

The People of the State of Nevada do enact as follows:

Section 1. This act shall be commonly known as the Secure and Fair Elections Act.

Section 2. Section 293.277 is amended to the Elections Code to read:

1. Prior to receiving a ballot, a voter shall present to a member of the precinct board proof of identification that meets all of the following requirements:

- (a) The document shows the name of the individual to who the document was issued, and the name conforms to the name in the individual's voter registration record.
- (b) The document shows a photograph of the individual presenting the identification.
- (c) The document includes an expiration date, and the document is not expired at the time of voting.
- (d) The document was issued by the United States or the State of Nevada or is a valid tribal member ID card issued by an Indian tribe recognized by the U.S. government.

2. If a voter is unable to or refuses to provide proof of identification pursuant to Subdivision 1, he or she shall not be prohibited from voting but shall be required to execute a declaration, certified to be correct under penalty of perjury, declaring that he or she is registered to vote. Upon execution of the declaration, the voter shall be issued a provisional ballot pursuant to NRS 293.3081 through 293.3086 and an envelope to be completed in the same manner as a vote by Absentee Ballots, or an electronic provisional ballot with a copy of the identification sent by approved electronic transmission.

Section 3. Fee Waiver. Section 483.416 is added to the Vehicle Code to read:

NRS 483.416. The fee for an original or replacement card shall be waived for a person who requests the identification card for purposes of satisfying the requirement for NRS 293.12752 of the Elections Code.

Section 4. Absentee Ballots. Section 293.3157 of the Election Code is amended to read:

NRS 293.3157 Registered voter residing outside continental United States may request an absentee ballot by approved electronic transmission; return of absentee ballot; oath of voter; regulations.

1. Any registered voter of this State who resides outside the continental United States may use an approved electronic transmission to request an absentee ballot. The registered voter shall state on the request whether he requests the county clerk to send the absentee ballot by mail or approved electronic transmission and whether he will return the absentee ballot to the county clerk by mail or approved electronic transmission.

2. If the registered voter indicates pursuant to subsection 1 that he will submit the absentee ballot by mail, he shall include with his completed absentee ballot the identification envelope provided by the county clerk. The identification envelope must be in the form prescribed by the Secretary of State and include, without limitation:

- (a) A declaration, under penalty of perjury, stating that the registered voter resides within the precinct in which he is voting and is the person whose name appears on the envelope;
- (b) The signature of the registered voter;
- (c) The address that the registered voter provided on his application for voter registration;
- (d) The last four digits of the registered voter's Nevada Driver's License number or Nevada ID Card number, or if the having neither, the last four digits of the registered voter's Social Security Number; and
- (e) A statement that the voter has not applied and will not apply to any other county clerk for an absentee ballot.

3. If the registered voter indicates pursuant to subsection 1 that he will submit the absentee ballot by

approved electronic transmission, he shall include with his completed absentee ballot the following:

OATH OF VOTER

I _____, acknowledge that by returning my voted ballot by facsimile transmission, I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any absentee voter, my signature, whether on this oath of voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.

My residential address is

(Street Address) (City) (ZIP Code)

My current mailing address is

The last four digits of the my Nevada Driver's License number or Nevada ID Card number, or if the having neither, the last four digits of my Social Security Number is

My e-mail address is

My approved electronic transmission number is

I am a resident of _____ County, State of Nevada, and I have not applied, nor do I intend to apply, for an absentee ballot from any other jurisdiction for the same election.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this ____ day of _____, 20__.

(Signed) _____

voter (power of attorney cannot be accepted)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT, ALL OF WHICH ARE RETURNED BY APPROVED ELECTRONIC TRANSMISSION.

4. The county clerk, if so requested pursuant to subsection 1, shall use approved electronic transmission to send an absentee ballot and the oath, as required pursuant to subsection 3, to the registered voter.
5. Each county clerk shall ensure the secrecy of absentee ballots that are submitted by approved electronic transmission.
6. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Section 5. Vote by Mail. Section 293.323 of the Elections Code is amended to read:

NRS 293.323 Delivery of absentee ballot and voting supplies; return of absent ballot; regulations.

1. Except as otherwise provided in subsection 2, if the request for an absentee ballot is made by mail or approved electronic transmission, the county clerk shall, as soon as the official absentee ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absentee ballot, unless otherwise requested pursuant to NRS 293.3157, if the absentee voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail, unless otherwise requested pursuant to NRS 293.3157, if the absentee voter is in a foreign country but not on a military base:

- (a) An absentee ballot;

- (b) A return envelope;
- (c) An envelope or similar device into which the ballot is inserted to ensure its secrecy;
- (d) An identification envelope, if applicable pursuant to NRS 293.3157; and
- (e) Instructions.

2. The identification envelope shall contain all of the following:

- (a) A declaration, under penalty of perjury, stating that the voter resides within the precinct in which he or she is voting and is the person whose name appears on the envelope.
- (b) The signature of the voter and the last four digits of the voter's Nevada Driver's License number or Nevada ID Card number, or if the voter has neither, the last four digits of the voter's Social Security Number.
- (c) The residence address of the voter as shown on the affidavit of registration.
- (d) The date of signing.
- (e) A notice that the envelope contains an official ballot and is to be opened only by the canvassing board if the signature and numeric identifying information are verified.
- (f) A warning plainly stamped or printed in it that voting twice constitutes a crime.
- (g) A warning plainly stamped or printed on it that the voter must sign the envelope in his or her own handwriting in order for the ballot to be counted.
- (h) A statement that the voter has neither applied, nor intends to apply, for a vote by mail voter's ballot from any other jurisdiction for the same election.
- (i) A security flap or sleeve to conceal the voter's signature and ID during mailing.

3. If the county clerk fails to send an absentee ballot pursuant to subsection 1 to a voter who resides within the continental United States, the county clerk may use an approved electronic transmission to send an absentee ballot and instructions to the voter. The voter may mail his absentee ballot to the county clerk or submit his absentee ballot by approved electronic transmission.

4. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absentee voter is within the boundaries of the United States, its territories or possessions or on a military base.

5. Nothing may be enclosed or sent with an absentee ballot except as required by subsection 1 or 2 and NRS 293.3157.

6. Before depositing a ballot in the mail or sending a ballot by approved electronic transmission, the county clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, his political affiliation, if any, the number of the ballot and any remarks he finds appropriate.

7. An elections official shall verify that the voter's signature and numeric identification required pursuant to subdivision (a) paragraph (2) are consistent with the voter's corresponding state or federal records before the enclosed ballot may be counted.

8. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

9. Amendments to this section authorized by the Secure and Fair Elections Act shall apply to any election held on or after January 1, 2012.

Section 6. Severability: If any provision of this act, or part thereof, is for any reason held invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable.

Section 7. Amendment and Liberal Construction: This act shall not be amended by the Legislature except by a statute passed in each house by roll call vote entered in the journal, three-fourths of the membership of each house concurring. This act shall be broadly construed to accomplish its purpose of ensuring election integrity by verifying voter identification and ensuring that votes cast by absent uniformed services voters are counted.

DESCRIPTION OF EFFECT

“This initiative would change Nevada law by requiring a voter to present a government-issued photo-identification card at the polls in order to vote. Provisional voting will be allowed for eligible voters who fail to present government-issued photo-identification. Provisional ballots and mail-in ballots will be deemed invalid unless the accompanying envelope is marked with the last four digits of a citizen’s Nevada driver’s license, state identification card, or social security number.”

County of _____

(Only registered voters of this county may sign below)

Petition
District

1	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE DATE / /		
2	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE DATE / /		
3	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE DATE / /		
4	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE DATE / /		
5	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE DATE / /		
6	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE DATE / /		
7	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE DATE / /		

THE FOLLOWING AFFIDAVIT MUST BE COMPLETED AND SIGNED.

AFFIDAVIT OF CIRCULATOR
(TO BE SIGNED BY CIRCULATOR)

STATE OF NEVADA)
)
COUNTY OF _____)

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe each person who signed was at the time of signing a registered voter in the county of his residence; (6) that the number of signatures affixed thereon is _____; and (7) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

Signature of Circulator

Subscribed and sworn to or affirmed before me this
_____ day of _____, _____, by _____.

Notary Public or person to administer oath

AF

ROSS MILLER
SECRETARY OF STATE
2010 FEB 24 PM 3:44
LAS VEGAS, NEVADA