
ASSEMBLY BILL NO. 370—ASSEMBLYMEN HANSEN, DICKMAN;
GURR, HAFEN, HARDY, KASAMA, KOENIG, MCARTHUR
AND YUREK

MARCH 22, 2023

JOINT SPONSOR: SENATOR HANSEN

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing elections.
(BDR 24-202)

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

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

AN ACT relating to elections; requiring each form for an application to preregister or register to vote, the system established by the Secretary of State to register to vote by computer and each automatic voter registration system to allow a person registering to vote or updating his or her voter registration information to elect not to receive a mail ballot or only receive a mail ballot for certain elections; authorizing a person to affirmatively decline to have his or her voter registration information sent by a voter registration agency through the automatic voter registration system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires, with limited exceptions, the county clerk and city clerk
2 to distribute a mail ballot for every election to each active registered voter in the
3 county or city, as applicable, and each person who registers to vote or updates his
4 or her voter registration information not later than 14 days before the election. The
5 county clerk or city clerk are also required to allow a voter to elect not to receive a
6 mail ballot by submitting a written notice in the form prescribed by the clerk which
7 must be received not later than 60 days before the day of the election. (NRS
8 293.269911, 293.269913, 293C.263, 293C.26312) **Section 1** of this bill requires
9 each form for an application to preregister or register to vote that is prescribed by



10 the Secretary of State, the system established by the Secretary of State to
11 preregister or register to vote by computer and each automatic voter registration
12 system to allow a person to elect not to receive a mail ballot, elect to receive a mail
13 ballot for all future elections or elect to receive a mail ballot only for certain future
14 elections. **Sections 2 and 6** of this bill make conforming changes to provide that a
15 county clerk or city clerk is prohibited from distributing a mail ballot to any person
16 who elects not to receive a mail ballot using the form.

17 Existing law requires, effective January 1, 2024, the Secretary of State and each
18 automatic voter registration agency to establish a system, commonly known as an
19 automatic voter registration system, by which voter registration information is
20 transmitted electronically to the top-down voter registration database created by the
21 Secretary of State. Upon transmission of the information to the database, the county
22 clerk is required to collate the information into an application to register to vote,
23 determine whether the person is eligible to register to vote in this State and, if so,
24 send to the person by mail certain information, including, without limitation, a
25 notice that the person may affirmatively decline in writing to register to vote. (NRS
26 293.5768, 293.57693) **Section 3** of this bill requires an automatic voter registration
27 agency to provide the person with a notice in the form prescribed by the Secretary
28 of State that allows the person to affirmatively decline to have his or her
29 information transmitted using the automatic voter registration system for purposes
30 of applying to register to vote or have his or her voter registration information
31 updated. If a person affirmatively declines in writing, **section 3** prohibits the
32 automatic voter registration agency from transmitting any information about the
33 person using the automatic voter registration system. If a person does not
34 affirmatively decline at the automatic voter registration agency, the person may still
35 affirmatively decline to register to vote or update his or her voter registration when
36 the county clerk sends certain notification to the person after his or her information
37 is transmitted to the voter registration database created by the Secretary of State.
38 (NRS 293.57693)

39 **Section 4** of this bill makes a conforming change to create an exception to the
40 general requirement that an automatic voter registration agency electronically
41 transmit certain information to the voter registration database created by the
42 Secretary of State.

43 Existing law authorizes a person who is not eligible to have his or her voter
44 registration transmitted by an automatic voter registration agency to the voter
45 registration database created by the Secretary of State to still apply to register to
46 vote at the automatic voter registration agency. (NRS 293.57697) **Section 5** of this
47 bill provides similarly that a person who affirmatively declines to have his or her
48 information transmitted by the automatic voter registration system may still apply
49 to register to vote at the automatic voter registration agency.

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

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

3 *1. The county clerk or city clerk shall not send a mail ballot*
4 *for an election to any registered voter who has elected not to*
5 *receive a mail ballot pursuant to this section by submitting the*
6 *form or amended form, as applicable, described in this section not*
7 *later than 60 days before the date of the election.*



1 2. *Each form for an application to preregister or register to*
2 *vote that is prescribed by the Secretary of State, the system*
3 *established by the Secretary of State pursuant to NRS 293.671 to*
4 *allow a person to preregister or register to vote by computer and*
5 *each automatic voter registration system established pursuant to*
6 *NRS 293.57686 shall allow a person preregistering or registering*
7 *to vote or updating his or her voter registration to:*

8 (a) *Elect not to receive a mail ballot; or*

9 (b) *Elect to receive a mail ballot for all future elections or*
10 *only:*

11 (1) *All future primary elections;*

12 (2) *All future primary city elections;*

13 (3) *All future general elections;*

14 (4) *All future general city elections;*

15 (5) *All future special elections;*

16 (6) *All future presidential preference primary elections; or*

17 (7) *Any combination of the elections described in*
18 *subparagraphs (1) to (6), inclusive.*

19 3. *The Secretary of State and each county clerk and city clerk*
20 *shall make a form available upon request to each person who is*
21 *preregistered to vote and each registered voter to allow the person*
22 *or registered voter to change his or her preferences for mail*
23 *ballots. Such form must provide the person or registered voter with*
24 *the same options as described in subsection 2.*

25 **Sec. 2.** NRS 293.269911 is hereby amended to read as
26 follows:

27 293.269911 1. Except as otherwise provided in ~~[this section,]~~
28 *section 1 of this act*, the county clerk shall prepare and distribute to
29 each active registered voter in the county and each person who
30 registers to vote or updates his or her voter registration information
31 not later than the 14 days before the election a mail ballot for every
32 election. The county clerk shall make reasonable accommodations
33 for the use of the mail ballot by a person who is elderly or disabled,
34 including, without limitation, by providing, upon request, the mail
35 ballot in 12-point type to a person who is elderly or disabled.

36 2. ~~[The county clerk shall allow a voter to elect not to receive a~~
37 ~~mail ballot pursuant to this section by submitting to the county clerk~~
38 ~~a written notice in the form prescribed by the county clerk which~~
39 ~~must be received by the county clerk not later than 60 days before~~
40 ~~the day of the election.~~

41 ~~—3.]~~ The county clerk shall not distribute a mail ballot to any
42 person who:

43 (a) Registers to vote for the election pursuant to the provisions
44 of NRS 293.5772 to 293.5887, inclusive; or



1 (b) Elects not to receive a mail ballot *using the form required*
2 pursuant to ~~subsection 2.~~ *section 1 of this act.*

3 ~~[4.]~~ 3. The mail ballot must include all offices, candidates and
4 measures upon which the voter is entitled to vote at the election.

5 ~~[5.]~~ 4. Except as otherwise provided in ~~[subsections]~~
6 *subsection 2, [and 3,]* the mail ballot must be distributed to:

7 (a) Each active registered voter who:

8 (1) Resides within the State, not later than 20 days before the
9 election; and

10 (2) Except as otherwise provided in paragraph (c), resides
11 outside the State, not later than 40 days before the election.

12 (b) Each active registered voter who registers to vote after the
13 dates set for distributing mail ballots pursuant to paragraph (a) but
14 who is eligible to receive a mail ballot pursuant to subsection 1, not
15 later than 13 days before the election.

16 (c) Each covered voter who is entitled to have a military-
17 overseas ballot transmitted pursuant to the provisions of chapter
18 293D of NRS or the Uniformed and Overseas Citizens Absentee
19 Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time
20 required by those provisions.

21 ~~[6.]~~ 5. In the case of a special election where no candidate for
22 federal office will appear on the ballot, the mail ballot must be
23 distributed to each active registered voter not later than 15 days
24 before the special election.

25 ~~[7.]~~ 6. Any untimely legal action which would prevent the
26 mail ballot from being distributed to any voter pursuant to this
27 section is moot and of no effect.

28 **Sec. 3.** NRS 293.5768 is hereby amended to read as follows:

29 293.5768 1. The following agencies are automatic voter
30 registration agencies:

31 (a) The Department of Motor Vehicles;

32 (b) The Department of Health and Human Services;

33 (c) Any agency designated by the Director of the Department of
34 Health and Human Services to receive applications for Medicaid;

35 (d) The Silver State Health Insurance Exchange created by
36 NRS 695I.200;

37 (e) Any agency that has been designated by the Governor as an
38 automatic voter registration agency pursuant to NRS 293.57682; and

39 (f) Any agency of an Indian tribe that has been designated by the
40 Governor to be an automatic voter registration agency pursuant to
41 NRS 293.57684.

42 2. If, in the normal course of business, an automatic voter
43 registration agency collects sufficient information that demonstrates
44 a person is qualified to vote pursuant to NRS 293.485, including,
45 without limitation, proof of identity, citizenship, residence and date



1 of birth, the provisions of NRS 293.5768 to 293.57699, inclusive,
2 apply to the automatic voter registration agency when a person
3 submits any of the following:

4 (a) An application for the issuance or renewal of or change of
5 address for any type of driver's license or identification card issued
6 by the Department of Motor Vehicles;

7 (b) An application for Medicaid through the system established
8 by the Department of Health and Human Services pursuant to
9 NRS 422.2703;

10 (c) An application for health insurance through the Silver State
11 Health Insurance Exchange; and

12 (d) An application for any service or assistance from an
13 automatic voter registration agency described in paragraph (e) or (f)
14 of subsection 1.

15 3. *Before concluding a transaction described in subsection 2,*
16 *the automatic voter registration agency shall provide the person*
17 *with a notice in the form prescribed by the Secretary of State that*
18 *allows the person to affirmatively decline to have his or her*
19 *information transmitted using the system established pursuant to*
20 *NRS 293.57686 for purposes of applying to register to vote or have*
21 *his or her voter registration updated, as applicable.*

22 4. An automatic voter registration agency shall not:

23 (a) Request any additional information for purposes of voter
24 registration that is not required in the normal course of business; and

25 (b) Transmit any information about a person using the system
26 established pursuant to NRS 293.57686 if the person ~~did~~:

27 (1) *Did* not provide the agency in the normal course of
28 business sufficient information that demonstrates the person is
29 qualified to vote pursuant to NRS 293.485, including, without
30 limitation, proof of identity, citizenship, residence and date of birth
31 ~~to~~; or

32 (2) *Affirmatively declined in writing to apply to register to*
33 *vote or have his or her voter registration information updated, as*
34 *applicable, pursuant to subsection 3.*

35 **Sec. 4.** NRS 293.57688 is hereby amended to read as follows:

36 293.57688 1. ~~An~~ *Except as otherwise provided in NRS*
37 *293.5768, an* automatic voter registration agency is required to
38 electronically transmit the following information of a person to the
39 database created by the Secretary of State pursuant to NRS 293.675
40 using the system established pursuant to NRS 293.57686:

41 (a) An electronic facsimile of the signature of the person, if the
42 automatic voter registration agency is capable of recording, storing
43 and transmitting to the county clerk an electronic facsimile of the
44 signature of the person;

45 (b) The first or given name and the surname of the person;



1 (c) The address at which the person actually resides as set forth
2 in NRS 293.486 and, if different, the address at which the person
3 may receive mail, including, without limitation, a post office box or
4 general delivery;

5 (d) The date of birth of the person;

6 (e) At least one of the following:

7 (1) The number indicated on the person's current and valid
8 driver's license or identification card issued by the Department of
9 Motor Vehicles; or

10 (2) The last four digits of the person's social security
11 number; and

12 (f) A description of the documentation presented to the
13 automatic voter registration agency that indicates the person is a
14 citizen of the United States.

15 2. Except as otherwise provided in NRS 293.5768, the
16 automatic voter registration agency shall electronically transmit to
17 the database created by the Secretary of State pursuant to NRS
18 293.675 the information described in subsection 1:

19 (a) Except as otherwise provided in paragraph (b), not later than
20 5 working days after collecting the information; and

21 (b) During the 2 weeks immediately preceding the fifth Sunday
22 preceding an election, not later than 1 working day after collecting
23 the information.

24 **Sec. 5.** NRS 293.57697 is hereby amended to read as follows:

25 293.57697 1. A person who is not eligible to have his or her
26 voter registration information transmitted by an automatic voter
27 registration agency to the database created by the Secretary of State
28 pursuant to NRS 293.675 *or who affirmatively declines to have his*
29 *or her information transmitted pursuant to NRS 293.5768* may
30 still apply to register to vote at the automatic voter registration
31 agency.

32 2. Whether a person is eligible to have his or her voter
33 registration information transmitted by the automatic voter
34 registration agency to the database created by the Secretary of State
35 pursuant to NRS 293.675 or otherwise registers to vote must not
36 affect the provision of services or assistance to the person by the
37 automatic voter registration agency, and whether voter registration
38 information is transferred by the automatic voter registration agency
39 must not be disclosed to the public.

40 3. Any information transferred pursuant to NRS 293.5768 to
41 293.57699, inclusive, must not be used for any purpose other than
42 voter registration.

43 **Sec. 6.** NRS 293C.263 is hereby amended to read as follows:

44 293C.263 1. Except as otherwise provided in ~~[this section,]~~
45 *section 1 of this act*, the city clerk shall prepare and distribute to



1 each active registered voter in the city and each person who registers
2 to vote or updates his or her voter registration information not later
3 than the 14 days before the election a mail ballot for every election.
4 The city clerk shall make reasonable accommodations for the use of
5 the mail ballot by a person who is elderly or disabled, including,
6 without limitation, by providing, upon request, the mail ballot in 12-
7 point type to a person who is elderly or disabled.

8 2. ~~The city clerk shall allow a voter to elect not to receive a~~
9 ~~mail ballot pursuant to this section by submitting to the city clerk a~~
10 ~~written notice in the form prescribed by the city clerk which must be~~
11 ~~received by the city clerk not later than 60 days before the day of the~~
12 ~~election.~~

13 ~~—3.]~~ The city clerk shall not distribute a mail ballot to any
14 person who:

15 (a) Registers to vote for the election pursuant to the provisions
16 of NRS 293.5772 to 293.5887, inclusive; or

17 (b) Elects not to receive a mail ballot *using the form required*
18 pursuant to ~~subsection 2.]~~ *section 1 of this act.*

19 ~~[4.]~~ 3. The mail ballot must include all offices, candidates and
20 measures upon which the voter is entitled to vote at the election.

21 ~~[5.]~~ 4. Except as otherwise provided in ~~subsections]~~
22 *subsection 2, [and 3,]* the mail ballot must be distributed to:

23 (a) Each active registered voter who:

24 (1) Resides within the State, not later than 20 days before the
25 election; and

26 (2) Except as otherwise provided in paragraph (b), resides
27 outside the State, not later than 40 days before the election.

28 (b) Each active registered voter who registers to vote after the
29 dates set for distributing mail ballots pursuant to paragraph (a) but
30 who is eligible to receive a mail ballot pursuant to subsection 1, not
31 later than 13 days before the election.

32 (c) Each covered voter who is entitled to have a military-
33 overseas ballot transmitted pursuant to the provisions of chapter
34 293D of NRS or the Uniformed and Overseas Citizens Absentee
35 Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time
36 required by those provisions.

37 ~~[6.]~~ 5. In the case of a special election where no candidate for
38 federal office will appear on the ballot, the mail ballot must be
39 distributed to each active registered voter not later than 15 days
40 before the special election.

41 ~~[7.]~~ 6. Any untimely legal action which would prevent the
42 mail ballot from being distributed to any voter pursuant to this
43 section is moot and of no effect.

44 **Sec. 7.** 1. This section becomes effective upon passage and
45 approval.



- 1 2. Sections 1 to 6, inclusive, of this act become effective:
2 (a) Upon passage and approval for the purpose of adopting any
3 regulations and performing any other preparatory administrative
4 tasks that are necessary to carry out the provisions of this act; and
5 (b) On January 1, 2024, for all other purposes.

