

ASSEMBLY BILL NO. 94—ASSEMBLYMAN HANSEN

PREFILED JANUARY 30, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Authorizes a registered voter to elect to receive a sample ballot by electronic mail. (BDR 24-518)

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

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

AN ACT relating to elections; authorizing a registered voter to elect to receive a sample ballot by electronic mail; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires each county and city clerk to mail a sample ballot to each
2 registered voter in the applicable county or city. (NRS 293.565, 293C.530)
3 **Sections 2 and 4** of this bill require each county and city clerk to distribute a
4 sample ballot by electronic mail to each registered voter who elects to receive
5 sample ballots in that manner. **Sections 1, 3 and 5-10** of this bill make conforming
6 changes.

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

1 **Section 1.** NRS 293.097 is hereby amended to read as follows:
2 293.097 “Sample ballot” means a document distributed by a
3 county or city clerk upon which is ~~printed~~ *included* a list of the
4 offices, candidates and ballot questions that will appear on a ballot.
5 The term includes any such document which is ~~printed by~~
6 *prepared on* a computer ~~and distributed by mail or electronic~~
7 *mail.*
8 **Sec. 2.** NRS 293.565 is hereby amended to read as follows:
9 293.565 1. Except as otherwise provided in subsection 3,
10 sample ballots must include:
11 (a) If applicable, the statement required by NRS 293.267;



1 (b) The fiscal note or description of anticipated financial effect,
2 as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015,
3 295.095 or 295.230 for each proposed constitutional amendment,
4 statewide measure, measure to be voted upon only by a special
5 district or political subdivision and advisory question;

6 (c) An explanation, as provided pursuant to NRS 218D.810,
7 293.250, 293.481, 295.121 or 295.230, of each proposed
8 constitutional amendment, statewide measure, measure to be voted
9 upon only by a special district or political subdivision and advisory
10 question;

11 (d) Arguments for and against each proposed constitutional
12 amendment, statewide measure, measure to be voted upon only by a
13 special district or political subdivision and advisory question, and
14 rebuttals to each argument, as provided pursuant to NRS 218D.810,
15 293.250, 293.252 or 295.121; and

16 (e) The full text of each proposed constitutional amendment.

17 2. If, pursuant to the provisions of NRS 293.2565, the word
18 "Incumbent" must appear on the ballot next to the name of the
19 candidate who is the incumbent, the word "Incumbent" must appear
20 on the sample ballot next to the name of the candidate who is the
21 incumbent.

22 3. Sample ballots that are mailed to registered voters may be
23 printed without the full text of each proposed constitutional
24 amendment if:

25 (a) The cost of printing the sample ballots would be significantly
26 reduced if the full text of each proposed constitutional amendment
27 were not included;

28 (b) The county clerk ensures that a sample ballot that includes
29 the full text of each proposed constitutional amendment is provided
30 at no charge to each registered voter who requests such a sample
31 ballot; and

32 (c) The sample ballots provided to each polling place include the
33 full text of each proposed constitutional amendment.

34 4. *A registered voter may elect to receive a sample ballot by*
35 *electronic mail. If a registered voter elects to receive a sample*
36 *ballot by electronic mail, the county clerk shall distribute the*
37 *sample ballot to the registered voter by electronic mail pursuant to*
38 *the procedures and requirements set forth by regulations adopted*
39 *by the Secretary of State. If a registered voter does not elect to*
40 *receive a sample ballot by electronic mail, the county clerk shall*
41 *distribute the sample ballot to the registered voter by mail.*

42 5. Before the period for early voting for any election begins,
43 the county clerk shall cause to be ~~mailed~~ *distributed by mail or*
44 *electronic mail, as applicable,* to each registered voter in the county
45 ~~to~~ *the* sample ballot for his or her precinct, with a notice informing



1 the voter of the location of his or her polling place. If the location of
2 the polling place has changed since the last election:

3 (a) The county clerk shall mail a notice of the change to each
4 registered voter in the county not sooner than 10 days before
5 ~~mailing~~ *distributing* the sample ballots; or

6 (b) The sample ballot must also include a notice in bold type
7 immediately above the location which states:

8
9 NOTICE: THE LOCATION OF YOUR POLLING PLACE
10 HAS CHANGED SINCE THE LAST ELECTION
11

12 ~~5-1~~ 6. Except as otherwise provided in subsection ~~6-1~~ 7, a
13 sample ballot required to be ~~mailed~~ *distributed* pursuant to this
14 section must:

15 (a) Be ~~printed~~ *prepared* in at least 12-point type; and

16 (b) Include on the front page, in a separate box created by bold
17 lines, a notice ~~printed~~ *prepared* in at least 20-point bold type that
18 states:

19
20 NOTICE: TO RECEIVE A SAMPLE BALLOT IN
21 LARGE TYPE, CALL (Insert appropriate telephone number)
22

23 ~~6-1~~ 7. A portion of a sample ballot that contains a facsimile of
24 the display area of a voting device may include material in less than
25 12-point type to the extent necessary to make the facsimile fit on the
26 pages of the sample ballot.

27 ~~7-1~~ 8. The sample ballot ~~mailed~~ *distributed* to a person who
28 requests a sample ballot in large type by exercising the option
29 provided pursuant to NRS 293.508, or in any other manner, must be
30 ~~printed~~ *prepared* in at least 14-point type, or larger when
31 practicable.

32 ~~8-1~~ 9. If a person requests a sample ballot in large type, the
33 county clerk shall ensure that all future sample ballots ~~mailed~~
34 *distributed* to that person from the county are in large type.

35 ~~9-1~~ 10. The county clerk shall include in each sample ballot a
36 statement indicating that the county clerk will, upon request of a
37 voter who is elderly or disabled, make reasonable accommodations
38 to allow the voter to vote at his or her polling place and provide
39 reasonable assistance to the voter in casting his or her vote,
40 including, without limitation, providing appropriate materials to
41 assist the voter. In addition, if the county clerk has provided
42 pursuant to subsection 4 of NRS 293.2955 for the placement at
43 centralized voting locations of specially equipped voting devices for
44 use by voters who are elderly or disabled, the county clerk shall
45 include in the sample ballot a statement indicating:



1 (a) The addresses of such centralized voting locations;
2 (b) The types of specially equipped voting devices available at
3 such centralized voting locations; and

4 (c) That a voter who is elderly or disabled may cast his or her
5 ballot at such a centralized voting location rather than at his or her
6 regularly designated polling place.

7 ~~HO~~ 11. The cost of ~~mailing~~ **distributing** sample ballots for
8 any election other than a primary or general election must be borne
9 by the political subdivision holding the election.

10 **Sec. 3.** NRS 293.780 is hereby amended to read as follows:

11 293.780 1. A person who is entitled to vote shall not vote or
12 attempt to vote more than once at the same election. Any person
13 who votes or attempts to vote twice at the same election is guilty
14 of a category D felony and shall be punished as provided in
15 NRS 193.130.

16 2. Notice of the provisions of subsection 1 must be given by
17 the county or city clerk as follows:

18 (a) ~~Printed~~ **Stated** on all sample ballots ~~mailed;~~ **distributed**
19 **by mail or electronic mail;**

20 (b) Posted in boldface type at each polling place; and

21 (c) Posted in boldface type at the office of the county or city
22 clerk.

23 **Sec. 4.** NRS 293C.530 is hereby amended to read as follows:

24 293C.530 1. ***A registered voter may elect to receive a sample***
25 ***ballot by electronic mail. If a registered voter elects to receive a***
26 ***sample ballot by electronic mail, the city clerk shall distribute the***
27 ***sample ballot to the registered voter by electronic mail pursuant to***
28 ***the procedures and requirements set forth by regulations adopted***
29 ***by the Secretary of State. If a registered voter does not elect to***
30 ***receive a sample ballot by electronic mail, the city clerk shall***
31 ***distribute the sample ballot to the registered voter by mail.***

32 2. Before the period for early voting for any election begins,
33 the city clerk shall cause to be ~~mailed~~ **distributed by mail or**
34 ***electronic mail, as applicable,*** to each registered voter in the city ~~at~~
35 ***the*** sample ballot for his or her precinct, with a notice informing the
36 voter of the location of his or her polling place. If the location of the
37 polling place has changed since the last election:

38 (a) The city clerk shall mail a notice of the change to each
39 registered voter in the city not sooner than 10 days before ~~mailing~~
40 **distributing** the sample ballots; or

41 (b) The sample ballot must also include a notice in bold type
42 immediately above the location which states:

43
44
45

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION



* A B 9 4 *

1 ~~{2-}~~ 3. Except as otherwise provided in subsection ~~{4-}~~ 5, a
2 sample ballot required to be ~~{mailed}~~ *distributed* pursuant to this
3 section must:

4 (a) Be ~~{printed}~~ *prepared* in at least 12-point type;

5 (b) Include the description of the anticipated financial effect and
6 explanation of each citywide measure and advisory question,
7 including arguments for and against the measure or question, as
8 required pursuant to NRS 295.205 or 295.217; and

9 (c) Include on the front page, in a separate box created by bold
10 lines, a notice ~~{printed}~~ *prepared* in at least 20-point bold type that
11 states:

12
13 NOTICE: TO RECEIVE A SAMPLE BALLOT IN
14 LARGE TYPE, CALL (Insert appropriate telephone number)
15

16 ~~{3-}~~ 4. The word “Incumbent” must appear on the sample
17 ballot next to the name of the candidate who is the incumbent, if
18 required pursuant to NRS 293.2565.

19 ~~{4-}~~ 5. A portion of a sample ballot that contains a facsimile of
20 the display area of a voting device may include material in less than
21 12-point type to the extent necessary to make the facsimile fit on the
22 pages of the sample ballot.

23 ~~{5-}~~ 6. The sample ballot ~~{mailed}~~ *distributed* to a person who
24 requests a sample ballot in large type by exercising the option
25 provided pursuant to NRS 293.508, or in any other manner, must be
26 ~~{printed}~~ *prepared* in at least 14-point type, or larger when
27 practicable.

28 ~~{6-}~~ 7. If a person requests a sample ballot in large type, the
29 city clerk shall ensure that all future sample ballots ~~{mailed}~~
30 *distributed* to that person from the city are in large type.

31 ~~{7-}~~ 8. The city clerk shall include in each sample ballot a
32 statement indicating that the city clerk will, upon request of a voter
33 who is elderly or disabled, make reasonable accommodations to
34 allow the voter to vote at his or her polling place and provide
35 reasonable assistance to the voter in casting his or her vote,
36 including, without limitation, providing appropriate materials to
37 assist the voter. In addition, if the city clerk has provided pursuant to
38 subsection 4 of NRS 293C.281 for the placement at centralized
39 voting locations of specially equipped voting devices for use by
40 voters who are elderly or disabled, the city clerk shall include in the
41 sample ballot a statement indicating:

42 (a) The addresses of such centralized voting locations;

43 (b) The types of specially equipped voting devices available at
44 such centralized voting locations; and



1 (c) That a voter who is elderly or disabled may cast his or her
2 ballot at such a centralized voting location rather than at the voter's
3 regularly designated polling place.

4 ~~{8-}~~ 9. The cost of ~~{mailing}~~ *distributing* sample ballots for a
5 city election must be borne by the city holding the election.

6 **Sec. 5.** NRS 244A.785 is hereby amended to read as follows:

7 244A.785 1. The board of county commissioners of a county
8 whose population is 700,000 or more may, by ordinance, create one
9 or more districts within the unincorporated area of the county for the
10 support of public parks. Such a district may include territory within
11 the boundary of an incorporated city if so provided by interlocal
12 agreement between the county and the city.

13 2. The ordinance creating a district must specify its boundaries.
14 The area included within the district may be contiguous or
15 noncontiguous. The boundaries set by the ordinance are not affected
16 by later annexations to or incorporation of a city.

17 3. The alteration of the boundaries of such a district may be
18 initiated by:

19 (a) A petition proposed unanimously by the owners of the
20 property which is located in the proposed area which was not
21 previously included in the district; or

22 (b) A resolution adopted by the board of county commissioners
23 on its own motion.

24 ➔ If the board of county commissioners proposes on its own motion
25 to alter the boundaries of a district for the support of public parks, it
26 shall, at the next primary or general election, submit to the
27 registered voters who reside in the proposed area which was not
28 previously included in the district, the question of whether the
29 boundaries of the district shall be altered. If a majority of the voters
30 approve the question, the board shall, by ordinance, alter the
31 boundaries of the district as approved by the voters.

32 4. The sample ballot required to be ~~{mailed}~~ *distributed*
33 pursuant to NRS 293.565 must include for the question described in
34 subsection 3, a disclosure of any future increase or decrease in costs
35 which may be reasonably anticipated in relation to the purposes of
36 the district for the support of public parks and its probable effect on
37 the district's tax rate.

38 **Sec. 6.** NRS 266.0325 is hereby amended to read as follows:

39 266.0325 1. At least 10 days before an election held pursuant
40 to NRS 266.029, the county clerk or registrar of voters shall cause to
41 be ~~{mailed}~~ *distributed by mail or electronic mail, as applicable*, to
42 each qualified elector a sample ballot for the elector's precinct with
43 a notice informing the elector of the location of the polling place for
44 that precinct.

45 2. The sample ballot must:



- 1 (a) Be in the form required by NRS 266.032.
2 (b) Include the information required by NRS 266.032.
3 (c) Except as otherwise provided in subsection 3, be ~~printed~~
4 *prepared* in at least 12-point type.
5 (d) Describe the area proposed to be incorporated by assessor's
6 parcel maps, existing boundaries of subdivision or parcel maps,
7 identifying visible ground features, extensions of the visible ground
8 features, or by any boundary that coincides with the official
9 boundary of the State, a county, a city, a township, a section or any
10 combination thereof.
11 (e) Contain a copy of the map or plat that was submitted with
12 the petition pursuant to NRS 266.019 and depicts the existing
13 dedicated streets, sewer interceptors and outfalls and their proposed
14 extensions.
15 (f) Include on the front page, in a separate box created by bold
16 lines, a notice ~~printed~~ *prepared* in at least 20-point bold type that
17 states:

18
19 NOTICE: TO RECEIVE A SAMPLE BALLOT IN
20 LARGE TYPE, CALL (Insert appropriate telephone number)
21

22 3. A portion of a sample ballot that contains a facsimile of the
23 display area of a voting device may include material in less than 12-
24 point type to the extent necessary to make the facsimile fit on the
25 pages of the sample ballot.

26 4. The sample ballot ~~mailed~~ *distributed* to a person who
27 requests a sample ballot in large type by exercising the option
28 provided pursuant to NRS 293.508, or in any other manner, must be
29 ~~printed~~ *prepared* in at least 14-point type, or larger when
30 practicable.

31 5. If a person requests a sample ballot in large type, the county
32 clerk shall ensure that all future sample ballots ~~mailed~~ *distributed*
33 to that person from the county are in large type.

34 **Sec. 7.** NRS 266.034 is hereby amended to read as follows:

35 266.034 1. The costs incurred by the board of county
36 commissioners in carrying out the provisions relating to the
37 incorporation, including the costs incurred in certifying the petition,
38 publishing the notices, requesting the report pursuant to NRS
39 266.0261, conducting the public hearing and election, including the
40 cost of ~~mailing~~ *distributing* the sample ballots, and any appeal
41 pursuant to NRS 266.0265 are a charge against the county if the
42 proposed incorporation is not submitted to the voters or the
43 incorporation is disapproved by the voters, and a charge against
44 the incorporated city if the incorporation is approved by the voters.



1 2. The costs incurred by the incorporators in carrying out the
2 provisions relating to the incorporation, including the costs incurred
3 in preparation of the petition for incorporation, preparation of the
4 descriptions and map of the area proposed to be incorporated and
5 circulation of the petition are chargeable to the incorporated city if
6 the incorporation is approved by the voters.

7 **Sec. 8.** NRS 349.015 is hereby amended to read as follows:

8 349.015 1. Except as otherwise provided in subsection 3, the
9 sample ballot required to be ~~mailed~~ *distributed* pursuant to NRS
10 293.565 or 293C.530, and the notice of election must contain:

11 (a) The time and places of holding the election.

12 (b) The hours during the day in which the polls will be open,
13 which must be the same as provided for general elections.

14 (c) The purposes for which the bonds are to be issued.

15 (d) A disclosure of any:

16 (1) Future increase or decrease in costs which can reasonably
17 be anticipated in relation to the purposes for which the obligations
18 are to be issued and its probable effect on the tax rate; and

19 (2) Requirement relating to the bond question which is
20 imposed pursuant to a court order or state or federal statute and the
21 probable consequences which will result if the bond question is not
22 approved by the voters.

23 (e) An estimate of the annual cost to operate, maintain and
24 repair any buildings, structures or other facilities or improvements
25 to be constructed or acquired with the proceeds of the bonds.

26 (f) The maximum amount of the bonds.

27 (g) The maximum rate of interest.

28 (h) The maximum number of years which the bonds are to run.

29 2. Any election called pursuant to NRS 349.010 to 349.070,
30 inclusive, may be consolidated with a primary or general election.

31 3. If the election is consolidated with a general election, the
32 notice of election need not set forth the places of holding the
33 election, but may instead state that the places of holding the election
34 will be the same as those provided for the general election.

35 **Sec. 9.** NRS 350.024 is hereby amended to read as follows:

36 350.024 1. The ballot question for a proposal submitted to
37 the electors of a municipality pursuant to subsection 1 of NRS
38 350.020 must contain the principal amount of the general
39 obligations to be issued or incurred, the purpose of the issuance or
40 incurrence of the general obligations and an estimate established by
41 the governing body of:

42 (a) The duration of the levy of property tax that will be used to
43 pay the general obligations; and



1 (b) The average annual increase, if any, in the amount of
2 property taxes that an owner of a new home with a fair market value
3 of \$100,000 will pay for debt service on the general obligations to
4 be issued or incurred.

5 2. Except as otherwise provided in subsection 4, the sample
6 ballot required to be ~~mailed~~ *distributed* pursuant to NRS 293.565
7 or 293C.530 and the notice of election must contain:

8 (a) The time and places of holding the election.

9 (b) The hours during the day in which the polls will be open,
10 which must be the same as provided for general elections.

11 (c) The ballot question.

12 (d) The maximum amount of the obligations, including the
13 anticipated interest, separately stating the total principal, the total
14 anticipated interest and the anticipated interest rate.

15 (e) An estimate of the range of property tax rates stated in
16 dollars and cents per \$100 of assessed value necessary to provide for
17 debt service upon the obligations for the dates when they are to be
18 redeemed. The municipality shall, for each such date, furnish an
19 estimate of the assessed value of the property against which the
20 obligations are to be issued or incurred, and the governing body
21 shall estimate the tax rate based upon the assessed value of the
22 property as given in the assessor's estimates.

23 3. If an operating or maintenance rate is proposed in
24 conjunction with the question to issue obligations, the questions
25 may be combined, but the sample ballot and notice of election must
26 each state the tax rate required for the obligations separately from
27 the rate proposed for operation and maintenance.

28 4. Any election called pursuant to NRS 350.020 to 350.070,
29 inclusive, may be consolidated with a primary or general municipal
30 election or a primary or general state election. The notice of election
31 need not set forth the places of holding the election, but may instead
32 state that the places of holding the election will be the same as those
33 provided for the election with which it is consolidated.

34 5. If the election is a special election, the clerk shall cause
35 notice of the close of registration to be published in a newspaper
36 printed in and having a general circulation in the municipality once
37 in each calendar week for 2 successive calendar weeks next
38 preceding the close of registration for the election.

39 **Sec. 10.** NRS 350.027 is hereby amended to read as follows:

40 350.027 1. In addition to any requirements imposed pursuant
41 to NRS 350.024, any sample ballot required to be ~~mailed~~
42 *distributed* pursuant to NRS 293.565 or 293C.530 and any notice of
43 election, for an election that includes a proposal for the issuance by
44 any municipality of any bonds or other securities, including an
45 election that is not called pursuant to NRS 350.020 to 350.070,



1 inclusive, must contain an estimate of the annual cost to operate,
2 maintain and repair any buildings, structures or other facilities or
3 improvements to be constructed or acquired with the proceeds of the
4 bonds or other securities.

5 2. For the purposes of this section, "municipality" has the
6 meaning ascribed to it in NRS 350.538.

7 **Sec. 11.** This act becomes effective upon passage and approval
8 for the purposes of adopting regulations and performing any other
9 preparatory administrative tasks that are necessary to carry out the
10 provisions of this act, and on January 1, 2016, for all other purposes.



