

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, 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 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
2 proclaimed by the Governor or by resolution of the Legislature under certain
3 circumstances. (NRS 414.070) **Section 2** of this bill provides, with certain
4 exceptions, that if a state of emergency or declaration of disaster is proclaimed by
5 the Governor or by resolution of the Legislature and such emergency or disaster
6 directly and substantially impacts an election, the Governor or Secretary of State
7 may reschedule certain elections, extend the deadline for submission of mail
8 ballots, extend the deadline to cure signatures on mail ballots, require additional
9 polling places or relocate polling places.

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

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

32 Existing law authorizes: (1) a person applying to vote to be challenged orally
33 by any registered voter upon certain grounds; and (2) a person who is challenged to
34 cast a ballot under certain circumstances. (NRS 293.303, 293C.292) **Sections 5 and**
35 **27** of this bill require that any such challenge be made in writing and, under certain
36 circumstances, authorize certain challenged persons to vote by provisional ballot.
37 **Sections 6 and 7** of this bill make conforming changes to account for these persons
38 voting by provisional ballot.

39 **Sections 5 and 27** also set forth what constitutes "satisfactory identification"
40 for purposes of a challenged voter providing proof of residency.

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

46 Existing law sets forth the deadline to canvass the results of various elections.
47 (NRS 243.445, 243.480, 244.090, 266.033, 267.050, 267.080, 267.140, 293.387,
48 293C.387, 318.118, 349.060, 474.110, 474.395, 539.055, 539.155, 539.157,
49 539.760, 541.360; Boulder City Charter § 16; Caliente City Charter § 5.100; Carlin
50 City Charter § 5.090; Carson City Charter § 5.100; Elko City Charter § 5.090;
51 Henderson City Charter § 5.100; Las Vegas City Charter § 5.100; Mesquite City
52 Charter § 5.100; North Las Vegas City Charter § 5.080; Reno City Charter § 5.100;
53 Sparks City Charter § 5.100; Wells City Charter § 5.090; Yerington City Charter §
54 5.090; Airport Authority Act for Battle Mountain § 22; Airport Authority Act for



55 Carson City § 16; Reno-Tahoe Airport Authority Act § 22; Mineral County Power
56 System Act of 1929 § 1.5) **Sections 9, 29, 32-37, 39, 41, 42 and 45-68** of this bill
57 clarify that if the canvass is not completed by the applicable deadline, any person
58 who was eligible to vote in the election may bring a cause of action in district court
59 to compel the completion of the canvass.

60 Existing law requires, upon completion of the canvass of the results of certain
61 elections: (1) the certification of the election results by the Secretary of State,
62 county clerk or city clerk; and (2) under certain circumstances the issuance of a
63 certificate of election. (NRS 218A.210, 243.445, 267.050, 267.090, 293.387,
64 293.393, 293.395, 293.397, 293.417, 293.427, 293.435, 293C.387, 293C.395,
65 349.060, 386.260, 474.395, 539.055, 539.155, 539.157; Caliente City Charter §
66 5.100; Carlin City Charter § 5.090; Carson City Charter § 5.100; Elko City Charter
67 § 5.090; Henderson City Charter § 5.100; Las Vegas City Charter § 5.100;
68 Mesquite City Charter § 5.100; North Las Vegas City Charter § 5.080; Reno City
69 Charter § 5.100; Sparks City Charter § 5.100; Wells City Charter § 5.090;
70 Yerington City Charter § 5.090) **Sections 9, 10, 12, 18, 21, 24, 29, 31, 32, 36, 38,**
71 **40, 42, 44, 46-49 and 53-64** of this bill clarify that these duties are ministerial.
72 **Sections 10, 12, 13, 18, 21, 24, 29, 30, 36, 40, 44, 49 and 53-64** of this bill
73 authorize a person from whom a certificate of election or commission is withheld to
74 bring a cause of action in district court.

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

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

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



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

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

122 Existing provisions of the Nevada Constitution provide that each House of the
123 Legislature shall judge the qualifications, elections and returns of its own members
124 and determine the rules of its proceedings. (Nev. Const. Art. 4, § 6) Existing law
125 requires the Secretary of State to submit to the presiding officer of the appropriate
126 house of the Legislature all depositions, ballots and other documents relating to a
127 contest of the general election of the office of Assemblyman, Assemblywoman or
128 Senator. (NRS 293.425, 293.421) **Section 20** of this bill clarifies that the Secretary
129 of State must also submit all evidence relating to such contest. **Section 21** clarifies
130 that the decision of the house in a contest of general election of the office of
131 Assemblyman, Assemblywoman or Senator is not appealable.

132 Existing law requires: (1) a joint session of both houses of the Legislature to
133 convene to hear a contest of election for the office of Governor, Lieutenant
134 Governor, justice of the Supreme Court or judge of the Court of Appeals; and (2)
135 the Secretary of State to submit all depositions, ballots and other documents
136 relating to such contest. (NRS 293.430) **Section 22** of this bill clarifies that the
137 Secretary of State must also submit all evidence relating to such contest. **Section 23**
138 of this bill provides that: (1) the contestant bears the burden of proving each of the
139 grounds of contest that the contestant alleges in the statement of contest; and (2) if
140 the membership of both houses finds by clear and convincing evidence that a
141 person other than the defendant received the greatest number of legal votes, the
142 houses shall declare that person elected. **Section 23** also provides that the decision
143 of both houses is not appealable.

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

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

3 **Sec. 2. 1. *Except as otherwise provided in subsection 2, if a***
4 ***state of emergency or declaration of disaster is proclaimed by the***
5 ***Governor or by resolution of the Legislature pursuant to NRS***
6 ***414.070 and such emergency or disaster directly and substantially***
7 ***impacts an election, the Governor or Secretary of State may***
8 ***reschedule a primary election, special election or presidential***
9 ***preference primary election, extend the deadline for submission of***
10 ***mail ballots, extend the deadline to cure signatures on mail***
11 ***ballots, require additional polling places or relocate polling places.***



1 2. *If the emergency or disaster, as proclaimed by the*
2 *Governor or by resolution of the Legislature does not impact the*
3 *entire State, the authority of the Governor or Secretary of State*
4 *pursuant to subsection 1 is limited to the part or parts of the State*
5 *which are directly and substantially impacted.*

6 **Sec. 3.** 1. *It is unlawful for a person to disseminate any*
7 *personal identifying information or sensitive information of an*
8 *elections official without the consent of the elections official,*
9 *knowing that the elections official could be identified by such*
10 *information, if:*

11 (a) *The person disseminates such personal identifying*
12 *information or sensitive information:*

13 (1) *With the intent to aid, assist, encourage, facilitate,*
14 *further or promote any criminal offense which would be*
15 *reasonably likely to cause death, bodily injury or stalking; or*

16 (2) *With the intent to cause harm to the elections official*
17 *and with knowledge of or reckless disregard for the reasonable*
18 *likelihood that the dissemination of the information may cause*
19 *death, bodily injury or stalking; and*

20 (b) *The dissemination of the personal identifying information*
21 *or sensitive information:*

22 (1) *Would cause a reasonable person to fear the death,*
23 *bodily injury or stalking of himself or herself or a close relation;*
24 *or*

25 (2) *Causes the death, bodily injury or stalking of the*
26 *elections official whose information was disseminated or a close*
27 *relation of the elections official.*

28 2. *A person who violates the provisions of subsection 1 is*
29 *guilty of a category E felony and shall be punished as provided in*
30 *NRS 193.130.*

31 3. *As used in this section:*

32 (a) *“Close relation” means a current or former spouse or*
33 *domestic partner, parent, child, sibling, stepparent, grandparent or*
34 *any person who regularly resides in the household or who, within*
35 *the immediately preceding 6 months, regularly resided in the*
36 *household.*

37 (b) *“Elections official” means:*

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

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

44 (3) *An election board officer or counting board officer.*



1 (c) *“Personal identifying information” has the meaning*
2 *ascribed to it in NRS 205.4617.*

3 (d) *“Sensitive information” has the meaning ascribed to it in*
4 *NRS 41.1347.*

5 (e) *“Stalking” means a violation of NRS 200.575.*

6 **Sec. 4.** NRS 293.273 is hereby amended to read as follows:

7 293.273 1. Except as otherwise provided in *this section and*
8 *NRS 293.305, and section 1 of this act* at all elections held under
9 the provisions of this title, the polls must open at 7 a.m. and close at
10 7 p.m.

11 2. Upon opening the polls, one of the election board officers
12 shall cause a proclamation to be made that all present may be aware
13 of the fact that applications will be received from:

14 (a) Registered voters who apply to vote at the polling place; and

15 (b) Electors who apply to register to vote or apply to vote at the
16 polling place pursuant to NRS 293.5772 to 293.5887, inclusive.

17 3. No person, other than election board officers engaged in
18 receiving, preparing or depositing ballots or registering electors,
19 may be permitted inside the guardrail during the time the polls are
20 open, except by authority of the election board as necessary to keep
21 order and carry out the provisions of this title.

22 **4.** *Notwithstanding the provisions of subsection 1, a county*
23 *clerk, with the approval of the Secretary of State, may extend the*
24 *hours during which polls are open for an extraordinary situation.*

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

26 293.303 1. A person applying to vote may be challenged:

27 (a) ~~Orally~~ **In writing** by any registered voter of the precinct
28 upon the ground that he or she is not the person entitled to vote as
29 claimed or has voted before at the same election. A registered voter
30 who initiates a challenge pursuant to this paragraph must submit an
31 affirmation that is signed under penalty of perjury and in the form
32 prescribed by the Secretary of State stating that the challenge is
33 based on the personal knowledge of the registered voter.

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

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

38 (a) If the challenge is on the ground that the challenged person
39 does not belong to the political party designated upon the roster, “I
40 swear or affirm under penalty of perjury that I belong to the political
41 party designated upon the roster”;

42 (b) If the challenge is on the ground that the roster does not
43 show that the challenged person designated the political party to
44 which he or she claims to belong, “I swear or affirm under penalty



1 of perjury that I designated on the application to register to vote the
2 political party to which I claim to belong”;

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

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

11 (e) If the challenge is on the ground that the challenged person is
12 not the person he or she claims to be, “I swear or affirm under
13 penalty of perjury that I am the person whose name is in this roster.”
14 ➔ The oath or affirmation must be set forth on a form prepared by
15 the Secretary of State and signed by the challenged person under
16 penalty of perjury.

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

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

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

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

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



- 1 (a) *A current and valid driver's license or identification card*
- 2 *issued by the Department of Motor Vehicles;*
- 3 (b) *A military identification card;*
- 4 (c) *A tribal identification card;*
- 5 (d) *A utility bill;*
- 6 (e) *A bank or credit union statement;*
- 7 (f) *A paycheck;*
- 8 (g) *An income tax return;*
- 9 (h) *A statement concerning the mortgage, rental or lease of a*
- 10 *residence;*
- 11 (i) *A motor vehicle registration;*
- 12 (j) *A property tax statement; or*
- 13 (k) *Any other document issued by a governmental agency.*

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

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

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

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

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

28 *➔ If the person does not comply with the provisions of paragraph*
29 *(a) or (b), the election board may issue the person a provisional*
30 *ballot pursuant to NRS 293.3078 to 293.3086, inclusive.*

31 9. The election board officers shall:

32 (a) Record on the challenge list:

33 (1) The name of the challenged person;

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

36 (3) The result of the challenge; and

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

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

41 **Sec. 6.** NRS 293.3081 is hereby amended to read as follows:

42 293.3081 A person at a polling place may cast a provisional
43 ballot in an election pursuant to NRS 293.3078 to 293.3086,
44 inclusive, if the person complies with the applicable provisions of
45 NRS 293.3082 and:



1 1. Declares that he or she has registered to vote and is eligible
2 to vote at that election in that jurisdiction, but ~~His~~ :

3 (a) *His* or her name does not appear on a voter registration list
4 as a voter eligible to vote in that election in that jurisdiction or an
5 election official asserts that the person is not eligible to vote in that
6 election in that jurisdiction; *or*

7 (b) *The person was challenged pursuant to NRS 293.303 when*
8 *applying to vote and the person cannot furnish satisfactory*
9 *identification pursuant to subsection 7 of NRS 293.303 or comply*
10 *with the provisions of paragraph (a) or (b) of subsection 8 of NRS*
11 *293.303, as applicable.*

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

17 3. Declares that he or she is entitled to vote after the polling
18 place would normally close as a result of a court order , *an order of*
19 *the Governor or Secretary of State pursuant to section 2 of this*
20 *act, an order of the county or city clerk pursuant to NRS 293.273*
21 *or 293C.267*, or other order extending the time established for the
22 closing of polls pursuant to a law of this State in effect 10 days
23 before the date of the election.

24 **Sec. 7.** NRS 293.3082 is hereby amended to read as follows:

25 293.3082 1. Before a person may cast a provisional ballot
26 pursuant to NRS 293.3081, the person must complete a written
27 affirmation on a form provided by an election board officer, as
28 prescribed by the Secretary of State, at the polling place which
29 includes:

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

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

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

35 (d) The date and type of election;

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

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

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

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

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



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

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

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

7 (5) A statement informing the voter that if the voter does not
8 provide identification *or, if the provisions of subsection 7 of NRS*
9 *293.303 apply, satisfactory identification which contains proof of*
10 *the address at which the person actually resides*, at the time the
11 voter casts the provisional ballot, the required identification must be
12 provided to the county or city clerk not later than 5 p.m. on the
13 Friday following election day and that failure to do so will result in
14 the provisional ballot not being counted;

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

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

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

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

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

28 2. After a person completes a written affirmation pursuant to
29 subsection 1:

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

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

39 (c) The election board officer shall issue a provisional ballot to
40 the person to vote.

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

42 293.3606 1. After ~~[8 a.m. on election]~~ *the first* day ~~[]~~ *of*
43 *early voting, the county clerk may order* the appropriate board
44 ~~[shall]~~ *to begin the* count ~~[in public]~~ *of* the returns for early voting.



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

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

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

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

11 **Sec. 9.** NRS 293.387 is hereby amended to read as follows:

12 293.387 1. As soon as the returns from all the precincts and
13 districts in any county have been received by the board of county
14 commissioners, the board shall meet and canvass the returns. The
15 canvass must be completed on or before the 10th day following the
16 election. *If the canvass is not completed by the end of the 10th day*
17 *following the election, any registered voter of the county may*
18 *bring a cause of action in district court to compel the board of*
19 *county commissioners to complete the canvass.*

20 2. In making its canvass, the board shall:

21 (a) Note separately any clerical errors discovered; and

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

24 3. The county clerk shall, as soon as the result is declared,
25 enter upon the records of the board an abstract of the result, which
26 must contain the number of votes cast for each candidate. The
27 board, after making the abstract, shall cause the county clerk to
28 certify the abstract and, by an order made and entered in the minutes
29 of its proceedings, to make:

30 (a) A copy of the certified abstract; and

31 (b) A mechanized report of the abstract in compliance with
32 regulations adopted by the Secretary of State,

33 and transmit them to the Secretary of State on or before the 10th
34 day following the election.

35 4. The Secretary of State shall, immediately after any primary
36 election, compile the returns for all candidates voted for in more
37 than one county. The Secretary of State shall make out and file in
38 his or her office an abstract thereof, and shall certify to the county
39 clerk of each county the name of each person nominated, and the
40 name of the office for which the person is nominated.

41 *5. The duties of the Secretary of State and county clerk*
42 *pursuant to this section are purely ministerial.*

43 **Sec. 10.** NRS 293.393 is hereby amended to read as follows:

44 293.393 1. On or before the 10th day after any general
45 election or any other election at which votes are cast for any United



1 States Senator, Representative in Congress, member of the
2 Legislature or any state officer who is elected statewide, the board
3 of county commissioners shall open the returns of votes cast and
4 make abstracts of the votes.

5 2. Abstracts of votes must be prepared in the manner
6 prescribed by the Secretary of State by regulation.

7 3. The county clerk shall make out a certificate of election to
8 each of the persons having the highest number of votes for the
9 district, county and township offices.

10 4. Each certificate must be delivered to the person elected upon
11 application at the office of the county clerk.

12 **5. *The duties of the county clerk pursuant to this section are***
13 ***purely ministerial.***

14 **6. *A person from whom a certificate of election is withheld***
15 ***may bring a cause of action in district court to compel the***
16 ***issuance of a certificate of election.***

17 **Sec. 11.** NRS 293.394 is hereby amended to read as follows:

18 293.394 1. The Secretary of State shall adopt regulations for
19 conducting a risk-limiting audit of an election, which may include,
20 without limitation:

- 21 (a) Procedures to conduct a risk-limiting audit;
22 (b) Criteria for which elections must be audited; and
23 (c) Criteria to determine the scope of the risk-limiting audit.

24 2. In accordance with the regulations adopted by the Secretary
25 of State pursuant to this section, each county clerk shall conduct a
26 risk-limiting audit of the results of an election prior to the
27 certification of the results of the election pursuant to NRS 293.395.

28 **3. *If the results of any risk-limiting audit indicate a***
29 ***discrepancy in the election results that is large enough to change***
30 ***the results of any race or question on the ballot, the Secretary of***
31 ***State shall order the county clerk to repeat the audit. If the results***
32 ***of the second audit also indicate a discrepancy in the results that is***
33 ***large enough to change the results of any race or question on the***
34 ***ballot, the Secretary of State shall order the county to audit a***
35 ***larger sample of ballots or conduct a complete recount of the***
36 ***ballots in the county. Any additional audit or recount must be***
37 ***performed prior to the certification of the results of the election***
38 ***pursuant to NRS 293.395.***

39 4. As used in this section, "risk-limiting audit" means an audit
40 protocol that:

- 41 (a) Makes use of statistical principles and methods; and
42 (b) Is designed to limit the risk of certifying an incorrect
43 election outcome.



1 **Sec. 12.** NRS 293.395 is hereby amended to read as follows:
2 293.395 1. The board of county commissioners, after making
3 the abstract of votes as provided in NRS 293.393, shall cause the
4 county clerk to certify the abstract and, by an order made and
5 entered in the minutes of its proceedings, to make:

- 6 (a) A copy of the certified abstract; and
7 (b) A mechanized report of that abstract in compliance with
8 regulations adopted by the Secretary of State,
9 ↳ and forthwith transmit them to the Secretary of State.

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

19 3. The Governor shall issue certificates of election to and
20 commission the persons having the highest number of votes and
21 shall issue proclamations declaring the election of those persons. *A*
22 *person from whom a certificate of election or commission is*
23 *withheld in violation of this subsection may bring a cause of*
24 *action in district court to compel the issuance of a certificate of*
25 *election or commission.*

26 4. *The duties of the county clerk and Governor pursuant to*
27 *this section are purely ministerial.*

28 **Sec. 13.** NRS 293.397 is hereby amended to read as follows:

29 293.397 1. A certificate of election or commission must not
30 be withheld from the person having the highest number of votes for
31 the office because of ~~any contest of election filed in the election or~~
32 any defect or informality in the returns of any election, *any results*
33 *of an audit of the election or the failure of the county clerk to*
34 *certify the abstract of votes*, if it can be ascertained with reasonable
35 certainty from the returns what office is intended and who is entitled
36 to the certificate or commission.

37 2. *A person from whom a certificate of election or*
38 *commission is withheld in violation of subsection 1 may bring a*
39 *cause of action in district court to compel the issuance of a*
40 *certificate of election or commission.*

41 **Sec. 14.** NRS 293.403 is hereby amended to read as follows:

42 293.403 1. A ~~[candidate defeated at any election may~~
43 ~~demand and receive a]~~ recount of the vote for ~~[the]~~ an office ~~[for~~
44 ~~which he or she is a candidate to determine the number of votes~~
45 ~~received for the candidate and the number of votes received for the~~



1 ~~person who won the election]~~ *must be conducted* if, ~~[within 3~~
2 ~~working days]~~ after the canvass of the vote and the certification by
3 the county clerk or city clerk of the abstract of votes, ~~[the candidate~~
4 ~~who demands the recount:~~

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

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

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

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

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

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

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

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

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

33 4. As used in this section, “canvass” means:

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

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

41 (c) In any general election:

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



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

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

6 **Sec. 15.** NRS 293.404 is hereby amended to read as follows:

7 293.404 1. Where a recount is ~~demanded~~ *required* pursuant
8 to the provisions of NRS 293.403, the:

9 (a) County clerk of each county affected by the recount shall
10 employ a recount board to conduct the recount in the county, and
11 shall act as chair of the recount board unless the recount is for the
12 office of county clerk, in which case the registrar of voters of the
13 county, if a registrar of voters has been appointed for the county,
14 shall act as chair of the recount board. If a registrar of voters has not
15 been appointed for the county, the chair of the board of county
16 commissioners, if the chair is not a candidate on the ballot, shall act
17 as chair of the recount board. If the recount is for the office of
18 county clerk, a registrar of voters has not been appointed for the
19 county and the chair of the board of county commissioners is a
20 candidate on the ballot, the chair of the board of county
21 commissioners shall appoint another member of the board of county
22 commissioners who is not a candidate on the ballot to act as chair of
23 the recount board. A member of the board of county commissioners
24 who is a candidate on the ballot may not serve as a member of the
25 recount board.

26 (b) City clerk shall employ a recount board to conduct the
27 recount in the city, and shall act as chair of the recount board unless
28 the recount is for the office of city clerk, in which case the mayor of
29 the city, if the mayor is not a candidate on the ballot, shall act as
30 chair of the recount board. If the recount is for the office of city
31 clerk and the mayor of the city is a candidate on the ballot, the
32 mayor of the city shall appoint another member of the city council
33 who is not a candidate on the ballot to act as chair of the recount
34 board. A member of the city council who is a candidate on the ballot
35 may not serve as a member of the recount board.

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

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

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



1 5. The Secretary of State may adopt regulations to carry out the
2 provisions of this section.

3 **Sec. 16.** NRS 293.407 is hereby amended to read as follows:

4 293.407 1. A candidate at any election, or any registered
5 voter of the appropriate political subdivision, may contest the
6 election of any candidate, except for the office of United States
7 Senator or Representative in Congress.

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

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

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

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

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

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

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

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

29 3. The contestant shall verify the statement of contest in the
30 manner provided for the verification of pleadings in civil actions.

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

33 5. The contestant must notify the defendant that a statement of
34 contest has been filed pursuant to this section.

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

36 293.410 1. A statement of contest ~~[shall not]~~ *may* be
37 dismissed by any court for want of form . ~~[if the grounds of contest~~
38 ~~are alleged with sufficient certainty to inform the defendant of the~~
39 ~~charges the defendant is required to meet.]~~

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

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



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

3 (c) That:

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

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

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

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

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

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

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

21 ***3. The contestant bears the burden of proving each of the***
22 ***grounds of contest that the contestant alleged in the statement of***
23 ***contest.***

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

25 293.417 1. If, in any contest, the court finds ~~from the~~ ***by***
26 ***clear and convincing*** evidence that a person other than the
27 defendant received the greatest number of legal votes, the court, as a
28 part of the judgment, shall declare that person elected or nominated.

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

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

43 4. Whenever an election is annulled or set aside by the court,
44 and the court does not declare some candidate elected, the certificate



1 of election or the commission, if any has been issued, is void and the
2 office is vacant.

3 **Sec. 19.** NRS 293.420 is hereby amended to read as follows:
4 293.420 1. If a contest proceeding is dismissed *for being*
5 *frivolous*, for insufficiency of the statement of contest, ~~[or]~~ for want
6 of prosecution, or if the district court confirms the election,
7 judgment shall be rendered for costs in favor of the defendant and
8 against the contestant.

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

13 3. When an election is annulled or set aside on any other
14 ground, judgment for costs shall be given in favor of the contestant
15 and against the defendant.

16 **Sec. 20.** NRS 293.425 is hereby amended to read as follows:
17 293.425 1. If the contest is of the general election for the
18 office of Assemblyman, Assemblywoman or Senator, a statement of
19 contest, prepared as provided in NRS 293.407, and all *evidence*,
20 depositions, ballots and other documents relating to the contest must
21 be filed with the Secretary of State within the time provided for the
22 filing of statements of contests with the clerk of the district court.
23 The parties to such a contest shall be designated contestant and
24 defendant. The contestant and the Secretary of State shall notify the
25 defendant that a statement of contest and documents have been filed
26 by the contestant pursuant to this section.

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

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

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

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

41 (a) Before the hearing of the contest:

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

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



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

8 **Sec. 21.** NRS 293.427 is hereby amended to read as follows:

9 293.427 1. The Secretary of State shall deliver the statement
10 of contest filed pursuant to NRS 293.425 and all other documents,
11 including any amendments to the statement, to the presiding officer
12 of the appropriate house of the Legislature on the day of the
13 organization of the Legislature.

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

17 3. If, before the contest has been decided, a contestant gives
18 written notice to the Secretary of State that the contestant wishes to
19 withdraw his or her statement of contest, the Secretary of State shall
20 dismiss the contest.

21 4. The contest, if not dismissed, must be heard and decided ~~fast~~
22 *on or before the deadline* prescribed by *and using the procedures*
23 *set forth in* the standing or special rules of the house in which the
24 contest is to be tried. If after hearing the contest, the house decides
25 to declare the contestant elected, the Governor shall execute a
26 certificate of election and deliver it to the contestant. *The duty to*
27 *execute a certificate of election and deliver it to the contestant*
28 *pursuant to this subsection is purely ministerial.* The certificate of
29 election issued to the other candidate is thereafter void. *A person*
30 *from whom a certificate of election is withheld in violation of this*
31 *subsection may bring a cause of action in district court to compel*
32 *the issuance of a certificate of election.*

33 5. In a contest of a general election for the office of
34 Assemblyman, Assemblywoman or Senator, the house in which a
35 contest was tried or was to be tried shall determine the remedy, if
36 any, to be awarded to a party to such a contest. The remedy may
37 include, without limitation, any costs incurred by a party in
38 connection with the contest.

39 *6. The decision of the house in a contest of a general election*
40 *for the office of Assemblyman, Assemblywoman or Senator is not*
41 *appealable.*

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

43 293.430 1. If the contest is of the general election for the
44 office of Governor, Lieutenant Governor, justice of the Supreme
45 Court or judge of the Court of Appeals, the statement of contest and



1 all *evidence*, depositions, ballots and other documents relating to the
2 contest must be filed with the Secretary of State within the time
3 provided for filing statements of contests with the clerk of the
4 district court. The contestant and Secretary of State shall notify the
5 defendant that the statement of contest and documents have been
6 filed by the contestant pursuant to this section.

7 2. Until the contest is decided, the candidate who received the
8 highest number of votes for the office in the contested election must
9 be seated and commence the duties of the office.

10 3. The Secretary of State shall deliver the statement of contest
11 and all other *evidence*, papers and documents to the speaker of the
12 assembly on the day of the organization of the Legislature.

13 4. A joint session of both houses must be convened as soon
14 thereafter as the business of both houses permits, but not later than
15 10 days after receipt of statement of contest.

16 5. If, before the contest has been decided, a contestant gives
17 written notice to the Secretary of State that the contestant wishes to
18 withdraw his or her statement of contest, the Secretary of State shall
19 dismiss the contest.

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

21 293.433 1. The Senate and Assembly meeting in joint session
22 shall proceed to decide the contest ~~and~~ *pursuant to NRS 293.430*.

23 2. The Speaker of the Assembly shall preside at such joint
24 session, and the session shall be conducted under the joint standing
25 rules or joint special rules adopted for the occasion.

26 3. The contest shall be decided by a majority vote of the
27 elected membership of both houses not later than 30 days after the
28 contest hearing is begun.

29 *4. The contestant bears the burden of proving each of the*
30 *grounds of contest that the contestant alleged in the statement of*
31 *contest.*

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

37 *6. The decision of the elected membership of both houses is*
38 *not appealable.*

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

40 293.435 1. After both houses sitting in joint session have
41 decided an election contest, the Secretary of State shall execute and
42 deliver a certificate of election to the person declared elected, unless
43 such a certificate was already issued to that person. *The duty to*
44 *execute a certificate of election and deliver it to the contestant*
45 *pursuant to this subsection is purely ministerial. A person from*



1 *whom a certificate of election or commission is withheld in*
2 *violation of this subsection may bring a cause of action in district*
3 *court to compel the issuance of a certificate of election.*

4 2. If a certificate of election to the same office has been issued
5 to any person other than the one declared to have been elected, that
6 certificate is void.

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

8 293B.400 1. Except as otherwise provided in this section, if a
9 recount is ~~demanded~~ *required* pursuant to the provisions of NRS
10 293.403 or if an election is contested pursuant to NRS 293.407, the
11 county or city clerk shall ensure that each mechanical recording
12 device which directly recorded votes electronically for the
13 applicable election provides a record printed on paper of each ballot
14 voted on that device.

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

17 (a) Print only the records required for the recount or contest; and

18 (b) Collect those records and deposit them in the vaults of the
19 county or city clerk pursuant to NRS 293.391 or 293C.390.

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

21 293C.267 1. Except as otherwise provided in *this section,*
22 NRS 293C.297, *and section 1 of this act* at all elections held
23 pursuant to the provisions of this chapter, the polls must open at 7
24 a.m. and close at 7 p.m.

25 2. Upon opening the polls, one of the election board officers
26 shall cause a proclamation to be made so that all present may be
27 aware of the fact that applications will be received from:

28 (a) Registered voters who apply to vote at the polling place; and

29 (b) Electors who apply to register to vote or apply to vote at the
30 polling place pursuant to NRS 293.5772 to 293.5887, inclusive.

31 3. No person, other than election board officers engaged in
32 receiving, preparing or depositing ballots or registering electors,
33 may be permitted inside the guardrail during the time the polls are
34 open, except by authority of the election board as necessary to keep
35 order and carry out the provisions of this chapter.

36 *4. Notwithstanding the provisions of subsection 1, a city*
37 *clerk, with the approval of the Secretary of State, may extend the*
38 *hours during which polls are open for an extraordinary situation.*

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

40 293C.292 1. A person applying to vote may be challenged:

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

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



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

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

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

11 (c) If the challenge is on the ground that the challenged person is
12 not the person he or she claims to be, "I swear or affirm under
13 penalty of perjury that I am the person whose name is in this roster."
14 ➔ The oath or affirmation must be set forth on a form prepared by
15 the Secretary of State and signed by the challenged person under
16 penalty of perjury.

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

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

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

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

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

44 (b) *A military identification card;*

45 (c) *A tribal identification card;*



- 1 (d) *A utility bill;*
- 2 (e) *A bank or credit union statement;*
- 3 (f) *A paycheck;*
- 4 (g) *An income tax return;*
- 5 (h) *A statement concerning the mortgage, rental or lease of a*
- 6 *residence;*
- 7 (i) *A motor vehicle registration;*
- 8 (j) *A property tax statement; or*
- 9 (k) *Any other document issued by a governmental agency.*

10 7. If the challenge is based on the ground set forth in paragraph
11 (c) of subsection 2 and the challenged person executes the oath or
12 affirmation, ***except as otherwise provided in this subsection***, the
13 election board shall not issue the person a ballot unless the person:

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

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

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

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

24 ***↳ If the person does not comply with the provisions of paragraph***
25 ***(a) or (b), the election board may issue the person a provisional***
26 ***ballot pursuant to NRS 293.3078 to 293.3086, inclusive.***

27 8. The election board officers shall:

28 (a) Record on the challenge list:

29 (1) The name of the challenged person;

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

32 (3) The result of the challenge; and

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

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

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

39 293C.3606 1. After ~~[8 a.m. on election]~~ ***the first*** day ~~[]~~ ***of***
40 ***early voting, the city clerk may order*** the appropriate board ~~[shall]~~
41 ***to begin the*** count ~~[in public]~~ ***of*** the returns for early voting.

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



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

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

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

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

10 293C.387 1. The election returns from a special election,
11 primary city election or general city election must be filed with the
12 city clerk, who shall immediately place the returns in a safe or vault
13 designated by the city clerk. No person may handle, inspect or in
14 any manner interfere with the returns until they are canvassed by the
15 mayor and the governing body of the city.

16 2. After the governing body of a city receives the returns from
17 all the precincts and districts in the city, it shall meet with the mayor
18 to canvass the returns. The canvass must be completed on or before
19 the 10th day following the election. *If the canvass is not completed*
20 *by the end of the 10th day following the election, any registered*
21 *voter of the city may bring a cause of action in district court to*
22 *compel the governing body to complete the canvass.*

23 3. In completing the canvass of the returns, the governing body
24 of the city and the mayor shall:

25 (a) Note separately any clerical errors discovered; and

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

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

30 5. The city clerk shall enter upon the records of the governing
31 body of the city an abstract of the result. The abstract must be
32 prepared in the manner prescribed by regulations adopted by the
33 Secretary of State and must contain the number of votes cast for
34 each candidate.

35 6. After the abstract is entered, the:

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

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

42 (1) Certify the abstract;

43 (2) Make a copy of the certified abstract;

44 (3) Make a mechanized report of the abstract in compliance
45 with regulations adopted by the Secretary of State;



1 (4) Transmit a copy of the certified abstract and the
2 mechanized report of the abstract to the Secretary of State on or
3 before the 10th day following the election; and

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

8 7. After the abstract of the results from a:

9 (a) Primary city election has been certified, the city clerk shall
10 certify the name of each person nominated and the name of the
11 office for which the person is nominated.

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

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

15 (2) Deliver the certificate to the persons elected upon their
16 application at the office of the city clerk.

17 *↪ The duties of the city clerk pursuant to this subsection are
18 purely ministerial. A person from whom a certificate of election is
19 withheld may bring a cause of action in district court to compel
20 the issuance of a certificate of election.*

21 8. The officers elected to the governing body of the city qualify
22 and enter upon the discharge of their respective duties on the first
23 regular meeting of that body next succeeding that in which the
24 canvass of returns was made pursuant to subsection 2.

25 *9. The duties of the city clerk pursuant to this section are
26 purely ministerial.*

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

28 293C.395 *1.* A certificate of election or commission must not
29 be withheld from the person having the highest number of votes for
30 the city office because of any contest of election, ~~filed in the city~~
31 ~~election or~~ any defect or informality in the returns of any city
32 election, *any results of an audit of the election or the failure of the*
33 *city clerk to certify the abstract of votes*, if it can be ascertained
34 with reasonable certainty from the returns what city office is
35 intended and who is entitled to the certificate or commission.

36 *2. A person from whom a certificate of election or*
37 *commission is withheld in violation of subsection 1 may bring a*
38 *cause of action in district court to compel the issuance of a*
39 *certificate of election or commission.*

40 **Sec. 31.** NRS 218A.210 is hereby amended to read as follows:

41 218A.210 *1.* A person who is elected to office as a Legislator
42 is entitled to receive a certificate of election from the Governor.

43 *2. The duty to issue a certificate of election is purely*
44 *ministerial. A person from whom a certificate of election is*



1 *withheld in violation of subsection 1 may bring a cause of action*
2 *in district court to compel the issuance of a certificate of election.*

3 **Sec. 32.** NRS 243.445 is hereby amended to read as follows:

4 243.445 1. The election officers shall make returns to the
5 board of county commissioners, who shall, within 7 days thereafter,
6 meet and canvass the vote. *If the canvass is not completed within 7*
7 *days, any registered voter of the county may bring a cause of*
8 *action in district court to compel the board of county*
9 *commissioners to complete the canvass.*

10 2. The county clerk must make a certified abstract thereof, seal
11 such abstract, endorse it "election returns" and without delay
12 transmit it by registered mail to the Secretary of State. *The duties of*
13 *the county clerk pursuant to this section are purely ministerial.*

14 **Sec. 33.** NRS 243.480 is hereby amended to read as follows:

15 243.480 1. The ballots to be voted at the election must have
16 printed thereon the words "For removal of the county seat to
17" (inserting the name of the place to which removal is
18 proposed) and "Against removal of the county seat to"
19 (inserting the name of the place to which removal is proposed). The
20 ballot must be canvassed as in elections for county officers and the
21 returns of the election must be certified by the county clerk to
22 the Secretary of State, together with a certified copy of the order of
23 the board of county commissioners and a sworn certificate of the
24 publication thereof, to be filed in the Office of the Secretary of
25 State.

26 2. *If the canvass is not completed by the end of the 10th day*
27 *following the election, any registered voter of the county may*
28 *bring a cause of action in district court to compel the board of*
29 *county commissioners to complete the canvass.*

30 **Sec. 34.** NRS 244.090 is hereby amended to read as follows:

31 244.090 1. Except as provided in subsections 4 and 5, special
32 meetings may be called by the chair or, in the chair's absence, by
33 the vice chair whenever there is sufficient business to come before
34 the board, or upon the written request of a majority of the board.

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

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

44 4. When there is in any county, township or precinct office no
45 officer authorized to execute the duties of that office, and it is



1 necessary that a temporary appointment be made to fill the office, as
2 otherwise provided by law, the board of county commissioners shall
3 forthwith hold a special meeting for that purpose. The meeting may
4 be held by unanimous consent of the board, or, if for any cause
5 unanimous consent cannot be obtained, then the chair or any other
6 member of the board having knowledge of the necessity shall
7 forthwith call the special meeting and notify the other members of
8 the meeting. The meeting must be held as soon as practicable, but
9 not less than 3 days, except by unanimous consent, after actual
10 notice to all members of the board, whereupon a majority of the
11 board shall proceed to act upon the appointment as provided by law.

12 5. The board shall also meet after each general election to
13 canvass election returns in the manner provided ~~[by law.]~~ *pursuant*
14 *to NRS 293.387. If the canvass is not completed by the end of the*
15 *10th day following the election, any registered voter of the county*
16 *may bring a cause of action in district court to compel the board of*
17 *county commissioners to complete the canvass.*

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

19 266.033 1. The board of county commissioners shall canvass
20 the votes in the same manner as votes are canvassed *pursuant to*
21 *NRS 293.387* in a general election. Upon the completion of the
22 canvass, the board shall immediately notify the county clerk of the
23 result. *If the canvass is not completed by the end of the 10th day*
24 *following the election, any registered voter of the county may*
25 *bring a cause of action in district court to compel the board of*
26 *county commissioners to complete the canvass.*

27 2. The county clerk shall immediately, upon receiving notice of
28 the canvass from the board of county commissioners, cause to be
29 published a notice of the results of the election in a newspaper of
30 general circulation in the county. If the incorporation is approved by
31 the voters, the notice must include the population category of the
32 incorporated city, as described in NRS 266.055. The county clerk
33 shall file a copy of the notice with the Secretary of State.

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

35 267.050 1. Within 6 working days after the date of the
36 election, the legislative authority of the incorporated city shall:

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

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

39 ~~[3.]~~ (c) Issue certificates of election to the 15 qualified electors
40 having the highest vote therefor. *The issuance of certificates of*
41 *election is a purely ministerial duty.*

42 2. *If the canvass is not completed within 6 working days after*
43 *the election, any registered voter of the incorporated city may*
44 *bring a cause of action in district court to compel the legislative*
45 *authority to complete the canvass.*



1 **3. A person from whom a certificate of election is withheld in**
2 **violation of subsection 1 may bring a cause of action in district**
3 **court to compel the issuance of a certificate of election.**

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

5 267.080 **1.** The officers conducting the election shall make
6 returns thereof within the time and in the manner provided by the
7 state election laws. The vote thereof shall be canvassed and the
8 result declared as provided by such laws. **If the canvass is not**
9 **completed by the end of the 10th day following the election, any**
10 **registered voter of the incorporated city may bring a cause of**
11 **action in district court to compel the completion of the canvass.**

12 **2.** If upon the canvass it shall be found that a majority of the
13 votes so cast at the election were cast in favor of the ratification of
14 the charter, the charter shall become the organic law of the city and
15 shall supersede any existing charter, and all amendments thereto and
16 all special laws inconsistent therewith, when authenticated, recorded
17 and attested as provided in NRS 267.010 to 267.140, inclusive.

18 **Sec. 38.** NRS 267.090 is hereby amended to read as follows:

19 267.090 **1.** If upon the canvass it is found that a majority of
20 the votes cast at the election were cast in favor of the ratification of
21 the charter, as provided in NRS 267.080, the mayor of the city shall
22 thereupon attach to the charter a certificate in substance as follows:

23
24 I,, mayor of, do hereby certify that in
25 accordance with the terms and provisions of Section 8 of
26 Article 8 of the Constitution, and the laws of the State of
27 Nevada, an election was held on the day of the month
28 of of the year, at which 15 qualified electors
29 were elected to prepare a charter for the city of;
30 that notice of the election was given in the manner provided
31 by law; that on the day of the month of of the
32 year, the election was held, and the votes cast at that
33 election were canvassed by the governing body of the city,
34 and the following persons were declared elected to prepare
35 and propose a charter for the city of

36 That thereafter, on the day of the month of
37 of the year, the board of electors returned a proposed
38 charter for the city of, signed by the following
39 members thereof:

40 That thereafter the proposed charter was published once in
41 a newspaper and posted in three of the most public places in
42 the city, to wit: For one publication, the publication in a
43 newspaper on the day of the month of of the
44 year, and was posted on the day of the month of
45 of the year



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

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

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

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

18 ,
19 Mayor of the city of.....

20
21 Attest: ,
22 Clerk of the city of

23
24 ***2. The requirement to certify the charter pursuant to this***
25 ***section is purely ministerial.***

26 **Sec. 39.** NRS 267.140 is hereby amended to read as follows:

27 267.140 1. The governing body of an incorporated city
28 having a commission form of government may, on its own motion,
29 and shall, upon receiving a written petition signed by a number of
30 registered voters of the city not less than 25 percent of the number
31 who actually voted at the preceding municipal general election
32 seeking the discontinuance and termination in the city of the
33 commission form of government:

34 (a) If the incorporated city has a commission form of
35 government described in paragraph (a) of subsection 1 of NRS
36 267.010, fix by resolution the primary or general municipal election
37 or primary or general state election at which the question is to be
38 submitted. The governing body shall cause to be posted at two
39 public bulletin boards within the city, not less than 10 days before
40 the date of the election, a notice that there will appear on the ballot
41 the proposition for the discontinuance and termination of the
42 commission form of government and the repeal of the charter of the
43 city.

44 (b) If the incorporated city has a commission form of
45 government described in paragraph (b) of subsection 1 of



1 NRS 267.010, fix by resolution the primary or general municipal
2 election or primary or general state election at which the question is
3 to be submitted. The governing body shall cause to be published
4 once in a newspaper of general circulation in the city, not less than
5 30 nor more than 60 days before the date of the election, a notice
6 that there will appear on the ballot the proposition for the
7 discontinuance and termination of the commission form of
8 government and the repeal of the charter of the city.

9 2. The proposition appearing on the ballot must be in
10 substantially the following terms: "For termination of the
11 commission form of government and repeal of the charter" and
12 "Against termination of the commission form of government and
13 repeal of the charter."

14 3. Following the election and canvass of returns, if it is found
15 that a majority of the votes cast on the issue has been cast for the
16 discontinuance and termination in the city of the commission form
17 of government and for repeal of the charter, the governing body
18 shall proclaim the charter repealed effective:

19 (a) Immediately if the Legislature has not enacted a special
20 charter for the city and the provisions of chapter 266 of NRS
21 supersede the provisions of NRS 267.010 to 267.140, inclusive, as
22 to the city; or

23 (b) On the date any special charter of the city enacted by the
24 Legislature may become effective.

25 4. If, following the election and canvass of returns, it is found
26 that a majority of the votes cast on the issue has been cast against
27 the discontinuance and termination in the city of the commission
28 form of government and against the repeal of the charter, the
29 commission form of government and charter continue in effect.

30 *5. If the canvass of returns is not completed by the end of the*
31 *10th day following the election, any registered voter of the*
32 *incorporated city may bring a cause of action in district court to*
33 *compel the completion of the canvass.*

34 **Sec. 40.** NRS 283.130 is hereby amended to read as follows:

35 283.130 1. Any officer elected or appointed to fill any
36 vacancy shall be commissioned, or shall receive a certificate of
37 election or appointment to such office.

38 *2. The duty to issue a certificate of election is purely*
39 *ministerial. A person from whom a certificate of election is*
40 *withheld in violation of subsection 1 may bring a cause of action*
41 *in district court to compel the issuance of a certificate of election.*

42 **Sec. 41.** NRS 318.118 is hereby amended to read as follows:

43 318.118 1. In the case of a district created wholly or in part
44 for exterminating and abating mosquitoes, flies, other insects, rats,
45 and liver fluke or Fasciola hepatica, the board may:



1 (a) Take all necessary or proper steps for the extermination of
2 mosquitoes, flies, other insects, rats, or liver fluke or Fasciola
3 hepatica in the district or in territory not in the district but so
4 situated with respect to the district that mosquitoes, flies, other
5 insects, rats, or liver fluke or Fasciola hepatica from that territory
6 migrate or are caused to be carried into the district;

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

15 (c) If necessary or proper, in the furtherance of the objects of
16 this chapter, build, construct, repair and maintain necessary dikes,
17 levees, cuts, canals or ditches upon any land, and acquire by
18 purchase, condemnation or by other lawful means, in the name of
19 the district, any lands, rights-of-way, easements, property or
20 material necessary for any of those purposes;

21 (d) Make contracts to indemnify or compensate any owner of
22 land or other property for any injury or damage necessarily caused
23 by the use or taking of property for dikes, levees, cuts, canals or
24 ditches;

25 (e) Enter upon without hindrance any lands, within or without
26 the district, for the purpose of inspection to ascertain whether
27 breeding places of mosquitoes, flies, other insects, rats, or liver
28 fluke or Fasciola hepatica exist upon those lands;

29 (f) Abate public nuisances in accordance with this chapter;

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

33 (h) Treat with oil, other larvicidal material, or other chemicals or
34 other material any breeding places of mosquitoes, flies, other
35 insects, rats, or liver fluke or Fasciola hepatica upon those lands;

36 (i) Sell or lease any land, rights-of-way, easements, property or
37 material acquired by the district; and

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

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

42 (a) Levy annually a general ad valorem property tax of not
43 exceeding:

44 (1) Fifteen cents on each \$100 of assessed valuation of
45 taxable property; or



1 (2) Twenty cents on each \$100 of assessed valuation of
2 taxable property if the board of county commissioners of each
3 county in which the district is located approves such a tax in excess
4 of 15 cents on each \$100 of assessed valuation of taxable property.

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

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

12 (a) A cash-basis fund of not exceeding in any fiscal year 60
13 percent of the estimated expenditures for the fiscal year to defray
14 expenses between the beginning of the fiscal year and the respective
15 times tax proceeds are received in the fiscal year; and

16 (b) An emergency fund of not exceeding in any fiscal year 25
17 percent of the estimated expenditures for the fiscal year to defray
18 unusual and unanticipated expenses incurred during epidemics or
19 threatened epidemics from diseases from sources which the district
20 may exterminate or abate.

21 4. Whenever it appears to the board of a district authorized to
22 exercise the basic power stated in subsection 1 that the amount of
23 money required during an ensuing fiscal year will exceed the
24 amount that can be raised by a levy permitted by paragraph (a) of
25 subsection 2, the board may:

26 (a) At a special election or the next primary or general election
27 submit to the qualified electors of the district a question of whether
28 a tax shall be voted for raising the additional money;

29 (b) Provide the form of the ballot for the election, which must
30 contain the words "Shall the district vote a tax to raise the additional
31 sum of?" or words equivalent thereto;

32 (c) Provide the form of the notice of the election and provide for
33 the notice to be given by publication; and

34 (d) Arrange other details in connection with the election.

35 5. A special election may be held only if the board determines,
36 by a unanimous vote, that an emergency exists. The determination
37 made by the board is conclusive unless it is shown that the board
38 acted with fraud or a gross abuse of discretion. An action to
39 challenge the determination made by the board must be commenced
40 within 15 days after the board's determination is final. As used in
41 this subsection, "emergency" means any unexpected occurrence or
42 combination of occurrences which requires immediate action by the
43 board to prevent or mitigate a substantial financial loss to the district
44 or to enable the board to provide an essential service to the residents
45 of the district.



1 6. Except as otherwise provided in this chapter:

2 (a) The secretary of the district shall give notice of the election
3 by publication and shall arrange such other details in connection
4 with the election as the board may direct. ~~{; and}~~

5 (b) The election board officers shall conduct the election in the
6 manner prescribed by law for the holding of general elections and
7 shall make their returns to the secretary of the district. ~~{; and}~~

8 (c) The board shall canvass the returns of the election at any
9 regular or special meeting held within 6 working days following the
10 date of the election, or at such later time as the returns are available
11 for canvass, and shall declare the results of the election. *If the
12 canvass is not completed by the end of the 6th working day
13 following the election, any registered voter of the district may
14 bring a cause of action in district court to compel the completion
15 of the canvass.*

16 7. If a majority of the qualified electors of the district who
17 voted on any proposition authorizing the additional tax voted in
18 favor of the proposition, and the board so declares the result of the
19 election:

20 (a) The district board shall report the result to the board of
21 county commissioners of the county in which the district is situated,
22 stating the additional amount of money required to be raised. If the
23 district is in more than one county the additional amount must be
24 prorated for each county by the district board in the same way that
25 the district's original total estimate of money is prorated, and the
26 district board shall furnish the board of county commissioners and
27 auditor of each county a written statement of the apportionment for
28 that county; and

29 (b) The board of county commissioners of each county receiving
30 the written statement shall, at the time of levying county taxes, levy
31 an additional tax upon all the taxable property of the district in the
32 county sufficient to raise the amount apportioned to that county for
33 the district.

34 8. The district shall not:

35 (a) Borrow money except for medium-term obligations pursuant
36 to chapter 350 of NRS;

37 (b) Levy special assessments; or

38 (c) Fix any rates, fees or other charges except as otherwise
39 provided in this section.

40 9. The district may determine to cause an owner of any real
41 property to abate any nuisance pertaining to the basic power stated
42 in this section, after a hearing on a proposal for such an abatement
43 and notice thereof by mail addressed to the last known owner or
44 owners of record at the last known address or addresses of the
45 owner or owners, as ascertained from any source the board deems



1 reliable, or in the absence of the abatement within a reasonable
2 period fixed by the board, to cause the district to abate the nuisance,
3 as follows:

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

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

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

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

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

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

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

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

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

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

37 349.060 1. Immediately after the closing of the polls, the
38 election officers shall proceed to canvass the ballots. *If the election*
39 *officers do not complete the canvass, any registered voter who was*
40 *eligible to vote in the special election may bring a cause of action*
41 *in district court to compel the completion of the canvass.*

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



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

7 **Sec. 43.** NRS 353.264 is hereby amended to read as follows:

8 353.264 1. The Reserve for Statutory Contingency Account
9 is hereby created in the State General Fund.

10 2. The State Board of Examiners shall administer the Reserve
11 for Statutory Contingency Account. The money in the Account must
12 be expended only for:

13 (a) The payment of claims which are obligations of the State
14 pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310,
15 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 293.253,
16 ~~293.405,~~ 298.710, 304.230, 353.120, 353.262, 412.154 and
17 475.235;

18 (b) The payment of claims which are obligations of the State
19 pursuant to:

20 (1) Chapter 472 of NRS arising from operations of the
21 Division of Forestry of the State Department of Conservation and
22 Natural Resources directly involving the protection of life and
23 property; and

24 (2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,
25 ↪ except that claims may be approved for the respective purposes
26 listed in this paragraph only when the money otherwise appropriated
27 for those purposes has been exhausted;

28 (c) The payment of claims which are obligations of the State
29 pursuant to NRS 41.0349 and 41.037, but only to the extent that the
30 money in the Fund for Insurance Premiums is insufficient to pay the
31 claims;

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

34 (e) The payment of claims which are obligations of the State
35 pursuant to NRS 535.030 arising from remedial actions taken by the
36 State Engineer when the condition of a dam becomes dangerous to
37 the safety of life or property.

38 3. The State Board of Examiners may authorize its Clerk or a
39 person designated by the Clerk, under such circumstances as it
40 deems appropriate, to approve, on behalf of the Board, the payment
41 of claims from the Reserve for Statutory Contingency Account. For
42 the purpose of exercising any authority granted to the Clerk of the
43 State Board of Examiners or to the person designated by the Clerk
44 pursuant to this subsection, any statutory reference to the State



1 Board of Examiners relating to such a claim shall be deemed to refer
2 to the Clerk of the Board or the person designated by the Clerk.

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

4 386.260 1. Trustees shall be elected as provided in the
5 election laws of this state.

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

15 3. Immediately, the county clerk shall transmit a copy of each
16 election certificate to the Superintendent of Public Instruction.

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

18 474.110 1. The election having been held, the board of
19 county commissioners shall, on the first Monday succeeding the
20 election, if then in session, or at its next succeeding general or
21 special session, proceed to canvass the votes cast at the election. *If*
22 *the canvass is not completed on the first Monday succeeding the*
23 *election or at the next succeeding general or special session, any*
24 *registered voter who was eligible to vote in the election may bring*
25 *a cause of action in district court to compel the completion of the*
26 *canvass.*

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

32 (a) Such territory organized as a county fire protection district
33 under the name theretofore designated; and

34 (b) The persons receiving, respectively, the highest number of
35 votes for the directors to be elected to those offices.

36 **Sec. 46.** NRS 474.395 is hereby amended to read as follows:

37 474.395 1. The returns of the votes cast in the outside
38 territory proposed to be annexed and in the district shall be
39 canvassed separately, and the board of directors shall cause a record
40 of the canvass to be made and entered in its minutes. *If the canvass*
41 *is not completed by the end of the 10th day following the election,*
42 *any registered voter who was eligible to vote in the election may*
43 *bring a cause of action in district court to compel the completion*
44 *of the canvass.*



2. If it appears from such canvass that a majority of the votes cast in the district and in the territory proposed to be annexed are in favor of the change in boundary, the board shall so find. Upon the filing of a certified copy of such findings, under seal of the district, in the office of the county recorder, the territory shall be a part of the district. *The duty to file a certified copy is purely ministerial.*

Sec. 47. NRS 539.055 is hereby amended to read as follows:

539.055 1. The board of county commissioners shall meet on or before the sixth working day succeeding such election and proceed to canvass the votes cast thereat. *If the canvass is not completed by the end of the sixth working day following the election, any person 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 the electors voted "Irrigation District—Yes," the board, by an order entered upon its minutes, shall:

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

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

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

3. Thereafter, the organization of the district shall be complete.

Sec. 48. NRS 539.155 is hereby amended to read as follows:

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

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

3. When the board of directors shall have declared the result, the secretary shall make full entries in the secretary's record in like manner as is required of the county clerk in general elections. *The*



1 *duties of the secretary pursuant to this section are purely*
2 *ministerial.*

3 **Sec. 49.** NRS 539.157 is hereby amended to read as follows:

4 539.157 1. The board of directors must declare elected the
5 person or persons having the highest number of votes given for each
6 office.

7 2. The secretary shall immediately make out and deliver to
8 such person or persons a certificate of election, signed by the
9 secretary and authenticated with the seal of the board. *The duties of*
10 *the secretary pursuant to this subsection are purely ministerial. A*
11 *person from whom a certificate of election is withheld in violation*
12 *of this subsection may bring a cause of action in district court to*
13 *compel the issuance of a certificate of election.*

14 **Sec. 50.** NRS 539.760 is hereby amended to read as follows:

15 539.760 1. The provisions of this chapter relating to general
16 elections for directors shall govern in respect to such dissolution
17 election ordered by the court.

18 2. The canvass of the vote at such election shall be conducted
19 in the manner provided by this chapter for general elections. *If the*
20 *canvass is not completed by the end of the 10th working day*
21 *following the election, any person who was eligible to vote in the*
22 *election may bring a cause of action in district court to compel the*
23 *completion of the canvass.*

24 **Sec. 51.** NRS 541.360 is hereby amended to read as follows:

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

40 2. *If the canvass is not completed by the end of the 6th*
41 *working day following the election, any person who was eligible to*
42 *vote in the election may bring a cause of action in district court to*
43 *compel the completion of the canvass.*



1 **Sec. 52.** Section 16 of the Charter of Boulder City is hereby
2 amended to read as follows:

3 Section 16. Induction of Council into office; meetings
4 of Council.

5 1. The City Council shall meet within the time set forth
6 in NRS 293C.387 after each city primary election and each
7 city general election specified in Article IX and canvass the
8 returns and declare the results. *If the canvass is not*
9 *completed within the time set forth in NRS 293C.387, any*
10 *registered voter of the city may bring a cause of action in*
11 *district court to compel the Council to complete the canvass.*

12 All newly elected or reelected Mayor or Council Members
13 shall be inducted into office at the next regular Council
14 meeting following certification of the applicable city general
15 election results. Immediately following such induction, the
16 Mayor pro tem shall be designated as provided in section 7.
17 Thereafter, the Council shall meet regularly at such times as it
18 shall set by resolution from time to time, but not less
19 frequently than once each month. (Add. 13; Amd. 1; 6-2-
20 1987; Amd. 2; 6-4-1991; Add. 17; Amd. 1; 11-5-1996; Add.
21 24; Amd. 1; 6-3-2003)

22 A. (Add. 3; Amd. 2; 5-2-1967; Repealed by Add. 15;
23 Amd. 1; 6-4-1991)

24 2. It is the intent of this Charter that deliberations and
25 actions of the Council be conducted openly. All meetings of
26 the City Council shall be in accordance with chapter 241 of
27 the Nevada Revised Statutes. (Add. 10; Amd. 1; 6-2-1981)

28 3. Any emergency meeting of the City Council, as
29 defined by chapter 241, shall be as provided therein, and in
30 addition:

31 (a) An emergency meeting may be called by the Mayor or
32 upon written notice issued by a majority of the Council.

33 (b) Prior notice of such an emergency meeting shall be
34 given to all members of the City Council. (Add. 10; Amd. 1;
35 6-2-1981)

36 **Sec. 53.** Section 5.100 of the Charter of the City of Caliente,
37 being chapter 31, Statutes of Nevada 1971, as last amended by
38 chapter 619, Statutes of Nevada 2019, at page 4132, is hereby
39 amended to read as follows:

40 Sec. 5.100 Election returns; canvass; certificates of
41 election; entry of officers upon duties; tie vote procedure.

42 1. The election returns from any municipal election shall
43 be filed with the City Clerk, who shall immediately place
44 such returns in a safe or vault, and no person shall be



1 permitted to handle, inspect or in any manner interfere with
2 such returns until canvassed by the City Council.

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

13 3. The City Clerk, under his or her hand and official
14 seal, shall issue to each person declared to be elected a
15 certificate of election. The officers so elected shall qualify
16 and enter upon the discharge of their respective duties on the
17 first Monday in:

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

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

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

27 *5. The duties of the City Clerk pursuant to this section*
28 *are purely ministerial. A person from whom a certificate of*
29 *election is withheld in violation of this section may bring a*
30 *cause of action in district court to compel the issuance of a*
31 *certificate of election.*

32 **Sec. 54.** Section 5.090 of the Charter of the City of Carlin,
33 being chapter 344, Statutes of Nevada 1971, as last amended by
34 chapter 619, Statutes of Nevada 2019, at page 4133, is hereby
35 amended to read as follows:

36 Sec. 5.090 Election returns; canvass; certificates of
37 election; entry of officers upon duties; tie vote procedure.

38 1. The election returns from any municipal election shall
39 be filed with the City Clerk, who shall immediately place
40 such returns in a safe or vault, and no person is permitted to
41 handle, inspect or in any manner interfere with such returns
42 until canvassed by the Board of Council Members.

43 2. The Board of Council Members shall meet within the
44 time set forth in NRS 293C.387 after any election and
45 canvass the returns and declare the result. *If the canvass is*



1 *not completed within the time set forth in NRS 293C.387,*
2 *any registered voter of the city may bring a cause of action*
3 *in district court to compel the Board of Council Members to*
4 *complete the canvass.* The election returns must then be
5 sealed and kept by the City Clerk for 6 months, and no person
6 shall have access thereto except on order of a court of
7 competent jurisdiction or by order of the Board of Council
8 Members.

9 3. The City Clerk, under his or her hand and official
10 seal, shall issue to each person declared to be elected a
11 certificate of election. The officers so elected shall qualify
12 and enter upon the discharge of their respective duties on the
13 first Monday in:

14 (a) July next following their election for those officers
15 elected in June 2007.

16 (b) January next following their election for those officers
17 elected in November 2008 and November of every even-
18 numbered year thereafter.

19 4. If any election should result in a tie, the Board of
20 Council Members shall summon the candidates who received
21 the tie vote and determine the tie by lot. The Clerk shall then
22 issue to the winner a certificate of election.

23 *5. The duties of the City Clerk pursuant to this section*
24 *are purely ministerial. A person from whom a certificate of*
25 *election is withheld in violation of this section may bring a*
26 *cause of action in district court to compel the issuance of a*
27 *certificate of election.*

28 **Sec. 55.** Section 5.100 of the Charter of Carson City, being
29 chapter 213, Statutes of Nevada 1969, as last amended by chapter
30 619, Statutes of Nevada 2019, at page 4134, is hereby amended to
31 read as follows:

32 Sec. 5.100 Election returns; canvass; certificates of
33 election; entry of officers upon duties.

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

39 2. The Board shall meet within the time set forth in NRS
40 293C.387 after any election and canvass the returns and
41 declare the result. *If the canvass is not completed within the*
42 *time set forth in NRS 293C.387, any registered voter of the*
43 *city may bring a cause of action in district court to compel*
44 *the Board to complete the canvass.* The election returns shall
45 then be sealed and kept by the Clerk for 6 months and no



1 person shall have access thereto except on order of a court of
2 competent jurisdiction or by order of the Board.

3 3. The Clerk, under his or her hand and official seal,
4 shall issue to each person declared to be elected a certificate
5 of election. The officers so elected shall qualify and enter
6 upon the discharge of their respective duties on the 1st
7 Monday in January next following their election.

8 ***4. The duties of the Clerk pursuant to this section are***
9 ***purely ministerial. A person from whom a certificate of***
10 ***election is withheld in violation of this section may bring a***
11 ***cause of action in district court to compel the issuance of a***
12 ***certificate of election.***

13 **Sec. 56.** Section 5.090 of the Charter of the City of Elko,
14 being chapter 276, Statutes of Nevada 1971, as last amended by
15 chapter 619, Statutes of Nevada 2019, at page 4135, is hereby
16 amended to read as follows:

17 Sec. 5.090 Election returns; canvass; certificates of
18 election; entry of officers upon duties; tie vote procedure.

19 1. The election returns from a municipal election must
20 be filed with the City Clerk, who shall immediately place the
21 returns in a safe or vault. No person may handle, inspect or in
22 any manner interfere with the returns until the returns are
23 canvassed by the City Council.

24 2. The City Council shall meet within the time set forth
25 in NRS 293C.387 after an election and canvass the returns
26 and declare the result. ***If the canvass is not completed within***
27 ***the time set forth in NRS 293C.387, any registered voter of***
28 ***the city may bring a cause of action in district court to***
29 ***compel the City Council to complete the canvass.*** The
30 election returns must be sealed and kept by the City Clerk for
31 2 years, and no person may have access thereto except on
32 order of a court of competent jurisdiction or by order of the
33 City Council.

34 3. The City Clerk, under his or her hand and official
35 seal, shall issue to each person declared to be elected a
36 certificate of election. The officers so elected shall qualify
37 and enter upon the discharge of their respective duties on the
38 first Monday in:

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

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

43 4. If any election should result in a tie, the City Council
44 shall summon the candidates who received the tie vote and



1 determine the tie by lot. The Clerk shall then issue to the
2 winner a certificate of election.

3 **5. *The duties of the City Clerk pursuant to this section***
4 ***are purely ministerial. A person from whom a certificate of***
5 ***election is withheld in violation of this section may bring a***
6 ***cause of action in district court to compel the issuance of a***
7 ***certificate of election.***

8 **Sec. 57.** Section 5.100 of the Charter of the City of Henderson,
9 being chapter 266, Statutes of Nevada 1971, as last amended by
10 chapter 619, Statutes of Nevada 2019, at page 4136, is hereby
11 amended to read as follows:

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

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

19 2. The City Council shall meet within the time set forth
20 in NRS 293C.387 after any election and canvass the returns
21 and declare the result. ***If the canvass is not completed within***
22 ***the time set forth in NRS 293C.387, any registered voter of***
23 ***the city may bring a cause of action in district court to***
24 ***compel the City Council to complete the canvass.*** The
25 election returns must then be sealed and kept by the City
26 Clerk for 6 months. No person may have access to the returns
27 except on order of a court of competent jurisdiction or by
28 order of the City Council.

29 3. The City Clerk, under his or her hand and official
30 seal, shall issue to each person elected a certificate of
31 election. Except as otherwise provided in section 1.070, an
32 officer so elected shall qualify and enter upon the discharge
33 of his or her respective duties at:

34 (a) If the officer is elected pursuant to subsection 1 of
35 section 5.020, the second regular meeting of the City Council
36 held in June of the year of the general municipal election.

37 (b) If the officer is elected pursuant to subsection 2, 3, 4,
38 5 or 6 of section 5.020, the first regular meeting of the City
39 Council held in January of the year following the general
40 municipal election.

41 4. If any election results in a tie, the City Council shall
42 summon the candidates who received the tie vote and
43 determine the tie by lot. The City Clerk shall then issue to the
44 winner a certificate of election.



1 ***5. The duties of the City Clerk pursuant to this section***
2 ***are purely ministerial. A person from whom a certificate of***
3 ***election is withheld in violation of this section may bring a***
4 ***cause of action in district court to compel the issuance of a***
5 ***certificate of election.***

6 **Sec. 58.** Section 5.100 of the Charter of the City of Las Vegas,
7 being chapter 517, Statutes of Nevada 1983, as last amended by
8 chapter 619, Statutes of Nevada 2019, at page 4137, is hereby
9 amended to read as follows:

10 Sec. 5.100 Election returns; canvass; declaration of
11 results; certificates of election; entry of officers upon duties;
12 procedure for tied vote.

13 1. The returns of any special, primary or general
14 municipal election must be filed with the City Clerk, who
15 shall immediately place those returns in a safe or vault, and
16 no person may be permitted to handle, inspect or in any
17 manner interfere with those returns until they have been
18 canvassed by the City Council.

19 2. The City Council shall meet within the time set forth
20 in NRS 293C.387 after any election and canvass the returns
21 and declare the result. ***If the canvass is not completed within***
22 ***the time set forth in NRS 293C.387, any registered voter of***
23 ***the city may bring a cause of action in district court to***
24 ***compel the City Council to complete the canvass.*** The
25 election returns must then be sealed and kept by the City
26 Clerk for 6 months, and no person may have access to the
27 returns except on order of a court of competent jurisdiction or
28 by order of the City Council.

29 3. The City Clerk, under his or her hand and official
30 seal, shall issue to each person who is declared to be elected a
31 certificate of election. The officers who have been elected
32 shall qualify and enter upon the discharge of their respective
33 duties on the day of the first regular meeting of the City
34 Council next succeeding the meeting at which the canvass of
35 the returns is made.

36 4. If the election for any office results in a tie, the City
37 Council shall summon the candidates who received the equal
38 number of votes and determine the tie by lot. The Clerk shall
39 then issue to the winner a certificate of election.

40 ***5. The duties of the City Clerk pursuant to this section***
41 ***are purely ministerial. A person from whom a certificate of***
42 ***election is withheld in violation of this section may bring a***
43 ***cause of action in district court to compel the issuance of a***
44 ***certificate of election.***



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

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

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

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

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

29 4. If any election results in a tie, the City Council shall
30 summon the candidates who received the tie vote and
31 determine the tie by lot. The City Clerk shall then issue to the
32 winner a certificate of election.

33 5. *The duties of the City Clerk pursuant to this section*
34 *are purely ministerial. A person from whom a certificate of*
35 *election is withheld in violation of this section may bring a*
36 *cause of action in district court to compel the issuance of a*
37 *certificate of election.*

38 **Sec. 60.** Section 5.080 of the Charter of the City of North Las
39 Vegas, being chapter 573, Statutes of Nevada 1971, as last amended
40 by chapter 619, Statutes of Nevada 2019, at page 4138, is hereby
41 amended to read as follows:

42 Sec. 5.080 Election returns; canvass; certificates of
43 election; entry of officers upon duties; tie vote procedure.

44 1. The election returns from any special, primary or
45 general municipal election shall be filed with the City Clerk,



1 who shall immediately place the returns in a safe or vault, and
2 no person may be permitted to handle, inspect or in any
3 manner interfere with the returns until canvassed by the City
4 Council.

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

15 3. The City Clerk, under his or her hand and official
16 seal, shall issue to each person declared to be elected a
17 certificate of election. The officers so elected shall qualify
18 and enter upon the discharge of their respective duties on the
19 1st day of the month next following their election.

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

24 *5. The duties of the City Clerk pursuant to this section*
25 *are purely ministerial. A person from whom a certificate of*
26 *election is withheld in violation of this section may bring a*
27 *cause of action in district court to compel the issuance of a*
28 *certificate of election.*

29 **Sec. 61.** Section 5.100 of the Charter of the City of Reno,
30 being chapter 662, Statutes of Nevada 1971, as last amended by
31 chapter 619, Statutes of Nevada 2019, at page 4139, is hereby
32 amended to read as follows:

33 Sec. 5.100 Election returns; canvass; certificates of
34 election; entry of officers upon duties; tie vote procedure.

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

40 2. The City Council and City Manager shall meet within
41 the time set forth in NRS 293C.387 after any election and
42 canvass the returns and declare the result. *If the canvass is*
43 *not completed within the time set forth in NRS 293C.387,*
44 *any registered voter of the city may bring a cause of action*
45 *in district court to compel the City Council to complete the*



1 *canvass.* The election returns must then be sealed and kept by
2 the City Clerk for 6 months, and no person may have access
3 thereto except on order of a court of competent jurisdiction or
4 by order of the City Council.

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

10 4. If any election results in a tie, the City Council shall
11 summon the candidates who received the tie vote and
12 determine the tie as provided in this subsection. The City
13 Clerk shall provide and open in the presence of the candidates
14 who received the tie vote an unused 52-card deck of playing
15 cards, removing any jokers and blank cards. The City Clerk
16 shall shuffle the cards thoroughly and present the shuffled
17 deck to the City Manager, or to the person designated by the
18 City Manager for this purpose. One of the candidates who
19 received the tie vote shall then draw one card from the deck,
20 and the City Clerk shall record the suit and number of the
21 card. The card then must be returned to the deck, and the City
22 Clerk shall shuffle the cards thoroughly and present the
23 shuffled deck to the City Manager, or to the person
24 designated by the City Manager for this purpose, and another
25 of the candidates who received the tie vote shall draw one
26 card from the deck. This process must be repeated until each
27 of the candidates who received the tie vote has drawn one
28 card from the deck and the result of each draw has been
29 recorded. The candidate who draws the high card shall be
30 deemed the winner of the election. For the purposes of this
31 subsection, aces are high and twos are low. If the candidates
32 draw cards of otherwise equal value, the card of the higher
33 suit is the high card. Spades are highest, followed in
34 descending order by hearts, clubs and diamonds. The City
35 Clerk shall issue to the winner a certificate of election.

36 5. *The duties of the City Clerk pursuant to this section*
37 *are purely ministerial. A person from whom a certificate of*
38 *election is withheld in violation of this section may bring a*
39 *cause of action in district court to compel the issuance of a*
40 *certificate of election.*



1 **Sec. 62.** Section 5.100 of the Charter of the City of Sparks,
2 being chapter 470, Statutes of Nevada 1975, as last amended by
3 chapter 158, Statutes of Nevada 2021, at page 717, is hereby
4 amended to read as follows:

5 Sec. 5.100 Election returns: Canvass; certificates of
6 election; entry of officers upon duties; tie vote procedure.

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

12 2. The City Council shall meet within the time set forth
13 in NRS 293C.387 after any election and canvass the returns
14 and declare the result. *If the canvass is not completed within*
15 *the time set forth in NRS 293C.387, any registered voter of*
16 *the city may bring a cause of action in district court to*
17 *compel the City Council to complete the canvass.* The
18 election returns must then be sealed and kept by the City
19 Clerk for 22 months, and no person may have access to them
20 except on order of a court of competent jurisdiction or by
21 order of the City Council.

22 3. The City Clerk, under his or her hand and official
23 seal, shall issue a certificate of election to each person
24 elected. The officers elected shall qualify and enter upon the
25 discharge of their respective duties at the first regular City
26 Council meeting next succeeding the meeting at which the
27 canvass of the returns of the election is made.

28 4. If any election results in a tie, the City Council shall
29 summon the candidates who received the tie vote and
30 determine the tie by lot. The City Clerk shall then issue to the
31 winner a certificate of election.

32 5. *The duties of the City Clerk pursuant to this section*
33 *are purely ministerial. A person from whom a certificate of*
34 *election is withheld in violation of this section may bring a*
35 *cause of action in district court to compel the issuance of a*
36 *certificate of election.*

37 **Sec. 63.** Section 5.090 of the Charter of the City of Wells,
38 being chapter 275, Statutes of Nevada 1971, as last amended by
39 chapter 619, Statutes of Nevada 2019, at page 4141, is hereby
40 amended to read as follows:

41 Sec. 5.090 Election returns; canvass; certificates of
42 election; entry of officers upon duties; tie vote procedure.

43 1. The election returns from any municipal election must
44 be filed with the City Clerk, who shall immediately place
45 such returns in a safe or vault, and no person is permitted to



1 handle, inspect or in any manner interfere with such returns
2 until canvassed by the Board of Council Members.

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

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

19 (a) July next following their election for those officers
20 elected in June 2007 or 2009.

21 (b) January next following their election for those officers
22 elected in November 2010 and every even-numbered year
23 thereafter.

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

28 *5. The duties of the City Clerk pursuant to this section
29 are purely ministerial. A person from whom a certificate of
30 election is withheld in violation of this section may bring a
31 cause of action in district court to compel the issuance of a
32 certificate of election.*

33 **Sec. 64.** Section 5.090 of the Charter of the City of Yerington,
34 being chapter 465, Statutes of Nevada 1971, as last amended by
35 chapter 619, Statutes of Nevada 2019, at page 4142, is hereby
36 amended to read as follows:

37 Sec. 5.090 Election returns; canvass; certificates of
38 election; entry of officers upon duties; tie vote procedure.

39 1. The election returns from any municipal election shall
40 be filed with the City Clerk, who shall immediately place
41 such returns in a safe or vault, and no person shall be
42 permitted to handle, inspect or in any manner interfere with
43 such returns until canvassed by the City Council.

44 2. The City Council shall meet within the time set forth
45 in NRS 293C.387 after any election and canvass the returns



1 and declare the results. *If the canvass is not completed*
2 *within the time set forth in NRS 293C.387, any registered*
3 *voter of the city may bring a cause of action in district court*
4 *to compel the City Council to complete the canvass.* The
5 election returns shall then be sealed and kept by the City
6 Clerk for 6 months, and no person shall have access thereto
7 except on order of a court of competent jurisdiction or by
8 order of the City Council.

9 3. The City Clerk, under his or her hand and official
10 seal, shall issue to each person declared to be elected a
11 certificate of election. The officers so elected shall qualify
12 and enter upon the discharge of their respective duties on the
13 1st Monday of the month following their election.

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

18 *5. The duties of the City Clerk pursuant to this section*
19 *are purely ministerial.*

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

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

28 2. At any regular or special meeting of the Board of
29 County Commissioners of Lander County held within 6
30 working days following the date of the election, the returns
31 thereof must be canvassed and the results thereof declared. *If*
32 *the canvass is not completed within 6 working days, any*
33 *registered voter of the Authority may bring a cause of action*
34 *in district court to compel the Board of County*
35 *Commissioners of Lander County to complete the canvass.*

36 **Sec. 66.** Section 16 of the Airport Authority Act for Carson
37 City, being chapter 844, Statutes of Nevada 1989, as amended by
38 chapter 185, Statutes of Nevada 2007, at page 629, is hereby
39 amended to read as follows:

40 Sec. 16. 1. The Election Board shall conduct the
41 election in the manner prescribed by law for the holding of
42 general elections, and shall make its returns to the Secretary
43 of the Board.

44 2. The Board of Supervisors shall, within 6 working
45 days after the election, canvass the returns and declare the



1 results of the election. *If the canvass is not completed within*
2 *6 working days, any registered voter of the Authority may*
3 *bring a cause of action in district court to compel the Board*
4 *of Supervisors to complete the canvass.*

5 **Sec. 67.** Section 22 of the Reno-Tahoe Airport Authority Act,
6 being chapter 474, Statutes of Nevada 1977, as amended by chapter
7 185, Statutes of Nevada 2007, at page 630, is hereby amended to
8 read as follows:

9 Sec. 22. 1. The Election Board or boards shall conduct
10 the election in the manner prescribed by law for the holding
11 of general elections, and shall make their returns to the
12 Secretary of the Authority.

13 2. At any regular or special meeting of the Board held
14 within 6 working days following the date of the election, the
15 returns thereof shall be canvassed and the results thereof
16 declared. *If the canvass is not completed within 6 working*
17 *days, any registered voter of the Authority may bring a*
18 *cause of action in district court to compel the Board to*
19 *complete the canvass.*

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

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

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

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

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

40 3. If a special election is called for the purpose of
41 approving the sale or lease of the Mineral County Power
42 System, and immediately upon receipt by the County Clerk of
43 a certified copy of the resolution of the Board of County
44 Commissioners of Mineral County authorizing such sale or
45 lease, and fixing a date for the election, the County Clerk



1 shall publish a notice of special election in a newspaper of
2 general circulation in Mineral County once a week for 2
3 successive weeks with the date of the last publication being at
4 least 15 days before the election. If no such newspaper is
5 published in Mineral County, publication may be made in a
6 newspaper of general circulation published in the nearest
7 Nevada county. The notice must contain:

8 (a) The date of the election.

9 (b) The location of the polling places.

10 (c) The hours during which the polling places will be
11 open for voting.

12 (d) A statement of the proposal to be voted upon.

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

19 5. The election officers of Mineral County who are
20 charged with the duty of providing for and conducting the
21 election shall provide one ballot box at each polling place for
22 the purpose of the election. If the approval election is held in
23 conjunction with a primary or general election, the same
24 single ballot box must be used at each polling place.

25 6. Every citizen of the United States 21 years of age or
26 over who has resided in the state 6 months, in the county 30
27 days, and in the precinct 10 days next preceding the election
28 is entitled to vote at the election, if he or she has complied
29 with the registration laws of this state.

30 7. Immediately after the closing of the polls the election
31 officers shall proceed to canvass the ballots. *If the canvass is*
32 *not completed, any registered voter described in subsection*
33 *6 may bring a cause of action in district court to compel the*
34 *election officers to complete the canvass.* The results
35 disclosed by the canvass must be certified by the election
36 officers to the Board of County Commissioners.

37 8. If a majority of the ballots cast are in favor of the sale
38 or lease as proposed by the Board of County Commissioners
39 of Mineral County of the Mineral County Power System, the
40 proposal to sell or lease the Mineral County Power System is
41 approved and the proper officers of Mineral County may
42 complete the sale or lease of the Mineral County Power
43 System.

44 9. If a majority of the ballots are against the sale or lease
45 of the Mineral County Power System, the proposal to sell or



1 lease the Mineral County Power System fails, the proper
2 officers of the Mineral County Power System shall proceed
3 no further with the sale or lease of the Mineral County Power
4 System, and all acts or agreements theretofore made by the
5 Board of County Commissioners in relation to the sale or
6 lease are void.

7 10. Where not specifically provided for in this act, the
8 general election laws of the State of Nevada govern where
9 applicable.

10 **Sec. 69.** The provisions of NRS 354.599 do not apply to any
11 additional expenses of a local government that are related to the
12 provisions of this act.

13 **Sec. 70.** NRS 293.405 is hereby repealed.

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

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

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

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

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.

