

SENATE BILL NO. 248—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

MARCH 11, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to the provision of assistance to certain voters. (BDR 24-982)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
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; revising provisions regarding the provision of assistance in casting a ballot to a person with a disability or a person with an inability to read or write English; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides that, with limited exceptions, a person with a physical  
2 disability or an inability to read or write English is entitled to assistance in casting a  
3 ballot if the need for assistance is apparent or known to the election board, but the  
4 election board may require such a person to sign a statement under penalty of perjury  
5 swearing that he or she requires such assistance. (NRS 293.296, 293C.282) **Sections**  
6 **7 and 9** of this bill establish that: (1) a person with a disability or an inability to read  
7 or write English remains entitled to assistance in casting a ballot if the need for such  
8 assistance is apparent or known to the election board; (2) a person with a disability  
9 or an inability to read or write English may request assistance in voting in any  
10 manner; and (3) an election board may not require a person with a disability or an  
11 inability to read or write English to sign a statement under penalty of perjury  
12 swearing that he or she requires assistance in casting a ballot. Under existing law, a  
13 person with a disability that prevents him or her from marking or signing a ballot, or  
14 using a voting device without assistance, is required, as a prerequisite to receiving an  
15 absent ballot, to furnish a statement from a licensed physician certifying that the  
16 person is a person with a disability. (NRS 293.3165, 293C.318) **Sections 8 and 10**  
17 of this bill eliminate the requirement that a person with a disability furnish a  
18 statement from a physician certifying that the person is a person with a physical  
19 disability as a prerequisite to the person receiving an absent ballot.



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

- 1     **Section 1.** (Deleted by amendment.)  
2     **Sec. 2.** (Deleted by amendment.)  
3     **Sec. 3.** (Deleted by amendment.)  
4     **Sec. 4.** (Deleted by amendment.)  
5     **Sec. 5.** (Deleted by amendment.)  
6     **Sec. 6.** (Deleted by amendment.)  
7     **Sec. 7.** NRS 293.296 is hereby amended to read as follows:  
8         293.296 1. Any registered voter who by reason of a physical  
9         disability or an inability to read or write English is unable to mark a  
10        ballot or use any voting device without assistance is entitled to  
11        assistance from a consenting person of his or her own choice,  
12        except:  
13        (a) The voter's employer or an agent of the voter's employer; or  
14        (b) An officer or agent of the voter's labor organization.  
15        2. A person providing assistance pursuant to this section to a  
16        voter in casting a vote shall not disclose any information with  
17        respect to the casting of that ballot.  
18        3. The right to assistance in casting a ballot may not be denied  
19        or impaired when the need for assistance is apparent or is known to  
20        the election board or any member thereof ~~but the election board~~  
21        ~~may require a registered voter to sign a statement that he or she~~  
22        ~~requires assistance in casting a vote by reason of a physical~~  
23        ~~disability or an inability to read or write English when the need for~~  
24        ~~assistance is not apparent or no member of the election board has~~  
25        ~~knowledge thereof. The statement must be executed under penalty~~  
26        ~~of perjury.] or when the registered voter requests such assistance~~  
27        ~~in any manner.~~  
28        4. In addition to complying with the requirements of this  
29        section, the county clerk and election board officer shall, upon the  
30        request of a registered voter with a physical disability, make  
31        reasonable accommodations to allow the voter to vote at his or her  
32        polling place.  
33        **Sec. 8.** NRS 293.3165 is hereby amended to read as follows:  
34        293.3165 1. A registered voter who, because of a physical  
35        disability, is unable to mark or sign a ballot or use a voting device  
36        without assistance may submit a written statement to the appropriate  
37        county clerk requesting that the registered voter receive an absent  
38        ballot for each election conducted during the period specified in  
39        subsection 3.  
40        2. A written statement submitted pursuant to subsection 1  
41        must:



1 (a) ~~Include a statement from a physician licensed in this State~~  
2 ~~certifying that the registered voter is a person with a physical~~  
3 ~~disability and, because of the physical disability, is unable to mark~~  
4 ~~or sign a ballot or use a voting device without assistance;~~

5 ~~—(b) Designate the person who will assist the registered voter in~~  
6 ~~marking and signing the absent ballot on behalf of the registered~~  
7 ~~voter; and~~

8 ~~(c) (b) Include the name, address and signature of the person~~  
9 ~~designated pursuant to paragraph (b) (a).~~

10 3. Upon receipt of a written statement submitted by a  
11 registered voter pursuant to subsection 1, the county clerk shall, if  
12 the statement includes the information required pursuant to  
13 subsection 2, issue an absent ballot to the registered voter for each  
14 election that is conducted during the year immediately succeeding  
15 the date the written statement is submitted to the county clerk.

16 4. ~~To determine whether a registered voter is entitled to~~  
17 ~~receive an absent ballot pursuant to this section, the county clerk~~  
18 ~~may, every year after an absent ballot is issued to a registered voter~~  
19 ~~pursuant to subsection 3, require the registered voter to submit a~~  
20 ~~statement from a licensed physician as specified in paragraph (a) of~~  
21 ~~subsection 2. If a statement from a physician licensed in this State~~  
22 ~~submitted pursuant to this subsection indicates that the registered~~  
23 ~~voter is no longer physically disabled, the county clerk shall not~~  
24 ~~issue an absent ballot to the registered voter pursuant to this section.~~

25 ~~5. A person designated pursuant to paragraph (b) (a) of~~  
26 ~~subsection 2 may, on behalf of and at the direction of the registered~~  
27 ~~voter, mark and sign an absent ballot issued to the registered voter~~  
28 ~~pursuant to the provisions of this section. If the person marks and~~  
29 ~~signs the ballot, the person shall indicate next to his or her signature~~  
30 ~~that the ballot has been marked and signed on behalf of the~~  
31 ~~registered voter.~~

32 ~~6. 5. The procedure authorized pursuant to this section is~~  
33 ~~subject to all other provisions of this chapter relating to voting by~~  
34 ~~absent ballot to the extent that those provisions are not inconsistent~~  
35 ~~with the provisions of this section.~~

36 **Sec. 9.** NRS 293C.282 is hereby amended to read as follows:

37 293C.282 1. Any registered voter who, because of a physical  
38 disability or an inability to read or write English, is unable to mark a  
39 ballot or use any voting device without assistance is entitled to  
40 assistance from a consenting person of his or her own choice,  
41 except:

42 (a) The voter's employer or an agent of the voter's employer; or

43 (b) An officer or agent of the voter's labor organization.



1 2. A person providing assistance pursuant to this section to a  
2 voter in casting a vote shall not disclose any information with  
3 respect to the casting of that ballot.

4 3. The right to assistance in casting a ballot may not be denied  
5 or impaired when the need for assistance is apparent or is known to  
6 the election board or any member thereof ~~}; but the election board  
7 may require a registered voter to sign a statement that he or she  
8 requires assistance in casting a vote because of a physical disability  
9 or an inability to read or write English when the need for assistance  
10 is not apparent or no member of the election board has knowledge  
11 thereof. The statement must be executed under penalty of perjury.}~~  
12 *or when the registered voter requests such assistance in any*  
13 *manner.*

14 4. In addition to complying with the requirements of this  
15 section, the city clerk and election board officer shall, upon the  
16 request of a registered voter with a physical disability, make  
17 reasonable accommodations to allow the voter to vote at his or her  
18 polling place.

19 **Sec. 10.** NRS 293C.318 is hereby amended to read as follows:

20 293C.318 1. A registered voter who, because of a physical  
21 disability, is unable to mark or sign a ballot or use a voting device  
22 without assistance may submit a written statement to the appropriate  
23 city clerk requesting that the registered voter receive an absent  
24 ballot for each city election conducted during the period specified in  
25 subsection 3.

26 2. A written statement submitted pursuant to subsection 1  
27 must:

28 (a) ~~Include a statement from a physician licensed in this State  
29 certifying that the registered voter is a person with a physical  
30 disability and, because of the physical disability, is unable to mark  
31 or sign a ballot or use a voting device without assistance;~~

32 ~~—(b)}~~ Designate the person who will assist the registered voter in  
33 marking and signing the absent ballot on behalf of the registered  
34 voter; and

35 ~~(c)}~~ (b) Include the name, address and signature of the person  
36 designated pursuant to paragraph ~~(b)}~~ (a).

37 3. Upon receipt of a written statement submitted by a  
38 registered voter pursuant to subsection 1, the city clerk shall, if the  
39 statement includes the information required pursuant to subsection  
40 2, issue an absent ballot to the registered voter for each city election  
41 that is conducted during the year immediately succeeding the date  
42 the written statement is submitted to the city clerk.

43 4. ~~To determine whether a registered voter is entitled to  
44 receive an absent ballot pursuant to this section, the city clerk may,  
45 every year after an absent ballot is issued to a registered voter~~



~~pursuant to subsection 3, require the registered voter to submit a statement from a licensed physician as specified in paragraph (a) of subsection 2. If a statement from a physician licensed in this State submitted pursuant to this subsection indicates that the registered voter is no longer physically disabled, the city clerk shall not issue an absent ballot to the registered voter pursuant to this section.~~

~~5.]~~ A person designated pursuant to paragraph ~~((b))~~ (a) of subsection 2 may, on behalf of and at the direction of the registered voter, mark and sign an absent ballot issued to the registered voter pursuant to the provisions of this section. If the person marks and signs the ballot, the person shall indicate next to his or her signature that the ballot has been marked and signed on behalf of the registered voter.

~~6.]~~ 5. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

- 18 **Sec. 11.** (Deleted by amendment.)
- 19 **Sec. 12.** (Deleted by amendment.)
- 20 **Sec. 13.** (Deleted by amendment.)
- 21 **Sec. 14.** (Deleted by amendment.)
- 22 **Sec. 15.** (Deleted by amendment.)
- 23 **Sec. 16.** (Deleted by amendment.)
- 24 **Sec. 17.** (Deleted by amendment.)
- 25 **Sec. 18.** (Deleted by amendment.)
- 26 **Sec. 19.** (Deleted by amendment.)
- 27 **Sec. 20.** (Deleted by amendment.)
- 28 **Sec. 21.** (Deleted by amendment.)
- 29 **Sec. 22.** (Deleted by amendment.)
- 30 **Sec. 23.** (Deleted by amendment.)
- 31 **Sec. 24.** (Deleted by amendment.)
- 32 **Sec. 25.** (Deleted by amendment.)
- 33 **Sec. 26.** (Deleted by amendment.)
- 34 **Sec. 27.** (Deleted by amendment.)
- 35 **Sec. 28.** (Deleted by amendment.)
- 36 **Sec. 29.** (Deleted by amendment.)
- 37 **Sec. 30.** (Deleted by amendment.)
- 38 **Sec. 31.** (Deleted by amendment.)
- 39 **Sec. 32.** (Deleted by amendment.)
- 40 **Sec. 33.** (Deleted by amendment.)
- 41 **Sec. 34.** (Deleted by amendment.)
- 42 **Sec. 35.** (Deleted by amendment.)
- 43 **Sec. 36.** (Deleted by amendment.)
- 44 **Sec. 37.** (Deleted by amendment.)
- 45 **Sec. 38.** (Deleted by amendment.)



- 1     **Sec. 39.** (Deleted by amendment.)
- 2     **Sec. 40.** (Deleted by amendment.)
- 3     **Sec. 41.** (Deleted by amendment.)
- 4     **Sec. 42.** (Deleted by amendment.)
- 5     **Sec. 43.** (Deleted by amendment.)
- 6     **Sec. 44.** (Deleted by amendment.)
- 7     **Sec. 45.** (Deleted by amendment.)
- 8     **Sec. 46.** (Deleted by amendment.)
- 9     **Sec. 47.** (Deleted by amendment.)
- 10    **Sec. 48.** (Deleted by amendment.)
- 11    **Sec. 49.** (Deleted by amendment.)
- 12    **Sec. 50.** This act becomes effective upon passage and
- 13 approval.





