

Amendment No. 527

Senate Amendment to Senate Bill No. 404	(BDR 24-843)
Proposed by: Senate Committee on Legislative Operations and Elections	
Amendment Box: Replaces Amendment No. 398.	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the unfunded mandate from S.B. 404.
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ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

HAC



Date: 4/24/2023

S.B. No. 404—Makes various changes relating to elections. (BDR 24-843)



SENATE BILL NO. 404—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 27, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes relating to elections. (BDR 24-843)

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

~~[CONTAINS UNFUNDED MANDATE (§§ 14, 15, 25, 70)
(Not Requested by Affected Local Government)]~~

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

AN ACT relating to elections; ~~[authorizing, under certain circumstances, the Governor or Secretary of State to order changes to an election caused by certain emergencies or disasters; making it unlawful for a person to disseminate certain information about an elections official; authorizing, under certain circumstances,]~~ **revising provisions relating to the challenge of** a person applying to vote ; ~~[who is challenged to cast a provisional ballot;]~~ authorizing a county or city clerk to order that the count of returns for early voting ~~to~~ begin **on or** after the first day of early voting; ~~[authorizing, under certain circumstances, a registered voter to bring a cause of action to compel a board of county commissioners or governing body of a city to complete the canvass of an election; clarifying that certain duties of the Secretary of State, a county clerk and a city clerk are ministerial; prohibiting the results of any risk limiting audit from being used to contest or overturn the results of any election; authorizing, under certain circumstances, certain persons to bring a cause of action to compel the issuance of a certificate of election or commission; requiring a recount of the vote for a candidate or ballot question to be conducted under certain circumstances; revising provisions relating to the contest of an election; providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a state of emergency or a declaration of disaster may be proclaimed
2 by the Governor or by resolution of the Legislature under certain circumstances. (NRS
3 414.070) Section 2 of this bill provides, with certain exceptions, that if a state of emergency or
4 declaration of disaster is proclaimed by the Governor or by resolution of the Legislature and
5 such emergency or disaster directly and substantially impacts an election, the Governor or

6 ~~Secretary of State may reschedule certain elections, extend the deadline for submission of~~
 7 ~~mail ballots, extend the deadline to cure signatures on mail ballots, require additional polling~~
 8 ~~places or relocate polling places.~~

9 ~~— Existing law makes it a crime, punishable as a category E felony, to use or threaten to use~~
 10 ~~any force, intimidation, coercion, violence, restraint or undue influence in connection with any~~
 11 ~~election, petition or preregistration or registration of voters. (NRS 293.710) Section 3 of this~~
 12 ~~bill makes it a crime, punishable as a category E felony, for any person to disseminate any~~
 13 ~~personal identifying information or sensitive information of an elections official without the~~
 14 ~~consent of the elections official, knowing that the elections official could be identified by such~~
 15 ~~information, if: (1) the person disseminates such personal identifying information or sensitive~~
 16 ~~information with the intent to aid, assist, encourage, facilitate, further or promote any criminal~~
 17 ~~offense which would be reasonably likely to cause death, bodily injury or stalking or with the~~
 18 ~~intent to cause harm to the elections official and with knowledge of or reckless disregard for~~
 19 ~~the reasonable likelihood that the dissemination of the information may cause death, bodily~~
 20 ~~injury or stalking; and (2) the dissemination of the personal identifying information or~~
 21 ~~sensitive information would cause a reasonable person to fear the death, bodily injury or~~
 22 ~~stalking of himself or herself or a close relation or causes the death, bodily injury or stalking~~
 23 ~~of the elections official whose information was disseminated or a close relation of the~~
 24 ~~elections official.~~

25 ~~— Existing law provides that for all elections, the polls must open at 7 a.m. and close at 7~~
 26 ~~p.m. (NRS 293.273, 293C.267) Sections 4 and 26 of this bill authorize the county or city~~
 27 ~~clerk, with the approval of the Secretary of State, to extend the hours during which polls are~~
 28 ~~open for an extraordinary situation.]~~

29 Existing law authorizes: (1) a person applying to vote to be challenged orally by any
 30 registered voter upon certain grounds; and (2) a person who is challenged to cast a ballot
 31 under certain circumstances. **If a challenge is based on residency, the challenged person**
 32 **can be issued a ballot if he or she: (1) executes a certain oath or affirmation; and (2)**
 33 **furnishes satisfactory identification which contains proof of the address at which the**
 34 **person actually resides.** (NRS 293.303, 293C.292) ~~[Sections 5 and 27 of this bill require that~~
 35 ~~any such challenge be made in writing and, under certain circumstances, authorize certain~~
 36 ~~challenged persons to vote by provisional ballot. Sections 6 and 7 of this bill make~~
 37 ~~conforming changes to account for these persons voting by provisional ballot.]~~

38 **Sections 5 and 27 [also] of this bill** set forth what constitutes “satisfactory identification”
 39 for purposes of a challenged voter providing proof of residency.

40 **Sections 5 and 27 further provide that the provisions of existing law relating to**
 41 **challenging a voter do not authorize any person to challenge the ability of a registered**
 42 **voter to vote by mail ballot.**

43 Existing law requires the appropriate board to count in public the returns for early voting
 44 after 8 a.m. on election day. (NRS 293.3606, 293C.3606) **Sections 8 and 28** of this bill
 45 provide instead that **on or after the first day of early voting,** the county or city clerk,
 46 respectively, may order the appropriate board to begin the counting of the returns for early
 47 voting ~~[after the first day of early voting.]~~

48 Existing law sets forth the deadline to canvass the results of various elections. (NRS
 49 243.445, 243.480, 244.090, 266.033, 267.050, 267.080, 267.140, 293.387, 293C.387,
 50 318.118, 349.060, 474.110, 474.395, 539.055, 539.155, 539.157, 539.760, 541.360; Boulder
 51 City Charter § 16; Caliente City Charter § 5.100; Carlin City Charter § 5.090; Carson City
 52 Charter § 5.100; Elko City Charter § 5.090; Henderson City Charter § 5.100; Las Vegas City
 53 Charter § 5.100; Mesquite City Charter § 5.100; North Las Vegas City Charter § 5.080; Reno
 54 City Charter § 5.100; Sparks City Charter § 5.100; Wells City Charter § 5.090; Yerington City
 55 Charter § 5.090; Airport Authority Act for Battle Mountain § 22; Airport Authority Act for
 56 Carson City § 16; Reno Tahoe Airport Authority Act § 22; Mineral County Power System Act
 57 of 1929 § 1.5) Sections 9, 29, 32-37, 39, 41, 42 and 45-68 of this bill clarify that if the canvass
 58 is not completed by the applicable deadline, any person who was eligible to vote in the
 59 election may bring a cause of action in district court to compel the completion of the canvass.

60 ~~— Existing law requires, upon completion of the canvass of the results of certain elections:~~
 61 ~~(1) the certification of the election results by the Secretary of State, county clerk or city clerk;~~
 62 ~~and (2) under certain circumstances the issuance of a certificate of election. (NRS 218A.210,~~
 63 ~~243.445, 267.050, 267.090, 293.387, 293.393, 293.395, 293.397, 293.417, 293.427, 293.435,~~
 64 ~~293C.387, 293C.395, 349.060, 386.260, 474.395, 539.055, 539.155, 539.157; Caliente City~~

65 Charter § 5.100; Carlin City Charter § 5.090; Carson City Charter § 5.100; Elko City Charter
66 § 5.090; Henderson City Charter § 5.100; Las Vegas City Charter § 5.100; Mesquite City
67 Charter § 5.100; North Las Vegas City Charter § 5.080; Reno City Charter § 5.100; Sparks
68 City Charter § 5.100; Wells City Charter § 5.090; Yerington City Charter § 5.090) Sections 9,
69 10, 12, 18, 21, 24, 29, 31, 32, 36, 38, 40, 42, 44, 46-49 and 53-64 of this bill clarify that these
70 duties are ministerial. Sections 10, 12, 13, 18, 21, 24, 29, 30, 36, 40, 44, 49 and 53-64 of this
71 bill authorize a person from whom a certificate of election or commission is withheld to bring
72 a cause of action in district court.

73 — Existing law requires: (1) the Secretary of State to adopt regulations for conducting a
74 risk-limiting audit of an election; and (2) each county clerk to conduct a risk-limiting audit of
75 the results of an election prior to the certification of the results of the election. (NRS 293.394)
76 Section 11 of this bill prohibits the use of any risk-limiting audit to contest or overturn the
77 results of any election.

78 — Existing law authorizes: (1) a candidate defeated at any election to demand and receive a
79 recount of the vote for the office for which he or she is a candidate if he or she deposits in
80 advance the estimated costs of the recount; and (2) any voter of an election to demand and
81 receive a recount of the vote for a ballot question if the candidate or voter deposits in advance
82 the estimated costs of the recount. (NRS 293.403) Section 14 of this bill requires instead that a
83 recount must be conducted if, as applicable: (1) the difference between the highest number of
84 votes cast for a candidate for the office and the next highest number of votes cast for a
85 candidate for the office is 0.25 percent or less; or (2) the difference between the results of the
86 ballot question being approved or disapproved is 0.25 percent or less. Sections 15 and 25 of
87 this bill make conforming changes to account for the circumstances when a recount is required
88 rather than demanded. Section 14 eliminates the requirement for any candidate or voter to
89 deposit the estimated cost of the recount. Section 14 further requires a recount to commence
90 within 5 days after the canvass of the vote and the certification of the abstract of the votes and
91 be completed not more than 5 days after it is begun. Section 70 of this bill makes a
92 conforming change to repeal the provisions requiring a person who does not prevail in a
93 recount to pay the deficiency or a person who prevails in a recount to receive a refund.

94 — Existing law authorizes, with certain exceptions, any candidate or registered voter of the
95 appropriate political subdivision to contest the election of any candidate on certain grounds.
96 Except for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman,
97 State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or
98 voter who wishes to contest the election must file with the clerk of the district court a written
99 statement of contest. (NRS 293.407) Section 16 of this bill requires that the candidate or voter
100 also submit evidence that supports the particular grounds of contest. Section 17 of this bill
101 authorizes a statement of contest to be dismissed by any court for want of form and requires
102 that the election be contested on the personal knowledge of the contestant. Section 17 further
103 provides that the contestant has the burden of proving each of the grounds of contest that the
104 contestant alleges.

105 — Existing law provides that if, in any contest, the court finds from the evidence that a
106 person other than the defendant received the greatest number of legal votes, the court is
107 required to declare that person elected or nominated. (NRS 293.417) Section 18 of this bill
108 provides that the court must find by clear and convincing evidence that a person other than the
109 defendant received the greatest number of legal votes in order to declare that person elected or
110 nominated.

111 — Existing law provides that if a contest proceeding is dismissed for insufficiency of the
112 statement of contest or for want of prosecution, or if the district court confirms the election,
113 judgment shall be rendered for costs in favor of the defendant and against the contestant.
114 (NRS 293.420) Section 19 of this bill provides that if the court also dismisses the contest
115 proceeding for being frivolous, judgment shall be rendered for costs in favor of the defendant
116 and against the contestant.

117 — Existing provisions of the Nevada Constitution provide that each House of the Legislature
118 shall judge the qualifications, elections and returns of its own members and determine the
119 rules of its proceedings. (Nev. Const. Art. 4, § 6) Existing law requires the Secretary of State
120 to submit to the presiding officer of the appropriate house of the Legislature all depositions,
121 ballots and other documents relating to a contest of the general election of the office of
122 Assemblyman, Assemblywoman or Senator. (NRS 293.425, 293.421) Section 20 of this bill
123 clarifies that the Secretary of State must also submit all evidence relating to such contest.

124 Section 21 clarifies that the decision of the house in a contest of general election of the office
 125 of Assemblyman, Assemblywoman or Senator is not appealable.
 126 Existing law requires: (1) a joint session of both houses of the Legislature to convene to
 127 hear a contest of election for the office of Governor, Lieutenant Governor, justice of the
 128 Supreme Court or judge of the Court of Appeals; and (2) the Secretary of State to submit all
 129 depositions, ballots and other documents relating to such contest. (NRS 293.430) Section 22
 130 of this bill clarifies that the Secretary of State must also submit all evidence relating to such
 131 contest. Section 23 of this bill provides that: (1) the contestant bears the burden of proving
 132 each of the grounds of contest that the contestant alleges in the statement of contest; and (2) if
 133 the membership of both houses finds by clear and convincing evidence that a person other
 134 than the defendant received the greatest number of legal votes, the houses shall declare that
 135 person elected. Section 23 also provides that the decision of both houses is not appealable.]
 136 **but, in any case, the counting of the returns for early voting must begin not later than 8**
 137 **a.m. on election day.**

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 thereto the~~
 2 ~~provisions set forth as sections 2 and 3 of this act.] (Deleted by amendment.)~~
 3 Sec. 2. ~~[1. Except as otherwise provided in subsection 2, if a state of~~
 4 ~~emergency or declaration of disaster is proclaimed by the Governor or by~~
 5 ~~resolution of the Legislature pursuant to NRS 414.070 and such emergency or~~
 6 ~~disaster directly and substantially impacts an election, the Governor or Secretary~~
 7 ~~of State may reschedule a primary election, special election or presidential~~
 8 ~~preference primary election, extend the deadline for submission of mail ballots,~~
 9 ~~extend the deadline to cure signatures on mail ballots, require additional polling~~
 10 ~~places or relocate polling places.~~
 11 ~~2. If the emergency or disaster, as proclaimed by the Governor or by~~
 12 ~~resolution of the Legislature does not impact the entire State, the authority of the~~
 13 ~~Governor or Secretary of State pursuant to subsection 1 is limited to the part or~~
 14 ~~parts of the State which are directly and substantially impacted.] (Deleted by~~
 15 ~~amendment.)~~
 16 Sec. 3. ~~[1. It is unlawful for a person to disseminate any personal~~
 17 ~~identifying information or sensitive information of an elections official without~~
 18 ~~the consent of the elections official, knowing that the elections official could be~~
 19 ~~identified by such information, if:~~
 20 ~~(a) The person disseminates such personal identifying information or~~
 21 ~~sensitive information:~~
 22 ~~(1) With the intent to aid, assist, encourage, facilitate, further or promote~~
 23 ~~any criminal offense which would be reasonably likely to cause death, bodily~~
 24 ~~injury or stalking; or~~
 25 ~~(2) With the intent to cause harm to the elections official and with~~
 26 ~~knowledge of or reckless disregard for the reasonable likelihood that the~~
 27 ~~dissemination of the information may cause death, bodily injury or stalking; and~~
 28 ~~(b) The dissemination of the personal identifying information or sensitive~~
 29 ~~information:~~
 30 ~~(1) Would cause a reasonable person to fear the death, bodily injury or~~
 31 ~~stalking of himself or herself or a close relation; or~~
 32 ~~(2) Causes the death, bodily injury or stalking of the elections official~~
 33 ~~whose information was disseminated or a close relation of the elections official.~~
 34 ~~2. A person who violates the provisions of subsection 1 is guilty of a~~
 35 ~~category E felony and shall be punished as provided in NRS 193.130.~~

~~3. As used in this section:~~

~~(a) "Close relation" means a current or former spouse or domestic partner, parent, child, sibling, stepparent, grandparent or any person who regularly resides in the household or who, within the immediately preceding 6 months, regularly resided in the household.~~

~~(b) "Elections official" means:~~

~~(1) The Secretary of State or any deputy or employee in the Elections Division of the Office of the Secretary of State who is charged with duties relating to an election;~~

~~(2) A registrar of voters, county clerk, city clerk or any deputy or employee in the elections division of a county or city who is charged with elections duties; or~~

~~(3) An election board officer or counting board officer.~~

~~(c) "Personal identifying information" has the meaning ascribed to it in NRS 205.4617.~~

~~(d) "Sensitive information" has the meaning ascribed to it in NRS 41.1347.~~

~~(e) "Stalking" means a violation of NRS 200.575.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 293.273 is hereby amended to read as follows:~~

~~293.273 1. Except as otherwise provided in this section and NRS 293.305, and section 1 of this act 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. 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 will be received 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 NRS 293.5772 to 293.5887, inclusive.~~

~~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.~~

~~4. Notwithstanding the provisions of subsection 1, a county clerk, with the approval of the Secretary of State, may extend the hours during which polls are open for an extraordinary situation.] (Deleted by amendment.)~~

Sec. 5. NRS 293.303 is hereby amended to read as follows:

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

(a) Orally [In writing] 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";

1 (c) If the challenge is on the ground that the challenged person does not reside
2 at the residence for which the address is listed in the roster, “I swear or affirm under
3 penalty of perjury that I reside at the residence for which the address is listed in the
4 roster”;

5 (d) If the challenge is on the ground that the challenged person previously
6 voted a ballot for the election, “I swear or affirm under penalty of perjury that I
7 have not voted for any of the candidates or questions included on this ballot for this
8 election”; or

9 (e) If the challenge is on the ground that the challenged person is not the
10 person he or she claims to be, “I swear or affirm under penalty of perjury that I am
11 the person whose name is in this roster.”

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

14 3. Except as otherwise provided in subsection 4, if the challenged person
15 refuses to execute the oath or affirmation so tendered, the person must not be issued
16 a ballot, and the election board officer shall indicate in the roster “Challenged” by
17 the person’s name.

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

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

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

27 7. If the challenge is based on the ground set forth in paragraph (c) of
28 subsection 2, and the challenged person executes the oath or affirmation, ~~except as~~
29 ~~otherwise provided in this subsection,~~ the election board shall not issue the person
30 a ballot until he or she furnishes satisfactory identification which contains proof of
31 the address at which the person actually resides. ~~[If the person cannot furnish~~
32 ~~satisfactory identification, the election board may issue the person a provisional~~
33 ~~ballot pursuant to NRS 293.3078 to 293.3086, inclusive.]~~ For the purposes of this
34 subsection, ~~[a voter registration card does not provide proof of the address at which~~
35 ~~a person resides.]~~ **“satisfactory identification” includes, without limitation, any of**
36 **the following that includes the current residential address of the person:**

37 (a) *A current and valid driver’s license or identification card issued by the*
38 *Department of Motor Vehicles;*

39 (b) *A military identification card;*

40 (c) *A tribal identification card;*

41 (d) *A utility bill;*

42 (e) *A bank or credit union statement;*

43 (f) *A paycheck;*

44 (g) *An income tax return;*

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

46 (i) *A motor vehicle registration;*

47 (j) *A property tax statement; or*

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

49 8. If the challenge is based on the ground set forth in paragraph (e) of
50 subsection 2 and the challenged person executes the oath or affirmation, ~~except as~~
51 ~~otherwise provided in this subsection,~~ the election board shall not issue the person
52 a ballot unless the person:

1 (a) Furnishes official identification which contains a photograph of the person,
2 such as a driver's license or other official document; or

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

5 (1) Furnishes official identification which contains a photograph of that
6 person, such as a driver's license or other official document; and

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

9 ~~10 If the person does not comply with the provisions of paragraph (a) or (b), the
11 election board may issue the person a provisional ballot pursuant to NRS
12 293.3078 to 293.3086, inclusive.~~

13 9. The election board officers shall:

14 (a) Record on the challenge list:

15 (1) The name of the challenged person;

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

17 (3) The result of the challenge; and

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

20 **10. The provisions of this section do not authorize any person to challenge
21 the ability of a registered voter to vote by mail ballot.**

22 **Sec. 6.** ~~[NRS 293.3081 is hereby amended to read as follows:~~

23 ~~293.3081 A person at a polling place may cast a provisional ballot in an
24 election pursuant to NRS 293.3078 to 293.3086, inclusive, if the person complies
25 with the applicable provisions of NRS 293.3082 and:~~

26 ~~1. Declares that he or she has registered to vote and is eligible to vote at that
27 election in that jurisdiction, but [his]:~~

28 ~~(a) His or her name does not appear on a voter registration list as a voter
29 eligible to vote in that election in that jurisdiction or an election official asserts that
30 the person is not eligible to vote in that election in that jurisdiction; or~~

31 ~~(b) The person was challenged pursuant to NRS 293.303 when applying to
32 vote and the person cannot furnish satisfactory identification pursuant to
33 subsection 7 of NRS 293.303 or comply with the provisions of paragraph (a) or
34 (b) of subsection 8 of NRS 293.303, as applicable.~~

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

39 ~~3. Declares that he or she is entitled to vote after the polling place would
40 normally close as a result of a court order, an order of the Governor or Secretary
41 of State pursuant to section 2 of this act, an order of the county or city clerk
42 pursuant to NRS 293.273 or 293C.267, or other order extending the time
43 before the date of the election.] **(Deleted by amendment.)**~~

44 **Sec. 7.** ~~[NRS 293.3082 is hereby amended to read as follows:~~

45 ~~293.3082 1. Before a person may cast a provisional ballot pursuant to NRS
46 293.3081, the person must complete a written affirmation on a form provided by an
47 election board officer, as prescribed by the Secretary of State, at the polling place
48 which includes:~~

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

50 ~~(b) The reason for casting the provisional ballot;~~

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

1 ~~— (d) The date and type of election;~~
 2 ~~— (e) The signature of the person casting the provisional ballot;~~
 3 ~~— (f) The signature of the election board officer;~~
 4 ~~— (g) A unique affirmation identification number assigned to the person casting~~
 5 ~~the provisional ballot;~~
 6 ~~— (h) If the person is casting the provisional ballot pursuant to subsection 1 of~~
 7 ~~NRS 293.3081;~~

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

10 ~~— (2) The address of the person as listed on the application to register to vote;~~

11 ~~— (3) Information concerning the place, manner and approximate date on~~
 12 ~~which the person applied to register to vote;~~

13 ~~— (4) Any other information that the person believes may be useful in~~
 14 ~~verifying that the person has registered to vote; and~~

15 ~~— (5) A statement informing the voter that if the voter does not provide~~
 16 ~~identification *or, if the provisions of subsection 7 of NRS 293.303 apply,*~~
 17 ~~*satisfactory identification which contains proof of the address at which the*~~
 18 ~~*person actually resides,* at the time the voter casts the provisional ballot, the~~
 19 ~~required identification must be provided to the county or city clerk not later than 5~~
 20 ~~p.m. on the Friday following election day and that failure to do so will result in the~~
 21 ~~provisional ballot not being counted;~~

22 ~~— (i) If the person is casting the provisional ballot pursuant to subsection 2 of~~
 23 ~~NRS 293.3081;~~

24 ~~— (1) The address of the person as listed on the application to register to vote;~~

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

26 ~~— (3) A statement informing the voter that the required identification must be~~
 27 ~~provided to the county or city clerk not later than 5 p.m. on the Friday following~~
 28 ~~election day and that failure to do so will result in the provisional ballot not being~~
 29 ~~counted; and~~

30 ~~— (j) If the person is casting the provisional ballot pursuant to subsection 3 of~~
 31 ~~NRS 293.3081, the voter registration number, if any, issued to the person.~~

32 ~~— 2. After a person completes a written affirmation pursuant to subsection 1:~~

33 ~~— (a) The election board officer shall provide the person with a receipt that~~
 34 ~~includes the unique affirmation identification number described in subsection 1 and~~
 35 ~~that explains how the person may use the free access system established pursuant to~~
 36 ~~NRS 293.3086 to ascertain whether the person's vote was counted, and, if the vote~~
 37 ~~was not counted, the reason why the vote was not counted;~~

38 ~~— (b) The voter's name and applicable information must be entered into the roster~~
 39 ~~in a manner which indicates that the voter cast a provisional ballot; and~~

40 ~~— (c) The election board officer shall issue a provisional ballot to the person to~~
 41 ~~vote. **(Deleted by amendment.)**~~

42 **Sec. 8.** NRS 293.3606 is hereby amended to read as follows:

43 293.3606 1. ~~[After 8 a.m. on election]~~ **On or after the first day [] of early**
 44 **voting, the county clerk may order** the appropriate board ~~[shall]~~ **to begin the count**
 45 **[in public] of the returns for early voting [], but, in any case, the count of the**
 46 **returns for early voting must begin not later than 8 a.m. on election day.**

47 2. The returns for early voting must not be reported until after the polls have
 48 closed on election day.

49 3. The returns for early voting must be reported separately from the regular
 50 votes of the precinct, unless reporting the returns separately would violate the
 51 secrecy of the voter's ballot.

52 4. The county clerk shall develop a procedure to ensure that each ballot is
 53 kept secret.

1 5. Any person who disseminates to the public information relating to the
2 count of returns for early voting before the polls close is guilty of a gross
3 misdemeanor.

4 **Sec. 9.** ~~[NRS 293.387 is hereby amended to read as follows:~~

5 ~~293.387 1. As soon as the returns from all the precincts and districts in any
6 county have been received by the board of county commissioners, the board shall
7 meet and canvass the returns. The canvass must be completed on or before the 10th
8 day following the election. If the canvass is not completed by the end of the 10th
9 day following the election, any registered voter of the county may bring a cause
10 of action in district court to compel the board of county commissioners to
11 complete the canvass.~~

12 ~~2. In making its canvass, the board shall:~~

13 ~~(a) Note separately any clerical errors discovered; and~~

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

16 ~~3. The county clerk shall, as soon as the result is declared, enter upon the
17 records of the board an abstract of the result, which must contain the number of
18 votes cast for each candidate. The board, after making the abstract, shall cause the
19 county clerk to certify the abstract and, by an order made and entered in the minutes
20 of its proceedings, to make:~~

21 ~~(a) A copy of the certified abstract; and~~

22 ~~(b) A mechanized report of the abstract in compliance with regulations adopted
23 by the Secretary of State,~~

24 ~~and transmit them to the Secretary of State on or before the 10th day following
25 the election.~~

26 ~~4. The Secretary of State shall, immediately after any primary election,
27 compile the returns for all candidates voted for in more than one county. The
28 Secretary of State shall make out and file in his or her office an abstract thereof,
29 and shall certify to the county clerk of each county the name of each person
30 nominated, and the name of the office for which the person is nominated.~~

31 ~~5. The duties of the Secretary of State and county clerk pursuant to this
32 section are purely ministerial.] (Deleted by amendment.)~~

33 **Sec. 10.** ~~[NRS 293.393 is hereby amended to read as follows:~~

34 ~~293.393 1. On or before the 10th day after any general election or any other
35 election at which votes are cast for any United States Senator, Representative in
36 Congress, member of the Legislature or any state officer who is elected statewide,
37 the board of county commissioners shall open the returns of votes cast and make
38 abstracts of the votes.~~

39 ~~2. Abstracts of votes must be prepared in the manner prescribed by the
40 Secretary of State by regulation.~~

41 ~~3. The county clerk shall make out a certificate of election to each of the
42 persons having the highest number of votes for the district, county and township
43 offices.~~

44 ~~4. Each certificate must be delivered to the person elected upon application at
45 the office of the county clerk.~~

46 ~~5. The duties of the county clerk pursuant to this section are purely
47 ministerial.~~

48 ~~6. A person from whom a certificate of election is withheld may bring a
49 cause of action in district court to compel the issuance of a certificate of
50 election.] (Deleted by amendment.)~~

51 **Sec. 11.** ~~[NRS 293.394 is hereby amended to read as follows:~~

52 ~~293.394 1. The Secretary of State shall adopt regulations for conducting a
53 risk limiting audit of an election, which may include, without limitation:~~

~~1 (a) Procedures to conduct a risk-limiting audit;~~
~~2 (b) Criteria for which elections must be audited; and~~
~~3 (c) Criteria to determine the scope of the risk-limiting audit.~~
~~4 2. In accordance with the regulations adopted by the Secretary of State~~
~~5 pursuant to this section, each county clerk shall conduct a risk-limiting audit of the~~
~~6 results of an election prior to the certification of the results of the election pursuant~~
~~7 to NRS 293.295.~~
~~8 3. If the results of any risk-limiting audit indicate a discrepancy in the~~
~~9 election results that is large enough to change the results of any race or question~~
~~10 on the ballot, the Secretary of State shall order the county clerk to repeat the~~
~~11 audit. If the results of the second audit also indicate a discrepancy in the results~~
~~12 that is large enough to change the results of any race or question on the ballot,~~
~~13 the Secretary of State shall order the county to audit a larger sample of ballots or~~
~~14 conduct a complete recount of the ballots in the county. Any additional audit or~~
~~15 recount must be performed prior to the certification of the results of the election~~
~~16 pursuant to NRS 293.295.~~
~~17 4. As used in this section, "risk-limiting audit" means an audit protocol that:~~
~~18 (a) Makes use of statistical principles and methods; and~~
~~19 (b) Is designed to limit the risk of certifying an incorrect election outcome.]~~
~~20 (Deleted by amendment.)~~

Sec. 12. ~~[NRS 293.295 is hereby amended to read as follows:~~

~~21 293.295 1. The board of county commissioners, after making the abstract of~~
~~22 votes as provided in NRS 293.293, shall cause the county clerk to certify the~~
~~23 abstract and, by an order made and entered in the minutes of its proceedings, to~~
~~24 make:~~

~~25 (a) A copy of the certified abstract; and~~
~~26 (b) A mechanized report of that abstract in compliance with regulations~~
~~27 adopted by the Secretary of State,~~

~~28 and forthwith transmit them to the Secretary of State.~~

~~29 2. On the fourth Tuesday of November after each general election, the justices~~
~~30 of the Supreme Court, or a majority thereof, shall meet with the Secretary of State,~~
~~31 and shall open and canvass the vote for the number of presidential electors to which~~
~~32 this State may be entitled, United States Senator, Representative in Congress,~~
~~33 members of the Legislature, state officers who are elected statewide or by district,~~
~~34 district judges, or district officers whose districts include area in more than one~~
~~35 county and for and against any question submitted.~~

~~36 3. The Governor shall issue certificates of election to and commission the~~
~~37 persons having the highest number of votes and shall issue proclamations declaring~~
~~38 the election of those persons. A person from whom a certificate of election or~~
~~39 commission is withheld in violation of this subsection may bring a cause of action~~
~~40 in district court to compel the issuance of a certificate of election or commission.~~

~~41 4. The duties of the county clerk and Governor pursuant to this section are~~
~~42 purely ministerial.] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 293.297 is hereby amended to read as follows:~~

~~43 293.297 1. A certificate of election or commission must not be withheld~~
~~44 from the person having the highest number of votes for the office because of [any~~
~~45 contest of election filed in the election or] any defect or informality in the returns of~~
~~46 any election, any results of an audit of the election or the failure of the county~~
~~47 clerk to certify the abstract of votes, if it can be ascertained with reasonable~~
~~48 certainty from the returns what office is intended and who is entitled to the~~
~~49 certificate or commission.~~

~~50 2. A person from whom a certificate of election or commission is withheld~~
~~51 in violation of subsection 1 may bring a cause of action in district court to compel~~
~~52~~
~~53~~

~~the issuance of a certificate of election or commission.] (Deleted by amendment.)~~

Sec. 14. ~~[NRS 293.403 is hereby amended to read as follows:~~

~~293.403 1. A [candidate defeated at any election may demand and receive a] recount of the vote for [the] an office [for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election] **must be conducted** if, [within 2 working days] after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, [the candidate who demands the recount~~

~~(a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of candidacy; and~~

~~(b) Deposits in advance the estimated costs of the recount with that officer.] **the difference between the highest number of votes cast for a candidate for the office and the next highest number of votes cast for a candidate for the office is 0.25 percent or less.**~~

~~2. [Any voter at an election may demand and receive a] A recount of the vote for a ballot question **must be conducted** if, [within 3 working days] after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, [the voter:~~

~~(a) Files in writing a demand with:~~

~~(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or~~

~~(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and~~

~~(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.~~

~~3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs." **the difference between the results of the ballot question being approved and disapproved is 0.25 percent or less.**~~

~~3. **A recount required pursuant to this section must begin not more than 5 days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes and must be completed not more than 5 days after it is begun.**~~

~~4. As used in this section, "canvass" means:~~

~~(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.~~

~~(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.~~

~~(c) In any general election:~~

~~(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or~~

~~(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).~~

~~(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 293.404 is hereby amended to read as follows:~~

~~293.404 1. Where a recount is [demanded] **required** pursuant to the provisions of NRS 293.403, the:~~

~~(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount~~

~~board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.~~

~~— (b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.~~

~~— 2. Each candidate for the office affected by the recount, [and the voter who demanded the recount,] if [any,] **applicable**, may be present in person or by an authorized representative, but may not be a member of the recount board.~~

~~— 3. The recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether all ballots are marked as required by law. All ballots must be recounted in the same manner in which the ballots were originally tabulated.~~

~~— 4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.~~

~~— 5. The Secretary of State may adopt regulations to carry out the provisions of this section.] **(Deleted by amendment.)**~~

Sec. 16. ~~[NRS 293.407 is hereby amended to read as follows:~~

~~— 293.407 — 1. A candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.~~

~~— 2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including election to the office of presidential elector, must, within the time prescribed in NRS 293.413, file with the clerk of the district court [a]:~~

~~— (a) A written statement of contest, setting forth:~~

~~— [(a)] (1) The name of the contestant and that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;~~

~~— [(b)] (2) The name of the defendant;~~

~~— [(c)] (3) The office to which the defendant was declared elected;~~

~~— [(d)] (4) The particular grounds of contest [and the section of Nevada Revised Statutes pursuant to which the statement is filed.]; **as described in subsection 2 of NRS 293.410; and**~~

~~— [(e)] (5) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof [.] **and**~~

~~1. *(b) Evidence that supports the particular grounds of contest made in the written statement of contest.*~~

~~2. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.~~

~~4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.~~

~~5. The contestant must notify the defendant that a statement of contest has been filed pursuant to this section. **(Deleted by amendment.)**~~

Sec. 17. [NRS 293.410 is hereby amended to read as follows:

~~293.410 1. A statement of contest [shall not] may be dismissed by any court for want of form, [if the grounds of contest are alleged with sufficient certainty to inform the defendant of the charges the defendant is required to meet.]~~

~~2. An election may be contested upon any of the following grounds [;], **which must be based on the personal knowledge of the contestant:**~~

~~(a) That the election board or any member thereof was guilty of malfeasance.~~

~~(b) That a person who has been declared elected to an office was not at the time of election eligible to that office.~~

~~(c) That:~~

~~(1) Illegal or improper votes were cast and counted;~~

~~(2) Legal and proper votes were not counted; or~~

~~(3) A combination of the circumstances described in subparagraphs (1) and (2) occurred,~~

~~in an amount that is equal to or greater than the margin between the contestant and the defendant, or otherwise in an amount sufficient to raise reasonable doubt as to the outcome of the election.~~

~~(d) That the election board, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.~~

~~(e) That the defendant or any person acting, either directly or indirectly, on behalf of the defendant has given, or offered to give, to any person anything of value for the purpose of manipulating or altering the outcome of the election.~~

~~(f) That there was a malfunction of any voting device or electronic tabulator, counting device or computer in a manner sufficient to raise reasonable doubt as to the outcome of the election.~~

~~3. *The contestant bears the burden of proving each of the grounds of contest that the contestant alleged in the statement of contest.* **(Deleted by amendment.)**~~

Sec. 18. [NRS 293.417 is hereby amended to read as follows:

~~293.417 1. If, in any contest, the court finds [from the] **by clear and convincing** evidence that a person other than the defendant received the greatest number of legal votes, the court, as a part of the judgment, shall declare that person elected or nominated.~~

~~2. The person declared nominated or elected by the court is entitled to a certificate of nomination or election. If a certificate has not been issued to that person, the county clerk, city clerk or Secretary of State shall execute and deliver to the person a certificate of election or a certificate of nomination. **A person from whom a certificate of election is withheld in violation of this subsection may bring a cause of action in district court to compel the issuance of a certificate of election. The duties of the county clerk, city clerk or Secretary of State, as applicable, pursuant to this subsection are purely ministerial.**~~

~~3. If a certificate of election or nomination to the same office has been issued to any person other than the one declared elected by the court, that certificate must be annulled by the judgment of the court.~~

~~4. Whenever an election is annulled or set aside by the court, and the court does not declare some candidate elected, the certificate of election or the commission, if any has been issued, is void and the office is vacant. (Deleted by amendment.)~~

Sec. 19. ~~[NRS 293.420 is hereby amended to read as follows:~~

~~293.420 1. If a contest proceeding is dismissed *for being frivolous*, for insufficiency of the statement of contest, [or] for want of prosecution, or if the district court confirms the election, judgment shall be rendered for costs in favor of the defendant and against the contestant.~~

~~2. If an election is annulled or set aside for errors or malfeasance of any election official in the conduct of the election or in canvassing the returns, the costs shall be a charge against the state or political subdivision in which the election was held.~~

~~3. When an election is annulled or set aside on any other ground, judgment for costs shall be given in favor of the contestant and against the defendant. (Deleted by amendment.)~~

Sec. 20. ~~[NRS 293.425 is hereby amended to read as follows:~~

~~293.425 1. If the contest is of the general election for the office of Assemblyman, Assemblywoman or Senator, a statement of contest, prepared as provided in NRS 293.407, and all *evidence*, depositions, ballots and other documents relating to the contest must be filed with the Secretary of State within the time provided for the filing of statements of contests with the clerk of the district court. The parties to such a contest shall be designated contestant and defendant. The contestant and the Secretary of State shall notify the defendant that a statement of contest and documents have been filed by the contestant pursuant to this section.~~

~~2. On or before December 15 of the year immediately preceding a regular legislative session:~~

~~(a) The contestant in a contest of a general election for the office of Assemblyman, Assemblywoman or Senator may amend the statement of contest filed pursuant to this section by filing an amended statement of contest and any relevant *evidence*, depositions, ballots and other documents relating to the contest with the Secretary of State; and~~

~~(b) Each party in a contest of a general election for the office of Assemblyman, Assemblywoman or Senator shall provide the Secretary of State with a list of the witnesses the party intends to present at the hearing of the contest.~~

~~3. Each party in a contest of a general election for the office of Assemblyman, Assemblywoman or Senator may:~~

~~(a) Before the hearing of the contest:~~

~~(1) Take the deposition of any witness in the manner prescribed by rule of court for taking depositions in civil actions in the district courts; and~~

~~(2) Investigate issues relating to the contest; and~~

~~(b) At the hearing of the contest, present any relevant *evidence*, depositions and other evidence obtained as a result of such investigation at the hearing of the contest, including, without limitation, evidence obtained after the date for filing an amended statement of contest. If a party obtains evidence after such date, the evidence may not be included in the statement of contest or amended statement of contest. (Deleted by amendment.)~~

Sec. 21. ~~[NRS 293.427 is hereby amended to read as follows:~~

~~293.427 1. The Secretary of State shall deliver the statement of contest filed pursuant to NRS 293.425 and all other documents, including any amendments to the statement, to the presiding officer of the appropriate house of the Legislature on the day of the organization of the Legislature.~~

1 ~~— 2. Until the contest has been decided, the candidate who received the highest~~
2 ~~number of votes for the office in the contested election must be seated as a member~~
3 ~~of the appropriate house.~~

4 ~~— 3. If, before the contest has been decided, a contestant gives written notice to~~
5 ~~the Secretary of State that the contestant wishes to withdraw his or her statement of~~
6 ~~contest, the Secretary of State shall dismiss the contest.~~

7 ~~— 4. The contest, if not dismissed, must be heard and decided [as] **on or before**~~
8 ~~**the deadline** prescribed by **and using the procedures set forth in** the standing or~~
9 ~~special rules of the house in which the contest is to be tried. If after hearing the~~
10 ~~contest, the house decides to declare the contestant elected, the Governor shall~~
11 ~~execute a certificate of election and deliver it to the contestant. **The duty to execute**~~
12 ~~**a certificate of election and deliver it to the contestant pursuant to this subsection**~~
13 ~~**is purely ministerial.** The certificate of election issued to the other candidate is~~
14 ~~thereafter void. **A person from whom a certificate of election is withheld in**~~
15 ~~**violation of this subsection may bring a cause of action in district court to compel**~~
16 ~~**the issuance of a certificate of election.**~~

17 ~~— 5. In a contest of a general election for the office of Assemblyman,~~
18 ~~Assemblywoman or Senator, the house in which a contest was tried or was to be~~
19 ~~tried shall determine the remedy, if any, to be awarded to a party to such a contest.~~
20 ~~The remedy may include, without limitation, any costs incurred by a party in~~
21 ~~connection with the contest.~~

22 ~~— 6. **The decision of the house in a contest of a general election for the office**~~
23 ~~**of Assemblyman, Assemblywoman or Senator is not appealable.**] **(Deleted by**~~
24 ~~**amendment.)**~~

25 **Sec. 22.** [NRS 293.430 is hereby amended to read as follows:

26 ~~— 293.430 1. If the contest is of the general election for the office of~~
27 ~~Governor, Lieutenant Governor, justice of the Supreme Court or judge of the Court~~
28 ~~of Appeals, the statement of contest and all **evidence**, depositions, ballots and other~~
29 ~~documents relating to the contest must be filed with the Secretary of State within~~
30 ~~the time provided for filing statements of contests with the clerk of the district~~
31 ~~court. The contestant and Secretary of State shall notify the defendant that the~~
32 ~~statement of contest and documents have been filed by the contestant pursuant to~~
33 ~~this section.~~

34 ~~— 2. Until the contest is decided, the candidate who received the highest number~~
35 ~~of votes for the office in the contested election must be seated and commence the~~
36 ~~duties of the office.~~

37 ~~— 3. The Secretary of State shall deliver the statement of contest and all other~~
38 ~~**evidence**, papers and documents to the speaker of the assembly on the day of the~~
39 ~~organization of the Legislature.~~

40 ~~— 4. A joint session of both houses must be convened as soon thereafter as the~~
41 ~~business of both houses permits, but not later than 10 days after receipt of statement~~
42 ~~of contest.~~

43 ~~— 5. If, before the contest has been decided, a contestant gives written notice to~~
44 ~~the Secretary of State that the contestant wishes to withdraw his or her statement of~~
45 ~~contest, the Secretary of State shall dismiss the contest.] **(Deleted by amendment.)**~~

46 **Sec. 23.** [NRS 293.433 is hereby amended to read as follows:

47 ~~— 293.433 1. The Senate and Assembly meeting in joint session shall proceed~~
48 ~~to decide the contest [.] **pursuant to NRS 293.430.**~~

49 ~~— 2. The Speaker of the Assembly shall preside at such joint session, and the~~
50 ~~session shall be conducted under the joint standing rules or joint special rules~~
51 ~~adopted for the occasion.~~

52 ~~— 3. The contest shall be decided by a majority vote of the elected membership~~
53 ~~of both houses not later than 30 days after the contest hearing is begun.~~

~~4. The contestant bears the burden of proving each of the grounds of contest that the contestant alleged in the statement of contest.~~

~~5. If, in any contest, the elected membership of both houses finds by clear and convincing evidence that a person other than the defendant received the greatest number of legal votes, the houses, as a part of the judgment, shall declare that person elected.~~

~~6. The decision of the elected membership of both houses is not appealable.] (Deleted by amendment.)~~

Sec. 24. [NRS 293.435 is hereby amended to read as follows:

~~293.435 1. After both houses sitting in joint session have decided an election contest, the Secretary of State shall execute and deliver a certificate of election to the person declared elected, unless such a certificate was already issued to that person. The duty to execute a certificate of election and deliver it to the contestant pursuant to this subsection is purely ministerial. A person from whom a certificate of election or commission is withheld in violation of this subsection may bring a cause of action in district court to compel the issuance of a certificate of election.~~

~~2. If a certificate of election to the same office has been issued to any person other than the one declared to have been elected, that certificate is void.] (Deleted by amendment.)~~

Sec. 25. [NRS 293B.400 is hereby amended to read as follows:

~~293B.400 1. Except as otherwise provided in this section, if a recount is [demanded] required pursuant to the provisions of NRS 293.403 or if an election is contested pursuant to NRS 293.407, the county or city clerk shall ensure that each mechanical recording device which directly recorded votes electronically for the applicable election provides a record printed on paper of each ballot voted on that device.~~

~~2. In carrying out the requirements of this section, the county or city clerk shall:~~

- ~~(a) Print only the records required for the recount or contest; and~~
- ~~(b) Collect those records and deposit them in the vaults of the county or city clerk pursuant to NRS 293.391 or 293C.300.] (Deleted by amendment.)~~

Sec. 26. [NRS 293C.267 is hereby amended to read as follows:

~~293C.267 1. Except as otherwise provided in this section, NRS 293C.297, and section 1 of this act 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. 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 will be received 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 NRS 293.5772 to 293.5887, inclusive.~~

~~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.~~

~~4. Notwithstanding the provisions of subsection 1, a city clerk, with the approval of the Secretary of State, may extend the hours during which polls are open for an extraordinary situation.] (Deleted by amendment.)~~

Sec. 27. NRS 293C.292 is hereby amended to read as follows:

293C.292 1. A person applying to vote may be challenged:

1 (a) ~~Orally~~ ~~[In writing]~~ by any registered voter of the precinct or district upon
2 the ground that he or she is not the person entitled to vote as claimed or has voted
3 before at the same election; or

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

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

8 (a) If the challenge is on the ground that the challenged person does not reside
9 at the residence for which the address is listed in the roster, "I swear or affirm under
10 penalty of perjury that I reside at the residence for which the address is listed in the
11 roster";

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

16 (c) If the challenge is on the ground that the challenged person is not the
17 person he or she claims to be, "I swear or affirm under penalty of perjury that I am
18 the person whose name is in this roster."

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

21 3. If the challenged person refuses to execute the oath or affirmation so
22 tendered, the person must not be issued a ballot, and the election board officer shall
23 indicate in the roster "Challenged" by the person's name.

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

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

30 6. If the challenge is based on the ground set forth in paragraph (a) of
31 subsection 2, and the challenged person executes the oath or affirmation, ~~[except as~~
32 ~~otherwise provided in this subsection,]~~ the election board shall not issue the person
33 a ballot until he or she furnishes satisfactory identification that contains proof of the
34 address at which the person actually resides. ~~[If the person cannot furnish~~
35 ~~satisfactory identification, the election board may issue the person a provisional~~
36 ~~ballot pursuant to NRS 293.3078 to 293.3086, inclusive.]~~ For the purposes of this
37 subsection, ~~[a voter registration card does not provide proof of the address at which~~
38 ~~a person resides.]~~ "satisfactory identification" includes, without limitation, any of
39 the following that includes the current residential address of the person:

40 (a) *A current and valid driver's license or identification card issued by the*
41 *Department of Motor Vehicles;*

42 (b) *A military identification card;*

43 (c) *A tribal identification card;*

44 (d) *A utility bill;*

45 (e) *A bank or credit union statement;*

46 (f) *A paycheck;*

47 (g) *An income tax return;*

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

49 (i) *A motor vehicle registration;*

50 (j) *A property tax statement; or*

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

52 7. If the challenge is based on the ground set forth in paragraph (c) of
53 subsection 2 and the challenged person executes the oath or affirmation, ~~[except as~~

1 ~~otherwise provided in this subsection,~~ the election board shall not issue the person
2 a ballot unless the person:

3 (a) Furnishes official identification which contains a photograph of the person,
4 such as a driver's license or other official document; or

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

7 (1) Furnishes official identification which contains a photograph of the
8 person, such as a driver's license or other official document; and

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

11 ~~1. If the person does not comply with the provisions of paragraph (a) or (b), the~~
12 ~~election board may issue the person a provisional ballot pursuant to NRS~~
13 ~~293.3078 to 293.3086, inclusive.~~

14 8. The election board officers shall:

15 (a) Record on the challenge list:

16 (1) The name of the challenged person;

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

18 (3) The result of the challenge; and

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

21 *9. The provisions of this section do not authorize any person to challenge*
22 *the ability of a registered voter to vote by mail ballot.*

23 **Sec. 28.** NRS 293C.3606 is hereby amended to read as follows:

24 293C.3606 1. ~~After 8 a.m. on election~~ *On or after the first day* ~~of early~~
25 *voting, the city clerk may order* the appropriate board ~~shall~~ *to begin the count* ~~in~~
26 *public* ~~of~~ the returns for early voting ~~in~~ *, but, in any case, the count of the returns*
27 *for early voting must begin not later than 8 a.m. on election day.*

28 2. The returns for early voting must not be reported until after the polls have
29 closed on election day.

30 3. The returns for early voting may be reported separately from the regular
31 votes of the precinct, unless reporting the returns separately would violate the
32 secrecy of the voter's ballot.

33 4. The city clerk shall develop a procedure to ensure that each ballot is kept
34 secret.

35 5. Any person who disseminates to the public information relating to the
36 count of returns for early voting before the polls close is guilty of a gross
37 misdemeanor.

38 **Sec. 29.** ~~NRS 293C.387 is hereby amended to read as follows:~~

39 ~~293C.387 1. The election returns from a special election, primary city~~
40 ~~election or general city election must be filed with the city clerk, who shall~~
41 ~~immediately place the returns in a safe or vault designated by the city clerk. No~~
42 ~~person may handle, inspect or in any manner interfere with the returns until they are~~
43 ~~canvassed by the mayor and the governing body of the city.~~

44 ~~2. After the governing body of a city receives the returns from all the~~
45 ~~precincts and districts in the city, it shall meet with the mayor to canvass the~~
46 ~~returns. The canvass must be completed on or before the 10th day following the~~
47 ~~election. If the canvass is not completed by the end of the 10th day following the~~
48 ~~election, any registered voter of the city may bring a cause of action in district~~
49 ~~court to compel the governing body to complete the canvass.~~

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

52 ~~(a) Note separately any clerical errors discovered; and~~

~~1 (b) Take account of the changes resulting from the discovery, so that the result
2 declared represents the true vote cast.~~

~~3 4. After the canvass is completed, the governing body of the city and mayor
4 shall declare the result of the canvass.~~

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

~~9 6. After the abstract is entered, the~~

~~10 (a) City clerk shall seal the election returns, maintain them in a vault for at
11 least 22 months and give no person access to them during that period, unless access
12 is ordered by a court of competent jurisdiction or by the governing body of the city.~~

~~13 (b) Governing body of the city shall, by an order made and entered in the
14 minutes of its proceedings, cause the city clerk to:~~

~~15 (1) Certify the abstract;~~

~~16 (2) Make a copy of the certified abstract;~~

~~17 (3) Make a mechanized report of the abstract in compliance with
18 regulations adopted by the Secretary of State;~~

~~19 (4) Transmit a copy of the certified abstract and the mechanized report of
20 the abstract to the Secretary of State on or before the 10th day following the
21 election; and~~

~~22 (5) Transmit on paper or by electronic means to each public library in the
23 city, or post on a website maintained by the city or the city clerk on the Internet or
24 its successor, if any, a copy of the certified abstract within 30 days after the
25 election.~~

~~26 7. After the abstract of the results from a~~

~~27 (a) Primary city election has been certified, the city clerk shall certify the name
28 of each person nominated and the name of the office for which the person is
29 nominated.~~

~~30 (b) General city election has been certified, the city clerk shall:~~

~~31 (1) Issue under his or her hand and official seal to each person elected a
32 certificate of election; and~~

~~33 (2) Deliver the certificate to the persons elected upon their application at
34 the office of the city clerk.~~

~~35 *The duties of the city clerk pursuant to this subsection are purely ministerial.
36 A person from whom a certificate of election is withheld may bring a cause of
37 action in district court to compel the issuance of a certificate of election.*~~

~~38 8. The officers elected to the governing body of the city qualify and enter
39 upon the discharge of their respective duties on the first regular meeting of that
40 body next succeeding that in which the canvass of returns was made pursuant to
41 subsection 2.~~

~~42 9. *The duties of the city clerk pursuant to this section are purely
43 ministerial.* **(Deleted by amendment.)**~~

Sec. 30. [NRS 293C.395 is hereby amended to read as follows:

~~44 293C.395 1. A certificate of election or commission must not be withheld
45 from the person having the highest number of votes for the city office because of
46 any contest of election, [filed in the city election or] any defect or informality in
47 the returns of any city election, *any results of an audit of the election or the
48 failure of the city clerk to certify the abstract of votes,* if it can be ascertained with
49 reasonable certainty from the returns what city office is intended and who is
50 entitled to the certificate or commission.~~

~~51 2. *A person from whom a certificate of election or commission is withheld
52 in violation of subsection 1 may bring a cause of action in district court to compel*~~

53

1 ~~the issuance of a certificate of election or commission. } (Deleted by~~
2 ~~amendment.)~~

3 ~~Sec. 31. [NRS 218A.210 is hereby amended to read as follows:~~

4 ~~218A.210 1. A person who is elected to office as a Legislator is entitled to~~
5 ~~receive a certificate of election from the Governor.~~

6 ~~2. The duty to issue a certificate of election is purely ministerial. A person~~
7 ~~from whom a certificate of election is withheld in violation of subsection 1 may~~
8 ~~bring a cause of action in district court to compel the issuance of a certificate of~~
9 ~~election.} (Deleted by amendment.)~~

10 ~~Sec. 32. [NRS 243.445 is hereby amended to read as follows:~~

11 ~~243.445 1. The election officers shall make returns to the board of county~~
12 ~~commissioners, who shall, within 7 days thereafter, meet and canvass the vote. If~~
13 ~~the canvass is not completed within 7 days, any registered voter of the county may~~
14 ~~bring a cause of action in district court to compel the board of county~~
15 ~~commissioners to complete the canvass.~~

16 ~~2. The county clerk must make a certified abstract thereof, seal such abstract,~~
17 ~~endorse it "election returns" and without delay transmit it by registered mail to the~~
18 ~~Secretary of State. The duties of the county clerk pursuant to this section are~~
19 ~~purely ministerial.} (Deleted by amendment.)~~

20 ~~Sec. 33. [NRS 243.480 is hereby amended to read as follows:~~

21 ~~243.480 1. The ballots to be voted at the election must have printed thereon~~
22 ~~the words "For removal of the county seat to" (inserting the name of the~~
23 ~~place to which removal is proposed) and "Against removal of the county seat to~~
24 ~~....." (inserting the name of the place to which removal is proposed). The~~
25 ~~ballot must be canvassed as in elections for county officers and the returns of the~~
26 ~~election must be certified by the county clerk to the Secretary of State, together~~
27 ~~with a certified copy of the order of the board of county commissioners and a sworn~~
28 ~~certificate of the publication thereof, to be filed in the Office of the Secretary of~~
29 ~~State.~~

30 ~~2. If the canvass is not completed by the end of the 10th day following the~~
31 ~~election, any registered voter of the county may bring a cause of action in district~~
32 ~~court to compel the board of county commissioners to complete the canvass.}~~
33 ~~(Deleted by amendment.)~~

34 ~~Sec. 34. [NRS 244.090 is hereby amended to read as follows:~~

35 ~~244.090 1. Except as provided in subsections 4 and 5, special meetings may~~
36 ~~be called by the chair or, in the chair's absence, by the vice chair whenever there is~~
37 ~~sufficient business to come before the board, or upon the written request of a~~
38 ~~majority of the board.~~

39 ~~2. The clerk of the board shall give written notice of each special meeting to~~
40 ~~each member of the board by personal delivery of the notice of the special meeting~~
41 ~~to each member at least 1 day before the meeting or by mailing the notice to each~~
42 ~~member's place of residence in the county or by deposit in the United States mails,~~
43 ~~postage prepaid, at least 4 days before the meeting.~~

44 ~~3. The notice must specify the time, place and purpose of the meeting. If all of~~
45 ~~the members of the board are present at a special meeting, lack of notice does not~~
46 ~~invalidate the proceedings.~~

47 ~~4. When there is in any county, township or precinct office no officer~~
48 ~~authorized to execute the duties of that office, and it is necessary that a temporary~~
49 ~~appointment be made to fill the office, as otherwise provided by law, the board of~~
50 ~~county commissioners shall forthwith hold a special meeting for that purpose. The~~
51 ~~meeting may be held by unanimous consent of the board, or, if for any cause~~
52 ~~unanimous consent cannot be obtained, then the chair or any other member of the~~
53 ~~board having knowledge of the necessity shall forthwith call the special meeting~~

1 and notify the other members of the meeting. The meeting must be held as soon as
 2 practicable, but not less than 3 days, except by unanimous consent, after actual
 3 notice to all members of the board, whereupon a majority of the board shall proceed
 4 to act upon the appointment as provided by law.

5 ~~— 5. The board shall also meet after each general election to canvass election
 6 returns in the manner provided [by law.] pursuant to NRS 293.387. If the canvass
 7 is not completed by the end of the 10th day following the election, any registered
 8 voter of the county may bring a cause of action in district court to compel the
 9 board of county commissioners to complete the canvass.] (Deleted by
 10 amendment.)~~

11 **Sec. 35.** [NRS 266.033 is hereby amended to read as follows:

12 ~~— 266.033 1. The board of county commissioners shall canvass the votes in
 13 the same manner as votes are canvassed pursuant to NRS 293.387 in a general
 14 election. Upon the completion of the canvass, the board shall immediately notify
 15 the county clerk of the result. If the canvass is not completed by the end of the
 16 10th day following the election, any registered voter of the county may bring a
 17 cause of action in district court to compel the board of county commissioners to
 18 complete the canvass.~~

19 ~~— 2. The county clerk shall immediately, upon receiving notice of the canvass
 20 from the board of county commissioners, cause to be published a notice of the
 21 results of the election in a newspaper of general circulation in the county. If the
 22 incorporation is approved by the voters, the notice must include the population
 23 category of the incorporated city, as described in NRS 266.055. The county clerk
 24 shall file a copy of the notice with the Secretary of State.] (Deleted by
 25 amendment.)~~

26 **Sec. 36.** [NRS 267.050 is hereby amended to read as follows:

27 ~~— 267.050 1. Within 6 working days after the date of the election, the
 28 legislative authority of the incorporated city shall:~~

29 ~~— [1.] (a) Meet and canvass the returns of the election.~~

30 ~~— [2.] (b) Declare the result thereof.~~

31 ~~— [3.] (c) Issue certificates of election to the 15 qualified electors having the
 32 highest vote therefor. The issuance of certificates of election is a purely
 33 ministerial duty.~~

34 ~~— 2. If the canvass is not completed within 6 working days after the election,
 35 any registered voter of the incorporated city may bring a cause of action in
 36 district court to compel the legislative authority to complete the canvass.~~

37 ~~— 3. A person from whom a certificate of election is withheld in violation of
 38 subsection 1 may bring a cause of action in district court to compel the issuance
 39 of a certificate of election.] (Deleted by amendment.)~~

40 **Sec. 37.** [NRS 267.080 is hereby amended to read as follows:

41 ~~— 267.080 1. The officers conducting the election shall make returns thereof
 42 within the time and in the manner provided by the state election laws. The vote
 43 thereof shall be canvassed and the result declared as provided by such laws. If the
 44 canvass is not completed by the end of the 10th day following the election, any
 45 registered voter of the incorporated city may bring a cause of action in district
 46 court to compel the completion of the canvass.~~

47 ~~— 2. If upon the canvass it shall be found that a majority of the votes so cast at
 48 the election were cast in favor of the ratification of the charter, the charter shall
 49 become the organic law of the city and shall supersede any existing charter, and all
 50 amendments thereto and all special laws inconsistent therewith, when
 51 authenticated, recorded and attested as provided in NRS 267.010 to 267.140,
 52 inclusive.] (Deleted by amendment.)~~

Sec. 38. ~~[NRS 267.090 is hereby amended to read as follows:~~

~~267.090 1. If upon the canvass it is found that a majority of the votes cast at the election were cast in favor of the ratification of the charter, as provided in NRS 267.080, the mayor of the city shall thereupon attach to the charter a certificate in substance as follows:~~

~~I, _____, mayor of _____, do hereby certify that in accordance with the terms and provisions of Section 8 of Article 8 of the Constitution, and the laws of the State of Nevada, an election was held on the _____ day of the month of _____ of the year _____, at which 15 qualified electors were elected to prepare a charter for the city of _____; that notice of the election was given in the manner provided by law; that on the _____ day of the month of _____ of the year _____, the election was held, and the votes cast at that election were canvassed by the governing body of the city, and the following persons were declared elected to prepare and propose a charter for the city of _____~~

~~That thereafter, on the _____ day of the month of _____ of the year _____, the board of electors returned a proposed charter for the city of _____ signed by the following members thereof: _____~~

~~That thereafter the proposed charter was published once in a newspaper and posted in three of the most public places in the city, to wit: For one publication, the publication in a newspaper on the _____ day of the month of _____ of the year _____, and was posted on the _____ day of the month of _____ of the year _____~~

~~That thereafter, on the _____ day of the month of _____ of the year _____, an election was held at which the proposed charter was submitted to the qualified electors of the city, and the returns of the election were canvassed by the governing body at a meeting held on the _____ day of the month of _____ of the year _____, and the result of the election was found to be as follows: For the proposed charter, _____ votes; against the proposed charter, _____ votes. Majority for the proposed charter, _____ votes.~~

~~Whereupon the charter was ratified by a majority of the qualified electors voting at the election.~~

~~And I further certify that the foregoing is a full, true and complete copy of the proposed charter voted upon and ratified as aforesaid.~~

~~In testimony whereof, I hereunto set my hand and affix the corporate seal of the city this _____ day of the month of _____ of the year _____~~

~~_____
Mayor of the city of _____~~

~~Attest: _____~~

~~Clerk of the city of _____~~

~~2. The requirement to certify the charter pursuant to this section is purely ministerial.] (Deleted by amendment.)~~

Sec. 39. ~~[NRS 267.140 is hereby amended to read as follows:~~

~~267.140 1. The governing body of an incorporated city having a commission form of government may, on its own motion, and shall, upon receiving a written petition signed by a number of registered voters of the city not less than 25 percent of the number who actually voted at the preceding municipal general election seeking the discontinuance and termination in the city of the commission form of government.~~

~~1 (a) If the incorporated city has a commission form of government described in
2 paragraph (a) of subsection 1 of NRS 267.010, fix by resolution the primary or
3 general municipal election or primary or general state election at which the question
4 is to be submitted. The governing body shall cause to be posted at two public
5 bulletin boards within the city, not less than 10 days before the date of the election,
6 a notice that there will appear on the ballot the proposition for the discontinuance
7 and termination of the commission form of government and the repeal of the
8 charter of the city.~~

~~9 (b) If the incorporated city has a commission form of government described in
10 paragraph (b) of subsection 1 of NRS 267.010, fix by resolution the primary or
11 general municipal election or primary or general state election at which the question
12 is to be submitted. The governing body shall cause to be published once in a
13 newspaper of general circulation in the city, not less than 30 nor more than 60 days
14 before the date of the election, a notice that there will appear on the ballot the
15 proposition for the discontinuance and termination of the commission form of
16 government and the repeal of the charter of the city.~~

~~17 2. The proposition appearing on the ballot must be in substantially the
18 following terms: "For termination of the commission form of government and
19 repeal of the charter" and "Against termination of the commission form of
20 government and repeal of the charter."~~

~~21 3. Following the election and canvass of returns, if it is found that a majority
22 of the votes cast on the issue has been cast for the discontinuance and termination
23 in the city of the commission form of government and for repeal of the charter, the
24 governing body shall proclaim the charter repealed effective.~~

~~25 (c) Immediately if the Legislature has not enacted a special charter for the city
26 and the provisions of chapter 266 of NRS supersede the provisions of NRS 267.010
27 to 267.140, inclusive, as to the city; or~~

~~28 (b) On the date any special charter of the city enacted by the Legislature may
29 become effective.~~

~~30 4. If, following the election and canvass of returns, it is found that a majority
31 of the votes cast on the issue has been cast against the discontinuance and
32 termination in the city of the commission form of government and against the
33 repeal of the charter, the commission form of government and charter continue in
34 effect.~~

~~35 5. If the canvass of returns is not completed by the end of the 10th day
36 following the election, any registered voter of the incorporated city may bring a
37 cause of action in district court to compel the completion of the canvass.]
38 **(Deleted by amendment.)**~~

~~39 **Sec. 40.** [NRS 283.130 is hereby amended to read as follows:~~

~~40 283.130 1. Any officer elected or appointed to fill any vacancy shall be
41 commissioned, or shall receive a certificate of election or appointment to such
42 office.~~

~~43 2. The duty to issue a certificate of election is purely ministerial. A person
44 from whom a certificate of election is withheld in violation of subsection 1 may
45 bring a cause of action in district court to compel the issuance of a certificate of
46 election.] **(Deleted by amendment.)**~~

~~47 **Sec. 41.** [NRS 318.118 is hereby amended to read as follows:~~

~~48 318.118 1. In the case of a district created wholly or in part for
49 exterminating and abating mosquitoes, flies, other insects, rats, and liver fluke or
50 Fasciola hepatica, the board may:~~

~~51 (a) Take all necessary or proper steps for the extermination of mosquitoes,
52 flies, other insects, rats, or liver fluke or Fasciola hepatica in the district or in
53 territory not in the district but so situated with respect to the district that~~

1 ~~mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica from that~~
2 ~~territory migrate or are caused to be carried into the district;~~

3 ~~— (b) Subject to the paramount control of any county or city in which the district~~
4 ~~has jurisdiction, abate as nuisances all stagnant pools of water and other breeding~~
5 ~~places for mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica in~~
6 ~~the district or in territory not in the district but so situated with respect to the district~~
7 ~~that mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica from~~
8 ~~that territory migrate or are caused to be carried into the district;~~

9 ~~— (c) If necessary or proper, in the furtherance of the objects of this chapter,~~
10 ~~build, construct, repair and maintain necessary dikes, levees, cuts, canals or ditches~~
11 ~~upon any land, and acquire by purchase, condemnation or by other lawful means, in~~
12 ~~the name of the district, any lands, rights of way, easements, property or material~~
13 ~~necessary for any of those purposes;~~

14 ~~— (d) Make contracts to indemnify or compensate any owner of land or other~~
15 ~~property for any injury or damage necessarily caused by the use or taking of~~
16 ~~property for dikes, levees, cuts, canals or ditches;~~

17 ~~— (e) Enter upon without hindrance any lands, within or without the district, for~~
18 ~~the purpose of inspection to ascertain whether breeding places of mosquitoes, flies,~~
19 ~~other insects, rats, or liver fluke or Fasciola hepatica exist upon those lands;~~

20 ~~— (f) Abate public nuisances in accordance with this chapter;~~

21 ~~— (g) Ascertain if there has been a compliance with notices to abate the breeding~~
22 ~~of mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica upon~~
23 ~~those lands;~~

24 ~~— (h) Treat with oil, other larvicidal material, or other chemicals or other material~~
25 ~~any breeding places of mosquitoes, flies, other insects, rats, or liver fluke or~~
26 ~~Fasciola hepatica upon those lands;~~

27 ~~— (i) Sell or lease any land, rights of way, easements, property or material~~
28 ~~acquired by the district; and~~

29 ~~— (j) Sell real property pursuant to this subsection to the highest bidder at public~~
30 ~~auction after 5 days' notice given by publication.~~

31 ~~2. In connection with the basic power stated in this section, the district may:~~

32 ~~— (a) Levy annually a general ad valorem property tax of not exceeding:~~

33 ~~— (1) Fifteen cents on each \$100 of assessed valuation of taxable property; or~~

34 ~~— (2) Twenty cents on each \$100 of assessed valuation of taxable property if~~
35 ~~the board of county commissioners of each county in which the district is located~~
36 ~~approves such a tax in excess of 15 cents on each \$100 of assessed valuation of~~
37 ~~taxable property.~~

38 ~~— (b) Levy a tax in addition to a tax authorized in paragraph (a), if the additional~~
39 ~~tax is authorized by the qualified electors of the district, as provided in subsections~~
40 ~~4 to 7, inclusive.~~

41 ~~3. The proceeds of any tax levied pursuant to the provisions of this section~~
42 ~~must be used for purposes pertaining to the basic purpose stated in this section,~~
43 ~~including, without limitation, the establishment and maintenance of:~~

44 ~~— (a) A cash basis fund of not exceeding in any fiscal year 60 percent of the~~
45 ~~estimated expenditures for the fiscal year to defray expenses between the beginning~~
46 ~~of the fiscal year and the respective times tax proceeds are received in the fiscal~~
47 ~~year; and~~

48 ~~— (b) An emergency fund of not exceeding in any fiscal year 25 percent of the~~
49 ~~estimated expenditures for the fiscal year to defray unusual and unanticipated~~
50 ~~expenses incurred during epidemics or threatened epidemics from diseases from~~
51 ~~sources which the district may exterminate or abate.~~

52 ~~4. Whenever it appears to the board of a district authorized to exercise the~~
53 ~~basic power stated in subsection 1 that the amount of money required during an~~

1 ~~ensuing fiscal year will exceed the amount that can be raised by a levy permitted by~~
2 ~~paragraph (a) of subsection 2, the board may:~~

3 ~~— (a) At a special election or the next primary or general election submit to the~~
4 ~~qualified electors of the district a question of whether a tax shall be voted for~~
5 ~~raising the additional money;~~

6 ~~— (b) Provide the form of the ballot for the election, which must contain the~~
7 ~~words “Shall the district vote a tax to raise the additional sum of?” or words~~
8 ~~equivalent thereto;~~

9 ~~— (c) Provide the form of the notice of the election and provide for the notice to~~
10 ~~be given by publication; and~~

11 ~~— (d) Arrange other details in connection with the election;~~

12 ~~— 5. A special election may be held only if the board determines, by a~~
13 ~~unanimous vote, that an emergency exists. The determination made by the board is~~
14 ~~conclusive unless it is shown that the board acted with fraud or a gross abuse of~~
15 ~~discretion. An action to challenge the determination made by the board must be~~
16 ~~commenced within 15 days after the board’s determination is final. As used in this~~
17 ~~subsection, “emergency” means any unexpected occurrence or combination of~~
18 ~~occurrences which requires immediate action by the board to prevent or mitigate a~~
19 ~~substantial financial loss to the district or to enable the board to provide an essential~~
20 ~~service to the residents of the district.~~

21 ~~— 6. Except as otherwise provided in this chapter:~~

22 ~~— (a) The secretary of the district shall give notice of the election by publication~~
23 ~~and shall arrange such other details in connection with the election as the board~~
24 ~~may direct. [.]~~

25 ~~— (b) The election board officers shall conduct the election in the manner~~
26 ~~prescribed by law for the holding of general elections and shall make their returns~~
27 ~~to the secretary of the district. [; and]~~

28 ~~— (c) The board shall canvass the returns of the election at any regular or special~~
29 ~~meeting held within 6 working days following the date of the election, or at such~~
30 ~~later time as the returns are available for canvass, and shall declare the results of the~~
31 ~~election. *If the canvass is not completed by the end of the 6th working day*~~
32 ~~*following the election, any registered voter of the district may bring a cause of*~~
33 ~~*action in district court to compel the completion of the canvass.*~~

34 ~~— 7. If a majority of the qualified electors of the district who voted on any~~
35 ~~proposition authorizing the additional tax voted in favor of the proposition, and the~~
36 ~~board so declares the result of the election:~~

37 ~~— (a) The district board shall report the result to the board of county~~
38 ~~commissioners of the county in which the district is situated, stating the additional~~
39 ~~amount of money required to be raised. If the district is in more than one county the~~
40 ~~additional amount must be prorated for each county by the district board in the~~
41 ~~same way that the district’s original total estimate of money is prorated, and the~~
42 ~~district board shall furnish the board of county commissioners and auditor of each~~
43 ~~county a written statement of the apportionment for that county; and~~

44 ~~— (b) The board of county commissioners of each county receiving the written~~
45 ~~statement shall, at the time of levying county taxes, levy an additional tax upon all~~
46 ~~the taxable property of the district in the county sufficient to raise the amount~~
47 ~~apportioned to that county for the district.~~

48 ~~— 8. The district shall not:~~

49 ~~— (a) Borrow money except for medium term obligations pursuant to chapter 350~~
50 ~~of NRS;~~

51 ~~— (b) Levy special assessments; or~~

52 ~~— (c) Fix any rates, fees or other charges except as otherwise provided in this~~
53 ~~section.~~

~~9. The district may determine to cause an owner of any real property to abate any nuisance pertaining to the basic power stated in this section, after a hearing on a proposal for such an abatement and notice thereof by mail addressed to the last known owner or owners of record at the last known address or addresses of the owner or owners, as ascertained from any source the board deems reliable, or in the absence of the abatement within a reasonable period fixed by the board, to cause the district to abate the nuisance, as follows:~~

~~(a) At the hearing, the district board shall redetermine whether the owner must abate the nuisance and prevent its recurrence, and shall specify a time within which the work must be completed;~~

~~(b) If the nuisance is not abated within the time specified in the notice or at the hearing, the district board shall abate the nuisance by destroying the larvae or pupae, or otherwise, by taking appropriate measures to prevent the recurrence of further breeding;~~

~~(c) The cost of abatement must be repaid to the district by the owner;~~

~~(d) The money expended by the district in abating a nuisance or preventing its recurrence is a lien upon the property on which the nuisance is abated or its recurrence prevented;~~

~~(e) Notice of the lien must be filed and recorded by the district board in the office of the county recorder of the county in which the property is situated within 6 months after the first item of expenditure by the board;~~

~~(f) An action to foreclose the lien must be commenced within 6 months after the filing and recording of the notice of lien;~~

~~(g) The action must be brought by the district board in the name of the district;~~

~~(h) When the property is sold, enough of the proceeds to satisfy the lien and the costs of foreclosure must be paid to the district and the surplus, if any, must be paid to the owner of the property if known, and if not known, must be paid into the court in which the lien was foreclosed for the use of the owner if ascertained; and~~

~~(i) The lien provisions of this section do not apply to the property of any county, city, district or other public corporation, except that the governing body of the county, city, district or other public corporation shall repay to any district exercising the basic power stated in subsection 1 the amount expended by the district upon any of its property pursuant to this chapter upon presentation by the district board of a verified claim or bill.) **(Deleted by amendment.)**~~

Sec. 42. [NRS 349.060 is hereby amended to read as follows:

~~349.060 1. Immediately after the closing of the polls, the election officers shall proceed to canvass the ballots. *If the election officers do not complete the canvass, any registered voter who was eligible to vote in the special election may bring a cause of action in district court to compel the completion of the canvass.*~~

~~2. The results disclosed by the canvass shall be certified by the election officers of each county to the county clerk. *The duty to certify the results is purely ministerial.*~~

~~3. The board of county commissioners of each county shall open the returns of votes cast, make abstracts of the votes, and cause the county clerk to make a copy of such abstract and to transmit the same to the Secretary of State as provided by the election laws of the State. *The duties to make an abstract of the votes or copy of such abstract are purely ministerial.* **(Deleted by amendment.)**~~

Sec. 43. [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, 621.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.200, 282.315, 293.253, [293.405,] 298.710, 304.230, 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;~~

~~— (d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and~~

~~— (e) The payment of claims which are obligations of the State pursuant to NRS 525.030 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.] **(Deleted by amendment.)**~~

Sec. 44. [NRS 386.260 is hereby amended to read as follows:

~~— 386.260 1. Trustees shall be elected as provided in the election laws of this state;~~

~~— 2. After the close of any election, and in accordance with law, the board of county commissioners shall make abstracts of the votes cast for trustees and shall order the county clerk to issue election certificates to the candidates elected. *The duties to make abstracts of votes and issue election certificates pursuant to this subsection are purely ministerial. A person from whom a certificate of election is withheld in violation of this subsection may bring a cause of action in district court to compel the issuance of a certificate of election.*~~

~~— 3. Immediately, the county clerk shall transmit a copy of each election certificate to the Superintendent of Public Instruction.] **(Deleted by amendment.)**~~

Sec. 45. [NRS 474.110 is hereby amended to read as follows:

~~— 474.110 1. The election having been held, the board of county commissioners shall, on the first Monday succeeding the election, if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast at the election. *If the canvass is not completed on the first Monday succeeding the election or at the next succeeding general or special session, any registered voter who was eligible to vote in the election may bring a cause of action in district court to compel the completion of the canvass.*~~

~~— 2. If upon such canvass it appears that a majority of all votes cast in the district, and in each portion of the counties included in the district if lands in more than one county are included therein, are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare:~~

1 ~~— (a) Such territory organized as a county fire protection district under the name~~
2 ~~thereof designated; and~~

3 ~~— (b) The persons receiving, respectively, the highest number of votes for the~~
4 ~~directors to be elected to those offices.] (Deleted by amendment.)~~

5 **Sec. 46.** ~~[NRS 474.295 is hereby amended to read as follows:~~

6 ~~474.295 1. The returns of the votes cast in the outside territory proposed to~~
7 ~~be annexed and in the district shall be canvassed separately, and the board of~~
8 ~~directors shall cause a record of the canvass to be made and entered in its minutes.~~
9 ~~*If the canvass is not completed by the end of the 10th day following the election,*~~
10 ~~*any registered voter who was eligible to vote in the election may bring a cause of*~~
11 ~~*action in district court to compel the completion of the canvass.*~~

12 ~~— 2. If it appears from such canvass that a majority of the votes cast in the~~
13 ~~district and in the territory proposed to be annexed are in favor of the change in~~
14 ~~boundary, the board shall so find. Upon the filing of a certified copy of such~~
15 ~~findings, under seal of the district, in the office of the county recorder, the territory~~
16 ~~shall be a part of the district. *The duty to file a certified copy is purely ministerial.*~~
17 ~~(Deleted by amendment.)~~

18 **Sec. 47.** ~~[NRS 539.055 is hereby amended to read as follows:~~

19 ~~539.055 1. The board of county commissioners shall meet on or before the~~
20 ~~sixth working day succeeding such election and proceed to canvass the votes cast~~
21 ~~thereat. *If the canvass is not completed by the end of the sixth working day*~~
22 ~~*following the election, any person who was eligible to vote in the election may*~~
23 ~~*bring a cause of action in district court to compel the completion of the canvass.*~~

24 ~~— 2. If upon such canvass it appears that a majority of the electors voted~~
25 ~~“Irrigation District – Yes,” the board, by an order entered upon its minutes, shall:~~

26 ~~— (a) Declare such territory duly organized as an irrigation district under the~~
27 ~~name and style theretofore designated.~~

28 ~~— (b) Declare the persons receiving respectively the highest number of votes for~~
29 ~~directors to be duly elected.~~

30 ~~— (c) Cause a copy of such order and a plat of the district, each duly certified by~~
31 ~~the clerk of the board of county commissioners, to be immediately filed for record~~
32 ~~in the office of the county recorder of each county in which any portion of such~~
33 ~~lands is situated. Certified copies thereof shall also be filed with the county clerks~~
34 ~~of such counties. *The duty to file a certified copy is purely ministerial.*~~

35 ~~— 3. Thereafter, the organization of the district shall be complete.] (Deleted by~~
36 ~~amendment.)~~

37 **Sec. 48.** ~~[NRS 539.155 is hereby amended to read as follows:~~

38 ~~539.155 1. The returns shall be delivered to the secretary of the district. No~~
39 ~~list, tally paper or returns from any election shall be set aside or rejected for want of~~
40 ~~form if they can be satisfactorily understood.~~

41 ~~— 2. The board of directors shall meet at its usual place of meeting on or before~~
42 ~~the sixth working day after an election to canvass the returns, and it shall proceed in~~
43 ~~the same manner and with like effect, as near as may be, as the board of county~~
44 ~~commissioners in canvassing the returns of general elections. *If the canvass is not*~~
45 ~~*completed by the end of the sixth working day following the election, any person*~~
46 ~~*who was eligible to vote in the election may bring a cause of action in district*~~
47 ~~*court to compel the completion of the canvass.*~~

48 ~~— 3. When the board of directors shall have declared the result, the secretary~~
49 ~~shall make full entries in the secretary’s record in like manner as is required of the~~
50 ~~county clerk in general elections. *The duties of the secretary pursuant to this*~~
51 ~~*section are purely ministerial.] (Deleted by amendment.)*~~

1 **Sec. 49.** ~~[NRS 539.157 is hereby amended to read as follows:~~

2 ~~539.157 1. The board of directors must declare elected the person or~~
 3 ~~persons having the highest number of votes given for each office.~~

4 ~~2. The secretary shall immediately make out and deliver to such person or~~
 5 ~~persons a certificate of election, signed by the secretary and authenticated with the~~
 6 ~~seal of the board. The duties of the secretary pursuant to this subsection are~~
 7 ~~purely ministerial. A person from whom a certificate of election is withheld in~~
 8 ~~violation of this subsection may bring a cause of action in district court to compel~~
 9 ~~the issuance of a certificate of election.] (Deleted by amendment.)~~

10 **Sec. 50.** ~~[NRS 539.760 is hereby amended to read as follows:~~

11 ~~539.760 1. The provisions of this chapter relating to general elections for~~
 12 ~~directors shall govern in respect to such dissolution election ordered by the court.~~

13 ~~2. The canvass of the vote at such election shall be conducted in the manner~~
 14 ~~provided by this chapter for general elections. If the canvass is not completed by~~
 15 ~~the end of the 10th working day following the election, any person who was~~
 16 ~~eligible to vote in the election may bring a cause of action in district court to~~
 17 ~~compel the completion of the canvass.] (Deleted by amendment.)~~

18 **Sec. 51.** ~~[NRS 541.360 is hereby amended to read as follows:~~

19 ~~541.360 1. The respective election boards shall conduct the election in their~~
 20 ~~respective precincts in the manner prescribed by law for the holding of general~~
 21 ~~elections, and shall make their returns to the secretary of the district. At any regular~~
 22 ~~or special meeting of the board held not earlier than 6 working days following the~~
 23 ~~date of the election, the returns thereof must be canvassed and the results thereof~~
 24 ~~declared. If any election held pursuant to NRS 541.340 is consolidated with any~~
 25 ~~primary or general election, the returns thereof must be made and canvassed at the~~
 26 ~~time and in the manner provided by law for the canvass of the returns of such a~~
 27 ~~primary or general election. The canvassing body shall promptly certify and~~
 28 ~~transmit to the board a statement of the result of the vote upon the proposition~~
 29 ~~submitted pursuant to NRS 541.340. Upon receipt of the statement, the board shall~~
 30 ~~tabulate and declare the results of the proposition voted on at the election.~~

31 ~~2. If the canvass is not completed by the end of the 6th working day~~
 32 ~~following the election, any person who was eligible to vote in the election may~~
 33 ~~bring a cause of action in district court to compel the completion of the canvass.]~~
 34 ~~(Deleted by amendment.)~~

35 **Sec. 52.** ~~[Section 16 of the Charter of Boulder City is hereby amended to~~
 36 ~~read as follows:~~

37 ~~—Section 16. Induction of Council into office; meetings of Council.~~

38 ~~1. The City Council shall meet within the time set forth in NRS~~
 39 ~~293C.387 after each city primary election and each city general election~~
 40 ~~specified in Article IX and canvass the returns and declare the results. If the~~
 41 ~~canvass is not completed within the time set forth in NRS 293C.387, any~~
 42 ~~registered voter of the city may bring a cause of action in district court to~~
 43 ~~compel the Council to complete the canvass. All newly elected or reelected~~
 44 ~~Mayor or Council Members shall be inducted into office at the next regular~~
 45 ~~Council meeting following certification of the applicable city general~~
 46 ~~election results. Immediately following such induction, the Mayor pro tem~~
 47 ~~shall be designated as provided in section 7. Thereafter, the Council shall~~
 48 ~~meet regularly at such times as it shall set by resolution from time to time,~~
 49 ~~but not less frequently than once each month. (Add. 13; Amd. 1; 6-2-1987;~~
 50 ~~Amd. 2; 6-4-1991; Add. 17; Amd. 1; 11-5-1996; Add. 24; Amd. 1; 6-3-~~
 51 ~~2003)~~

52 ~~A. (Add. 3; Amd. 2; 5-2-1967; Repealed by Add. 15; Amd. 1; 6-4-~~
 53 ~~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)] **(Deleted by amendment.)**~~

Sec. 53. ~~[Section 5.100 of the Charter of the City of Caliente, being chapter 21, Statutes of Nevada 1971, as last amended by chapter 619, Statutes of Nevada 2019, at page 4132, 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 the time set forth in NRS 293C.387 after any election and canvass the returns and declare the result. ***If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the City Council to complete the canvass.*** 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:~~

~~(a) July next following their election for those officers elected in June 2019.~~

~~(b) January next following their election for those officers elected in November 2022 and November of every even numbered year thereafter.~~

~~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.~~

~~5. ***The duties of the City Clerk pursuant to this section are purely ministerial. A person from whom a certificate of election is withheld in violation of this section may bring a cause of action in district court to compel the issuance of a certificate of election.*** **(Deleted by amendment.)**~~

Sec. 54. ~~[Section 5.090 of the Charter of the City of Carlin, being chapter 244, Statutes of Nevada 1971, as last amended by chapter 619, Statutes of Nevada 2019, at page 4133, 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 within the time set forth in NRS 293C.387 after any election and canvass the returns and declare the result. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the Board of Council Members to complete the canvass. 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.~~

~~5. The duties of the City Clerk pursuant to this section are purely ministerial. A person from whom a certificate of election is withheld in violation of this section may bring a cause of action in district court to compel the issuance of a certificate of election. (Deleted by amendment.)~~

Sec. 55. [Section 5.100 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 619, Statutes of Nevada 2019, at page 4134, 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 the time set forth in NRS 293C.387 after any election and canvass the returns and declare the result. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the Board to complete the canvass. 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.~~

~~4. The duties of the Clerk pursuant to this section are purely ministerial. A person from whom a certificate of election is withheld in violation of this section may bring a cause of action in district court to compel the issuance of a certificate of election. (Deleted by amendment.)~~

1 **Sec. 56.** ~~[Section 5.090 of the Charter of the City of Elko, being chapter 276,~~
 2 ~~Statutes of Nevada 1971, as last amended by chapter 619, Statutes of Nevada 2019,~~
 3 ~~at page 4135, is hereby amended to read as follows:~~

4 ~~—Sec. 5.090— Election returns; canvass; certificates of election; entry of~~
 5 ~~officers upon duties; tie vote procedure.~~

6 ~~—1. The election returns from a municipal election must be filed with~~
 7 ~~the City Clerk, who shall immediately place the returns in a safe or vault.~~
 8 ~~No person may handle, inspect or in any manner interfere with the returns~~
 9 ~~until the returns are canvassed by the City Council.~~

10 ~~—2. The City Council shall meet within the time set forth in NRS~~
 11 ~~293C.387 after an election and canvass the returns and declare the result. *If*~~
 12 ~~*the canvass is not completed within the time set forth in NRS 293C.387,*~~
 13 ~~*any registered voter of the city may bring a cause of action in district*~~
 14 ~~*court to compel the City Council to complete the canvass.* The election~~
 15 ~~returns must be sealed and kept by the City Clerk for 2 years, and no person~~
 16 ~~may have access thereto except on order of a court of competent~~
 17 ~~jurisdiction or by order of the City Council.~~

18 ~~—3. The City Clerk, under his or her hand and official seal, shall issue~~
 19 ~~to each person declared to be elected a certificate of election. The officers~~
 20 ~~so elected shall qualify and enter upon the discharge of their respective~~
 21 ~~duties on the first Monday in:~~

22 ~~(a) If the officer is elected pursuant to subsection 1 or 2 of section~~
 23 ~~5.010, July next following his or her election.~~

24 ~~(b) If the officer is elected pursuant to subsection 3 or 4 of section~~
 25 ~~5.010, January next following his or her election.~~

26 ~~—4. If any election should result in a tie, the City Council shall summon~~
 27 ~~the candidates who received the tie vote and determine the tie by lot. The~~
 28 ~~Clerk shall then issue to the winner a certificate of election.~~

29 ~~—5. *The duties of the City Clerk pursuant to this section are purely*~~
 30 ~~*ministerial. A person from whom a certificate of election is withhold in*~~
 31 ~~*violation of this section may bring a cause of action in district court to*~~
 32 ~~*compel the issuance of a certificate of election.* **(Deleted by**~~
 33 ~~**amendment.)**~~

34 **Sec. 57.** ~~[Section 5.100 of the Charter of the City of Henderson, being~~
 35 ~~chapter 266, Statutes of Nevada 1971, as last amended by chapter 619, Statutes of~~
 36 ~~Nevada 2019, at page 4136, is hereby amended to read as follows:~~

37 ~~—Sec. 5.100— Election returns; canvass; certificates of election; entry of~~
 38 ~~officers upon duties; tie vote procedure.~~

39 ~~—1. The election returns from any special, primary or general municipal~~
 40 ~~election must be filed with the City Clerk, who shall immediately place the~~
 41 ~~returns in a safe or vault, and no person may handle, inspect or in any~~
 42 ~~manner interfere with the returns until canvassed by the City Council.~~

43 ~~—2. The City Council shall meet within the time set forth in NRS~~
 44 ~~293C.387 after any election and canvass the returns and declare the result.~~
 45 ~~*If the canvass is not completed within the time set forth in NRS 293C.387,*~~
 46 ~~*any registered voter of the city may bring a cause of action in district*~~
 47 ~~*court to compel the City Council to complete the canvass.* The election~~
 48 ~~returns must then be sealed and kept by the City Clerk for 6 months. No~~
 49 ~~person may have access to the returns except on order of a court of~~
 50 ~~competent jurisdiction or by order of the City Council.~~

51 ~~—3. The City Clerk, under his or her hand and official seal, shall issue~~
 52 ~~to each person elected a certificate of election. Except as otherwise~~

1 provided in section 1.070, an officer so elected shall qualify and enter upon
2 the discharge of his or her respective duties at:

3 ~~— (a) If the officer is elected pursuant to subsection 1 of section 5.020,~~
4 ~~the second regular meeting of the City Council held in June of the year of~~
5 ~~the general municipal election.~~

6 ~~— (b) If the officer is elected pursuant to subsection 2, 3, 4, 5 or 6 of~~
7 ~~section 5.020, the first regular meeting of the City Council held in January~~
8 ~~of the year following the general municipal election.~~

9 ~~4. If any election results in a tie, the City Council shall summon the~~
10 ~~candidates who received the tie vote and determine the tie by lot. The City~~
11 ~~Clerk shall then issue to the winner a certificate of election.~~

12 ~~5. *The duties of the City Clerk pursuant to this section are purely*~~
13 ~~*ministerial. A person from whom a certificate of election is withheld in*~~
14 ~~*violation of this section may bring a cause of action in district court to*~~
15 ~~*compel the issuance of a certificate of election.*~~ **(Deleted by**
16 **amendment.)**

17 **Sec. 58.** ~~[Section 5.100 of the Charter of the City of Las Vegas, being chapter~~
18 ~~517, Statutes of Nevada 1983, as last amended by chapter 619, Statutes of Nevada~~
19 ~~2019, at page 4127, is hereby amended to read as follows:~~

20 ~~— Sec. 5.100 Election returns; canvass; declaration of results;~~
21 ~~certificates of election; entry of officers upon duties; procedure for tied~~
22 ~~vote.~~

23 ~~1. The returns of any special, primary or general municipal election~~
24 ~~must be filed with the City Clerk, who shall immediately place those~~
25 ~~returns in a safe or vault, and no person may be permitted to handle, inspect~~
26 ~~or in any manner interfere with those returns until they have been~~
27 ~~canvassed by the City Council.~~

28 ~~2. The City Council shall meet within the time set forth in NRS~~
29 ~~203C.387 after any election and canvass the returns and declare the result.~~
30 ~~*If the canvass is not completed within the time set forth in NRS 203C.387,*~~
31 ~~*any registered voter of the city may bring a cause of action in district*~~
32 ~~*court to compel the City Council to complete the canvass.*~~ The election
33 returns must then be sealed and kept by the City Clerk for 6 months, and no
34 person may have access to the returns except on order of a court of
35 competent jurisdiction or by order of the City Council.

36 ~~3. The City Clerk, under his or her hand and official seal, shall issue~~
37 ~~to each person who is declared to be elected a certificate of election. The~~
38 ~~officers who have been elected shall qualify and enter upon the discharge of~~
39 ~~their respective duties on the day of the first regular meeting of the City~~
40 ~~Council next succeeding the meeting at which the canvass of the returns is~~
41 ~~made.~~

42 ~~4. If the election for any office results in a tie, the City Council shall~~
43 ~~summon the candidates who received the equal number of votes and~~
44 ~~determine the tie by lot. The Clerk shall then issue to the winner a~~
45 ~~certificate of election.~~

46 ~~5. *The duties of the City Clerk pursuant to this section are purely*~~
47 ~~*ministerial. A person from whom a certificate of election is withheld in*~~
48 ~~*violation of this section may bring a cause of action in district court to*~~
49 ~~*compel the issuance of a certificate of election.*~~ **(Deleted by**
50 **amendment.)**

1 **Sec. 59.** ~~[Section 5.100 of the Charter of the City of Mesquite, being chapter~~
 2 ~~325, Statutes of Nevada 2017, as amended by chapter 619, Statutes of Nevada~~
 3 ~~2019, at page 4138, is hereby amended to read as follows:~~

4 ~~Sec. 5.100 Election returns; canvass; certificates of election; entry of~~
 5 ~~officers upon duties; tie vote procedure.~~

6 ~~1. The election returns from any special, primary or general municipal~~
 7 ~~election must be filed with the City Clerk, who shall immediately place the~~
 8 ~~returns in a safe or vault, and no person may handle, inspect or in any~~
 9 ~~manner interfere with the returns until canvassed by the City Council.~~

10 ~~2. The City Council shall meet within the time set forth in NRS~~
 11 ~~293C.387 after any election and canvass the returns and declare the result.~~
 12 ~~*If the canvass is not completed within the time set forth in NRS 293C.387,*~~
 13 ~~*any registered voter of the city may bring a cause of action in district*~~
 14 ~~*court to compel the City Council to complete the canvass.*~~ The election
 15 returns must then be sealed and kept by the City Clerk for 6 months. No
 16 person may have access to the returns except on order of a court of
 17 competent jurisdiction or by order of the City Council.

18 ~~3. The City Clerk, under his or her hand and official seal, shall issue~~
 19 ~~to each person elected a certificate of election. Except as otherwise~~
 20 ~~provided in section 1.060, the officers so elected shall qualify and enter~~
 21 ~~upon the discharge of their respective duties at the first meeting of the City~~
 22 ~~Council held in December of the year of the general municipal election.~~

23 ~~4. If any election results in a tie, the City Council shall summon the~~
 24 ~~candidates who received the tie vote and determine the tie by lot. The City~~
 25 ~~Clerk shall then issue to the winner a certificate of election.~~

26 ~~5. *The duties of the City Clerk pursuant to this section are purely*~~
 27 ~~*ministerial. A person from whom a certificate of election is withhold in*~~
 28 ~~*violation of this section may bring a cause of action in district court to*~~
 29 ~~*compel the issuance of a certificate of election.*~~ **(Deleted by**
 30 **amendment.)**

31 **Sec. 60.** ~~[Section 5.080 of the Charter of the City of North Las Vegas, being~~
 32 ~~chapter 573, Statutes of Nevada 1971, as last amended by chapter 619, Statutes of~~
 33 ~~Nevada 2019, at page 4138, is hereby amended to read as follows:~~

34 ~~Sec. 5.080 Election returns; canvass; certificates of election; entry of~~
 35 ~~officers upon duties; tie vote procedure.~~

36 ~~1. The election returns from any special, primary or general municipal~~
 37 ~~election shall be filed with the City Clerk, who shall immediately place the~~
 38 ~~returns in a safe or vault, and no person may be permitted to handle, inspect~~
 39 ~~or in any manner interfere with the returns until canvassed by the City~~
 40 ~~Council.~~

41 ~~2. The City Council shall meet within the time set forth in NRS~~
 42 ~~293C.387 after any election and canvass the returns and declare the result.~~
 43 ~~*If the canvass is not completed within the time set forth in NRS 293C.387,*~~
 44 ~~*any registered voter of the city may bring a cause of action in district*~~
 45 ~~*court to compel the City Council to complete the canvass.*~~ The election
 46 returns must then be sealed and kept by the City Clerk for 6 months, and no
 47 person may have access thereto except on order of a court of competent
 48 jurisdiction or by order of the City Council.

49 ~~3. The City Clerk, under his or her hand and official seal, shall issue~~
 50 ~~to each person declared to be elected a certificate of election. The officers~~
 51 ~~so elected shall qualify and enter upon the discharge of their respective~~
 52 ~~duties on the 1st day of the month next following their election.~~

1 ~~4. If any election should result in a tie, the City Council shall summon~~
2 ~~the candidates who received the tie vote and determine the tie by lot. The~~
3 ~~Clerk shall then issue to the winner a certificate of election.~~

4 ~~5. The duties of the City Clerk pursuant to this section are purely~~
5 ~~ministerial. A person from whom a certificate of election is withheld in~~
6 ~~violation of this section may bring a cause of action in district court to~~
7 ~~compel the issuance of a certificate of election.] (Deleted by~~
8 ~~amendment.)~~

9 **Sec. 61.** ~~[Section 5.100 of the Charter of the City of Reno, being chapter 662,~~
10 ~~Statutes of Nevada 1971, as last amended by chapter 619, Statutes of Nevada 2019,~~
11 ~~at page 4139, is hereby amended to read as follows:~~

12 ~~Sec. 5.100 Election returns; canvass; certificates of election; entry of~~
13 ~~officers upon duties; tie vote procedure.~~

14 ~~1. The election returns from any special, primary or general election~~
15 ~~must be filed with the City Clerk, who shall immediately place those~~
16 ~~returns in a safe or vault, and no person may handle, inspect or in any~~
17 ~~manner interfere with those returns until canvassed by the City Council.~~

18 ~~2. The City Council and City Manager shall meet within the time set~~
19 ~~forth in NRS 293C.287 after any election and canvass the returns and~~
20 ~~declare the result. If the canvass is not completed within the time set forth~~
21 ~~in NRS 293C.287, any registered voter of the city may bring a cause of~~
22 ~~action in district court to compel the City Council to complete the~~
23 ~~canvass. The election returns must then be sealed and kept by the City~~
24 ~~Clerk for 6 months, and no person may have access thereto except on order~~
25 ~~of a court of competent jurisdiction or by order of the City Council.~~

26 ~~3. The City Clerk, under his or her hand and official seal, shall issue~~
27 ~~to each person declared to be elected a certificate of election. The officers~~
28 ~~elected shall qualify and enter upon the discharge of their respective duties~~
29 ~~at the first regular City Council meeting following their election.~~

30 ~~4. If any election results in a tie, the City Council shall summon the~~
31 ~~candidates who received the tie vote and determine the tie as provided in~~
32 ~~this subsection. The City Clerk shall provide and open in the presence of~~
33 ~~the candidates who received the tie vote an unused 52 card deck of playing~~
34 ~~cards, removing any jokers and blank cards. The City Clerk shall shuffle~~
35 ~~the cards thoroughly and present the shuffled deck to the City Manager, or~~
36 ~~to the person designated by the City Manager for this purpose. One of the~~
37 ~~candidates who received the tie vote shall then draw one card from the~~
38 ~~deck, and the City Clerk shall record the suit and number of the card. The~~
39 ~~card then must be returned to the deck, and the City Clerk shall shuffle the~~
40 ~~cards thoroughly and present the shuffled deck to the City Manager, or to~~
41 ~~the person designated by the City Manager for this purpose, and another of~~
42 ~~the candidates who received the tie vote shall draw one card from the~~
43 ~~deck. This process must be repeated until each of the candidates who received the~~
44 ~~tie vote has drawn one card from the deck and the result of each draw has~~
45 ~~been recorded. The candidate who draws the high card shall be deemed the~~
46 ~~winner of the election. For the purposes of this subsection, aces are high~~
47 ~~and twos are low. If the candidates draw cards of otherwise equal value, the~~
48 ~~card of the higher suit is the high card. Spades are highest, followed in~~
49 ~~descending order by hearts, clubs and diamonds. The City Clerk shall issue~~
50 ~~to the winner a certificate of election.~~

51 ~~5. The duties of the City Clerk pursuant to this section are purely~~
52 ~~ministerial. A person from whom a certificate of election is withheld in~~
53 ~~violation of this section may bring a cause of action in district court to~~

~~compel the issuance of a certificate of election.] (Deleted by amendment.)~~

Sec. 62. ~~[Section 5.100 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 158, Statutes of Nevada 2021, at page 717, 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 the time set forth in NRS 293C.387 after any election and canvass the returns and declare the result. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the City Council to complete the canvass. 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. The officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting next succeeding the meeting at which the canvass of the returns of the election is made.~~

~~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.~~

~~5. The duties of the City Clerk pursuant to this section are purely ministerial. A person from whom a certificate of election is withhold in violation of this section may bring a cause of action in district court to compel the issuance of a certificate of election.] (Deleted by amendment.)~~

Sec. 63. ~~[Section 5.090 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 619, Statutes of Nevada 2019, at page 4141, 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 within the time set forth in NRS 293C.387 after any election and canvass the returns and declare the result. If the canvass is not completed within the time set forth in NRS 293C.387, any registered voter of the city may bring a cause of action in district court to compel the Board of Council Members to complete the canvass. 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.~~

~~5. The duties of the City Clerk pursuant to this section are purely ministerial. A person from whom a certificate of election is withheld in violation of this section may bring a cause of action in district court to compel the issuance of a certificate of election.] (Deleted by amendment.)~~

Sec. 64. [Section 5.090 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 619, Statutes of Nevada 2019, at page 4142, 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 the time set forth in NRS 203C.387 after any election and canvass the returns and declare the results. If the canvass is not completed within the time set forth in NRS 203C.387, any registered voter of the city may bring a cause of action in district court to compel the City Council to complete the canvass. 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 of the month 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.~~

~~5. The duties of the City Clerk pursuant to this section are purely ministerial.] (Deleted by amendment.)~~

Sec. 65. [Section 22 of the Airport Authority Act for Battle Mountain, being chapter 458, Statutes of Nevada 1983, as amended by chapter 185, Statutes of Nevada 2007, at page 629, is hereby amended to read as follows:

~~— Sec. 22. 1. The Election Board shall conduct the election in the manner prescribed by law for the holding of general elections, and shall make their returns to the Secretary of the Authority.~~

~~2. At any regular or special meeting of the Board of County Commissioners of Lander County held within 6 working days following the date of the election, the returns thereof must be canvassed and the results thereof declared. If the canvass is not completed within 6 working days, any registered voter of the Authority may bring a cause of action in district court to compel the Board of County Commissioners of Lander County to complete the canvass.] (Deleted by amendment.)~~

1 **Sec. 66.** ~~[Section 16 of the Airport Authority Act for Carson City, being~~
2 ~~chapter 844, Statutes of Nevada 1989, as amended by chapter 185, Statutes of~~
3 ~~Nevada 2007, at page 629, is hereby amended to read as follows:~~

4 ~~— Sec. 16. 1. The Election Board shall conduct the election in the~~
5 ~~manner prescribed by law for the holding of general elections, and shall~~
6 ~~make its returns to the Secretary of the Board.~~

7 ~~— 2. The Board of Supervisors shall, within 6 working days after the~~
8 ~~election, canvass the returns and declare the results of the election. *If the*~~
9 ~~*canvass is not completed within 6 working days, any registered voter of*~~
10 ~~*the Authority may bring a cause of action in district court to compel the*~~
11 ~~*Board of Supervisors to complete the canvass.*~~ **(Deleted by amendment.)**

12 **Sec. 67.** ~~[Section 22 of the Reno Tahoe Airport Authority Act, being chapter~~
13 ~~474, Statutes of Nevada 1977, as amended by chapter 185, Statutes of Nevada~~
14 ~~2007, at page 630, is hereby amended to read as follows:~~

15 ~~— Sec. 22. 1. The Election Board or boards shall conduct the election~~
16 ~~in the manner prescribed by law for the holding of general elections, and~~
17 ~~shall make their returns to the Secretary of the Authority.~~

18 ~~— 2. At any regular or special meeting of the Board held within 6~~
19 ~~working days following the date of the election, the returns thereof shall be~~
20 ~~canvassed and the results thereof declared. *If the canvass is not completed*~~
21 ~~*within 6 working days, any registered voter of the Authority may bring a*~~
22 ~~*cause of action in district court to compel the Board to complete the*~~
23 ~~*canvass.*~~ **(Deleted by amendment.)**

24 **Sec. 68.** ~~[Section 1.5 of the Mineral County Power System Act of 1929,~~
25 ~~being chapter 353, Statutes of Nevada 1963, as last amended by chapter 345,~~
26 ~~Statutes of Nevada 1993, at page 1105, is hereby amended to read as follows:~~

27 ~~— Sec. 1.5. 1. Whenever the Board of County Commissioners of~~
28 ~~Mineral County, Nevada, proposes to sell or lease the Mineral County~~
29 ~~Power System by a resolution passed and entered in the minutes, the~~
30 ~~proposal for the approval of the sale or lease must be submitted to the~~
31 ~~registered voters of Mineral County at a special election or the next primary~~
32 ~~or general election.~~

33 ~~— 2. The election officers of Mineral County who are charged with the~~
34 ~~duty of providing for and conducting elections as set forth in NRS 293.217~~
35 ~~shall follow the procedure set forth in that section and shall provide printed~~
36 ~~ballots for the use of the voters entitled to vote at the election. There must~~
37 ~~be printed on all ballots:~~

38 ~~— (a) Instructions respecting the manner of marking the ballots.~~

39 ~~— (b) A statement of the proposal to be voted upon.~~

40 ~~— 3. If a special election is called for the purpose of approving the sale~~
41 ~~or lease of the Mineral County Power System, and immediately upon~~
42 ~~receipt by the County Clerk of a certified copy of the resolution of the~~
43 ~~Board of County Commissioners of Mineral County authorizing such sale~~
44 ~~or lease, and fixing a date for the election, the County Clerk shall publish a~~
45 ~~notice of special election in a newspaper of general circulation in Mineral~~
46 ~~County once a week for 2 successive weeks with the date of the last~~
47 ~~publication being at least 15 days before the election. If no such newspaper~~
48 ~~is published in Mineral County, publication may be made in a newspaper of~~
49 ~~general circulation published in the nearest Nevada county. The notice must~~
50 ~~contain:~~

51 ~~— (a) The date of the election.~~

52 ~~— (b) The location of the polling places.~~

53 ~~— (c) The hours during which the polling places will be open for voting.~~

1 ~~— (d) A statement of the proposal to be voted upon.~~

2 ~~— 4. The County Clerk shall forward to each Justice of the Peace within~~
3 ~~the county one written or printed notice for each precinct or voting district.~~
4 ~~Each Justice of the Peace to whom the notice is delivered shall post the~~
5 ~~notice in a public place in each precinct or voting district in his or her~~
6 ~~township or district at least 15 days before the date of the special election.~~

7 ~~— 5. The election officers of Mineral County who are charged with the~~
8 ~~duty of providing for and conducting the election shall provide one ballot~~
9 ~~box at each polling place for the purpose of the election. If the approval~~
10 ~~election is held in conjunction with a primary or general election, the same~~
11 ~~single ballot box must be used at each polling place.~~

12 ~~— 6. Every citizen of the United States 21 years of age or over who has~~
13 ~~resided in the state 6 months, in the county 30 days, and in the precinct 10~~
14 ~~days next preceding the election is entitled to vote at the election, if he or~~
15 ~~she has complied with the registration laws of this state.~~

16 ~~— 7. Immediately after the closing of the polls the election officers shall~~
17 ~~proceed to canvass the ballots. *If the canvass is not completed, any*~~
18 ~~*registered voter described in subsection 6 may bring a cause of action in*~~
19 ~~*district court to compel the election officers to complete the canvass.* The~~
20 ~~results disclosed by the canvass must be certified by the election officers to~~
21 ~~the Board of County Commissioners.~~

22 ~~— 8. If a majority of the ballots cast are in favor of the sale or lease as~~
23 ~~proposed by the Board of County Commissioners of Mineral County of the~~
24 ~~Mineral County Power System, the proposal to sell or lease the Mineral~~
25 ~~County Power System is approved and the proper officers of Mineral~~
26 ~~County may complete the sale or lease of the Mineral County Power~~
27 ~~System.~~

28 ~~— 9. If a majority of the ballots are against the sale or lease of the~~
29 ~~Mineral County Power System, the proposal to sell or lease the Mineral~~
30 ~~County Power System fails, the proper officers of the Mineral County~~
31 ~~Power System shall proceed no further with the sale or lease of the Mineral~~
32 ~~County Power System, and all acts or agreements theretofore made by the~~
33 ~~Board of County Commissioners in relation to the sale or lease are void.~~

34 ~~— 10. Where not specifically provided for in this act, the general~~
35 ~~election laws of the State of Nevada govern where applicable.] **(Deleted by**~~
36 ~~**amendment.)**~~

37 **Sec. 69.** ~~[The provisions of NRS 354.599 do not apply to any additional~~
38 ~~expenses of a local government that are related to the provisions of this act.]~~
39 ~~**(Deleted by amendment.)**~~

40 **Sec. 70.** ~~[NRS 293.405 is hereby repealed.] **(Deleted by amendment.)**~~

41 **Sec. 71.** 1. This section becomes effective upon passage and approval.

42 2. Sections 1 to 70, inclusive, of this act become effective:

43 (a) Upon passage and approval for the purpose of adopting any regulations and
44 performing any other preparatory administrative tasks that are necessary to carry
45 out the provisions of this act; and

46 (b) On January 1, 2024, for all other purposes.

f

TEXT OF REPEALED SECTION

~~293.405 Costs of recount; commencement and completion of recount; limitation on additional recount.~~

~~1. If the person who demanded the recount does not prevail, and it is found that the sum deposited was less than the cost of the recount, the person shall, upon demand, pay the deficiency to the county clerk, city clerk or Secretary of State, as the case may be. If the sum deposited is in excess of the cost, the excess must be refunded to the person.~~

~~2. If the person who demanded the recount prevails, the sum deposited with the Secretary of State, county clerk or city clerk must be refunded to the person and the cost of the recount must be paid as follows:~~

~~(a) If the recount concerns an office or ballot question for which voting is not statewide, the cost must be borne by the county or city which conducted the recount.~~

~~(b) If the recount concerns an office or ballot question for which voting is statewide, the clerk of each county shall submit a statement of its costs in the recount to the Secretary of State for review and approval. The Secretary of State shall submit the statements to the State Board of Examiners, which shall repay the allowable costs from the Reserve for Statutory Contingency Account to the respective counties.~~

~~3. Each recount must be commenced within 5 days after demand, and must be completed within 5 days after it is begun.~~

~~4. After the recount of a precinct is completed, that precinct must not be subject to another recount for the same office or ballot question at the same election.]~~