

(Reprinted with amendments adopted on May 31, 2023)

SECOND REPRINT

S.B. 443

SENATE BILL NO. 443—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 27, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to voter registration.
(BDR 24-842)FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

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

AN ACT relating to elections; revising provisions relating to voter registration during certain periods preceding an election; requiring the Department of Motor Vehicles to have extended hours of operation in certain counties during certain periods preceding the deadline to register to vote by mail for certain elections and following the day of certain elections; prohibiting, in certain counties, the Department from requiring an appointment to obtain a driver's license or identification card during certain periods; making an appropriation to the Department of Motor Vehicles for certain security costs relating to extended hours of operation required during certain periods; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law sets forth certain deadlines for registering to vote by mail,
2 computer or appearing in person at the office of the county or city clerk. (NRS
3 293.560, 293C.527) Existing law also authorizes an elector to register to vote after
4 such deadlines: (1) through the Thursday preceding the election, by computer using
5 the online registration system provided on the Internet website of the Office of the
6 Secretary of State; and (2) after such online registration, by appearing in person
7 during the period for early voting or on election day. To register to vote during such
8 periods, an elector must provide his or her driver's license or identification card
9 issued by the Department of Motor Vehicles and, if the license or identification
10 card does not include his or her current residential address, certain documents
11 establishing proof of residency. (NRS 293.5837-293.5847) **Sections 1.6 and 2** of
12 this bill instead provide that to register to vote in person during the period for early



13 voting or on election day, an elector must, with certain exceptions, provide a
14 current and valid driver's license or identification card issued by this State, another
15 state, the District of Columbia or a territory of the United States or provide a tribal
16 identification card as proof of identity. If the elector's driver's license or
17 identification card was issued by the Department of Motor Vehicles and shows the
18 elector's current residential address, the driver's license or identification card is
19 also proof of the elector's residency. If the elector's tribal identification card shows
20 the elector's current residential address, the tribal identification card is also proof of
21 the elector's residency.

22 If the elector's driver's license or identification card was not issued by the
23 Department of Motor Vehicles, the elector may cast a provisional ballot if he or she
24 completes a written affirmation. Any such elector who casts a provisional ballot
25 must provide a current and valid driver's license or identification card issued by the
26 Department of Motor Vehicles, an interim document issued by the Department of
27 Motor Vehicles or a tribal identification card demonstrating proof of residency by 5
28 p.m. on the Friday immediately following election day.

29 **Sections 1.6 and 2** also provide that if an elector's driver's license or
30 identification card issued by the Department of Motor Vehicles does not have the
31 elector's current residential address, the elector may present an original, electronic
32 or certified copy of a document as proof of residency and that, for certain
33 documents, such document must be dated not more than 60 days before the date the
34 elector is registering to vote.

35 **Sections 1.6 and 2** further provide that if an elector does not have a driver's
36 license or identification card issued by this State or another state, the District of
37 Columbia or any territory of the United States or a tribal identification card, the
38 elector may cast a provisional ballot if he or she completes a written affirmation.
39 Any such elector who casts a provisional ballot must provide a current and valid
40 driver's license, identification card or interim document issued by the Department
41 of Motor Vehicles or a tribal identification card demonstrating proof of identity and
42 residency in this State by 5 p.m. on the Friday immediately following election day.

43 Existing law authorizes the Director of the Department of Motor Vehicles to
44 arrange for extended hours of operation for offices of the Department in a county
45 whose population is 100,000 or more (currently Clark County and Washoe
46 County). (NRS 481.057) **Section 3** of this bill provides that, in a county whose
47 population is 100,000 or more, the Director is required to arrange for the offices of
48 the Department to remain open on Saturdays and Sundays and at hours other than 8
49 a.m. to 5 p.m. for a person to only apply for the issuance or renewal of any type of
50 driver's license or identification card issued by the Department: (1) during the 2
51 weeks immediately preceding the last day to register to vote by mail for a primary
52 election, presidential preference primary election or general election; and (2) during
53 the 6 calendar days immediately following the day of a primary election,
54 presidential preference primary election or general election. **Section 3** further
55 prohibits the Department from requiring, in a county whose population is 100,000
56 or more, a person to have an appointment to apply for the issuance or renewal of
57 any type of driver's license or identification card issued by the Department: (1)
58 during the 2 weeks immediately preceding the last day to register to vote by mail
59 for a primary election, presidential preference primary election or general election;
60 and (2) during the 6 calendar days immediately following the day of a primary
61 election, presidential preference primary election or general election.

62 **Section 3.5** of this bill makes an appropriation from the State Highway Fund to
63 the Department of Motor Vehicles for the costs of additional security services for
64 the extended hours of operation required by **section 3**.



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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 1.3.** (Deleted by amendment.)

3 **Sec. 1.6.** NRS 293.5842 is hereby amended to read as follows:

4 293.5842 1. Notwithstanding the close of any method of
5 registration for an election pursuant to NRS 293.560 or 293C.527,
6 an elector may register to vote in person at any polling place for
7 early voting by personal appearance in the county or city, as
8 applicable, in which the elector is eligible to vote.

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

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

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

18 (1) A paper application; or

19 (2) The system established by the Secretary of State pursuant
20 to NRS 293.671.

21 ↪ If the county or city clerk authorizes the use of both methods, the
22 county or city clerk may limit the use of one method to
23 circumstances when the other method is not reasonably available.

24 (c) Except as otherwise provided in ~~[subsection 3,]~~ *this section*,
25 provide his or her ~~[current]~~ :

26 (1) *Current* and valid driver's license or identification card
27 issued by ~~[the Department of Motor Vehicles which shows his or~~
28 ~~her physical address]~~ *this State or another state, the District of*
29 *Columbia or any territory of the United States* as proof of the
30 elector's identity and , *if the driver's license or identification card*
31 *was issued by the Department of Motor Vehicles and shows the*
32 *elector's current residential address, as proof of the elector's*
33 *identity and* residency ~~[]~~ ; or

34 (2) *Tribal identification card as proof of the elector's*
35 *identity and, if the tribal identification card shows the elector's*
36 *current residential address, as proof of the elector's identity and*
37 *residency.*

38 3. If the *elector's* driver's license or identification card *was*
39 issued by the Department of Motor Vehicles ~~[to the elector]~~ *but*
40 does not have the elector's current residential address, *an original,*
41 *electronic or certified copy of* the following documents may be used
42 to establish the residency of the elector if the current residential



1 address of the elector, as indicated on his or her application to
2 register to vote, is displayed on the document:

- 3 (a) A military identification card;
- 4 (b) A utility bill, including, without limitation, a bill for electric,
5 gas, oil, water, sewer, septic, telephone, cellular telephone or cable
6 television service **[§]**, *that is dated not more than 60 days before*
7 *the date on which the elector is registering to vote;*
- 8 (c) A bank or credit union statement **[§]** *that is dated not more*
9 *than 60 days before the date on which the elector is registering to*
10 *vote;*
- 11 (d) A paycheck **[§]** *that is dated not more than 60 days before*
12 *the date on which the elector is registering to vote;*
- 13 (e) An income tax return;
- 14 (f) A statement concerning the mortgage, rental or lease of a
15 residence;
- 16 (g) A motor vehicle registration;
- 17 (h) A property tax statement; or
- 18 (i) Any other document issued by a governmental agency.

19 4. **[Subject]** *Except as otherwise provided in subsection 5 or 6,*
20 *subject* to final verification, if an elector registers to vote in person
21 at a polling place pursuant to this section:

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

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

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

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

- 30 (1) May vote in the election only at that polling place;
- 31 (2) Must vote as soon as practicable and before leaving that
32 polling place; and

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

36 5. *If an elector who appears to vote provides as proof of*
37 *identity a driver's license or identification card that was not issued*
38 *by the Department of Motor Vehicles or provides a tribal*
39 *identification card that does not have the elector's current*
40 *residential address, the elector may cast a provisional ballot*
41 *pursuant to subsection 4 if the elector completes a written*
42 *affirmation on a form provided by an election officer which*
43 *includes:*

44 (a) *A statement in which the person affirms under penalty of*
45 *perjury that he or she is a qualified elector; and*



1 *(b) A statement informing the voter that a current and valid*
2 *driver's license, identification card or interim document issued by*
3 *the Department of Motor Vehicles or a tribal identification card*
4 *that demonstrates residency must be provided to the county or city*
5 *clerk not later than 5 p.m. on the Friday immediately following*
6 *election day and that failure to do so will result in the provisional*
7 *ballot not being counted.*

8 *6. If an elector who appears to vote does not have a driver's*
9 *license or identification card issued by this State or another state,*
10 *the District of Columbia or any territory of the United States or a*
11 *tribal identification card, the elector may cast a provisional ballot*
12 *pursuant to subsection 4 if the elector completes a written*
13 *affirmation on a form provided by an election officer which*
14 *includes:*

15 *(a) A statement in which the person affirms under penalty of*
16 *perjury that he or she is a qualified elector but has not been issued*
17 *a driver's license or identification card by this State or another*
18 *state, the District of Columbia or any territory of the United States*
19 *or a tribal identification card; and*

20 *(b) A statement informing the voter that a current and valid*
21 *driver's license, identification card or interim document issued by*
22 *the Department of Motor Vehicles or a tribal identification card*
23 *that demonstrates proof of identity and residency must be provided*
24 *to the county or city clerk not later than 5 p.m. on the Friday*
25 *immediately following election day and failure to do so will result*
26 *in the provisional ballot not being counted.*

27 *7. Nothing in this section shall be construed to authorize an*
28 *elector's provisional ballot that is cast pursuant to this section to*
29 *be counted unless the elector provides proof of identity and*
30 *residency as required pursuant to this section.*

31 **Sec. 2.** NRS 293.5847 is hereby amended to read as follows:

32 293.5847 1. Notwithstanding the close of any method of
33 registration for an election pursuant to NRS 293.560 or 293C.527,
34 an elector may register to vote in person on the day of the election at
35 any polling place in the county or city, as applicable, in which the
36 elector is eligible to vote.

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

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

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

45 (1) A paper application; or



1 (2) The system established by the Secretary of State pursuant
2 to NRS 293.671.

3 ➔ If the county or city clerk authorizes the use of both methods, the
4 county or city clerk may limit the use of one method to
5 circumstances when the other method is not reasonably available.

6 (c) Except as otherwise provided in ~~subsection 3,~~ *this section,*
7 provide his or her ~~current~~ :

8 (1) *Current* and valid driver's license or identification card
9 issued by ~~the Department of Motor Vehicles which shows his or~~
10 ~~her physical address~~ *this State or another state, the District of*
11 *Columbia or any territory of the United States* as proof of the
12 elector's identity , *and if the driver's license or identification card*
13 *was issued by the Department of Motor Vehicles and shows the*
14 *elector's current residential address, as proof of the elector's*
15 *identity and residency* ~~;~~ ; or

16 (2) *Tribal identification card as proof of the elector's*
17 *identity and, if the tribal identification card shows the elector's*
18 *current residential address, as proof of the elector's identity and*
19 *residency.*

20 3. If the *elector's* driver's license or identification card *was*
21 issued by the Department of Motor Vehicles ~~to the elector~~ *but*
22 does not have the elector's current residential address, *an original,*
23 *electronic or certified copy of* the following documents may be used
24 to establish the residency of the elector if the current residential
25 address of the elector, as indicated on his or her application to
26 register to vote, is displayed on the document:

27 (a) A military identification card;

28 (b) A utility bill, including, without limitation, a bill for electric,
29 gas, oil, water, sewer, septic, telephone, cellular telephone or cable
30 television service ~~;~~ , *that is dated not more than 60 days before*
31 *the elector is registering to vote;*

32 (c) A bank or credit union statement ~~;~~ *that is dated not more*
33 *than 60 days before the elector is registering to vote;*

34 (d) A paycheck ~~;~~ *that is dated not more than 60 days before*
35 *the elector is registering to vote;*

36 (e) An income tax return;

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

39 (g) A motor vehicle registration;

40 (h) A property tax statement; or

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

42 4. ~~Subject~~ *Except as otherwise provided in subsection 5 or 6,*
43 *subject* to final verification, if an elector registers to vote in person
44 at a polling place pursuant to this section:



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

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

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

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

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

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

12 (3) Must vote by casting a provisional ballot.

13 ***5. If an elector who appears to vote provides as proof of***
14 ***identity a driver's license or identification card that was not issued***
15 ***by the Department of Motor Vehicles or provides a tribal***
16 ***identification card that does not have the elector's current***
17 ***residential address, the elector may cast a provisional ballot***
18 ***pursuant to subsection 4 if the elector completes a written***
19 ***affirmation on a form provided by an election officer which***
20 ***includes:***

21 ***(a) A statement in which the person affirms under penalty of***
22 ***perjury that he or she is a qualified elector; and***

23 ***(b) A statement informing the voter that a current and valid***
24 ***driver's license, identification card or interim document issued by***
25 ***the Department of Motor Vehicles or a tribal identification card***
26 ***that demonstrates residency must be provided to the county or city***
27 ***clerk not later than 5 p.m. on the Friday immediately following***
28 ***election day and that failure to do so will result in the provisional***
29 ***ballot not being counted.***

30 ***6. If an elector who appears to vote does not have a driver's***
31 ***license or identification card issued by this State or another state,***
32 ***the District of Columbia or any territory of the United States or a***
33 ***tribal identification card, the elector may cast a provisional ballot***
34 ***pursuant to subsection 4 if the elector completes a written***
35 ***affirmation on a form provided by an election officer which***
36 ***includes:***

37 ***(a) A statement in which the person affirms under penalty of***
38 ***perjury that he or she is a qualified elector but has not been issued***
39 ***a driver's license or identification card by this State or another***
40 ***state, the District of Columbia or any territory of the United States***
41 ***or a tribal identification card; and***

42 ***(b) A statement informing the voter that a current and valid***
43 ***driver's license, identification card or interim document issued by***
44 ***the Department of Motor Vehicles or a tribal identification card***
45 ***that demonstrates proof of identity and residency must be provided***



1 *to the county or city clerk not later than 5 p.m. on the Friday*
2 *immediately following election day and failure to do so will result*
3 *in the provisional ballot not being counted.*

4 *7. Nothing in this section shall be construed to authorize an*
5 *elector's provisional ballot that is cast pursuant to this section to*
6 *be counted unless the elector provides proof of identity and*
7 *residency as required pursuant to this section.*

8 **Sec. 3.** NRS 481.057 is hereby amended to read as follows:

9 481.057 ~~HB~~

10 *1. Except as otherwise provided in subsection 2, in a county*
11 *whose population is 100,000 or more, the Director may arrange for*
12 *offices of the Department to remain open on Saturdays and Sundays*
13 *and at hours other than 8 a.m. to 5 p.m.*

14 *2. In county whose population is 100,000 or more, the*
15 *Director shall arrange for the offices of the Department to remain*
16 *open on Saturdays and Sundays and at hours other than 8 a.m. to*
17 *5 p.m. for a person to apply only for the issuance or renewal of*
18 *any type of driver's license or identification card issued by the*
19 *Department:*

20 *(a) During the 2 weeks immediately preceding the last day to*
21 *register to vote by mail pursuant to NRS 293.560 for a primary*
22 *election, presidential preference primary election or general*
23 *election; and*

24 *(b) During the 6 calendar days immediately following the day*
25 *of a primary election, presidential preference primary election or*
26 *general election.*

27 *3. In a county whose population is 100,000 or more, the*
28 *Department shall not require a person to have an appointment for*
29 *the issuance or renewal of any type of driver's license or*
30 *identification card issued by the Department:*

31 *(a) During the 2 weeks immediately preceding the last day to*
32 *register to vote by mail pursuant to NRS 293.560 for a primary*
33 *election, presidential preference primary election or general*
34 *election; and*

35 *(b) During the 6 calendar days immediately following the day*
36 *of a primary election, presidential preference primary election or*
37 *general election.*

38 *4. As used in this section:*

39 *(a) "General election" has the meaning ascribed to it in*
40 *NRS 293.060.*

41 *(b) "Presidential preference primary election" has the*
42 *meaning ascribed to it in NRS 293.0771.*

43 *(c) "Primary election" has the meaning ascribed to it in*
44 *NRS 293.080.*



1 **Sec. 3.5.** 1. There is hereby appropriated from the State
2 Highway Fund to the Department of Motor Vehicles the sum of
3 \$15,449 for the costs of additional security services for the extended
4 hours of operation required by NRS 481.057, as amended by section
5 3 of this act.

6 2. Any remaining balance of the appropriation made by
7 subsection 1 must not be committed for expenditure after June 30,
8 2025, by the entity to which the appropriation is made or any entity
9 to which money from the appropriation is granted or otherwise
10 transferred in any manner, and any portion of the appropriated
11 money remaining must not be spent for any purpose after
12 September 19, 2025, by either the entity to which the money was
13 appropriated or the entity to which the money was subsequently
14 granted or transferred, and must be reverted to the State Highway
15 Fund on or before September 19, 2025.

16 **Sec. 4.** 1. This section becomes effective upon passage and
17 approval.

18 2. Sections 1 to 3, inclusive, of this act become effective:

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

22 (b) On May 1, 2024, for all other purposes.

23 3. Section 3.5 of this act becomes effective on July 1, 2024.

