk shall contact the voter and ask the voter to confirm whether the signature on the absent ballot belongs to the voter.

2. Except as otherwise provided in subsection 3, if the city clerk determines pursuant to subsection 1 that the absent voter is entitled to cast a ballot and:

(a) No absent ballot central counting board has been appointed, 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 appropriate election board.

~~{2. Except as otherwise provided in NRS 293D.200, if an}~~

(b) An absent ballot central counting board has been appointed, ~~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, the city clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the city clerk's register. If the city clerk determines that the absent voter is entitled to cast a ballot,~~ the city clerk 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 city 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.

3. If the city clerk determines when checking the signature of the absent voter pursuant to subsection 1 that the absent voter did not sign the return envelope as required pursuant to NRS 293.330 but is otherwise entitled to cast a ballot, the city clerk shall contact the absent voter and advise the absent voter of the procedures to provide a signature established pursuant to subsection 4. For the absent ballot to be counted, the absent voter must provide a signature within the period for the counting of absent ballots pursuant to subsection 2 of NRS 293C.332.

4. Each city clerk shall prescribe procedures for a voter who did not sign the return envelope of an absent ballot in order to:

- (a) Contact the voter;*
- (b) Allow the voter to provide a signature; and*
- (c) After a signature is provided, ensure the absent ballot is delivered to the appropriate election board or the absent ballot central counting board, as applicable.*

Sec. 97. NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in subsection 2 of NRS 293C.322 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail *or deliver* the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the city clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it “Cancelled.”

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

(a) Provides satisfactory identification;

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

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

4. Except as otherwise provided in NRS 293C.317 and 293C.318, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter’s family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 98. NRS 293C.332 is hereby amended to read as follows:

293C.332 **I.** Except as otherwise provided in NRS 293D.200, on the day of an election, the election boards receiving the absent voters’ ballots from the

city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

~~1-1~~ (a) The name of the voter, as shown on the return envelope or approved electronic transmission must be called and checked as if the voter were voting in person;

~~2-1~~ (b) The signature on the back of the return envelope or on the approved electronic transmission must be compared with that on the application to register to vote;

~~3-1~~ (c) If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope or approved electronic transmission compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

~~4-1~~ (d) The election board officers shall indicate in the roster "Voted" by the name of the voter.

2. Counting of absent ballots must continue through the seventh day following the election.

Sec. 99. NRS 293C.355 is hereby amended to read as follows:

293C.355 The provisions of NRS 293C.355 to 293C.361, inclusive, **and sections 5.1 to 9.8, inclusive, of this act relating to early voting** apply to a city only if the governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110.

Sec. 100. (Deleted by amendment.)

Sec. 101. NRS 293C.3568 is hereby amended to read as follows:

293C.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city election, and extends through the Friday before election day, Sundays and federal holidays excepted.

2. The city clerk may:

(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday ~~†~~

~~— (1) During the first week of early voting, from 8 a.m. until 6 p.m.~~

~~— (2) During the ~~second week~~ **during** the ~~period~~ **period** of early voting ~~†, from 8 a.m. until 6 p.m., or until 8 p.m. if,†~~ **for at least 8 hours during such hours as the city clerk ~~so requires.~~ may establish.**~~

(b) On any Saturday that falls within the period for early voting, for at least 4 hours ~~between 10 a.m. and 6 p.m.†~~ **during such hours as the city clerk may establish.**

(c) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the city clerk may establish.

Sec. 102. NRS 293C.3576 is hereby amended to read as follows:

293C.3576 1. The city clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:

(a) The location of each permanent and temporary polling place for early voting.

(b) The dates and hours that early voting will be conducted at each location.

2. The city clerk shall post a copy of the schedule on the bulletin board used for posting notice of the meetings of the city council. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The city clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

5. *The hours that early voting will be conducted at each polling place for early voting may be extended at the discretion of the city clerk after the schedule is published pursuant to this section.*

Sec. 103. NRS 293C.3585 is hereby amended to read as follows:

293C.3585 1. Except as otherwise provided in NRS 293C.272 ~~††~~ **and sections 5.1 to 9.8, inclusive, of this act**, upon the appearance of a person to cast a ballot for early voting, an election board officer shall:

(a) Determine that the person is a registered voter in the county.

(b) Instruct the voter to sign the roster for early voting or a signature card.

(c) Verify the signature of the voter in the manner set forth in NRS 293C.270.

(d) Verify that the voter has not already voted **in that city** in the current election. ~~[pursuant to this section.]~~

2. If the signature does not match, the voter must be identified by:

(a) Answering questions from the election board officer covering the personal data which is reported on the application to register to vote;

(b) Providing the election board officer, orally or in writing, with other personal data which verifies the identity of the voter; or

(c) Providing the election board officer with proof of identification as described in NRS 293C.270 other than the **voter registration** card issued to the voter. ~~[at the time he or she registered to vote or was deemed to be registered to vote.]~~

3. If the signature of the voter has changed in comparison to the signature on the application to register to vote, the voter must update his or her signature on a form prescribed by the Secretary of State.

4. The city clerk shall prescribe a procedure, approved by the Secretary of State, to verify that the voter has not already voted in that city in the current election. ~~{pursuant to this section.}~~

5. The roster for early voting or signature card, as applicable, must contain:

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

(b) The voter's precinct or voting district number, if that information is available; and

(c) The date of voting early in person.

6. When a voter is entitled to cast a ballot and has identified himself or herself to the satisfaction of the election board officer, the voter is entitled to receive the appropriate ballot or ballots, but only for his or her own use at the polling place for early voting.

7. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the election board officer shall:

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

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

(c) Allow the voter to cast a vote.

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

Sec. 104. NRS 293C.3604 is hereby amended to read as follows:

293C.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance : ~~{in an election other than a presidential preference primary election.}~~

1. At the close of each voting day, the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(3) The number of ballots voted on the mechanical recording device for that day;

(4) The number of signatures in the roster for early voting for that day;

~~{and}~~

(5) The number of signatures on signature cards for that day ~~{;} ; and~~

(6) *The number of signatures in the roster designated for electors who applied to register to vote or applied to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.*

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293C.3594; and

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

- (a) The statements for all polling places for early voting;
- (b) The voting rosters used for early voting;
- (c) The signature cards used for early voting;
- (d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and
- (e) Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

- (a) Indicate the number of ballots on an official statement of ballots; and
- (b) Place the storage devices in the container provided to transport those items to the central counting place and seal the container with a number seal. The official statement of ballots must accompany the storage devices to the central counting place.

Sec. 104.5. 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~~ *10th* 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 the person is nominated.

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

(1) Issue under his or her 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. 105. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300 ~~and~~ **and sections 5.1 to 9.8, inclusive, of this act:**

(a) For a primary city election or general city election, or a recall or special *city* election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the ~~third~~ **fourth** Tuesday preceding the primary city election or general city election.

(3) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters ~~and:~~

~~(I) The governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the Thursday preceding the [first day of the period for early voting.~~

~~(II) The governing body of the city has not provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the third Tuesday preceding any] primary city election or general~~

city election ~~†~~, *unless the system is used to register voters for the election pursuant to section 8 or 9 of this act.*

(4) By computer using the system established by the Secretary of State pursuant to section 11 of this act, is the Thursday preceding the primary city election or general city election, unless the system is used to register voters for the election pursuant to section 8 or 9 of this act.

(b) If a recall or special *city* election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special *city* election by any ~~means~~ *method of registration* is the third Saturday preceding the recall or special *city* election.

2. ~~†~~For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

~~—3.—~~ For a general election:

~~—(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. The office of the city clerk may close at 5 p.m. if approved by the governing body of the city.~~

~~—(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which a person may register to vote in person, according to the following schedule:~~

~~—(1) On weekdays until 9 p.m.; and~~

~~—(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.~~

~~—4.†~~ *Except as otherwise provided in sections 5.1 to 9.8, inclusive, of this act, after the deadline for the close of registration for a primary city election or general city election set forth in subsection 1, no person may register to vote for the election.*

3. Except for a *recall or* special *city* election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that *each method of registration for the election, as set forth in subsection 1*, will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

↪ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

~~†~~ ~~4.~~ A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 106. (Deleted by amendment.)

Sec. 107. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place ~~+~~ **or places**. If the location of the polling place **or places** has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE **OR PLACES**
HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

6. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place *or places* and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

- (a) The addresses of such centralized voting locations;
- (b) The types of specially equipped voting devices available at such centralized voting locations; and
- (c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place ~~†~~ *or places*.

11. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 108. NRS 293C.535 is hereby amended to read as follows:

293C.535 1. Except as otherwise provided *in sections 5.1 to 9.8, inclusive, of this act or* by special charter, registration of electors in incorporated cities must be accomplished in the manner provided in this chapter.

2. The county clerk shall use the statewide voter registration list to prepare for the city clerk of each incorporated city within the county the roster of all ~~electors~~ *registered voters* eligible to vote at a regular or special city election.

3. The ~~roster~~ *county clerk shall prepare for each polling place a roster designated for electors who apply to register to vote or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.*

4. *Except at otherwise provided in section 73 of this act, the roster required pursuant to subsection 2* must be prepared, one for each ward or other voting district within each incorporated city. The entries in the roster must be arranged alphabetically with the surnames first.

~~†~~ 5. The county clerk shall keep duplicate originals or copies of the applications to register to vote in the county clerk's office.

Sec. 109. (Deleted by amendment.)

Sec. 110. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places *or places* for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place *or places* at which the registered voter is ~~required~~ *entitled* to cast a ballot; ~~and~~

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 111. NRS 293C.720 is hereby amended to read as follows:

293C.720 Each city clerk is encouraged to:

1. Not later than the earlier date of the first notice provided pursuant to subsection ~~4~~ **3** of NRS 293.560 or NRS 293C.187, notify the public, through means designed to reach members of the public who are elderly or disabled, of the provisions of NRS 293C.281, 293C.282, 293C.310, 293C.317 and 293C.318.

2. Provide in alternative audio and visual formats information concerning elections, information concerning how to preregister or register to vote and information concerning the manner of voting for use by a person who is elderly or disabled, including, without limitation, providing such information through a telecommunications device that is accessible to a person who is deaf.

3. Not later than 5 working days after receiving the request of a person who is elderly or disabled, provide to the person, in a format that can be used by the person, any requested material that is:

(a) Related to elections; and

(b) Made available by the city clerk to the public in printed form.

Sec. 112. NRS 295.045 is hereby amended to read as follows:

295.045 1. A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

2. The Secretary of State shall certify the questions to the county clerks . ~~and they shall publish them in accordance with the provisions of law requiring county clerks to publish statewide measures pursuant to NRS 293.253.~~

3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: “Shall the statute (setting out its title) be approved?”

4. Where a mechanical voting system is used, the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.

Sec. 112.2. NRS 295.056 is hereby amended to read as follows:

295.056 1. Before a petition for initiative or referendum is filed with the Secretary of State, the petitioners must submit to each county clerk for verification pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for signature within the clerk’s county. The clerks shall give the person submitting a document or documents a receipt stating the number of documents and pages and the person’s statement of the number of signatures contained therein.

2. If a petition for initiative proposes a statute or an amendment to a statute, the document or documents must be submitted not later than ~~the~~

~~—(a) Except as otherwise provided in paragraph (b), the second Tuesday in November of an even-numbered year.~~

~~—(b) If the second Tuesday in November of an even-numbered year is the day of the general election, the next working day after~~ **the 15th day following** the general election.

3. If a petition for initiative proposes an amendment to the Constitution, the document or documents must be submitted not later than the ~~third Tuesday in June of an even-numbered year.~~ **15th day following the primary election.**

4. If the petition is for referendum, the document or documents must be submitted not later than the ~~third Tuesday in June of an even-numbered year.~~ **15th day following the primary election.**

5. All documents which are submitted to a county clerk for verification must be submitted at the same time. If documents concerning the same petition are submitted for verification to more than one county clerk, the documents must be submitted to each county clerk on the same day. At the time that the petition is submitted to a county clerk for verification, the petitioners may designate a contact person who is authorized by the petitioners to address questions or issues relating to the petition.

Sec. 112.5. NRS 306.040 is hereby amended to read as follows:

306.040 1. Upon determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the Secretary of State shall notify the county clerk, the officer with whom the petition is to be filed pursuant to subsection 4 of NRS 306.015 and the public officer who is the subject of the petition.

2. After the verification of signatures is complete, but not later than the date a complaint is filed pursuant to subsection 5 or the date the call for a special election is issued, whichever is earlier, a person who signs a petition to

recall may request the Secretary of State to strike the person's name from the petition. If the person demonstrates good cause therefor and the number of such requests received by the Secretary of State could affect the sufficiency of the petition, the Secretary of State shall strike the name of the person from the petition.

3. Not sooner than 10 days nor more than 20 days after the Secretary of State completes the notification required by subsection 1, if a complaint is not filed pursuant to subsection 5, the officer with whom the petition is filed shall issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer.

4. The call for a special election pursuant to subsection 3 or 6 must include, without limitation:

(a) The last day on which a person may register to vote *in order* to qualify to vote in the special election ~~+~~ *pursuant to NRS 293.560 or 293C.527;*

(b) The last day on which a petition to nominate other candidates for the office may be filed; and

(c) Whether any person is entitled to vote in the special election *in a mailing precinct or an absent ballot mailing precinct* pursuant to NRS 293.343 to 293.355, inclusive ~~+~~, *or 293C.345 to 293C.352, inclusive.*

5. The legal sufficiency of the petition may be challenged by filing a complaint in district court not later than 5 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

6. Upon the conclusion of the hearing, if the court determines that the petition is sufficient, it shall order the officer with whom the petition is filed to issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer. If the court determines that the petition is not sufficient, it shall order the officer with whom the petition is filed to cease any further proceedings regarding the petition.

Sec. 113. NRS 225.083 is hereby amended to read as follows:

225.083 1. ~~The~~ *Except as otherwise provided in section 11 of this act,* the Secretary of State shall prominently post the following notice at each office and each location on his or her Internet website at which documents are accepted for filing:

The Secretary of State is not responsible for the content, completeness or accuracy of any document filed in this office. Customers should periodically review the documents on file in this office to ensure that the documents pertaining to them are complete and accurate.

Pursuant to NRS 239.330, any person who knowingly offers any false or forged instrument for filing in this office is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years and may be further punished by a fine of not more than \$10,000. Additionally, any person who knowingly offers any false or forged instrument for filing in this office may also be subject to civil liability.

Pursuant to NRS 205.397, any person who presents for filing in this office a lien against the real or personal property of a public officer, candidate for public office, public employee or participant in an official proceeding, or a member of the immediate family of a public officer, candidate for public office, public employee or participant, which is based on the performance of or failure to perform a duty relating to the office, employment or participation by the public officer, candidate for public office, public employee or participant if the person knows or has reason to know that the lien is forged or fraudulently altered, contains a false statement of material fact or is being filed in bad faith or for the purpose of harassing or defrauding any person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than \$150,000. The person may also be subject to civil liability.

2. The Secretary of State may adopt regulations prescribing procedures to prevent the filing in his or her office of:

- (a) False, fraudulent, fraudulently altered or forged documents.
- (b) Documents that contain a false statement of material fact.
- (c) Documents that are filed in bad faith or for the purpose of harassing or defrauding a person.

Sec. 114. NRS 239.330 is hereby amended to read as follows:

239.330 ~~1A~~

1. Except as otherwise provided in subsection 2, a person who knowingly procures or offers any false or forged instrument to be filed, registered or recorded in any public office, which instrument, if genuine, might be filed, registered or recorded in a public office under any law of this State or of the United States, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. The provisions of subsection 1 do not apply to a person who is punishable pursuant to NRS 293.800.

Sec. 114.5. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to his or her eligibility to any office is the person's actual residence within the State, county, district, ward, subdistrict or any other unit prescribed by law, as the case may be, during all the period for which residence is claimed by the person.

2. Except as otherwise provided in subsections 3 and 4, if any person absents himself or herself from the jurisdiction of that person's actual residence with the intention in good faith to return without delay and continue such actual residence, the period of absence must not be considered in determining the question of residence.

3. If a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office moves the person's actual residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law, as the case may be, in which the person is required actually, as opposed to constructively, to reside in order for the person to be eligible to the office, a vacancy is created thereby and the appropriate action for filling the vacancy must be taken.

4. Once a person's actual residence is fixed, the person shall be deemed to have moved the person's actual residence for the purposes of this section if:

(a) The person has acted affirmatively and has actually removed himself or herself from the place of permanent habitation where the person actually resided and was legally domiciled;

(b) The person has an intention to abandon the place of permanent habitation where the person actually resided and was legally domiciled; and

(c) The person has an intention to remain in another place of permanent habitation where the person actually resides and is legally domiciled.

5. Except as otherwise provided in this subsection and NRS 293.1265, the district court has jurisdiction to determine the question of residence in any preelection action for declaratory judgment brought against a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office. If the question of residence relates to whether an incumbent meets any qualification concerning residence required for the term of office in which the incumbent is presently serving, the district court does not have jurisdiction to determine the question of residence in an action for declaratory judgment brought by a person pursuant to this section but has jurisdiction to determine the question of residence only in an action to declare the office vacant that is authorized by NRS 283.040 and brought by the Attorney General or the appropriate district attorney pursuant to that section.

6. Except as otherwise provided in NRS 293.1265, if in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is subject to the provisions of NRS 293.2045.

7. For the purposes of this section, in determining whether a place of permanent habitation is the place where a person actually resides and is legally domiciled:

(a) It is the public policy of this State to avoid sham residences and to ensure that the person actually, as opposed to constructively, resides in the area prescribed by law for the office so the person has an actual connection with

the constituents who reside in the area and has particular knowledge of their concerns.

(b) The person may have more than one residence but only one legal domicile, and the person's legal domicile requires both the fact of actual living in the place and the intention to remain there as a permanent residence. If the person temporarily leaves the person's legal domicile, or leaves for a particular purpose, and does not take up a permanent residence in another place, then the person's legal domicile has not changed. Once the person's legal domicile is fixed, the fact of actual living in another place, the intention to remain in the other place and the intention to abandon the former legal domicile must all exist before the person's legal domicile can change.

(c) Evidence of the person's legal domicile includes, without limitation:

(1) The place where the person lives the majority of the time and the length of time the person has lived in that place.

(2) The place where the person lives with the person's spouse or domestic partner, if any.

(3) The place where the person lives with the person's children, dependents or relatives, if any.

(4) The place where the person lives with any other individual whose relationship with the person is substantially similar to a relationship with a spouse, domestic partner, child, dependent or relative.

(5) The place where the person's dogs, cats or other pets, if any, live.

(6) The place listed as the person's residential address on the voter registration card, *as defined in section 1.5 of this act*, issued to the person. ~~pursuant to NRS 293.517.1~~

(7) The place listed as the person's residential address on any driver's license or identification card issued to the person by the Department of Motor Vehicles, any passport or military identification card issued to the person by the United States or any other form of identification issued to the person by a governmental agency.

(8) The place listed as the person's residential address on any registration for a motor vehicle issued to the person by the Department of Motor Vehicles or any registration for another type of vehicle or mode of transportation, including, without limitation, any aircraft, vessels or watercraft, issued to the person by a governmental agency.

(9) The place listed as the person's residential address on any applications for issuance or renewal of any license, certificate, registration, permit or similar type of authorization issued to the person by a governmental agency which has the authority to regulate an occupation or profession.

(10) The place listed as the person's residential address on any document which the person is authorized or required by law to file or record with a governmental agency, including, without limitation, any deed, declaration of homestead or other record of real or personal property, any applications for services, privileges or benefits or any tax documents, forms or returns, but excluding the person's declaration of candidacy or acceptance of candidacy.

(11) The place listed as the person's residential address on any type of check, payment, benefit or reimbursement issued to the person by a governmental agency or by any type of company that provides insurance, workers' compensation, health care or medical benefits or any self-insured employer or third-party administrator.

(12) The place listed as the person's residential address on the person's paycheck, paystub or employment records.

(13) The place listed as the person's residential address on the person's bank statements, insurance statements, mortgage statements, loan statements, financial accounts, credit card accounts, utility accounts or other billing statements or accounts.

(14) The place where the person receives mail or deliveries from the United States Postal Service or commercial carriers.

(d) The evidence listed in paragraph (c) is intended to be illustrative and is not intended to be exhaustive or exclusive. The presence or absence of any particular type of evidence listed in paragraph (c) is not, by itself, determinative of the person's legal domicile, but such a determination must be based upon all the facts and circumstances of the person's particular case.

8. As used in this section:

(a) "Actual residence" means the place of permanent habitation where a person actually resides and is legally domiciled. If the person maintains more than one place of permanent habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration of candidacy or acceptance of candidacy for any elective office must be the place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.

(b) "Declaration of candidacy or acceptance of candidacy" means a declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS.

Sec. 115. NRS 349.017 is hereby amended to read as follows:

349.017 1. If the bond question is submitted at a general election, no notice of registration of electors is required other than that required by the laws for a general election.

2. If the bond question is submitted at a special election, the clerk of each county shall cause to be published, at least once a week for 2 consecutive weeks by two weekly insertions a week apart, the first publication to be not more than 50 days nor less than 42 days next preceding the election, in a newspaper published within the county, if any is so published, and having a general circulation therein, a notice signed by him or her to the effect that registration for the special election will be closed on a date and time designated therein, as provided in this section.

3. ~~Except as otherwise provided in subsection 4, the~~ **The** office of the county clerk in each county of this State must be open for such a special election, from 9 a.m. to 12 m. and 1 p.m. to 5 p.m. on Mondays through

Fridays, with Saturdays, Sundays and legal holidays excepted, for the registration of any qualified elector.

4. ~~{The office of the county clerk must be open during the last days of registration as provided in subsection 2 of NRS 293.560.~~

—5— The office of the county clerk must be open for registration of voters for such a special election up to but excluding the 30th day next preceding that election and during regular office hours.

Sec. 116. Section 16 of the Charter of Boulder City is hereby amended to read as follows:

Section 16. Induction of Council into office; meetings of Council.

1. The City Council shall meet within ~~ten days~~ **the time set forth in NRS 293C.387** after each city primary election and each city general election specified in Article IX ~~to~~ **and** canvass the returns and ~~to~~ declare the results. All newly elected or reelected Mayor or Council Members shall be inducted into office at the next regular Council meeting following certification of the applicable city general election results. Immediately following such induction, the Mayor pro tem shall be designated as provided in section 7. Thereafter, the Council shall meet regularly at such times as it shall set by resolution from time to time, but not less frequently than once each month. (Add. 13; Amd. 1; 6-2-1987; Amd. 2; 6-4-1991; Add. 17; Amd. 1; 11-5-1996; Add. 24; Amd. 1; 6-3-2003)

A. (Add. 3; Amd. 2; 5-2-1967; Repealed by Add. 15; Amd. 1; 6-4-1991)

2. It is the intent of this Charter that deliberations and actions of the Council be conducted openly. All meetings of the City Council shall be in accordance with chapter 241 of the Nevada Revised Statutes. (Add. 10; Amd. 1; 6-2-1981)

3. Any emergency meeting of the City Council, as defined by chapter 241, shall be as provided therein, and in addition:

(a) An emergency meeting may be called by the Mayor or upon written notice issued by a majority of the Council.

(b) Prior notice of such an emergency meeting shall be given to all members of the City Council. (Add. 10; Amd. 1; 6-2-1981)

Sec. 117. Section 96 of the Charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of municipal elections.

1. All municipal elections must be nonpartisan in character and must be conducted in accordance with ~~the~~:

(a) **The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter;**

(b) **All other provisions of the general election laws of ~~the~~ this State ~~of Nevada~~, so far as those laws can be made applicable and are not inconsistent with the provisions of this Charter; and ~~any~~**

(c) *Any* ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. All full terms of office in the City Council are 4 years, and Council Members must be elected at large without regard to precinct residency. Except as otherwise provided in subsection 8, two full-term Council Members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council Members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions. (Add. 17; Amd. 1; 11-5-1996)

3. In the event one or more 2-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available 2-year positions. (Add. 15; Amd. 2; 6-4-1991)

4. Except as otherwise provided in subsection 8, a primary municipal election must be held on the first Tuesday after the first Monday in April of each odd-numbered year and a general municipal election must be held on the second Tuesday after the first Monday in June of each odd-numbered year.

5. A primary municipal election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary municipal election must not be held for the office of Mayor if no more than two candidates file for that position. The primary municipal election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

6. If, in the primary municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, he or she shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general municipal election. (Add. 10; Amd. 7; 6-2-1981)

7. In each primary and general municipal election, voters are entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the municipal elections. (Add. 11; Amd. 5; 6-7-1983)

8. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

9. If the City Council adopts an ordinance pursuant to subsection 8, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

10. If the City Council adopts an ordinance pursuant to subsection 8, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

11. The conduct of all municipal elections must be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 118. Section 5.020 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 66, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~shall~~ **must** be governed by ~~the~~ :

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~such~~ those laws can be made applicable and are not inconsistent with the provisions of this Charter.

2. The conduct of all municipal elections shall be under the control of the City Council. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 119. Section 5.100 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 185, Statutes of Nevada 2007, at page 627, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within ~~6 working days~~ **the time set forth in NRS 293C.387** after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 120. Section 5.020 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 615, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under Board of Council Members' control; voting precincts.

1. All elections held under this Charter ~~shall~~ **must** be governed by ~~the~~ :

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~such~~ those laws can be made applicable and are not inconsistent ~~therewith~~ with the provisions of this Charter.

2. The conduct of all municipal elections shall be under the control of the Board of Council Members. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the Board of Council Members shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

3. There shall be but one voting precinct in the City. All elective officers shall be elected by the voters of the City at large.

Sec. 121. Section 5.090 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 628, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet ~~on or before the sixth working day~~ **within the time set forth in NRS 293C.387** after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers

so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) July next following their election for those officers elected in June 2007.

(b) January next following their election for those officers elected in November 2008 and November of every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Council Members shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 122. (Deleted by amendment.)

Sec. 123. Section 5.030 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 118, Statutes of Nevada 1985, at page 478, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under control of Clerk; Board regulations.

1. All elections ~~which are~~ held under this Charter ~~are~~ **must be** governed by ~~the~~ :

(a) **The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and**

(b) **All other** provisions of the election laws of this State, ~~as~~ so far as those laws can be made applicable and are not inconsistent with **the provisions of** this Charter.

2. The conduct of all municipal elections is under the control of the Clerk. For the conduct of municipal elections, for the prevention of fraud in those elections and for the recount of ballots in cases of doubt or fraud, the Board shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 124. Section 5.100 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 189, Statutes of Nevada 1977, at page 354, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties.

1. The election returns from any special, primary or general municipal election shall be filed with the Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board.

2. The Board shall meet within ~~10 days~~ **the time set forth in NRS 293C.387** after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the Clerk for 6 months and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board.

3. The Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so

elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in January next following their election.

Sec. 125. Section 5.020 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 463, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under control of City Council.

1. All elections held under this Charter ~~are~~ **must be** governed by ~~the~~ :

(a) **The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and**

(b) **All other** provisions of the election laws of this State, so far as ~~such~~ **those** laws can be made applicable and are not inconsistent ~~herewith~~ **with the provisions of this Charter.**

2. The conduct of all municipal elections is under the control of the City Council. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 126. Section 5.090 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 231, Statutes of Nevada 2011, at page 1003, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from a municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until the returns are canvassed by the City Council.

2. The City Council shall meet within ~~6 working days~~ **the time set forth in NRS 293C.387** after an election and canvass the returns and declare the result. The election returns must be sealed and kept by the City Clerk for 2 years, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) If the officer is elected pursuant to subsection 1 or 2 of section 5.010, July next following his or her election.

(b) If the officer is elected pursuant to subsection 3 or 4 of section 5.010, January next following his or her election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 127. (Deleted by amendment.)

Sec. 128. Section 5.030 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2215, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~are~~ **must be** governed by ~~the~~ :

(a) ***The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and***

(b) ***All other*** provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent ~~herewith.~~ **with the provisions of this Charter.**

2. The conduct of all municipal elections is under the control of the City Council. The City Council shall by ordinance provide for the holding of the election, appoint the necessary officers thereof and do all the things required to carry the election into effect as it considers desirable and consistent with law and this Charter.

Sec. 129. Section 5.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1216, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet ~~at any time~~ within ~~10 days~~ **the time set forth in NRS 293C.387** after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election. Except as otherwise provided in section 1.070, the officers so elected shall qualify and enter upon the discharge of their respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

Sec. 130. (Deleted by amendment.)

Sec. 131. Section 5.030 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1415, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council's control.

1. All elections ~~which are~~ held under this Charter ~~are~~ **must be** governed by ~~the~~ :

(a) **The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and**

(b) **All other provisions of the** election laws of ~~the~~ **this** State, ~~as~~ so far as those laws can be made applicable and are not inconsistent with **the provisions of** this Charter.

2. The conduct of all municipal elections is under the control of the City Council. The City Council shall prescribe by ordinance all of the regulations which it considers are desirable and consistent with law and this Charter for the conduct of municipal elections, for the prevention of fraud in those elections and for the recount of ballots in cases of doubt or fraud.

Sec. 132. Section 5.100 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 193, Statutes of Nevada 1991, at page 364, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; declaration of results; certificates of election; entry of officers upon duties; procedure for tied vote.

1. The returns of any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with those returns until they have been canvassed by the City Council.

2. The City Council shall meet within ~~10 days~~ **the time set forth in NRS 293C.387** after any election ~~it~~ **and** canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person who is declared to be elected a certificate of election. The officers who have been elected shall qualify and enter upon the discharge of their respective duties on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made.

4. If the election for any office results in a tie, the City Council shall summon the candidates who received the equal number of votes and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 133. (Deleted by amendment.)

Sec. 134. Section 5.040 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1886, is hereby amended to read as follows:

Sec. 5.040 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~are~~ **must be** governed by ~~the~~ :

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent ~~herewith.~~ with the provisions of this Charter.

2. The conduct of all municipal elections is under the control of the City Council.

3. The City Council shall by ordinance provide for the holding of a municipal election, appoint the necessary officers thereof and do all the things required to carry the election into effect as it considers desirable and consistent with law and this Charter.

4. Notwithstanding any other provision of this Charter, the City Council may enter into an interlocal agreement with another public entity to conduct municipal elections or any portion thereof.

Sec. 135. Section 5.100 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1887, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet ~~at any time~~ within ~~10 days~~ **the time set forth in NRS 293C.387** after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election. Except as otherwise provided in section 1.060, the officers so elected shall qualify and enter upon the discharge of their respective duties at the first meeting of the City Council held in December of the year of the general municipal election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

Sec. 136. (Deleted by amendment.)

Sec. 137. Section 5.030 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1224, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~shall~~ **must** be governed by ~~the~~ :

(a) ***The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and***

(b) ***All other*** provisions of the election laws of this State, so far as ~~such~~ **those** laws can be made applicable and are not inconsistent ~~herewith~~ **with the provisions of this Charter.**

2. The conduct of all municipal elections shall be prescribed by ordinance. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 138. Section 5.080 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 465, Statutes of Nevada 1985, at page 1440, is hereby amended to read as follows:

Sec. 5.080 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election shall be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet ~~at any time~~ within ~~16 days~~ **the time set forth in NRS 293C.387** after any election and ~~shall~~ canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st day of July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 139. (Deleted by amendment.)

Sec. 140. Section 5.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 9, Statutes of Nevada 1993, at page 23, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held ~~in pursuant to~~ **under** this Charter must be governed by ~~the~~ :

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent ~~herewith~~ **with the provisions of this Charter.**

2. The conduct of all elections must be under the control of the City Council. For the conduct of elections, for the prevention of fraud in those elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 141. Section 5.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1830, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may handle, inspect or in any manner interfere with those returns until canvassed by the City Council.

2. The City Council and City Manager shall meet within ~~10 days~~ **the time set forth in NRS 293C.387** after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie as provided in this subsection. The City Clerk shall provide and open in the presence of the candidates who received the tie vote an unused 52-card deck of playing cards, removing any jokers and blank cards. The City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose. One of the candidates who received the tie vote shall then draw one card from the deck, and the City Clerk shall record the suit and

number of the card. The card then must be returned to the deck, and the City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose, and another of the candidates who received the tie vote shall draw one card from the deck. This process must be repeated until each of the candidates who received the tie vote has drawn one card from the deck and the result of each draw has been recorded. The candidate who draws the high card shall be deemed the winner of the election. For the purposes of this subsection, aces are high and twos are low. If the candidates draw cards of otherwise equal value, the card of the higher suit is the high card. Spades are highest, followed in descending order by hearts, clubs and diamonds. The City Clerk shall issue to the winner a certificate of election.

Sec. 142. (Deleted by amendment.)

Sec. 143. Section 5.030 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 41, Statutes of Nevada 2001, at page 398, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws: Elections under City Council control.

1. All elections held ~~pursuant to~~ **under** this Charter must be governed by ~~the~~ :

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State , so far as ~~such~~ those laws can be made applicable and are not inconsistent ~~herewith~~ with the provisions of this Charter.

2. The conduct of all elections must be under the control of the City Council. For the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 144. Section 5.100 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 113, Statutes of Nevada 2017, at page 488, is hereby amended to read as follows:

Sec. 5.100 Election returns: Canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet within ~~10 days~~ **the time set forth in NRS 293C.387** after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 22 months, and no person may have access to them except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue a certificate of election to each person elected. Except as otherwise provided in subsection 3 of section 5.020, the officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

Sec. 145. Section 5.020 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 469, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under Board of Council Members' control; voting precincts.

1. All elections held under this Charter ~~shall~~ **must** be governed by ~~the~~ :

(a) The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~such~~ **those** laws can be made applicable and are not inconsistent ~~therewith~~ **with the provisions of this Charter.**

2. The conduct of all municipal elections shall be under the control of the Board of Council Members. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the Board of Council Members shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

3. There shall be but one voting precinct in the City. All elective officers shall be elected by the voters of the City at large.

Sec. 146. Section 5.090 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 629, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election must be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet ~~on or before the sixth working day~~ **within the time set forth in NRS 293C.387** after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers

so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) July next following their election for those officers elected in June 2007 or 2009.

(b) January next following their election for those officers elected in November 2010 and every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Council Members shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 147. Section 5.020 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 912, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws, elections under City Council control.

1. All elections held under this Charter ~~shall~~ **must** be governed by ~~the~~ :

(a) ***The provisions of sections 5.1 to 9.8, inclusive, of this act, which supersede and preempt any conflicting provisions of this Charter; and***

(b) ***All other*** provisions of the election laws of this State, so far as ~~such~~ **those** laws can be made applicable and are not inconsistent ~~therewith~~ **with the provisions of this Charter.**

2. The conduct of all municipal elections shall be under the control of the City Council. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 148. Section 5.090 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within ~~10 days~~ **the time set forth in NRS 293C.387** after any election and canvass the returns and declare the results. The election returns shall then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 148.4. 1. There is hereby appropriated from the State General Fund to the Department of Motor Vehicles the sum of \$125,700 for computer programming for the online voter registration system.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 148.5. 1. There is hereby appropriated from the State General Fund to the Department of Motor Vehicles the sum of \$11,300 for secured containers to store voter registration forms.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 148.6. 1. There is hereby appropriated from the State General Fund to the Secretary of State for programming, development and maintenance of the online voter registration system and for developing a technical solution for same-day voter registration verification the following sums:

For the Fiscal Year 2019-2020	\$275,000
For the Fiscal Year 2020-2021	\$275,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 148.8. 1. There is hereby appropriated from the State General Fund the sum of \$3,342,651.92 for the purpose of carrying out the provisions of this act. The money appropriated must be allocated as follows:

Carson City	\$90,000.00
Churchill County	\$18,000.00
Clark County	\$2,400,637.32
Douglas County	\$93,712.00
Washoe County	\$740,302.60

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner. Any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 149. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 150. The amendatory provisions of this act do not apply to or abrogate, alter or affect the results of any election conducted before January 1, 2020.

Sec. 151. NRS 293.082 is hereby repealed.

Sec. 152. 1. This section ~~becomes~~ **and section 148.8 of this act become** effective upon passage and approval.

2. Sections 1 to 148, inclusive, 149, 150 and 151 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations, passing any ordinances and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2020, for all other purposes.

3. Sections 148.4, 148.5 and 148.6 of this act become effective on July 1, 2019.

TEXT OF REPEALED SECTION

293.082 “Provisional ballot” defined. “Provisional ballot” means a ballot voted by a person pursuant to NRS 293.3081 to 293.3086, inclusive.

Assemblywoman Jauregui moved that the Assembly concur in the Senate Amendment No. 1080 to Assembly Bill No. 345.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

The amendment adds appropriations to certain counties for the purpose of implementing the various provisions of the bill relating to elections.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:54 p.m.

ASSEMBLY IN SESSION

At 9:30 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 164.

The following Senate amendment was read:

Amendment No. 667.

AN ACT relating to marijuana; imposing certain requirements relating to advertising by a marijuana establishment and a medical marijuana establishment; revising provisions relating to medical marijuana establishment agents; providing for the registration of agents who work or volunteer at or contract with a marijuana establishment; revising provisions relating to disciplinary action against a medical marijuana establishment agent and a marijuana establishment agent; authorizing civil penalties for certain violations relating to advertising; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Taxation to adopt regulations governing medical marijuana establishments and marijuana establishments. (NRS 453A.370, 453D.200) Existing regulations prohibit a medical marijuana establishment from using a name, logo, sign or advertisement and a marijuana establishment from using a name, logo, sign, advertisement or packaging without obtaining the approval of the Department prior to use. (NAC 453A.402, 453D.473) **Sections 4 and 11** of this bill prohibit the Department from requiring a medical marijuana establishment or a marijuana establishment to obtain the approval of the Department before using a logo, sign or advertisement, thereby voiding the conflicting regulatory provisions.

Existing law that becomes effective January 1, 2020, imposes restrictions on advertising by a marijuana establishment. One such restriction prohibits a marijuana establishment from placing an advertisement at a sports or entertainment event to which persons who are less than 21 years of age are allowed entry. (NRS 453D.310) **Section 12** of this bill authorizes a marijuana establishment to place an advertisement at such an entertainment event if it is reasonably estimated that less than 30 percent of the persons who will attend that entertainment event are less than 21 years of age. Existing law also prohibits a marijuana establishment from advertising on certain mediums if 30 percent or more of the audience of that medium is reasonably expected to be

persons who are less than 21 years of age. (NRS 453D.310) **Section 12** requires a marijuana establishment that engages in advertising for which it is required to determine the percentage of persons less than 21 years of age that may reasonably be expected to view or hear the advertisement to maintain certain documentation relating to the manner in which it determined the reasonably expected age of the audience for that advertisement. **Section 12** also authorizes the Department to impose a civil penalty on a marijuana establishment for violating certain provisions relating to advertising. **Section 4** imposes similar restrictions on advertising by a medical marijuana establishment and authorizes the Department to impose a civil penalty on a medical marijuana establishment for violating such provisions. **Sections 4, 12, 12.3 and 12.7** of this bill authorize a local government to adopt an ordinance regulating the content of advertisements used by a marijuana establishment or medical marijuana establishment if such an ordinance sets forth specific prohibited content for such advertisements.

Existing law prohibits a person from volunteering or working at, contracting to provide labor to or being employed by an independent contractor to provide labor to a medical marijuana establishment unless the person is registered with the Department and issued a medical marijuana establishment agent registration card. (NRS 453A.332) **Section 6** of this bill establishes a similar prohibition for marijuana establishments.

Existing law establishes the application process and fees required to obtain a medical marijuana establishment agent registration card. (NRS 453A.332) Existing regulations provide for a similar application process and similar fees to obtain a marijuana establishment agent registration card. (NAC 453D.340) **Section 6** establishes this process in statute. **Section 6:** (1) transfers, from regulation to statute, existing authority to collect a fee; and (2) limits the amount of that fee to the amount currently authorized by existing regulations. ~~Sections 1 and 6 of this bill expand the period of validity for a medical marijuana establishment agent registration card and a marijuana establishment agent registration card from 1 year to 2 years.~~ **Section 1** of this bill removes provisions authorizing a medical marijuana establishment to submit the application and fees for a medical marijuana registration card on behalf of a prospective agent.

Existing law requires each applicant for registration as a medical marijuana establishment agent to submit to the Department a complete set of fingerprints and written permission authorizing the Department to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. (NRS 453A.332) **Section 1** of this bill eliminates this requirement and instead authorizes the Department to impose this requirement on an applicant or conduct and accept any background check the Department determines to be reliable and expedient. **Section 6** makes a similar change concerning applicants for registration as a marijuana establishment agent.

Existing law outlines the procedure, in accordance with federal law, for the suspension of a medical marijuana establishment agent registration card in the event that the holder fails to comply with certain requirements pertaining to the payment of child support. (NRS 453A.336, 453A.338) **Sections 7 and 8** of this bill provide a similar procedure for the suspension of a marijuana establishment agent registration card.

Existing law specifies acts which constitute grounds for the immediate revocation of a medical marijuana establishment agent registration card. (NRS 453A.342) **Section 3** of this bill expands the grounds for revocation to include: (1) having been electronically recorded stealing marijuana, edible marijuana products or marijuana-infused products; (2) having been convicted of any crime involving the theft of marijuana or such other marijuana products; (3) having been electronically recorded consuming marijuana on the premises of a marijuana establishment; and (4) intentionally submitting false documents to the Department or a local government. **Section 9** of this bill establishes similar grounds for revoking a marijuana establishment agent registration card.

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

Section 1. NRS 453A.332 is hereby amended to read as follows:

453A.332 1. Except as otherwise provided in this section, a person shall not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the Department pursuant to this section.

2. A person who wishes to volunteer or work at a medical marijuana establishment ~~or a medical marijuana establishment that wishes to retain as a volunteer or employ such a person,~~ shall submit to the Department an application on a form prescribed by the Department. The application must be accompanied by:

(a) The name, address and date of birth of the prospective medical marijuana establishment agent;

(b) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(c) A statement signed by the prospective medical marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card revoked;

(d) ~~A complete set of the fingerprints and written permission of the prospective medical marijuana establishment agent authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;~~

~~(e)~~ The application fee, as set forth in NRS 453A.344; and

~~{(f)}~~ (e) Such other information as the Department may require by regulation.

3. A person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment ~~[- or a medical marijuana establishment that wishes to contract with such a person.]~~ shall submit to the Department an application on a form prescribed by the Department for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a medical marijuana establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective medical marijuana establishment agent has a state business license, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent;

(c) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to, or allow any of its employees to dispense or otherwise divert marijuana to, any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(d) A statement signed by the prospective medical marijuana establishment agent asserting that it has not previously had a medical marijuana establishment agent registration card revoked and that none of its employees who will provide labor as a medical marijuana establishment agent have previously had a medical marijuana establishment agent registration card revoked;

~~(e) [A complete set of the fingerprints of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent and written permission of the prospective medical marijuana establishment agent and each employee of the prospective medical marijuana establishment agent authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;~~

~~—(f) The application fee, as set forth in NRS 453A.344; and~~

~~{(g)}~~ (f) Such other information as the Department may require by regulation.

4. ***The Department may conduct any investigation of a prospective medical marijuana establishment agent and, for an independent contractor, each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent, that the Department deems appropriate. In connection with such an investigation, the Department may:***

(a) Conduct or accept any background check the Department determines to be reliable and expedient to determine the criminal history of the prospective medical marijuana establishment agent or the employee;

(b) Require a prospective medical marijuana establishment agent, if a natural person, and each employee of a prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent to submit to the Department a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) If the Department imposes the requirement described in paragraph (b), submit the fingerprints of the prospective medical marijuana establishment agent and each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

5. A medical marijuana establishment shall notify the Department within 10 days after a medical marijuana establishment agent ceases to be employed by, volunteer at or provide labor as a medical marijuana establishment agent to the medical marijuana establishment.

~~5.~~ 6. A person who:

(a) Has been convicted of an excluded felony offense; or

(b) Is less than 21 years of age,

↪ shall not serve as a medical marijuana establishment agent.

~~{6. The Department shall submit the fingerprints of an applicant for registration as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.}~~

7. The provisions of this section do not require a person who is an owner, officer or board member of a medical marijuana establishment to resubmit information already furnished to the Department at the time the establishment was registered with the Department.

8. If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Department shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a medical marijuana establishment agent, a medical marijuana establishment agent registration card. If the Department does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed

conditionally approved until such time as the Department acts upon the application. A medical marijuana establishment agent registration card expires 1 year ~~2 years~~ after the date of issuance and may be renewed upon:

- (a) Resubmission of the information set forth in this section; and
- (b) Payment of the renewal fee set forth in NRS 453A.344.

9. A medical marijuana establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any medical marijuana establishment in this State.

10. A medical marijuana establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a medical marijuana establishment authorizes the person to volunteer or work at any medical marijuana establishment in this State for which the category of the medical marijuana establishment agent registration card authorizes the person to volunteer or work.

11. Except as otherwise prescribed by regulation of the Department, an applicant for registration or renewal of registration as a medical marijuana establishment agent is deemed temporarily registered as a medical marijuana establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Department. A temporary registration as a medical marijuana establishment agent expires 30 days after the date upon which the application is received.

Sec. 2. NRS 453A.332 is hereby amended to read as follows:

453A.332 1. Except as otherwise provided in this section, a person shall not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the Department pursuant to this section.

2. A person who wishes to volunteer or work at a medical marijuana establishment shall submit to the Department an application on a form prescribed by the Department. The application must be accompanied by:

(a) The name, address and date of birth of the prospective medical marijuana establishment agent;

(b) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(c) A statement signed by the prospective medical marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card *or marijuana establishment agent registration card, as defined in NRS 453D.030*, revoked;

(d) The application fee, as set forth in NRS 453A.344; and

(e) Such other information as the Department may require by regulation.

3. A person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a medical marijuana

establishment shall submit to the Department an application on a form prescribed by the Department for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a medical marijuana establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective medical marijuana establishment agent has a state business license, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent;

(c) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to, or allow any of its employees to dispense or otherwise divert marijuana to, any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(d) A statement signed by the prospective medical marijuana establishment agent asserting that it has not previously had a medical marijuana establishment agent registration card *or marijuana establishment agent registration card, as defined in NRS 453D.030*, revoked and that none of its employees who will provide labor as a medical marijuana establishment agent have previously had a medical marijuana establishment agent registration card *or marijuana establishment agent registration card, as defined in NRS 453D.030*, revoked;

(e) The application fee, as set forth in NRS 453A.344; and

(f) Such other information as the Department may require by regulation.

4. The Department may conduct any investigation of a prospective medical marijuana establishment agent and, for an independent contractor, each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent, that the Department deems appropriate. In connection with such an investigation, the Department may:

(a) Conduct or accept any background check the Department determines to be reliable and expedient to determine the criminal history of the prospective medical marijuana establishment agent or the employee;

(b) Require a prospective medical marijuana establishment agent, if a natural person, and each employee of a prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent to submit to the Department a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) If the Department imposes the requirement described in paragraph (b), submit the fingerprints of the prospective medical marijuana establishment

agent and each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

5. A medical marijuana establishment shall notify the Department within 10 days after a medical marijuana establishment agent ceases to be employed by, volunteer at or provide labor as a medical marijuana establishment agent to the medical marijuana establishment.

6. A person who:

- (a) Has been convicted of an excluded felony offense; or
- (b) Is less than 21 years of age,

↪ shall not serve as a medical marijuana establishment agent.

7. The provisions of this section do not require a person who is an owner, officer or board member of a medical marijuana establishment to resubmit information already furnished to the Department at the time the establishment was registered with the Department.

8. If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Department shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a medical marijuana establishment agent, a medical marijuana establishment agent registration card. If the Department does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Department acts upon the application. A medical marijuana establishment agent registration card expires 1 year after the date of issuance and may be renewed upon:

- (a) Resubmission of the information set forth in this section; and
- (b) Payment of the renewal fee set forth in NRS 453A.344.

9. A medical marijuana establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any medical marijuana establishment in this State.

10. A medical marijuana establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a medical marijuana establishment authorizes the person to volunteer or work at any medical marijuana establishment in this State for which the category of the medical marijuana establishment agent registration card authorizes the person to volunteer or work.

11. Except as otherwise prescribed by regulation of the Department, an applicant for registration or renewal of registration as a medical marijuana establishment agent is deemed temporarily registered as a medical marijuana establishment agent on the date on which a complete application for

registration or renewal of registration is submitted to the Department. A temporary registration as a medical marijuana establishment agent expires 30 days after the date upon which the application is received.

Sec. 3. NRS 453A.342 is hereby amended to read as follows:

453A.342 The following acts constitute grounds for the immediate revocation of the medical marijuana establishment agent registration card of a medical marijuana establishment agent:

1. Having committed or committing any excluded felony offense.
2. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical marijuana establishment or a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver.
3. ***Having been electronically recorded by a video monitoring system stealing marijuana, edible marijuana products or marijuana-infused products.***
4. ***Having been convicted of any crime involving the theft of marijuana, edible marijuana products or marijuana-infused products.***
5. ***Having been electronically recorded by a video monitoring system smoking or otherwise consuming marijuana on the premises of a medical marijuana establishment.***
6. ***Intentionally submitting to the Department or a local government any document required under the provisions of this chapter which is false or contains any material misstatement of fact.***
7. Violating a regulation of the Department, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment agent registration card.

Sec. 4. NRS 453A.360 is hereby amended to read as follows:

453A.360 1. Each medical marijuana dispensary and facility for the production of edible marijuana products or marijuana-infused products shall, in consultation with the Department, cooperate to ensure that all edible marijuana products and marijuana-infused products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As medical marijuana with the words “THIS IS A MEDICAL MARIJUANA PRODUCT” in bold type; and

(2) As required by NRS 453A.320 to 453A.370, inclusive, and any regulations adopted pursuant thereto.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the facility for the production of edible marijuana products or marijuana-infused products which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains marijuana and its potency was tested with an allowable variance of the amount determined by the Department by regulation.

(g) Are not labeled or marketed as candy.

2. A facility for the production of edible marijuana products or marijuana-infused products shall not produce edible marijuana products in any form that:

(a) Is or appears to be a lollipop.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A facility for the production of edible marijuana products or marijuana-infused products shall:

(a) Seal any edible marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each edible marijuana product which includes without limitation, in a manner which must not mislead consumers, the following information:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the edible marijuana product;

(3) A list of all allergens in the edible marijuana product; and

(4) The total weight of marijuana contained in the edible marijuana product or an equivalent measure of THC concentration.

(c) Maintain a washing area with hot water, soap and a hand dryer or disposable towels which is located away from any area in which edible marijuana products are cooked or otherwise prepared.

(d) Require each person who handles edible marijuana products to wear a hair net and clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all edible marijuana products or marijuana-infused products produced by the facility for the production of edible marijuana products or marijuana-infused products on the premises of the facility for the production of edible marijuana products or marijuana-infused products.

4. A medical marijuana dispensary or facility for the production of edible marijuana products or marijuana-infused products shall not engage in advertising that in any way makes marijuana, edible marijuana products or marijuana-infused products appeal to children, including without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each medical marijuana dispensary shall offer for sale containers for the storage of marijuana, edible marijuana products and marijuana-infused products which lock and are designed to prohibit children from unlocking and opening the container.

6. A medical marijuana dispensary shall:

(a) Include a written notification with each sale of marijuana, edible marijuana products or marijuana-infused products which advises the purchaser:

(1) To keep marijuana, edible marijuana products and marijuana-infused products out of the reach of children;

(2) That edible marijuana products can cause severe illness in children;

(3) That allowing children to ingest marijuana or edible marijuana products or storing marijuana or edible marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible marijuana products may be delayed by 2 hours or more and users of edible marijuana products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting marijuana or edible marijuana products;

(6) That ingesting marijuana or edible marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That marijuana or edible marijuana products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of marijuana or edible marijuana products; and

(8) That ingestion of any amount of marijuana or edible marijuana products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all marijuana, edible marijuana products and marijuana-infused products in opaque, child-resistant packaging upon sale.

7. A medical marijuana dispensary shall allow any person who is at least 21 years of age to enter the premises of the medical marijuana dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

8. If the health authority, as defined in NRS 446.050, where a facility for the production of edible marijuana products or marijuana-infused products or medical marijuana dispensary which sells edible marijuana products is located requires persons who handle food at a food establishment to obtain certification, the facility for the production of edible marijuana products or

marijuana-infused products or medical marijuana dispensary shall ensure that at least one employee maintains such certification.

9. A medical marijuana establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of marijuana, edible marijuana products or marijuana-infused products;

(3) Depicts the actual consumption of marijuana, edible marijuana products or marijuana-infused products; or

(4) Depicts a child or other person who is less than 21 years of age consuming marijuana, edible marijuana products or marijuana-infused products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of marijuana, edible marijuana products or marijuana-infused products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;

(3) At a sports event to which persons who are less than 21 years of age are allowed entry; or

(4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that entertainment event are less than 21 years of age.

(d) Shall not advertise or offer any marijuana, edible marijuana product or marijuana-infused product as “free” or “donated” without a purchase.

(e) Shall ensure that all advertising by the medical marijuana establishment contains such warnings as may be prescribed by the Department, which must include, without limitation, the following words:

(1) “Keep out of reach of children”; and

(2) “For use only by adults 21 years of age and older.”

10. If a medical marijuana establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the medical marijuana establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that

demonstrates the manner in which the medical marijuana establishment determined the reasonably expected age of the audience for that advertisement.

11. Nothing in subsection 9 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to marijuana which is more restrictive than the provisions of subsection 9 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media;

(c) Any stationary or moving display that is located on or near the premises of a medical marijuana establishment; and

(d) The content of any advertisement used by a medical marijuana establishment if the ordinance sets forth specific prohibited content for such an advertisement.

12. The Department shall not require a medical marijuana establishment to obtain the approval of the Department before using a logo, sign or advertisement.

13. In addition to any other penalties provided for by law, the Department may impose a civil penalty upon a medical marijuana establishment that violates the provisions of subsection 9 or 10 as follows:

(a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed \$1,250.

(b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed \$2,500.

(c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed \$5,000.

(d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed \$10,000.

14. As used in this section, “motor vehicle used for public transportation” does not include a taxicab, as defined in NRS 706.124.

Sec. 5. Chapter 453D of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 9, inclusive, of this act.

Sec. 6. 1. Except as otherwise provided in this section, a person shall not volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a marijuana establishment as a marijuana establishment agent unless the person is registered with the Department pursuant to this section.

2. A person who wishes to volunteer or work at a marijuana establishment shall submit to the Department an application on a form prescribed by the Department. The application must be accompanied by:

(a) The name, address and date of birth of the prospective marijuana establishment agent;

(b) A statement signed by the prospective marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(c) A statement signed by the prospective marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card or marijuana establishment agent registration card revoked;

(d) An application fee not to exceed \$75; and

(e) Such other information as the Department may require by regulation.

3. A person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a marijuana establishment shall submit to the Department an application on a form prescribed by the Department for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a marijuana establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective marijuana establishment agent has a state business license, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective marijuana establishment agent who will provide labor as a marijuana establishment agent;

(c) A statement signed by the prospective marijuana establishment agent pledging not to dispense or otherwise divert marijuana to, or allow any of its employees to dispense or otherwise divert marijuana to, any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(d) A statement signed by the prospective marijuana establishment agent asserting that it has not previously had a marijuana establishment agent registration card or medical marijuana agent registration card revoked and none of its employees who will provide labor as a marijuana establishment agent have previously had a medical marijuana establishment agent registration card or marijuana establishment registration card revoked;

(e) An application fee not to exceed \$75 for the prospective marijuana establishment agent and for each employee of the prospective marijuana establishment who will provide labor as a marijuana establishment agent; and

(f) Such other information as the Department may require by regulation.

4. The Department may conduct any investigation of a prospective marijuana establishment agent and, for an independent contractor, each employee of the prospective marijuana establishment agent who will provide labor as a marijuana establishment agent, that the Department deems appropriate. In connection with such an investigation, the Department may:

(a) Conduct or accept any background check the Department determines to be reliable and expedient to determine the criminal history of the prospective marijuana establishment agent or the employee;

(b) Require a prospective marijuana establishment agent, if a natural person, and each employee of a prospective marijuana establishment agent who will provide labor as a marijuana establishment agent to submit to the Department a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) If the Department imposes the requirement described in paragraph (b), submit the fingerprints of the prospective marijuana establishment agent and each employee of the prospective marijuana establishment agent who will provide labor as a marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

5. A marijuana establishment shall notify the Department within 10 days after a marijuana establishment agent ceases to be employed by, volunteer at or provide labor as a marijuana establishment agent to the marijuana establishment.

6. A person who:

(a) Has been convicted of an excluded felony offense; or

(b) Is less than 21 years of age,

↪ shall not serve as a marijuana establishment agent.

7. The provisions of this section do not require a person who is an owner, officer or board member of a marijuana establishment to resubmit information already furnished to the Department at the time the establishment was registered with the Department.

8. If an applicant for registration as a marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Department shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a marijuana establishment agent, a marijuana establishment agent registration card. If the Department does not act upon an application for a marijuana establishment registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Department acts upon the application. A marijuana establishment agent registration card expires ~~for 2 years~~ 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of a renewal fee not to exceed \$75.

9. A marijuana establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent

contractor authorizes the independent contractor or employee to provide labor to any marijuana establishment in this State.

10. A marijuana establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a marijuana establishment authorizes the person to volunteer or work at any marijuana establishment in this State for which the category of the marijuana establishment agent registration card authorizes the person to volunteer or work.

11. Except as otherwise prescribed by regulation of the Department, an applicant for registration or renewal of registration as a marijuana establishment agent is deemed temporarily registered as a marijuana establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Department. A temporary registration as a marijuana establishment agent expires 30 days after the date upon which the application is received.

Sec. 7. 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a marijuana establishment agent registration card shall:

(a) Include the social security number of the applicant in the application submitted to the Department.

(b) Submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the marijuana establishment agent registration card; or

(b) A separate form prescribed by the Department.

3. A marijuana establishment agent registration card may not be issued or renewed by the Department if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency

enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 8. 1. *If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a marijuana establishment agent registration card, the Department shall deem the card issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the holder of the card by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the card has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. *The Department shall reinstate a marijuana establishment agent registration card that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose card was suspended stating that the person whose card was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

Sec. 9. *The following acts constitute grounds for the immediate revocation of the marijuana establishment agent registration card of a marijuana establishment agent:*

1. *Having committed or committing any excluded felony offense.*

2. *Dispensing, delivering or otherwise transferring marijuana to a person who is not authorized by law to possess marijuana in accordance with the provisions of this chapter.*

3. *Having been electronically recorded by a video monitoring system stealing marijuana or marijuana products.*

4. *Having been convicted of any crime involving the theft of marijuana or marijuana products.*

5. *Having been electronically recorded by a video monitoring system smoking or otherwise consuming marijuana on the premises of a marijuana establishment.*

6. *Intentionally submitting to the Department or a local government any document required under the provisions of this chapter which is false or contains any material misstatement of fact.*

7. *Violating a regulation of the Department, the violation of which is stated to be grounds for immediate revocation of a marijuana establishment agent registration card.*

Sec. 10. NRS 453D.030 is hereby amended to read as follows:

453D.030 As used in this chapter, unless the context otherwise requires:

1. “Community facility” means a facility licensed to provide day care to children, a public park, a public playground, a public swimming pool, a center or facility the primary purpose of which is to provide recreational opportunities or services to children or adolescents, or a church, synagogue, or other

building, structure, or place used for religious worship or other religious purpose.

2. “Concentrated marijuana” means the separated resin, whether crude or purified, obtained from marijuana.

3. “Consumer” means a person who is 21 years of age or older who purchases marijuana or marijuana products for use by persons 21 years of age or older, but not for resale to others.

4. “Department” means the Department of Taxation.

5. “Dual licensee” means a person or group of persons who possess a current, valid registration certificate to operate a medical marijuana establishment pursuant to chapter 453A of NRS and a license to operate a marijuana establishment under this chapter.

6. “Excluded felony offense” means a conviction of an offense that would constitute a category A felony if committed in Nevada or convictions for two or more offenses that would constitute felonies if committed in Nevada. “Excluded felony offense” does not include:

(a) A criminal offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed more than 10 years ago; or

(b) An offense involving conduct that would be immune from arrest, prosecution, or penalty pursuant to chapter 453A of NRS, except that the conduct occurred before the effective date of chapter 453A of NRS (October 1, 2001), or was prosecuted by an authority other than the State of Nevada.

7. “Locality” means a city or town, or, in reference to a location outside the boundaries of a city or town, a county.

8. “Marijuana” means all parts of any plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Marijuana” does not include:

(a) The mature stems of the plant, fiber produced from the stems, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stems (except the resin extracted therefrom), fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination; or

(b) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

9. “Marijuana cultivation facility” means an entity licensed to cultivate, process, and package marijuana, to have marijuana tested by a marijuana testing facility, and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

10. “Marijuana distributor” means an entity licensed to transport marijuana from a marijuana establishment to another marijuana establishment.

11. “Marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or a retail marijuana store.

12. *“Marijuana establishment agent” means an owner, officer, board member, employee or volunteer of a marijuana establishment, an independent contractor who provides labor relating to the cultivation, processing or distribution of marijuana or the production of marijuana or marijuana products for a marijuana establishment or an employee of such an independent contractor.*

13. *“Marijuana establishment agent registration card” means a registration card that is issued by the Department pursuant to section 6 of this act to authorize a person to volunteer or work at a marijuana establishment.*

14. “Marijuana product manufacturing facility” means an entity licensed to purchase marijuana, manufacture, process, and package marijuana and marijuana products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

~~13.~~ 15. “Marijuana products” means products comprised of marijuana or concentrated marijuana and other ingredients that are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

~~14.~~ 16. “Marijuana paraphernalia” means any equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repacking, storing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

~~15.~~ 17. “Marijuana testing facility” means an entity licensed to test marijuana and marijuana products, including for potency and contaminants.

~~16.~~ 18. “Process” means to harvest, dry, cure, trim, and separate parts of the marijuana plant by manual or mechanical means, such as sieving or ice water separation, but not by chemical extraction or chemical synthesis.

~~17.~~ 19. “Public place” means an area to which the public is invited or in which the public is permitted regardless of age. “Public place” does not include a retail marijuana store.

~~18.~~ 20. “Retail marijuana store” means an entity licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers.

~~19.~~ 21. “Unreasonably impracticable” means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

Sec. 11. NRS 453D.200 is hereby amended to read as follows:

453D.200 1. Not later than January 1, 2018, the Department shall adopt all regulations necessary or convenient to carry out the provisions of this chapter. The regulations must not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable. The regulations shall include:

(a) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana establishment;

(b) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana establishment;

(c) Requirements for the security of marijuana establishments;

(d) Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under 21 years of age;

(e) Requirements for the packaging of marijuana and marijuana products, including requirements for child-resistant packaging;

(f) Requirements for the testing and labeling of marijuana and marijuana products sold by marijuana establishments including a numerical indication of potency based on the ratio of THC to the weight of a product intended for oral consumption;

(g) Requirements for record keeping by marijuana establishments;

(h) Reasonable restrictions on signage, marketing, display, and advertising ~~that~~, ***except that such restrictions must not require a marijuana establishment to obtain the approval of the Department before using a logo, sign or advertisement;***

(i) Procedures for the collection of taxes, fees, and penalties imposed by this chapter;

(j) Procedures and requirements to enable the transfer of a license for a marijuana establishment to another qualified person and to enable a licensee to move the location of its establishment to another suitable location;

(k) Procedures and requirements to enable a dual licensee to operate medical marijuana establishments and marijuana establishments at the same location;

(l) Procedures to establish the fair market value at wholesale of marijuana; and

(m) Civil penalties for the failure to comply with any regulation adopted pursuant to this section or for any violation of the provisions of NRS 453D.300.

2. The Department shall approve or deny applications for licenses pursuant to NRS 453D.210.

3. The Department may by motion or on complaint, after investigation, notice of the specific violation, and an opportunity for a hearing, pursuant to the provisions of chapter 233B of NRS, suspend, revoke, or fine a licensee for the violation of this chapter or for a violation of a regulation adopted by the Department pursuant to this section.

4. The Department may immediately suspend the license of any marijuana establishment if the marijuana establishment knowingly sells, delivers, or otherwise transfers marijuana in violation of this chapter or knowingly purchases marijuana from any person not licensed pursuant to this chapter or to chapter 453A of NRS. The Department must provide an opportunity for a hearing pursuant to the provisions of NRS 233B.121 within a reasonable time from a suspension pursuant to this subsection.

5. To ensure that individual privacy is protected:

(a) The Department shall not require a consumer to provide a retail marijuana store with identifying information other than government-issued identification to determine the consumer's age; and

(b) A retail marijuana store must not be required to acquire and record personal information about consumers other than information typically acquired in a financial transaction conducted at a retail liquor store.

6. The Department shall conduct a background check of each prospective owner, officer, and board member of a marijuana establishment license applicant.

7. The Department shall inspect marijuana establishments as necessary to enforce this chapter or the regulations adopted pursuant to this section.

Sec. 12. NRS 453D.310 is hereby amended to read as follows:

453D.310 1. Each retail marijuana store and marijuana product manufacturing facility shall, in consultation with the Department, cooperate to ensure that all marijuana products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As marijuana with the words "THIS IS A MARIJUANA PRODUCT" in bold type; and

(2) As required by this chapter and any regulations adopted pursuant thereto.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the marijuana product manufacturing facility which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the number of servings of THC in the product, measured in servings of a maximum of 10 milligrams per serving, and includes a statement that the product contains marijuana and its potency was tested with an allowable variance of the amount determined by the Department by regulation.

(g) Are not labeled or marketed as candy.

2. A marijuana product must be sold in a single package. A single package must not contain:

(a) For a marijuana product sold as a capsule, more than 100 milligrams of THC per capsule or more than 800 milligrams of THC per package.

(b) For a marijuana product sold as a tincture, more than 800 milligrams of THC.

(c) For a marijuana product sold as a food product, more than 100 milligrams of THC.

(d) For a marijuana product sold as a topical product, a concentration of more than 6 percent THC or more than 800 milligrams of THC per package.

(e) For a marijuana product sold as a suppository or transdermal patch, more than 100 milligrams of THC per suppository or transdermal patch or more than 800 milligrams of THC per package.

(f) For any other marijuana product, more than 800 milligrams of THC.

3. A marijuana product manufacturing facility shall not produce marijuana products in any form that:

(a) Is or appears to be a lollipop or ice cream.

(b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.

(c) Is modeled after a brand of products primarily consumed by or marketed to children.

(d) Is made by applying concentrated marijuana to a commercially available candy or snack food item other than dried fruit, nuts or granola.

4. A marijuana product manufacturing facility shall:

(a) Seal any marijuana product that consists of cookies or brownies in a bag or other container which is not transparent.

(b) Affix a label to each marijuana product intended for human consumption by oral ingestion which includes, without limitation, in a manner which must not mislead consumers, the following information:

(1) The words "Keep out of reach of children";

(2) A list of all ingredients used in the marijuana product;

(3) A list of all allergens in the marijuana product; and

(4) The total weight of marijuana contained in the marijuana product or an equivalent measure of THC concentration.

(c) Maintain a washing area with hot water, soap and a hand dryer or disposable towels which is located away from any area in which marijuana products intended for human consumption by oral ingestion are cooked or otherwise prepared.

(d) Require each person who handles marijuana products intended for human consumption by oral ingestion to wear a hair net and clean clothing and keep his or her fingernails neatly trimmed.

(e) Package all marijuana products produced by the marijuana product manufacturing facility on the premises of the marijuana product manufacturing facility.

5. A retail marijuana store or marijuana product manufacturing facility shall not engage in advertising that in any way makes marijuana or marijuana products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

6. Each retail marijuana store shall offer for sale containers for the storage of marijuana and marijuana products which lock and are designed to prohibit children from unlocking and opening the container.

7. A retail marijuana store shall:

(a) Include a written notification with each sale of marijuana or marijuana products which advises the purchaser:

(1) To keep marijuana and marijuana products out of the reach of children;

(2) That marijuana and marijuana products can cause severe illness in children;

(3) That allowing children to ingest marijuana or marijuana products, or storing marijuana or marijuana products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of marijuana products may be delayed by 2 hours or more and users of marijuana products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting marijuana or marijuana products;

(6) That ingesting marijuana or marijuana products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That marijuana or marijuana products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of marijuana or marijuana products; and

(8) That ingestion of any amount of marijuana or marijuana products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all marijuana and marijuana products in opaque, child-resistant packaging upon sale.

8. If the health authority, as defined in NRS 446.050, where a marijuana product manufacturing facility or retail marijuana store which sells marijuana products intended for human consumption by oral ingestion is located requires persons who handle food at a food establishment to obtain certification, the marijuana product manufacturing facility or retail marijuana store shall ensure that at least one employee maintains such certification.

9. A marijuana establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

- (1) Is false or misleading;
- (2) Promotes overconsumption of marijuana or marijuana products;
- (3) Depicts the actual consumption of marijuana or marijuana products;

or

(4) Depicts a child or other person who is less than 21 years of age consuming marijuana or marijuana products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing to or encourage consumption of marijuana or marijuana products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation; ~~for~~

(3) At a sports ~~for entertainment~~ event to which persons who are less than 21 years of age are allowed entry ~~to~~; *or*

(4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that entertainment event are less than 21 years of age.

(d) Shall not advertise or offer any marijuana or marijuana product as “free” or “donated” without a purchase.

(e) Shall ensure that all advertising by the marijuana establishment contains such warnings as may be prescribed by the Department, which must include, without limitation, the following words:

- (1) “Keep out of reach of children”; and
- (2) “For use only by adults 21 years of age and older.”

10. If a marijuana establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the marijuana establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the marijuana establishment determined the reasonably expected age of the audience for that advertisement.

11. Nothing in subsection 9 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to marijuana which is more restrictive than the provisions of subsection 9 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media; ~~and~~

(c) Any stationary or moving display that is located on or near the premises of a marijuana establishment ~~†~~; *and*

(d) The content of any advertisement used by a marijuana establishment if the ordinance sets forth specific prohibited content for such an advertisement.

12. In addition to any other penalties provided for by law, the Department may impose a civil penalty upon a marijuana establishment that violates the provisions of subsection 9 or 10 as follows:

(a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed \$1,250.

(b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed \$2,500.

(c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed \$5,000.

(d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed \$10,000.

13. As used in this section, “motor vehicle used for public transportation” does not include a taxicab, as defined in NRS 706.124.

Sec. 12.3. NRS 244.35253 is hereby amended to read as follows:

244.35253 1. Except as otherwise provided in this section, a board of county commissioners shall not fix, impose or collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county.

2. Except as otherwise provided in subsection 3, a board of county commissioners may fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns as a:

(a) Flat fee;

(b) Percentage of the gross revenue of the marijuana establishment or medical marijuana establishment; or

(c) Combination of a flat fee and a percentage of gross revenue of the marijuana establishment or medical marijuana establishment.

3. The total amount of a license tax imposed on a marijuana establishment or medical marijuana establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the marijuana establishment or medical marijuana establishment, as applicable.

4. In addition to any amount of money collected as a license tax pursuant to subsection 2, a board of county commissioners may fix, impose and collect:

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns for which registration pursuant to chapter 453A of NRS or licensing pursuant to chapter 453D of NRS is not required only if:

(1) The board of county commissioners is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the board of county commissioners on other similar businesses.

5. A board of county commissioners shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of marijuana, edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the county of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; ~~for~~

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval ~~for~~; *or*

(i) The content of any advertisement used by a marijuana establishment or medical marijuana establishment unless the ordinance sets forth specific prohibited content for such an advertisement.

6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

7. As used in this section:

(a) “Edible marijuana products” has the meaning ascribed to it in NRS 453A.101.

(b) “Letter of approval” has the meaning ascribed to it in NRS 453A.109.

(c) “Marijuana establishment” has the meaning ascribed to it in NRS 453D.030.

(d) “Marijuana products” has the meaning ascribed to it in NRS 453D.030.

(e) “Marijuana-infused products” has the meaning ascribed to it in NRS 453A.112.

(f) “Medical marijuana establishment” has the meaning ascribed to it in NRS 453A.116.

(g) “Medical marijuana establishment agent” has the meaning ascribed to it in NRS 453A.117.

(h) “Registry identification card” has the meaning ascribed to it in NRS 453A.140.

(i) “Written documentation” has the meaning ascribed to it in NRS 453A.170.

Sec. 12.7. NRS 268.0977 is hereby amended to read as follows:

268.0977 1. Except as otherwise provided in this section, the governing body of an incorporated city, whether organized under general law or special charter, shall not fix, impose or collect for revenues or for regulation, or both, a license tax on a marijuana establishment or medical marijuana establishment located within its corporate limits.

2. Except as otherwise provided in subsection 3, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect for revenues or for regulation, or both, a license tax on a marijuana establishment or medical marijuana establishment located within its corporate limits as a:

(a) Flat fee;

(b) Percentage of the gross revenue of the marijuana establishment or medical marijuana establishment; or

(c) Combination of a flat fee and a percentage of gross revenue of the marijuana establishment or medical marijuana establishment.

3. The total amount of a license tax imposed on a marijuana establishment or medical marijuana establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the marijuana establishment or medical marijuana establishment, as applicable.

4. In addition to any amount of money collected as a license tax pursuant to subsection 2, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect:

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a marijuana establishment or medical marijuana establishment located within its corporate limits in an amount that does not exceed any

similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a marijuana establishment or medical marijuana establishment located within its corporate limits for which registration pursuant to chapter 453A of NRS or licensing pursuant to chapter 453D of NRS is not required only if:

(1) The governing body is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the governing body on other similar businesses.

5. The governing body of an incorporated city, whether organized under general law or special charter, shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(b) The kinds of edible marijuana products, marijuana products and marijuana-infused products authorized to be sold pursuant to chapters 453A and 453D of NRS and any regulations adopted pursuant to chapter 453A of NRS;

(c) The use of pesticides in the cultivation of marijuana;

(d) The tracking of marijuana from seed to sale;

(e) The transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products other than the direct transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products to a consumer and a requirement to notify the city of any transportation of marijuana, edible marijuana products, marijuana products or marijuana-infused products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of medical marijuana establishment agents or employees of a marijuana establishment; ~~for~~

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of marijuana establishments or holders of a registry identification card or letter of approval ~~for~~; *or*

(i) The content of any advertisement used by a marijuana establishment or medical marijuana establishment unless the ordinance sets forth specific prohibited content for such an advertisement.

6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

7. As used in this section:

(a) “Edible marijuana products” has the meaning ascribed to it in NRS 453A.101.

(b) “Letter of approval” has the meaning ascribed to it in NRS 453A.109.

(c) “Marijuana establishment” has the meaning ascribed to it in NRS 453D.030.

(d) “Marijuana products” has the meaning ascribed to it in NRS 453D.030.

(e) “Marijuana-infused products” has the meaning ascribed to it in NRS 453A.112.

(f) “Medical marijuana establishment” has the meaning ascribed to it in NRS 453A.116.

(g) “Medical marijuana establishment agent” has the meaning ascribed to it in NRS 453A.117.

(h) “Registry identification card” has the meaning ascribed to it in NRS 453A.140.

(i) “Written documentation” has the meaning ascribed to it in NRS 453A.170.

Sec. 13. Any regulations adopted by the Department of Taxation that conflict with the amendatory provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after January 2, 2020.

Sec. 14. 1. This section and sections 1, 3 and 13 of this act become effective on October 1, 2019.

2. Sections 2 and 4 to 12.7, inclusive, of this act become effective on January 2, 2020.

3. Sections 7 and 8 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
↪ are repealed by the Congress of the United States.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 667 to Assembly Bill No. 164.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment retains the existing one year period of validity for agent registration cards and also clarifies that the term “motor vehicle used for public transportation” does not include a taxicab.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 267.

The following Senate amendment was read:

Amendment No. 1063.

AN ACT relating to actions concerning persons; providing for the compensation of certain persons who were wrongfully convicted; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill authorizes a person who **is not currently incarcerated for any offense and who** was wrongfully convicted in this State to bring an action for damages and other relief. Pursuant to **section 2**, a person may prevail in an action for wrongful conviction if ~~[- (1)] the person did not commit perjury or fabricate evidence on the underlying criminal proceeding; (2)~~ **meets the following five requirements. First, section 2 requires that** the person was convicted of a felony in this State and subsequently imprisoned, ~~for sentenced to a condition of parole or probation; (3)]~~ **requires that** the person did not commit the crime for which he or she was convicted and the person **: (1)** was not an accessory or accomplice to the acts that were the basis of the conviction; ~~and (4)]~~ **(2) did not commit the acts that were the basis of the conviction; and (3) did not aid, abet or act as an accomplice or accessory to a person who committed the acts that were the basis of the conviction. Third, section 2 requires that the person was not convicted of an offense necessarily included in the offense charged. Fourth, section 2 requires that any of the following occurred: (1)** the person's conviction was reversed or vacated and his or her charges were dismissed ~~[-]~~; **(2) the basis for reversing or vacating the conviction was not legal error that was unrelated to his or her innocence, and** if a new trial was ordered, the person was found not guilty at the new trial or the person was not retried and his or her charges were dismissed ~~[-]~~; **or (3) the person was pardoned by the State Board of Pardons Commissioners on the grounds that the person was innocent. Finally, section 2 requires that the person did not commit perjury or fabricate evidence in the underlying criminal proceeding.**

Section 4 of this bill **: (1)** waives the State's immunity from liability in actions brought for such wrongful conviction ~~and]~~; **(2)** provides that any action brought pursuant to **section 2** is not subject to a limitation on the amount of an award of damages under certain circumstances ~~[-]~~; **and (3) provides that all provisions of existing law relating to the absolute or qualified immunity of any judicial officer, prosecutor or law enforcement officer, including all applicable provisions of federal and state law, apply to an action brought pursuant to section 2.**

Section 3 of this bill requires a court to enter a certificate of innocence if the person was successful in his or her wrongful conviction action. **Section 3** also requires a court to seal all records relating to the underlying wrongful conviction at the time the court enters a certificate of innocence.

Section 5 of this bill sets forth certain filing requirements and appellate rights relating to a wrongful conviction action. **Section 6** of this bill sets forth a 2-year statute of limitations under certain circumstances for the filing of an action for wrongful conviction.

Section 7 of this bill requires a court in a wrongful conviction action to award: (1) if the person was wrongfully imprisoned for 1 to 10 years, \$50,000 for each year of imprisonment; (2) if the person was wrongfully imprisoned for 11 to 20 years, \$75,000 for each year of imprisonment; or (3) if the person was wrongfully imprisoned for 21 years or more, \$100,000 for each year of imprisonment. **Section 7** also requires a court to award not less than \$25,000 for each year the person was ~~sentenced to a condition of~~ **on** parole or ~~probation or~~ was required to register as a sex offender, whichever period of time was greater. **Section 7** also authorizes the court to order certain other relief, such as payment for the cost of tuition assistance and health care.

Section 8 of this bill sets forth certain limitations on the award amount a person can receive in his or her wrongful conviction action if the person has previously received a monetary award of damages against this State or entered into a settlement agreement with this State relating to his or her wrongful conviction. **Section 8** also requires a person to reimburse this State for an award received as a result of an action brought pursuant to **section 2** if the person subsequently ~~files another civil action~~ **receives a civil settlement or an award that exceeds the amount awarded by this State** relating to the same wrongful conviction.

To recover damages or other monetary relief awarded in a wrongful conviction action, **section 8.5** of this bill requires the person who successfully brought the action to submit a claim to the State Board of Examiners for payment from the Reserve for Statutory Contingency Account, upon approval of the State Board of Examiners. **Section 10** of this bill makes conforming changes.

Section 9 of this bill authorizes a court to give preference in setting the date of a trial in an action brought pursuant to **section 2**.

WHEREAS, Nationally there are more than 2,395 persons listed on the National Registry of Exonerations, including 13 persons who were convicted in Nevada; and

WHEREAS, Convictions of innocent persons may be the result of many causes, including, without limitation, eyewitness misidentification, false confessions, improper forensic science and governmental misconduct; and

WHEREAS, Innocent persons who have been wrongfully convicted of crimes and subsequently imprisoned have been uniquely victimized, have distinct challenges reentering society and have difficulty achieving legal redress due to a variety of substantive and technical obstacles in the law; and

WHEREAS, Innocent persons who have been wrongfully convicted of crimes and subsequently imprisoned deserve an avenue of redress over and above existing tort remedies to seek compensation for damages; and

WHEREAS, Those innocent persons who can demonstrate by a preponderance of the evidence that they were wrongfully convicted of crimes and subsequently imprisoned should be able to recover damages against this State; now, therefore,

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8.5, inclusive, of this act.

Sec. 2. 1. *A person who is not currently incarcerated for any offense may bring a civil action for his or her wrongful conviction against this State in a district court seeking damages or other relief provided by section 7 of this act.*

2. The court shall award damages for wrongful conviction in accordance with section 7 of this act if the person proves by a preponderance of the evidence that:

(a) He or she was convicted of a felony in this State and was subsequently imprisoned ~~for sentenced to a condition of parole or probation~~ for the conviction;

(b) He or she did not commit the felony for which he or she was convicted and the person ~~was~~;

(1) Was not an accessory or accomplice to the acts that were the basis of the conviction;

(2) Did not commit the acts that were the basis of the conviction; and

(3) Did not aid, abet or act as an accomplice or accessory to a person who committed the acts that were the basis of the conviction;

(c) He or she was not convicted of an offense necessarily included in the offense charged;

(d) Any of the following occurred:

(1) The judgment of conviction was reversed or vacated and the charging document was dismissed;

(2) ~~if~~ The basis for reversing or vacating the judgment of conviction was not legal error that was unrelated to his or her innocence, and if a court ordered a new trial, the person was found not guilty at the new trial or the person was not retried and the charging document was dismissed; or

(3) The person was pardoned by the State Board of Pardons Commissioners on the grounds that he or she was innocent; and

~~(d)~~ (e) The person did not commit perjury or fabricate evidence at the criminal proceeding that brought about his or her felony conviction and the person did not by his or her own conduct cause or bring about his or her felony conviction.

3. The court, in exercising its discretion as permitted by law regarding the weight and admissibility of evidence, may, in the interest of justice, give due consideration to:

(a) The difficulty of providing evidence caused by the passage of time;

(b) The death or unavailability of a witness;

(c) The destruction of evidence; or

(d) Any other factor not caused by the person or any other person acting on his or her behalf.

4. *The court may appoint an attorney to aid a person in an action brought pursuant to this section.*

5. *For the purposes of subsection 2, the following do not constitute committing perjury, fabricating evidence or causing or bringing about the conviction of the person:*

(a) *A confession or an admission later found to be false; or*

(b) *If the judgment of conviction was reversed or vacated and the charging document dismissed, a guilty plea for a felony.*

6. *As used in this section, “innocence” means that a person did not engage in:*

(a) *The conduct for which he or she was convicted; and*

(b) *Any conduct constituting a lesser included or inchoate offense of the crime for which he or she was convicted.*

Sec. 3. 1. *If a court finds that a person is entitled to a judgment pursuant to section 2 of this act, the court shall enter a certificate of innocence finding that the person was innocent of the felony for which the person was wrongfully convicted.*

2. *If a court does not find that a person is entitled to a judgment pursuant to section 2 of this act, the action must be dismissed and the court shall not enter a certificate of innocence.*

3. *Upon an entry of a certificate of innocence pursuant to subsection 1, the court shall order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada and shall order all such records of the person returned to the file of the court where the underlying criminal action was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the person or the court to have possession of such records. Such records must be sealed regardless of whether the person has any prior criminal convictions in this State.*

Sec. 4. 1. *The State of Nevada waives its immunity from liability in any action brought pursuant to section 2 of this act and consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations.*

2. *An action brought pursuant to section 2 of this act is not subject to any requirement of an action brought pursuant to NRS 41.031, including, without limitation, the limitations on an award of damages described in NRS 41.035.*

3. *All provisions of existing law relating to the absolute or qualified immunity of any judicial officer, prosecutor or law enforcement officer, including all applicable provisions of federal and state law, apply to an action brought pursuant to section 2 of this act.*

Sec. 5. 1. All pleadings filed pursuant to section 2 of this act must be captioned, "In the matter of the wrongful conviction of [name of the person bringing the action]."

2. The initial complaint filed in an action brought pursuant to section 2 of this act must be accompanied by a statement of facts verified by the person and served upon the Attorney General pursuant to the Nevada Rules of Civil Procedure.

3. All proceedings held pursuant to section 2 of this act must be tried before a court without a jury.

4. A judgment issued pursuant to section 2 of this act may be appealed to an appellate court of competent jurisdiction.

5. The doctrines of res judicata and collateral estoppel do not apply to an action brought pursuant to section 2 of this act.

Sec. 6. 1. Except as otherwise provided in subsection 2, a person must bring an action pursuant to section 2 of this act within 2 years after:

(a) A judgment of conviction of the person was reversed or vacated and the charging document was dismissed;

(b) If a court ordered a new trial, the person was found not guilty at the new trial or the person was not retried and the charging document was dismissed; or

(c) The person was pardoned by the State Board of Pardons Commissioners on the grounds that the person is innocent.

2. If any of the events described in subsection 1 occurred before October 1, 2019, an action brought pursuant to section 2 of this act must be commenced not later than October 1, 2021.

Sec. 7. 1. In an action brought pursuant to section 2 of this act which results in the court entering a certificate of innocence pursuant to section 3 of this act, the court shall award the person:

(a) If the person was imprisoned for:

(1) One to 10 years, \$50,000 for each year of imprisonment;

(2) Eleven to 20 years, \$75,000 for each year of imprisonment; or

(3) Twenty-one years or more, \$100,000 for each year of imprisonment;

and

(b) Not less than \$25,000 for each year the person was ~~sentenced to a condition of probation or~~ on parole ~~for~~ or not less than \$25,000 for each year the person was required to register as a sex offender, whichever period of time was greater.

2. In addition to any damages awarded pursuant to subsection 1, the court may award:

(a) Reasonable attorney's fees, not to exceed \$25,000, unless a greater amount is authorized by a court upon a finding of good cause shown.

(b) Payment for the cost of:

(1) Tuition, books and fees for the person to attend an institution operated by the Nevada System of Higher Education;

(2) Participation by the person in a health care program of this State;

(3) *Programs for reentry into the community for the person; and*

(4) *Counseling services for the person;*

(c) *Reimbursement for:*

(1) *Restitution ordered to be paid by the person in the criminal proceeding for which he or she was wrongfully convicted; and*

(2) *Medical care paid for by the person while he or she was imprisoned for his or her wrongful conviction; and*

(d) *Any other relief, including, without limitation, housing assistance or assistance for financial literacy for the person.*

3. *Any award of damages issued pursuant to subsection 1 must be rounded up to the nearest half year.*

4. *A court shall not award and a person shall not receive compensation for any period of imprisonment during which the person was concurrently serving a sentence for a conviction of another offense for which the person was lawfully convicted and imprisoned.*

5. *If counseling services are awarded to the person pursuant to subsection 2, the person may select a relative to receive counseling with the person. As used in this subsection, “relative” means a person who is related by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.*

Sec. 8. 1. *If a person in an action brought pursuant to section 2 of this act has previously won a monetary award against this State in a civil action related to his or her wrongful conviction, the person is only entitled to receive any amount described in section 7 of this act, less the award obtained in the previous civil action.*

2. *If a person in an action brought pursuant to section 2 of this act has entered into a settlement agreement with this State related to his or her wrongful conviction, the person is entitled to receive any amount described in section 7 of this act, less the amount of the settlement agreement.*

3. *A person who was successful in his or her action brought pursuant to section 2 of this act and who subsequently ~~filed another civil action~~ receives a civil settlement or award relating to his or her wrongful conviction that exceeds the amount awarded pursuant to section 7 of this act shall reimburse this State for his or her award of damages issued pursuant to ~~section 7 of~~ this act.*

4. *The calculation of an award of damages or a settlement amount pursuant to this section must not include attorney’s fees and the costs for bringing the action.*

Sec. 8.5. *To recover damages or other monetary relief awarded by a court pursuant to section 7 of this act, less any adjustment pursuant to section 8 of this act, a person who was successful in his or her action brought pursuant to section 2 of this act must submit a claim to the State Board of Examiners. The claim must be for payment of the damages or other monetary relief from the Reserve for Statutory Contingency Account, upon approval by the State Board of Examiners.*

Sec. 9. NRS 16.025 is hereby amended to read as follows:

16.025 1. Upon the motion of a party to an action who is 70 years of age or older, the court may give preference in setting a date for the trial of the action, unless the court finds that the party does not have a substantial interest in the case as a whole.

2. A court may grant a motion for preference in setting a date for the trial of an action if the court determines that based upon clear and convincing medical evidence, a party to the action suffers from an illness or condition which raises a substantial medical doubt that the party will survive for more than 6 months, and the court determines that the interests of justice would be served by granting the motion.

3. If a motion for preference is granted pursuant to subsection 1 or 2:

(a) The court shall set a date for the trial of the action that is not more than 120 days after the hearing on the motion; and

(b) The court shall not continue the date for the trial of the action beyond 120 days after the hearing on the motion, except for the physical disability of a party or attorney in the action, or for other good cause entered on the record.

4. If the plaintiff in an action seeks to recover damages allegedly caused by a defendant during the commission of acts for which the defendant is convicted of a crime punishable as a felony, the court may, upon the motion of the plaintiff, give preference in setting a date for the trial of the action. If the motion is granted, the trial of the action must, unless the court deems it infeasible, be held not more than 120 days after the hearing on the motion.

5. A court may, upon the motion of a plaintiff in an action brought pursuant to section 2 of this act, give preference in setting a date for the trial of the action. If the motion is granted, the trial of the action must be held not more than 120 days after the hearing on the motion.

Sec. 10. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

↪ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; ~~and~~

(d) ***The payment of claims which are obligations of the State pursuant to section 7 of this act; and***

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 1063 to Assembly Bill No. 267.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment makes changes to the burden of proof and makes other technical changes to the bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Yeager moved that the Assembly recede from its action on Senate Bill No. 252.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

It turns out that the Senate version of the bill was better than the Assembly version.

Motion carried.

Assemblyman Yeager moved that the Assembly do not recede from its action on Senate Bill No. 7, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Yeager.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Yeager, Nguyen, and Hansen as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 7.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Yeager moved that the Assembly do not recede from its action on Senate Bill No. 151, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Yeager.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Yeager, Watts, and Roberts as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 151.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Yeager moved that the Assembly do not recede from its action on Senate Bill No. 480, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Yeager.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Yeager, Backus, and Roberts as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 480.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 70, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 878 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 5, which is attached to and hereby made a part of this report.

Assembly Conference Committee

ASSEMBLYMAN EDGAR FLORES
ASSEMBLYWOMAN TERESA BENITEZ-THOMPSON
ASSEMBLYMAN GLEN LEAVITT

Senate Conference Committee

SENATOR DAVID R. PARKS
SENATOR DALLAS HARRIS
SENATOR BEN KIECKHEFER

Conference Amendment No. 5.

AN ACT relating to meetings of public bodies; making various changes relating to meetings of public bodies; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires a public body to ensure that members of the public body and the public present at a meeting can hear or observe and participate in the meeting if any member of the public body is present by means of teleconference or videoconference. (NRS 241.010) **Section 2** of this bill

provides instead that if a member of the public body attends a meeting of the public body by means of teleconference or videoconference, the chair of the public body must make reasonable efforts to ensure that members of the public body and the public can hear or observe each member attending by teleconference or videoconference. **Section 4** of this bill makes a conforming change.

Section 2 authorizes a public body, under certain circumstances, to conduct a public meeting by teleconference or videoconference.

Section 6.2 of this bill requires the public officers and employees responsible for a public meeting to make reasonable efforts to ensure the facilities for that meeting are large enough to accommodate the anticipated number of attendees.

Section 2.5 of this bill provides a public body may delegate authority to the chair or the executive director, or an equivalent position, to make any decision regarding litigation concerning any action or proceeding in which the public body or any member or employee of the public body is a party in an official capacity or participates or intervenes in an official capacity.

Existing law sets forth the circumstances when a public body is required to comply with the Open Meeting Law. Under existing law, a public body may gather to receive information from an attorney employed or retained by the public body regarding certain matters without complying with the Open Meeting Law. (NRS 241.015)

Section 5 of this bill authorizes, under certain circumstances, a public body to gather to receive training regarding its legal obligations without complying with the Open Meeting Law.

Section 5 requires, under certain circumstances, a subcommittee or working group of a public body to comply with the provisions of the Open Meeting Law.

The Open Meeting Law requires a public body to make supporting material for a meeting of the public body available to the public upon request. (NRS 241.020) **Section 5** defines the term “supporting material.”

Existing law requires a public body to have a meeting recorded on audiotape or transcribed by a court reporter and provide a copy of the audio recording or transcript to a member of the public upon request at no charge. Existing law also provides this requirement does not prohibit a court reporter from charging a fee to the public body for any services relating to the transcription of a meeting. (NRS 241.035) **Section 7** of this bill clarifies that a court reporter who transcribes a meeting is: (1) not prohibited from charging a fee to the public body for the transcription; and (2) not required to provide a copy of any transcript, minutes or audio recording of a meeting directly to a member of the public at no charge.

Under existing law, the Attorney General is required to investigate and prosecute any violation of the Open Meeting Law. (NRS 241.039) **Section 10** of this bill: (1) requires, with limited exception, the Attorney General to investigate and prosecute a violation of the Open Meeting Law if a complaint

is filed not later than 120 days after the alleged violation; and (2) gives the Attorney General discretion to investigate and prosecute a violation of the Open Meeting Law if a complaint is filed more than 120 days after the alleged violation.

Section 10 further requires: (1) the Attorney General to issue certain findings upon completion of an investigation; and (2) a public body to submit a response to the findings of the Attorney General not later than 30 days after receipt of the Attorney General's findings.

Existing law makes each member of a public body who attends a meeting where action is taken in violation of the Open Meeting Law with knowledge of the fact that the meeting is in violation guilty of a misdemeanor and subject to a civil penalty of \$500. (NRS 241.040) **Section 12** of this bill provides instead that each member of a public body who: (1) attends a meeting where any violation of the Open Meeting Law occurs; (2) has knowledge of the violation; and (3) participates in the violation, is guilty of a misdemeanor and subject to an administrative fine, the amount of which is graduated for multiple offenses. **Section 12** also creates an exception to these penalties and fines where the member violated the Open Meeting Law based on legal advice provided by an attorney employed or retained by the public body.

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

Section 1. Chapter 241 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 2.5 of this act.

Sec. 2. 1. *A public body may conduct a meeting by means of teleconference or videoconference if:*

(a) A quorum is actually or collectively present, whether in person or by means of electronic communication; and

(b) There is a physical location designated for the meeting where members of the public are permitted to attend and participate.

2. *If any member of a public body attends a meeting by means of teleconference or videoconference, the chair of the public body, or his or her designee, must make reasonable efforts to ensure that:*

(a) Members of the public body and members of the public present at the physical location of the meeting can hear or observe each member attending by teleconference or videoconference; and

(b) Each member of the public body in attendance can participate in the meeting.

Sec. 2.5. *A public body may delegate authority to the chair or the executive director of the public body, or an equivalent position, to make any decision regarding litigation concerning any action or proceeding in which the public body or any member or employee of the public body is a party in an official capacity or participates or intervenes in an official capacity.*

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 241.010 is hereby amended to read as follows:

241.010 ~~††~~ In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

~~{2. If any member of a public body is present by means of teleconference or videoconference at any meeting of the public body, the public body shall ensure that all the members of the public body and the members of the public who are present at the meeting can hear or observe and participate in the meeting.}~~

Sec. 5. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body;

(b) A commitment or promise made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present, whether in person or by means of electronic communication, during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. "Deliberate" means collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion or exchange of facts preliminary to the ultimate decision.

3. "Meeting":

(a) Except as otherwise provided in paragraph (b), means:

(1) The gathering of members of a public body at which a quorum is present, whether in person or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present, whether in person or by means of electronic communication, at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present, whether in person or by means of electronic communication:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

(3) To receive training regarding the legal obligations of the public body, including, without limitation, training conducted by an attorney employed or retained by the public body, the Office of the Attorney General or the Commission on Ethics, if at the gathering the members do not deliberate toward a decision or action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

4. Except as otherwise provided in NRS 241.016, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes a library foundation as defined in NRS 379.0056, an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405, if the administrative, advisory, executive or legislative body is created by:

- (1) The Constitution of this State;
- (2) Any statute of this State;
- (3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;
- (4) The Nevada Administrative Code;
- (5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;
- (6) An executive order issued by the Governor; or
- (7) A resolution or an action by the governing body of a political subdivision of this State;

(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government, ~~consisting of members appointed by the Governor,~~ if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government, ~~consisting of members~~

appointed by the Governor,] if the board, commission or committee has at least two members who are not employed by the public officer or entity; ~~and]~~

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201 ~~];~~ **and**

(d) A subcommittee or working group consisting of at least two persons who are appointed by a public body described in paragraph (a), (b) or (c) if:

(1) A majority of the membership of the subcommittee or working group are members or staff members of the public body that appointed the subcommittee; or

(2) The subcommittee or working group is authorized by the public body to make a recommendation to the public body for the public body to take any action.

5. “Quorum” means a simple majority of the membership of a public body or another proportion established by law.

6. ***“Supporting material” means material that is provided to at least a quorum of the members of a public body by a member of or staff to the public body and that the members of the public body would reasonably rely on to deliberate or take action on a matter contained in a published agenda. The term includes, without limitation, written records, audio recordings, video recordings, photographs and digital data.***

7. “Working day” means every day of the week except Saturday, Sunday and any day declared to be a legal holiday pursuant to NRS 236.015.

Sec. 6. (Deleted by amendment.)

Sec. 6.2. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. ***If any portion of a meeting is open to the public, the public officers and employees responsible for the meeting must make reasonable efforts to ensure the facilities for the meeting are large enough to accommodate the anticipated number of attendees. No violation of this chapter occurs if a member of the public is not permitted to attend a public meeting because the facilities for the meeting have reached maximum capacity if reasonable efforts were taken to accommodate the anticipated number of attendees. Nothing in this subsection requires a public body to incur any costs to secure a facility outside the control or jurisdiction of the public body or to upgrade,***

improve or otherwise modify an existing facility to accommodate the anticipated number of attendees.

3. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

- (a) The time, place and location of the meeting.
- (b) A list of the locations where the notice has been posted.
- (c) The name and contact information for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection ~~461~~ 7 and a list of the locations where the supporting material is available to the public.
- (d) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term “for possible action” next to the appropriate item or, if the item is placed on the agenda pursuant to NRS 241.0365, by placing the term “for possible corrective action” next to the appropriate item.

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

↪ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action regarding a person, the name of that person.

(6) Notification that:

- (I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

~~§ 4.~~ **4.** Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting;

(b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State; and

(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

~~§ 5.~~ **5.** For each of its meetings, a public body shall document in writing that the public body complied with the minimum public notice required by paragraph (a) of subsection ~~§ 4.~~ **4.** The documentation must be prepared by every person who posted a copy of the public notice and include, without limitation:

(a) The date and time when the person posted the copy of the public notice;

(b) The address of the location where the person posted the copy of the public notice; and

(c) The name, title and signature of the person who posted the copy of the notice.

~~§ 6.~~ **6.** If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection ~~§ 4.~~ **4.** The inability of a public body to

post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

~~¶6.7.~~ Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;
(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection ~~¶7 or 8,~~ **8 or 9**, as applicable, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body;
or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➔ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, “proprietary information” has the meaning ascribed to it in NRS 332.025.

~~¶7.8.~~ Unless it must be made available at an earlier time pursuant to NRS 288.153, a copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection ~~¶6.7~~ must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➔ If the requester has agreed to receive the information and material set forth in subsection ~~¶6.7~~ by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

~~¶8.9.~~ Unless the supporting material must be posted at an earlier time pursuant to NRS 288.153, the governing body of a county or city whose population is 45,000 or more shall post the supporting material described in paragraph (c) of subsection ~~¶6.7~~ to its website not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection ~~¶6.7~~. The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

~~19.1~~ **10.** A public body may provide the public notice, information or supporting material required by this section by electronic mail. Except as otherwise provided in this subsection, if a public body makes such notice, information or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by electronic mail. If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or supporting material or a link to a website required by this section to a person who has agreed to receive such notice, information, supporting material or link by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

~~10.1~~ **11.** As used in this section, “emergency” means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

- (a) Disasters caused by fire, flood, earthquake or other natural causes; or
- (b) Any impairment of the health and safety of the public.

Sec. 6.5. NRS 241.033 is hereby amended to read as follows:

241.033 1. Except as otherwise provided in subsection 7, a public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person or to consider an appeal by a person of the results of an examination conducted by or on behalf of the public body unless it has:

(a) Given written notice to that person of the time and place of the meeting; and

(b) Received proof of service of the notice.

2. The written notice required pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3, must be:

(1) Delivered personally to that person at least 5 working days before the meeting; or

(2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.

(b) May, with respect to a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, include an informational statement setting forth that the public body may, without further notice, take administrative action against the person if the public body determines that such administrative action is warranted after considering the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) Must include:

(1) A list of the general topics concerning the person that will be considered by the public body during the closed meeting; and

(2) A statement of the provisions of subsection 4, if applicable.

3. The Nevada Athletic Commission is exempt from the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 2, but must give written notice of the time and place of the meeting and must receive proof of service of the notice before the meeting may be held.

4. If a public body holds a closed meeting or closes a portion of a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, the public body must allow that person to:

(a) Attend the closed meeting or that portion of the closed meeting during which the character, alleged misconduct, professional competence, or physical or mental health of the person is considered;

(b) Have an attorney or other representative of the person's choosing present with the person during the closed meeting; and

(c) Present written evidence, provide testimony and present witnesses relating to the character, alleged misconduct, professional competence, or physical or mental health of the person to the public body during the closed meeting.

5. Except as otherwise provided in subsection 4, with regard to the attendance of persons other than members of the public body and the person whose character, alleged misconduct, professional competence, physical or mental health or appeal of the results of an examination is considered, the chair of the public body may at any time before or during a closed meeting:

(a) Determine which additional persons, if any, are allowed to attend the closed meeting or portion thereof; or

(b) Allow the members of the public body to determine, by majority vote, which additional persons, if any, are allowed to attend the closed meeting or portion thereof.

6. A public body shall provide a copy of any record of a closed meeting prepared pursuant to NRS 241.035, upon the request of any person who received written notice of the closed meeting pursuant to subsection 1.

7. For the purposes of this section:

(a) A meeting held to consider an applicant for employment is not subject to the notice requirements otherwise imposed by this section.

(b) Casual or tangential references to a person or the name of a person during a ~~closed~~ meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) A meeting held to recognize or award positive achievements of a person, including, without limitation, honors, awards, tenure and commendations, is not subject to the notice requirements otherwise imposed by this section.

Sec. 7. NRS 241.035 is hereby amended to read as follows:

241.035 1. Each public body shall keep written minutes of each of its meetings, including:

(a) The date, time and place of the meeting.

(b) Those members of the public body who were present, whether in person or by means of electronic communication, and those who were absent.

(c) The substance of all matters proposed, discussed or decided and, at the request of any member, a record of each member's vote on any matter decided by vote.

(d) The substance of remarks made by any member of the general public who addresses the public body if the member of the general public requests that the minutes reflect those remarks or, if the member of the general public has prepared written remarks, a copy of the prepared remarks if the member of the general public submits a copy for inclusion.

(e) Any other information which any member of the public body requests to be included or reflected in the minutes.

↳ Unless good cause is shown, a public body shall approve the minutes of a meeting within 45 days after the meeting or at the next meeting of the public body, whichever occurs later.

2. Minutes of public meetings are public records. Minutes or an audio recording of a meeting made in accordance with subsection 4 must be made available for inspection by the public within 30 working days after adjournment of the meeting. A copy of the minutes or audio recording must be made available to a member of the public upon request at no charge. The minutes shall be deemed to have permanent value and must be retained by the public body for at least 5 years. Thereafter, the minutes may be transferred for archival preservation in accordance with NRS 239.080 to 239.125, inclusive. Minutes of meetings closed pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality and the person whose character, conduct, competence or health was considered has consented to their disclosure. That person is entitled to a copy of the minutes upon request whether or not they become public records.

(b) Paragraph (b) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality.

(c) Paragraph (c) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters considered no longer require confidentiality and the person who appealed the results of the examination has consented to their disclosure, except that the public body shall remove from the minutes any references to the real name of the person who appealed the results of the examination. That person is entitled to a copy of the minutes upon request whether or not they become public records.

3. All or part of any meeting of a public body may be recorded on audiotape or any other means of sound or video reproduction by a member of

the general public if it is a public meeting so long as this in no way interferes with the conduct of the meeting.

4. Except as otherwise provided in subsection ~~7-1~~ 8, a public body shall, for each of its meetings, whether public or closed, record the meeting on audiotape or another means of sound reproduction or cause the meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS. If a public body makes an audio recording of a meeting or causes a meeting to be transcribed pursuant to this subsection, the audio recording or transcript:

(a) Must be retained by the public body for at least ~~1 year~~ **3 years** after the adjournment of the meeting at which it was recorded or transcribed;

(b) Except as otherwise provided in this section, is a public record and must be made available for inspection by the public during the time the recording or transcript is retained; and

(c) Must be made available to the Attorney General upon request.

5. The requirement set forth in subsection 2 that a public body make available a copy of the minutes or audio recording of a meeting to a member of the public upon request at no charge does not ~~+~~

~~(a) Prohibit~~ **prohibit** a court reporter who is certified pursuant to chapter 656 of NRS from charging a fee to the public body for any services relating to the transcription of a meeting. ~~+-or~~

~~(b) Require a]~~

6. A court reporter who transcribes a meeting **is not required** to provide a copy of any transcript, minutes or audio recording of the meeting prepared by the court reporter **directly** to a member of the public at no charge.

~~6-1~~ 7. Except as otherwise provided in subsection ~~7-1~~ 8, any portion of a public meeting which is closed must also be recorded or transcribed and the recording or transcript must be retained and made available for inspection pursuant to the provisions of subsection 2 relating to records of closed meetings. Any recording or transcript made pursuant to this subsection must be made available to the Attorney General upon request.

~~7-1~~ 8. If a public body makes a good faith effort to comply with the provisions of subsections 4 and ~~6-1~~ 7 but is prevented from doing so because of factors beyond the public body's reasonable control, including, without limitation, a power outage, a mechanical failure or other unforeseen event, such failure does not constitute a violation of the provisions of this chapter.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 241.039 is hereby amended to read as follows:

241.039 1. A complaint that alleges a violation of this chapter may be filed with the Office of the Attorney General. ***The Office of the Attorney General shall notify a public body identified in a complaint of the alleged violation not more than 14 days after the complaint is filed.***

2. Except as otherwise provided in **subsection 3 and** NRS 241.0365, the Attorney General ~~shall~~ :

(a) *Shall* investigate and prosecute any violation of this chapter ~~††~~ *alleged in a complaint filed not later than 120 days after the alleged violation with the Office of the Attorney General.*

(b) *Except as otherwise provided in paragraph (c), shall not investigate and prosecute any violation of this chapter alleged in a complaint filed with the Office of the Attorney General later than 120 days after the alleged violation.*

(c) *May, at his or her discretion, investigate and prosecute any violation of this chapter alleged in a complaint filed more than 120 days after the alleged violation with the Office of the Attorney General if:*

(1) *The alleged violation was not discoverable at the time that the alleged violation occurred; and*

(2) *The complaint is filed not more than 1 year after the alleged violation with the Office of the Attorney General.*

3. *The Attorney General is not required to investigate or prosecute any alleged violation of this chapter if the Attorney General determines that ~~the~~ ~~complaint was filed in bad faith or~~ the interests of the person who filed the complaint are not significantly affected by the action of the public body that is alleged to violate this chapter. For purposes of this subsection ~~†~~*

~~—(a) A complaint is filed in bad faith if the person who filed the complaint has:~~

~~—(1) Filed at least one other complaint against the same public body within the immediately preceding 12 months and no such complaint has resulted in a finding by the Attorney General that a violation of this chapter occurred; and~~

~~—(2) Engaged in previous conduct to harass or annoy the public body, its members or its staff.~~

~~—(b) The~~ *, the interests of the person who filed the complaint are not significantly affected by the action of the public body that is alleged to violate this chapter unless:*

~~†(1)†~~ *(a) The person who filed the complaint would have standing to challenge the action of the public body in a court of law; or*

~~†(2)†~~ *(b) The person who filed the complaint:*

~~†(1)†~~ *(1) Is a natural person and resides within the geographic area over which the public body has jurisdiction; or*

~~†(1)†~~ *(2) Is any form of business, a social organization, a labor organization or any other nongovernmental legal entity in this State that has a mission or purpose to foster or protect democratic principles or promote transparency in government.*

4. *Except as otherwise provided in subsection ~~†6†~~ 7 and NRS 239.0115, all documents and other information compiled as a result of an investigation conducted pursuant to subsection 2 are confidential until the investigation is closed.*

~~4.1~~ 5. In any investigation conducted pursuant to subsection 2, the Attorney General may issue subpoenas for the production of any relevant documents, records or materials.

~~5.1~~ 6. A person who willfully fails or refuses to comply with a subpoena issued pursuant to this section is guilty of a misdemeanor.

~~6.1~~ 7. The following are public records:

(a) A complaint filed pursuant to subsection 1.

(b) Every finding of fact or conclusion of law made by the Attorney General relating to a complaint filed pursuant to subsection 1.

(c) Any document or information compiled as a result of an investigation conducted pursuant to subsection 2 that may be requested pursuant to NRS 239.0107 from a governmental entity other than the Office of the Attorney General.

8. Upon completion of an investigation conducted pursuant to subsection 2, the Attorney General shall inform the public body that is the subject of the investigation and issue, as applicable:

(a) A finding that no violation of this chapter occurred; or

(b) A finding that a violation of this chapter occurred, along with findings of fact and conclusions of law that support the finding that a violation of this chapter occurred.

9. A public body or, if authorized by the public body, an attorney employed or retained by the public body, shall submit a response to the Attorney General not later than 30 days after receipt of any finding that the public body violated this chapter. If the Attorney General does not receive a response within 30 days after receipt of the finding, it shall be deemed that the public body disagrees with the finding of the Attorney General.

Sec. 11. NRS 241.0395 is hereby amended to read as follows:

241.0395 1. If the Attorney General makes findings of fact and conclusions of law that a public body has ~~taken action in violation of~~ **violated** any provision of this chapter, the public body must include an item on the next agenda posted for a meeting of the public body which acknowledges **the existence of** the findings of fact and conclusions of law. The opinion of the Attorney General must be treated as supporting material for the item on the agenda for the purposes of NRS 241.020.

2. The inclusion of an item on the agenda for a meeting of a public body pursuant to subsection 1 is not an admission of wrongdoing for the purposes of a civil action, criminal prosecution or injunctive relief.

Sec. 12. NRS 241.040 is hereby amended to read as follows:

241.040 1. ~~Each~~ **Except as otherwise provided in subsection 6, each** member of a public body who attends a meeting of that public body where ~~action is taken in violation of~~ any ~~provision~~ **violation** of this chapter ~~with~~ **occurs, has** knowledge of the ~~fact that the meeting is in violation thereof,~~ **violation and participates in the violation,** is guilty of a misdemeanor.

2. ~~Wrongful~~ **Except as otherwise provided in subsection 6, wrongful** exclusion of any person or persons from a meeting is a misdemeanor.

3. A member of a public body who attends a meeting of that public body at which ~~action is taken in~~ a violation of this chapter *occurs* is not the accomplice of any other member so attending.

4. ~~It~~ ***Except as otherwise provided in subsection 6, in*** addition to any criminal penalty imposed pursuant to this section, each member of a public body who attends a meeting of that public body where ~~action is taken in violation of~~ any ~~provision~~ ***violation*** of this chapter ~~it~~ ***occurs*** and who participates in such ~~action the meeting~~ ***violation*** with knowledge of the violation, is subject to ~~a civil penalty~~ ***an administrative fine*** in an amount not to exceed :

(a) ***For a first offense, \$500*** ~~The Attorney General may recover the penalty~~;

(b) ***For a second offense, \$1,000; and***

(c) ***For a third or subsequent offense, \$2,500.***

5. ***The Attorney General may recover the penalty*** in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction. Such an action must be commenced within 1 year after the ~~date of the action taken in violation of this chapter~~ ***fine is assessed.***

6. ***No criminal penalty or administrative fine may be imposed upon a member of a public body pursuant to this section if a member of a public body violates a provision of this chapter as a result of legal advice provided by an attorney employed or retained by the public body.***

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Assemblyman Flores moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 70.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 289.

The following Senate amendment was read:

Amendment No. 1071.

AN ACT relating to education; revising provisions relating to the retention of certain pupils enrolled in grade 3 to require the provision of certain services and instruction; revising provisions relating to plans to improve the literacy of pupils; revising provisions relating to teachers who teach in a public elementary school; revising provisions relating to reports concerning pupil performance in the subject area of reading; revising provisions relating to notices concerning pupils who exhibit a deficiency in the subject area of reading; requiring certain interventions and services for pupils who exhibit a deficiency in the subject area of reading and for the parent or legal guardian of such a pupil; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law to become effective on July 1, 2019, provides that, unless a pupil receives a good-cause exemption, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain the score prescribed by the State Board of Education on the criterion-referenced examination in reading. (NRS 388A.487, 392.760) **Section 7** of this bill removes this requirement and instead provides that ~~to a pupil~~ **an elementary school** must ~~be provided~~ **provide** intervention services and intensive instruction **to a pupil during the time the pupil attends the school** if the pupil does not obtain the score prescribed by the State Board on the criterion-referenced examination in reading. **Section 7 also authorizes the principal to retain a pupil rather than allow the pupil to move to the next grade in certain circumstances in consultation with the literacy specialist and certain other persons.** **Sections 4, 5 and 8** of this bill make conforming changes. **Section 5** also revises requirements concerning the notice that must be provided to the parent or legal guardian of a pupil who exhibits a deficiency in the subject area of reading.

Existing law requires the board of trustees of each school district or the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3. (NRS 388.157) **Section 1** of this bill instead requires this plan to address pupils enrolled in all grades of an elementary school.

Existing law requires that a plan to improve the literacy of pupils include a program to provide intensive instruction to pupils who have been identified as

deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in that subject area. (NRS 388.157) **Section 1** provides that in order to achieve adequate proficiency in reading, a pupil must perform at a level determined by a statewide assessment to be within the level established by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled.

Under existing law, the principal of a public elementary school, including, without limitation, a charter school, is required to designate a licensed teacher employed by the school who has demonstrated leadership abilities to serve as a learning strategist to train and assist teachers in providing intensive instruction to pupils who have been identified as deficient in the subject area of reading. (NRS 388.159) **Section 2** of this bill instead requires the principal to designate a licensed teacher to serve as a literacy specialist and prescribes the qualifications and duties of the literacy specialist. Existing law authorizes a school district or charter school to provide additional compensation to: (1) a licensed teacher designated as a learning strategist or to a teacher who teaches kindergarten; or (2) a licensed teacher who teaches grade 1, 2, 3 or 4 whose overall performance is determined to be highly effective. (NRS 388.159) **Section 2** revises the list of licensed teachers who are eligible for additional compensation to include any teacher who teaches in an elementary school who provides instruction in reading.

Existing law, which becomes effective on July 1, 2019, requires the board of trustees of each school district and the governing body of a charter school to prepare a report concerning the number and percentage of pupils who are retained in grade 3 for deficiency in reading. (NRS 388A.487, 392.775) **Sections 4 and 10** of this bill additionally require the board of trustees of each school district and the governing body of a charter school to include in a report certain information concerning pupils who received educational programs or services in the subject area of reading.

Section 6 of this bill requires ~~that~~ the plan to assess the proficiency of a pupil who is deficient in the subject area of reading to be established by a licensed teacher. **Section 6** also removes the requirement that a school assess the proficiency of a pupil who is receiving services to correct a deficiency in the subject area of reading at the beginning of the school year and instead requires the school regularly assess the growth of the pupil in any areas of deficiency in the subject area of reading.

Existing law requires the principal of a school to offer the parent or legal guardian of a pupil who is retained in grade 3 certain additional instructional options. (NRS 392.770) **Section 9** of this bill instead requires the principal of a school to offer these options to the parent or legal guardian of a pupil who exhibits a deficiency in the subject area of reading.

Existing law requires the Department of Education to distribute money that is appropriated to the Other State Education Programs Account through a competitive grants program. (Section 15 of chapter 334, Statutes of Nevada 2015, p. 1867) **Section 11** of this bill revises the program to: (1) distribute the

money through a noncompetitive grants program using a weighted formula; and (2) authorize schools that receive a grant of money to use the money for literacy programs, additional staff or both, to support school-based efforts to ensure that all pupils are proficient in reading by the end of elementary school. **Section 11** also prohibits schools that receive a grant of money from using the money to supplant other budgets of the school.

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

Section 1. NRS 388.157 is hereby amended to read as follows:

388.157 1. The board of trustees of each school district and the governing body of each charter school shall prepare a plan to improve the literacy of pupils enrolled in ~~{kindergarten and grades 1, 2 and 3}~~ ***an elementary school.*** Such a plan must include, without limitation:

(a) A program to provide ***intervention services and*** intensive instruction to pupils who have been identified as deficient in the subject area of reading to ensure that those pupils achieve adequate proficiency in ~~{that subject area}~~ ***the requisite reading skills and reading comprehension skills necessary to perform at a level determined by a statewide assessment to be within a level determined by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled.*** Such a program must include, without limitation, regularly scheduled reading sessions in small groups and specific instruction ~~{on}~~ ***designed to target any area of reading in which the pupil demonstrates a deficiency, including, without limitation,*** phonological and phonemic awareness, decoding skills, ~~{and}~~ reading fluency ~~{,}~~ ***and vocabulary and reading comprehension strategies;***

(b) Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable ~~{curriculum-based}~~ ***standards-based*** assessments that have been approved by the State Board by regulation:

(1) Within the first 30 days of school after the pupil enters kindergarten or upon enrollment in ~~{kindergarten}~~ ***the elementary school*** if the pupil enrolls after that period, ~~{,}~~ ***and has not previously been assessed;*** and

(2) During ~~{grades 1, 2 and 3}~~ ***each grade level {in} of the elementary school {,} at which the pupil is enrolled as determined necessary;***

(c) A program to improve the proficiency in reading of pupils who are English learners; and

(d) Procedures for facilitating collaboration between ~~{learning strategists}~~ ***licensed teachers designated as literacy specialists*** and classroom teachers.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Submit its plan to the Department for approval on or before the date prescribed by the Department on a form prescribed by the Department; and

(b) Make such revisions to the plan as the Department determines are necessary.

Sec. 2. NRS 388.159 is hereby amended to read as follows:

388.159 1. The principal of a public elementary school, including, without limitation, a charter school, shall designate a licensed teacher employed by the school ~~who has demonstrated leadership abilities~~ to serve as a ~~learning strategist~~ **literacy specialist**. ~~to train~~ **The licensed teacher so designated must:**

- (a) **Demonstrate the ability to improve the literacy of pupils;**
- (b) **Demonstrate competency in effective instruction in literacy and the administration of assessments;**
- (c) **Demonstrate an understanding of building relationships with teachers and other adults;**
- (d) **Collaborate with the principal of the public elementary school to develop a schedule of professional development and assist in providing such professional development; and**
- (e) **Assist teachers at the school ~~to~~ by implementing a system of support which includes various methods to provide intervention services and intensive instruction ~~to~~ for pupils who have been identified as deficient in the subject area of reading.**

2. A school district or charter school may provide additional compensation to:

- (a) A licensed teacher designated as a ~~learning strategist~~ **literacy specialist** pursuant to this section; or
- (b) A **licensed** teacher who is employed by a school district or charter school ~~to teach kindergarten or grade 1, 2, 3 or 4 in~~ **to teach at an elementary school** ~~whose overall performance is determined to be highly effective under the statewide performance evaluation system established by the State Board pursuant to NRS 391.465.~~ **and provides instruction in reading.**

3. Each **licensed** teacher employed by a school district or charter school to teach ~~kindergarten or grade 1, 2, 3 or 4 in~~ **at an elementary school and who is responsible for providing instruction in reading** shall complete professional development ~~provided~~ **developed** by a ~~learning strategist designated~~ **licensed teacher designated as a literacy specialist** pursuant to subsection 1 in the subject area of reading.

4. The State Board shall prescribe by regulation:

- (a) Any training or professional development that a ~~learning strategist~~ **licensed teacher designated as a literacy specialist** is required to successfully complete;
- (b) Any professional development that a teacher employed by a school district or charter school to teach ~~kindergarten or grade 1, 2, 3 or 4 in~~ **at an elementary school** is required to receive ~~from~~ **as developed by a ~~learning strategist~~ licensed teacher designated as a literacy specialist** in the subject area of reading; and
- (c) The duties and responsibilities of a ~~learning strategist~~ **licensed teacher designated as a literacy specialist.**

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 388A.487 is hereby amended to read as follows:

388A.487 1. The governing body of a charter school ***that operates as an elementary school*** shall adopt rules for ~~the academic retention of~~ ***the provision of intervention services and intensive instruction*** to pupils who are enrolled in the charter school that are consistent with NRS 392.750, 392.760 and 392.765. The rules must:

(a) Prescribe the ~~conditions under~~ ***programs and instruction*** which ***will be provided to*** a pupil ~~[- may be retained in the same grade rather than promoted to the next higher grade for the immediately succeeding school year.]~~ ***who has been identified as deficient in the subject area of reading in accordance with the plan established pursuant to NRS 388.157.***

(b) Require ***the school to provide to*** a pupil ~~enrolled in grade 3 to be retained in the same grade rather than promoted to grade 4 when required~~ ***provided*** ~~who has been identified as deficient in the subject area of reading while the pupil is enrolled in an elementary school pursuant to NRS 392.760.]~~ ***in accordance with the plan established pursuant to NRS 388.157.***

2. On or before ~~September 1~~ ***October 15*** of each year, the governing body of each charter school ***that operates as an elementary school*** shall:

(a) Prepare a report concerning the number and percentage of pupils at the charter school who were:

(1) ~~Retained~~ ***Designated in grade 3 to be provided intervention services and intensive instruction while enrolled in an elementary school of a charter school*** pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously ~~retained in kindergarten or grade 1 or 2;~~ ***provided intervention services and intensive instruction while enrolled in an elementary school of a charter school;*** and

(2) ~~Not retained in grade 3 because a good cause exemption was approved pursuant to NRS 392.760 but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years;~~ ***Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:***

(I) Did not improve at a rate prescribed by the governing body of a charter school, indicating a need for more intensive or different interventions;

(II) Improved at a rate prescribed by the governing body of a charter school, indicating growth toward performing at a level determined by a statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled; and

(b) Submit a copy of the report to the Department ~~[-],~~ ***the Legislature and the sponsor of the charter school;*** and

(c) Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.

Sec. 5. NRS 392.750 is hereby amended to read as follows:

392.750 If a pupil enrolled at a public elementary school in kindergarten or grade 1, 2 or 3 ***or who newly enrolls in a public elementary school*** exhibits a deficiency in the subject area of reading based upon state or local assessments and the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:

1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in ~~kindergarten and grades 1, 2 and 3~~ ***elementary school*** that has been approved by the Department pursuant to NRS 388.157;

2. Explain that if the pupil does not achieve adequate proficiency in the subject area of reading before the completion of grade 3, the ***school will provide the*** pupil ~~[will be retained in grade 3 rather than promoted to grade 4, unless the pupil receives a good cause exemption pursuant to NRS 392.760; ***provided***] ***with intervention services and intensive instruction [while] each year that the pupil is enrolled in [an] the elementary school [s], unless it is determined that such services and instruction are no longer necessary;***~~

3. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;

4. Explain that the criterion-referenced examination in ***only*** the subject area of reading administered pursuant to NRS 390.105 is not the only factor used to determine whether the pupil will be ~~retained in grade 3 and that other options are available for the pupil to demonstrate proficiency if the pupil is eligible for a good cause exemption pursuant to NRS 392.760;~~ ***provided intervention services and intensive instruction while the pupil is enrolled in an elementary school;***

5. Describe the policy and specific criteria adopted by the board of trustees of the school district or governing body of a charter school, as applicable, pursuant to NRS 392.765 regarding the ~~promotion~~ ***provision of intervention services and intensive instruction to*** a pupil ~~[to grade 4 at any time during the school year if the pupil is retained in grade 3 pursuant to NRS 392.760;] ***enrolled in an elementary school;***~~

6. Include information regarding the English literacy development of a pupil who is an English learner; ~~and~~

7. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is an English learner ~~††~~;

8. ***To the extent practicable, be provided in a language that the parent or legal guardian can understand;***

9. *Explain that a plan to monitor the growth of the pupil in the subject area of reading will regularly assess the pupil and the elementary school will provide notice to the parent or legal guardian the status of the growth of the pupil; and*

10. *Explain that services and the programs provided to the pupil will be adjusted to improve the deficiency in the subject area of reading.*

Sec. 6. NRS 392.755 is hereby amended to read as follows:

392.755 1. A public elementary school that has notified the parent or legal guardian of a pupil that, based upon the results of state or local assessments, it has been determined that the pupil has a deficiency in the subject area of reading pursuant to NRS 392.750 shall, within 30 days after providing such notice, establish a plan to monitor the ~~progress~~ **growth** of the pupil in the subject area of reading.

2. A plan to monitor the ~~progress~~ **growth** of a pupil in the subject area of reading must be established by ~~the~~ **a licensed** teacher ~~of the pupil~~ and any other relevant **licensed** school personnel and approved by the principal of the school and the parent or legal guardian of the pupil. The plan must include a description of any intervention services **and intensive instruction** that will be provided to the pupil to correct the **area of** deficiency and must include that the pupil will receive intensive instruction in reading ~~to ensure~~ **until** the pupil achieves adequate proficiency in **the requisite** reading ~~skills and reading comprehension skills necessary to perform at a level determined by a statewide assessment to be within a level established by the State Board of Education for a pupil enrolled in the same grade in which the pupil is enrolled.~~ Such instruction must include, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in ~~kindergarten and grades 1, 2 and 3~~ **elementary school** approved by the Department pursuant to NRS 388.157.

3. A school that establishes a plan to monitor the ~~progress~~ **growth** of a pupil in the subject area of reading shall **regularly** assess the ~~proficiency~~ **growth** of the pupil in ~~the subject~~ **any** area of **deficiency in the subject area** of reading ~~at the beginning of the next school year after the plan is established pursuant to this section.~~ **to ensure that the programs and services provided to the pupil pursuant to subsection 1 of NRS 392.750 continue to increase the proficiency of the pupil in the subject area of reading until the pupil performs at a level determined by a statewide assessment to be within a level established by the State Board for a pupil enrolled in the same grade in which the pupil is enrolled.**

Sec. 7. NRS 392.760 is hereby amended to read as follows:

392.760 1. Except as otherwise provided in this section, **an elementary school must provide to** a pupil enrolled in ~~grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil~~ ~~be provided~~ **the school intervention services and intensive instruction if the pupil** does not obtain a score in **only** the subject area of reading on the criterion-referenced

examination administered pursuant to NRS 390.105 that meets the passing score prescribed by the State Board. ~~{pursuant to subsection 7-}~~

2. ~~{The superintendent of schools of a school district or the governing body of a charter school, as applicable, may authorize the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 only if the superintendent or governing body, as applicable, approves a good cause exemption for the pupil upon a determination by the principal of the school pursuant to subsection 4 that the pupil is eligible for such an exemption-~~

~~—3.— A good cause exemption must be approved for a pupil who previously was retained in grade 3. Any other pupil is eligible for a good cause exemption if the pupil:~~

~~—(a) Demonstrates an acceptable level of proficiency in reading on an alternative standardized reading assessment approved by the State Board;~~

~~—(b) Demonstrates, through a portfolio of the pupil's work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond the retention level;~~

~~—(c) Is an English learner and has received less than 2 years of instruction in a program of instruction that teaches English as a second language;~~

~~—(d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;~~

~~—(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the criterion referenced examinations administered pursuant to NRS 390.105 is not appropriate; or~~

~~—(f) Is a pupil with a disability and:~~

~~—(1) He or she participates in the criterion referenced examinations administered pursuant to NRS 390.105;~~

~~—(2) His or her individualized education program or plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and~~

~~—(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.~~

4. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 3 and determine whether the pupil is eligible for a good cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the

school district or to the governing body of the charter school, as applicable. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice of the approval or denial to the principal.

—5.— A principal who determines that a pupil is eligible for a good cause exemption shall notify the parent or legal guardian of the pupil whether the superintendent of schools of the school district or the governing body of the charter school, as applicable, approves the good cause exemption.

—6.‡ The principal of a school ~~in which a pupil for whom a good cause exemption is approved and who is promoted to grade 4 must~~, ***in consultation with the literacy specialist designated pursuant to NRS 388.159 and any teacher or other person with knowledge and expertise related to providing intervention services and intensive instruction to the pupil:***

(a) ***Shall*** ensure that the pupil continues to ~~receive~~ ***be provided intervention services and*** intensive instruction in the subject area of reading ~~for as long as it is determined to be necessary while the pupil is enrolled in an~~ ***at the elementary school.*** Such instruction must include, without limitation, strategies based upon evidence-based research that will improve proficiency in the subject area of reading.

‡7.— The State Board shall prescribe by regulation:

—(a) The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the criterion referenced examination administered pursuant to NRS 390.105 to be promoted to grade 4 without a good cause exemption; and

—(b) An alternate examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the criterion referenced examination administered pursuant to NRS 390.105 and the passing score such a pupil must obtain on the alternate examination to be promoted to grade 4 without a good cause exemption.

—8.— As used in this section, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).‡

(b) ***May retain the pupil in grade 3 rather than promote the pupil to grade 4 when authorized pursuant to NRS 392.125.***

Sec. 8. NRS 392.765 is hereby amended to read as follows:

392.765 1. If a pupil will be ~~retained in grade 3~~ ***provided intervention services and intensive instruction*** pursuant to NRS 392.760, the principal of the school must:

(a) Provide written notice to the parent or legal guardian of the pupil ***confirming*** that the pupil will be ~~retained in grade 3~~ ***provided intervention services and intensive instruction while the pupil is enrolled in an elementary school.*** The written notice must include, without limitation, a description of the ***intervention services and*** intensive ~~instructional services~~ ***instruction*** in the subject area of reading that the pupil will ~~receive~~ ***be provided*** to improve the proficiency of the pupil in that subject area.

(b) Develop a plan to monitor the ~~progress~~ **growth** of the pupil in the subject area of reading.

(c) Require the teacher of the pupil to develop a portfolio of the pupil's work in the subject area of reading, which must be updated as necessary to reflect ~~progress~~ **growth** made by the pupil.

(d) Ensure that the pupil receives **intervention services and** intensive ~~instructional services~~ **instruction** in the subject area of reading that are designed to improve the pupil's proficiency in the subject area of reading, including, without limitation:

(1) Programs and services included in the plan to improve the literacy of pupils enrolled in ~~kindergarten and grades 1, 2 and 3~~ **elementary school** approved by the Department pursuant to NRS 388.157;

(2) Instruction for at least 90 minutes each school day based upon evidence-based research concerning reading instruction; and

(3) Intensive instructional services prescribed by the board of trustees of the school district pursuant to subsection 2, as determined appropriate for the pupil.

2. The board of trustees of each school district or the governing body of a charter school, as applicable, shall:

(a) Review and evaluate the plans for monitoring the ~~progress~~ **growth** of pupils developed pursuant to subsection 1.

(b) Prescribe the intensive instructional services in the subject area of reading which the principal of a school must implement as determined appropriate for a pupil who ~~is retained in grade 3~~ **will be provided intervention services and intensive instruction** pursuant to NRS 392.760, which may include, without limitation:

(1) Instruction that is provided in small groups;

(2) Instruction provided in classes with reduced pupil-teacher ratios;

(3) A timeline for frequently monitoring the progress of the pupil;

(4) Tutoring and mentoring;

(5) Classes which are designed to increase the ability of pupils to transition from grade 3 to grade 4 ~~and~~ **and to each subsequent grade level at the school;**

(6) Instruction provided through an extended school day, school week or school year;

(7) Programs to improve a pupil's proficiency in reading which are offered during the summer; or

(8) Any combination of the services set forth in subparagraphs (1) to (7), inclusive.

3. Except as otherwise provided in subsection 4, the intensive instructional services in the subject area of reading required by this section must be provided to the pupil by a teacher:

(a) Who is different than the teacher who provided instructional services to the pupil during the immediately preceding school year; and

(b) Who has been determined to be highly effective, as demonstrated by pupil performance data and performance evaluations.

4. The intensive instructional services in the subject area of reading required by this section may be provided to the pupil by the same teacher who provided instructional services to the pupil during the immediately preceding school year if a different teacher who meets the requirements of paragraph (b) of subsection 3 is not reasonably available and the pupil:

(a) Has an individualized education program; or

(b) Is enrolled in a school district in a county whose population is less than 100,000.

~~5. The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to NRS 392.760 to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the pupil's progress will allow him or her to sufficiently master the requirements for a fourth grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.~~

~~6. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to this section, the school district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional instructional setting which is designed to produce learning gains sufficient for the pupil to meet the performance standards required for grade 4 while continuing to receive remediation in the subject area of reading.~~

~~7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).~~

Sec. 9. NRS 392.770 is hereby amended to read as follows:

392.770 In addition to the *intervention services and* intensive ~~instructional services~~ *instruction* provided to a pupil who *demonstrates a deficiency in the subject area of reading identified pursuant to subsection 1 of NRS 392.750 or a pupil who is retained in grade 3* will be provided *intervention services and intensive instruction while the pupil is enrolled in an elementary school* pursuant to NRS 392.760, the principal of the school must offer the parent or legal guardian of the pupil, *to the extent practicable, in a language that the parent or legal guardian can understand*, at least one of the following instructional options:

1. Supplemental tutoring which is based upon evidence-based research concerning reading instruction;

2. Providing the parent or legal guardian with a plan for reading with the pupil at home and participating in any workshops that may be available in the

school district to assist the parent or legal guardian with reading with his or her child at home, as set forth in an agreement with the parent or legal guardian; or

3. Providing the pupil with a mentor or tutor who has received specialized training in teaching pupils how to read.

Sec. 10. NRS 392.775 is hereby amended to read as follows:

392.775 On or before ~~September 1~~ **October 15** of each year, the board of trustees of each school district shall:

1. Prepare a report concerning the number and percentage of pupils at each public *elementary* school within the school district who : ~~were:~~

(a) ~~Retained~~ ***Were designated in grade 3 to be provided intervention services and intensive instruction while enrolled in an elementary school pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; provided intervention services and intensive instruction; and***

(b) ~~Not retained in grade 3 because a good cause exemption was approved pursuant to NRS 392.760 but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years.~~ ***Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:***

(1) Did not improve at a rate prescribed by the board of trustees of the school district, indicating a need for more intensive or different interventions; and

(2) Improved at a rate prescribed by the board of trustees of the school district, indicating progress toward performing at a level determined by a statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled.

2. Submit a copy of the report to the Department ~~+~~, ***the Legislature and sponsor of the charter school.***

3. Post the report on the Internet website maintained by the school district and otherwise make the report available to the parents and legal guardians of pupils enrolled in the school district and the general public.

Sec. 11. Section 15 of chapter 334, Statutes of Nevada 2015, at page 1867, is hereby amended to read as follows:

Sec. 15. 1. The Department of Education shall distribute the money that is appropriated to the Other State Education Programs Account in the State General Fund to carry out the purposes of sections 1 to 14, inclusive, of this act through a ~~competitive~~ ***noncompetitive*** grants program. Grants must be awarded by the Department based ~~on the demonstrated needs of~~ ***upon a weighted formula which will allocate funds based on need and the pupil population of the school district, and improving the literacy of pupils enrolled in elementary schools in the school districts and charter schools and will be awarded to school districts , to school districts approved to sponsor charter schools*** and to charter schools that have been

approved by the State Public Charter School Authority. Grants must be used for literacy programs for pupils enrolled in ~~kindergarten and grades 1, 2 and 3~~ **elementary school** established pursuant to ~~section 5 of this act~~ **NRS 388.157** and to support other school-based efforts to ensure that all pupils are ~~proficient in the subject area of reading by the end of the third grade~~ **performing at a level considered by the school district or charter school to be within the average range for pupils enrolled in each grade level**. Such school-based efforts may include, without limitation:

- (a) Hiring ~~for training learning strategists~~ **literacy specialists**;
- (b) **Training literacy specialists**;
- (c) Entering into contracts with vendors for the purchase of **evidence-based** reading assessments, textbooks, computer software or other materials;
- ~~(c)~~ (d) Providing professional development for school personnel;
- ~~(d)~~ (e) Providing **evidence-based** programs to pupils before and after school and during intercessions or summer school; and
- ~~(e)~~ (f) Providing other evidence-based literacy initiatives for pupils enrolled in ~~kindergarten and grades 1, 2 and 3~~ **elementary school**.

2. The board of trustees of a school district or the governing body of a charter school that receives a grant of money pursuant to subsection 1 shall:

- (a) Set measurable performance objectives based on aggregated pupil achievement data; ~~and~~
- (b) Prepare and submit to the Department of Education, on or before July 1, ~~2016~~ **2020**, a report that includes, without limitation:
 - (1) A description of the programs or services for which the money was used by each school; and
 - (2) The number of pupils who participated in a program or received services ~~it~~; **and**
- (c) **Not use the money to supplant other budgets in the school**.

3. The Department of Education shall, to the extent that money is available for that purpose, hire an independent consultant to evaluate the programs or services paid for by a grant of money received by a school district or charter school pursuant to subsection 1.

4. The Department of Education shall prepare a report that includes, without limitation:

- (a) Identification of the schools that received an allocation of money by the school district or grant of money from the Department, as applicable;
- (b) The amount of money received by each school;
- (c) A description of the programs or services for which the money was used by each school;
- (d) The number of pupils who participated in a program or received services;
- (e) The average expenditure per pupil for each program or service;

(f) An evaluation of the effectiveness of the program or service, including, without limitation, data regarding the academic and linguistic achievement and proficiency of pupils who participated in such a program or received such services; and

(g) Any recommendations for legislation, including, without limitation, legislation to continue or expand programs or services that are identified as effective in improving the reading proficiency of pupils in kindergarten through grade ~~3~~ 5.

5. On or before August 31, ~~2016,~~ 2020, the Department of Education shall submit a preliminary report prepared pursuant to subsection 4 to the State Board of Education and the Legislative Committee on Education. On or before November 15, ~~2016,~~ 2020, the Department shall submit the final report prepared pursuant to subsection 4 and any recommendations made by the State Board or the Legislative Committee on Education to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the ~~79th~~ 81st Session of the Nevada Legislature.

6. Any money awarded to a school district or charter school from the money appropriated to the Other State Education Programs Account in the State General Fund pursuant to subsection 1:

(a) Must be accounted for separately from any other money received by the school districts or charter school, as applicable, and used only for the purposes specified in this section.

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

Sec. 12. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 13. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On July 1, 2019, for all other purposes.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 1071 to Assembly Bill No. 289.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment provides that a school district or charter school must develop procedures to assess student literacy at certain times and at certain intervals; makes certain provisions apply to a charter school that operates an elementary school, not all charter schools; expands the requirements that a parent be notified of a student's deficiency in reading.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 168.

The following Senate amendment was read:

Amendment No. 1072.

AN ACT relating to education; requiring a school to provide a plan of action based on restorative justice before expelling a pupil; prohibiting certain pupils from being suspended or expelled in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a pupil is required to be expelled or suspended from a public school if he or she commits a battery which results in the bodily injury of an employee of the school or sells or distributes any controlled substance in certain circumstances. (NRS 392.466) Existing law authorizes the expulsion or suspension of a pupil who: (1) is deemed a habitual disciplinary problem; or (2) participates in a program of special education in certain circumstances upon review of the board of trustees of the school district in which the pupil is enrolled. (NRS 392.466, 392.467) Existing law also authorizes the board of trustees of a school district to expel or suspend a pupil from a public school in the school district, but prohibits the board of trustees from expelling, suspending or removing a pupil solely because the pupil is deemed a truant. (NRS 392.467)

Section 3.3 of this bill, with certain exceptions, requires a school to provide a plan of action based on restorative justice to a pupil before expelling the pupil. **Section 3.3 requires the Department of Education to develop examples of such a plan of action and post certain information on its Internet website.** **Sections 7 and 8** of this bill prohibit the permanent expulsion of a pupil who is not more than 10 years of age except in certain limited circumstances. **Section 7** authorizes the suspension or permanent expulsion of a pupil who is at least 11 years of age only after the board of trustees of the school district has reviewed the circumstances and approved the action in accordance with its policy. **Section 7** requires a public school to provide a plan of action based on restorative justice to a pupil who engages in certain actions and is at least 11 years of age before expelling or suspending the pupil. **Section 7** also requires a public school that removes a pupil from school and places the pupil in another school to explain what services will be provided to address the specific needs and behaviors of the pupil at the new school that the current school is unable to provide. **Section 7** requires the school district of the current school of the pupil to coordinate with the new school or the school district of the new school to ensure the new school has the resources necessary to accommodate the pupil. **Section 8** prohibits the board of trustees of a school district from expelling, suspending or removing a pupil solely for offenses related to attendance. **Section 8** also requires a school to

conduct an investigation before taking certain disciplinary actions in certain circumstances. **Sections 4 and 5** of this bill make conforming changes.

Existing law requires the principal of each public school to establish a plan for the discipline of pupils. (NRS 392.4644) **Section 5.5** of this bill instead requires the board of trustees of each school district to establish such a plan. Existing law authorizes the school in which a pupil who is suspended is enrolled to develop a plan of behavior for the pupil. (NRS 392.4655) **Section 6** of this bill instead requires such a school to develop a plan of behavior and allows the parent or guardian of a pupil to choose for the pupil not to participate in the plan of behavior.

Existing law prohibits a pupil who is participating in a program of special education from being suspended from school for more than 10 days or permanently expelled unless the board of trustees of the school district in which the pupil is enrolled has reviewed the circumstances and determined that the action complies with federal law relating to pupils with disabilities. (NRS 392.466, 392.467) **Sections 7 and 8** reduce the number of days that such a pupil can be suspended from 10 to 5.

Existing law authorizes the expulsion, suspension or removal of a pupil of a charter school or university school for profoundly gifted pupils in certain circumstances. (NRS 388A.495, 388C.150) **Sections 1 and 2** of this bill apply similar provisions relating to the discipline of such pupils as are applied to pupils in other public schools by **sections 3, 7 and 8**.

Section 3.7 of this bill requires public schools to collect data on the suspension, expulsion and removal of pupils from a school and report such data to the board of trustees of the school district each quarter.

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

Section 1. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. ~~If~~ ~~except as otherwise provided in subsection 3, if~~ **If** suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil **who is at least 11 years of age and** who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, ~~for~~ who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466

may be removed from the charter school ~~immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, which must be conducted as soon as practicable after removal, for suspension or expulsion of the pupil.~~ **only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.**

4. A pupil **who is at least 11 years of age and** who is enrolled in a charter school and participating in a program of special education pursuant to NRS 388.419 ~~other than a pupil who receives early intervening services,~~ may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters ~~and~~ **and only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.,** be:

(a) Suspended from the charter school pursuant to this section for not more than ~~10~~ 5 days ~~and~~ **for each occurrence.**

(b) ~~Suspended from the charter school for more than 10 days or permanently.~~ **Permanently** expelled from school pursuant to this section . ~~only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.~~

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

6. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 2. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. ~~Except as otherwise provided in subsection 3, if~~ **If** suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing.

The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil **who is at least 11 years of age and** who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, ~~for~~ who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed ~~from the university school for profoundly gifted pupils immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension or expulsion.~~ **only after the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.**

4. A pupil **who is at least 11 years of age and** who is enrolled in a university school for profoundly gifted pupils and participating in a program of special education pursuant to NRS 388.419 ~~other than a pupil who receives early intervening services,~~ may, in accordance with the procedural policy adopted by the governing body of the university school for such matters ~~and~~ **and only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.,** be:

(a) Suspended from the university school pursuant to this section for not more than ~~10~~ **5** days ~~for~~ **for each occurrence.**

(b) ~~Suspended from the university school for more than 10 days or permanently~~ **Permanently** expelled from school pursuant to this section . ~~only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.~~

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

6. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 3. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 3.3 and 3.7 of this act.

Sec. 3.3. 1. Except as otherwise provided in NRS 392.466 and to the extent practicable, a public school shall provide a plan of action based on restorative justice before expelling a pupil from school. ~~Such~~

2. The Department shall develop one or more examples of a plan of action which may include, without limitation:

- (a) Positive behavioral interventions and support;
- (b) A plan for behavioral intervention;
- (c) A referral to a team of student support;
- (d) A referral to an individualized education program team;
- (e) A referral to appropriate community-based services; and
- (f) A conference with the principal of the school or his or her designee and any other appropriate personnel.

~~2.7~~ 3. The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.

4. The Department shall post on its Internet website a guidance document that includes, without limitation:

(a) A description of the requirements of this section and section 3.7 of this act;

(b) A timeline for implementation of the requirements of this section and section 3.7 of this act by a public school;

(c) One or more models of restorative justice and best practices relating to restorative justice;

(d) A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and

(e) One or more examples of a plan of action based on restorative justice developed pursuant to subsection 2.

5. The Department shall adopt regulations necessary to carry out the provisions of this section.

~~3.7~~ 6. As used in this section:

(a) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) "Restorative justice" means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 3.7. Each public school shall collect data on the discipline of pupils. Such data must include, without limitation, the number of expulsions and suspensions of pupils and the number of placements of pupils in another school. Such data must be disaggregated into subgroups of pupils and the types of offense. The principal of each public school shall:

1. Review the data and take appropriate action; and
2. Report the data to the board of trustees of the school district each quarter.

Sec. 4. NRS 392.4634 is hereby amended to read as follows:

392.4634 1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

(a) Simulating a firearm or dangerous weapon while playing; or
 (b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment.

2. Simulating a firearm or dangerous weapon includes, without limitation:

(a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;

(b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;

(c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;

(d) Using a finger or hand to simulate a firearm or dangerous weapon;

(e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and

(f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

3. A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:

(a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;

(b) Causes bodily harm to another person; or

(c) Places another person in reasonable fear of bodily harm.

4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.

5. The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.

6. As used in this section:

(a) “Dangerous weapon” has the meaning ascribed to it in paragraph (b) of subsection ~~¶~~ **II** of NRS 392.466.

(b) “Firearm” has the meaning ascribed to it in paragraph (c) of subsection ~~¶~~ **II** of NRS 392.466.

Sec. 5. NRS 392.4635 is hereby amended to read as follows:

392.4635 1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.

2. The policy established pursuant to subsection 1 may include, without limitation:

(a) The provision of training for the prevention of the activities of criminal gangs on school property.

(b) If the policy includes training:

(1) A designation of the grade levels of the pupils who must receive the training.

(2) A designation of the personnel who must receive the training, including, without limitation, personnel who are employed in schools at the grade levels designated pursuant to subparagraph (1).

➔ The board of trustees of each school district shall ensure that the training is provided to the pupils and personnel designated in the policy.

(c) Provisions which prohibit:

(1) A pupil from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang; and

(2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.

(d) Provisions which provide for the suspension or expulsion *pursuant to NRS 392.466 and 392.467* of pupils who violate the policy.

3. The board of trustees of each school district may develop the policy required pursuant to subsection 1 in consultation with:

(a) Local law enforcement agencies;

(b) School police officers, if any;

(c) Persons who have experience regarding the actions and activities of criminal gangs;

(d) Organizations which are dedicated to alleviating criminal gangs or assisting members of criminal gangs who wish to disassociate from the gang; and

(e) Any other person deemed necessary by the board of trustees.

4. As used in this section, "criminal gang" has the meaning ascribed to it in NRS 213.1263.

Sec. 5.5. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The ~~principal~~ **board of trustees** of each ~~public~~ school **district** shall establish a plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers, **school administrators** and other educational personnel and support personnel who are employed ~~at~~ **by the school district**, and the parents and guardians of pupils who are enrolled in ~~the school~~ **schools within the school district**.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of ~~the~~ **each school district within the school district**.

(d) Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.

(e) **Provide for the placement of a pupil in a different school within the school district in accordance with NRS 392.466.**

(f) Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

(g) **Be posted on the Internet website maintained by the school district.**

2. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan *established by subsection 1* in consultation with the teachers, *school administrators* and other educational personnel and support personnel who are employed at the school ~~and the parents and guardians of pupils and the pupils who are enrolled in the school;~~

(b) Based upon the review, ~~make~~ **recommend to the board of trustees of the school district** revisions to the plan, as recommended by the teachers, *school administrators* and other educational personnel and support personnel ~~and the parents and guardians of pupils and the pupils who are enrolled in the school,~~ if necessary;

(c) Post a copy of the plan or the revised plan, ~~as applicable,~~ **as provided by the school district,** on the Internet website maintained by the school ~~or school district;~~ **and**

(d) Distribute to each teacher, *school administrator* and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, ~~as applicable;~~ **and**

~~(e) Submit a copy of the plan or the revised plan, as applicable, to the superintendent of schools of the school district.~~ **as provided by the school district.**

3. ~~On or before October 15 of each year, the superintendent of schools of each school district shall submit a report to the board of trustees of the school district that includes:~~

~~(a) A compilation of the plans submitted pursuant to this subsection by each school within the school district.~~

~~(b) The name of each principal, if any, who has not complied with the requirements of this section.~~

~~4.~~ On or before November 15 of each year, the board of trustees of each school district shall:

(a) Submit a written report to the Superintendent of Public Instruction ~~based upon the compilation submitted pursuant to subsection 3~~ that reports the progress of each school within the district in complying with the requirements of this section; and

(b) Post a copy of the report on the Internet website maintained by the school district.

Sec. 6. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five suspensions from the school for any reason; and

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 5.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 5, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection ~~4~~ 5 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.419, an explanation of the effect of subsection ~~8~~ 10 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 5.

4. A school shall provide the notice required by subsection 3 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

5. If a pupil is suspended, the school in which the pupil is enrolled ~~may~~ **shall** develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. ***The parent or legal guardian of the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian of the***

consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

6. If a pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior pursuant to subsection 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

Sec. 7. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~must, for the first occurrence, be suspended or expelled from that school, although the pupil may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and;~~ **and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil. The pupil may be expelled from the school, in which case the pupil shall:**

(a) Enroll in a private school pursuant to chapter 394 of NRS, become an opt-in child or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. *An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:*

(a) *The employee feels any actions taken pursuant to such plan are inappropriate; and*

(b) *For a pupil who committed the battery and is participating in a program of special education pursuant to NRS 388.419, the board of trustees of the school district has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.*

3. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS, become an opt-in child or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

~~3-4~~ 4. *If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school or the board of trustees of the school district of the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.*

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, *the pupil is at least*

11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, the pupil may be:

(a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

~~4-1~~ **6.** If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS, become an opt-in child or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

~~5-1~~ **7.** The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to ~~the~~ **a suspension or expulsion requirement, as applicable, of subsection 1, 2 or 3) pursuant to subsections 1 to 5, inclusive,** if such modification is set forth in writing. ***The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.***

~~6-1~~ **8.** This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

~~7-1~~ **Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2,**

9. Except as otherwise provided in this section, a pupil who is not more than 10 years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

~~8-1~~ **10.** A pupil ***who is at least 11 years of age and*** who is participating in a program of special education pursuant to NRS 388.419 ~~other than a pupil who receives early intervening services,~~ may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters ~~and~~ ***and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.,*** be:

(a) Suspended from school pursuant to this section for not more than ~~10~~ 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) ~~Suspended from school for more than 10 days or permanently~~ **Permanently** expelled from school pursuant to this section . ~~only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.~~

~~9~~ **11.** As used in this section:

(a) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) “Dangerous weapon” includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) “Firearm” includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a “firearm” in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) **“Restorative justice” has the meaning ascribed to it in subsection ~~3~~ 6 of section 3.3 of this act.**

~~10~~ **12.** The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil’s suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 8. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections ~~4~~ 5 and ~~1~~ 6 **and NRS 392.466**, the board of trustees of a school district may authorize the suspension or expulsion of any pupil **who is at least 11 years of age** from any public school within the school district. **Except as otherwise provided in NRS 392.466, a pupil who is not more than 10 years of age must not be permanently expelled from school.**

2. Except as otherwise provided in subsection ~~5~~ 6, no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who ~~poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is~~

~~selling or distributing any controlled substance or~~ is found to be in possession of a **firearm or a** dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

3. ***The board of trustees of a school district may authorize the expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:***

(a) ***Conducts an independent investigation of the conduct of the pupil; and***

(b) ***Gives notice of the charges brought against the pupil by the school to the pupil.***

4. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

~~4.~~ 5. The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely ***for offenses related to attendance or*** because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

~~5.~~ 6. A pupil who is participating in a program of special education pursuant to NRS 388.419, other than a pupil who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters ~~and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.,~~ be:

(a) Suspended from school pursuant to this section for not more than ~~10~~ 5 days ~~and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.,~~

(b) ~~Suspended from school for more than 10 days or permanently~~ ***Permanently*** expelled from school pursuant to this section . ~~only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.~~

Sec. 9. This act becomes effective on July 1, 2019.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 1072 to Assembly Bill No. 168.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment requires the Nevada Department of Education [NDE] to develop at least one example of a plan of action and post related information and discipline data on its Internet website and authorize NDE to approve plans of action based on restorative justice principals.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

JOURNAL OF THE ASSEMBLY
MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 44, 93, 245, 275, 289.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 1065 to Senate Bill No. 98; Assembly Amendment No. 1066 to Senate Bill No. 209; Assembly Amendments Nos. 718, 888, 994 to Senate Bill No. 461.

SHERRY RODRIGUEZ

Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 44.

Assemblyman Yeager moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 93.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 245.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 275.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 289.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:47 p.m.

ASSEMBLY IN SESSION

At 12:16 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 529; Senate Bills Nos. 90, 174, 483, 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 444, Amendment No. 1084; Assembly Bill No. 489, Amendment No. 1069, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 1067 to Senate Bill No. 89; Assembly Amendment No. 860 to Senate Bill No. 166.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that Senate Bill No. 508 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Assembly Committee on Commerce and Labor.

For: Senate Bill No. 161.

To Waive:

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: June 02, 2019.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

GENERAL FILE AND THIRD READING

Senate Bill No. 508.

Bill read third time.

The following amendment was proposed by Assemblywoman Swank:

Amendment No. 1104.

SUMMARY—Makes ~~an appropriation~~ **appropriations** to the State Department of Conservation and Natural Resources for the replacement of information technology infrastructure ~~+~~ **and to the Interim Finance Committee for allocation to the Department for wildfire prevention, restoration and long-term planning.** (BDR S-1178)

AN ACT making an appropriation to the State Department of Conservation and Natural Resources for the replacement of information technology infrastructure ~~+~~ **and making an appropriation to the Interim Finance Committee for allocation to the Department for wildfire prevention,**

restoration and long-term planning; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the State Department of Conservation and Natural Resources, Administration, the sum of \$205,183 for the replacement of information technology infrastructure.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 2.3. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the State Department of Conservation and Natural Resources the sum of \$5,000,000 for wildfire prevention, restoration and long-term planning. The Interim Finance Committee shall allocate money to the Department pursuant to section 2.7 of this act.

Sec. 2.7. 1. The State Department of Conservation and Natural Resources may obtain money from private or public sources of money, other than money from this State, including, without limitation, gifts, grants and donations to the Department, that requires matching money from this State. The Department shall, except as otherwise provided in subsection 4, use any such money that is obtained by the Department to match the money allocated pursuant to subsection 3 for wildfire prevention, restoration and long-term planning.

2. Each time the total amount of matching money obtained by the Department pursuant to subsection 1 is \$100,000 or more, the Department shall notify the Interim Finance Committee of the amount of matching money that the Department has obtained pursuant to subsection 1.

3. After receiving the notice pursuant to subsection 2, the Interim Finance Committee shall allocate to the Department any portion of the money appropriated pursuant to section 2.3 of this act, the total of which must not exceed the sum of \$5,000,000, that is equal to the amount of matching money that the Department obtained pursuant to subsection 1.

4. If the Department obtains matching money pursuant to subsection 1 and notifies the Interim Finance Committee pursuant to subsection 2 and the Interim Finance Committee determines that no money which is appropriated pursuant to section 2.3 of this act is available, the

Department may use the matching money for wildfire prevention, restoration and long-term planning upon receiving the consent of the source of the matching money. If the Department does not receive such consent within 30 days after the Interim Finance Committee's determination that no money which is appropriated pursuant to section 2.3 of this act is available, the Department must return the matching money to the source of the money.

5. The Department may obtain money for wildfire prevention, restoration and long-term planning from private or public sources of money, other than money from this State, including, without limitation, gifts, grants and donations to the Department, that does not require matching money. The Department shall use any such money that is obtained by the Department for wildfire prevention, restoration and long-term planning.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 529.

Bill read third time.

Roll call on Assembly Bill No. 529:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 529 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 90.

Bill read third time.

Roll call on Senate Bill No. 90:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 90 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 174.

Bill read third time.

Roll call on Senate Bill No. 174:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 174 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 483.

Bill read third time.

Roll call on Senate Bill No. 483:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 493.

Bill read third time.

Roll call on Senate Bill No. 493:

YEAS—30.

NAYS—Edwards, Ellison, Hafen, Hambrick, Hansen, Hardy, Krasner, Leavitt, Roberts, Tolles, Wheeler—11.

VACANT—1.

Senate Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 508.

Bill read third time.

Roll call on Senate Bill No. 508:

YEAS—40.

NAYS—Edwards.

VACANT—1.

Senate Bill No. 508 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, June 3, 2019, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:25 a.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly