

EMERGENCY REQUEST of Speaker of the Assembly

Assembly Bill No. 597–Assemblymember Yeager

CHAPTER.....

AN ACT relating to elections; authorizing a nonpartisan voter to vote for the partisan offices of a major political party in a primary election; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, major party candidates for partisan office are nominated at a primary election. (NRS 293.175) A registered voter may cast a ballot in a primary election for a major political party only if the registered voter designated on his or her application to register to vote an affiliation with that major political party. (NRS 293.257)

Sections 1 and 2 of this bill authorize a registered voter who has indicated on his or her voter registration that he or she is not affiliated with a political party to vote in a primary election for a major political party by requesting a partisan mail ballot in the manner designated by the county clerk or appearing in person at the polls and requesting a partisan ballot. **Section 3** of this bill requires a county clerk to prepare and distribute a partisan mail ballot to each registered nonpartisan voter who requests such a ballot.

Section 4 of this bill removes the requirement for an automatic voter registration agency to notify a person during the automatic voter registration process that the person will be unable to vote at a primary election for partisan offices of a major political party unless the person indicates a major political party affiliation.

Existing law provides that the computer program used in a mechanical voting system must not count unlawful votes, including votes in a primary election cast for a candidate other than the candidate of a major political party other than the party, if any, of the registration of the voter. (NRS 293B.130) **Section 5** of this bill removes the prohibition on counting such a vote in a primary election, but still prohibits the computer program from counting unlawful votes.

Section 6 of this bill requires a member of an election board in a primary election to issue a partisan ballot and, if a mechanical voting system is used, a voting receipt with the name of the major political party, to each nonpartisan voter who requests to vote a partisan ballot under **section 1**. **Section 7** of this bill provides that this requirement is an exception to the requirement for a member of an election board to issue a nonpartisan voter a nonpartisan ballot and voting receipt with a nonpartisan designation.

Existing law authorizes a county clerk to require partisan voters in certain precincts or districts to vote in the same manner as a nonpartisan voter. (NRS 293B.310) **Section 8** of this bill authorizes the county clerk to also require nonpartisan voters who request to vote a partisan ballot to vote in such a manner.



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

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A registered voter who designated on his or her application to register to vote no affiliation with a political party may vote in a primary election for the partisan offices of a major political party by:

(a) Submitting a request not later than the seventh Monday before the primary election to receive the partisan mail ballot of the major political party of the voter's choice in the manner designated by the county clerk, which may include, without limitation, submitting the request by electronic means; or

(b) Appearing in person at the polls during the period for early voting by personal appearance or on the day of the primary election and requesting to vote the partisan ballot of the major political party of the voter's choice. Regardless of whether a registered voter has submitted a request to receive a partisan mail ballot pursuant to paragraph (a), a registered voter may, in lieu of returning the partisan mail ballot, appear in person at the polls and request to vote the partisan ballot of the major political party of the voter's choice.

2. A registered voter may not cast more than one mail ballot or ballot in a primary election.

3. The county clerk shall record on the statewide voter registration list that a registered voter requested a mail ballot or ballot in a primary election pursuant to this section and the major political party for which the voter requested a mail ballot or ballot.

Sec. 2. NRS 293.257 is hereby amended to read as follows:

293.257 1. There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have designated a major political party in the declaration of candidacy must appear on the primary ballot of the major political party designated.

2. The county clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the county clerk selects must permit all registered voters to vote on them.



3. ~~[A]~~ *Except as otherwise provided in subsection 4, a registered voter may cast a primary ballot for a major political party at a primary election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.*

4. *A registered voter who designated no affiliation with a political party on his or her application to register to vote may cast a partisan primary ballot for a major political party in a primary election pursuant to section 1 of this act.*

Sec. 3. NRS 293.269911 is hereby amended to read as follows:

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.

2. *In addition to the requirements of subsection 1, in a primary election the county clerk shall prepare and distribute a partisan mail ballot to each registered nonpartisan voter who requests such a ballot pursuant to section 1 of this act.*

3. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

~~[3-]~~ 4. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection

~~[2-]~~ 3.

~~[4-]~~ 5. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

~~[5-]~~ 6. Except as otherwise provided in subsections ~~[2]~~ 3 and ~~[3-]~~ 4, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and



(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

~~16.1~~ **7.** In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

~~17.1~~ **8.** Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 4. NRS 293.57693 is hereby amended to read as follows:

293.57693 1. Upon transmission of the information to the database created by the Secretary of State pursuant to NRS 293.675 by an automatic voter registration agency, the county clerk shall collate the information into an individual electronic document, which shall be deemed an application to register to vote. The county clerk shall review the voter registration information transmitted by the automatic voter registration agency to determine whether the person is eligible to register to vote in this State.

2. If the county clerk determines that a person is eligible to vote, the person shall be deemed a registered voter. The person's name must appear on the statewide voter registration list and the appropriate roster and the person must be provided all sample ballots and other voter information provided to registered voters.

3. In addition to the requirements of subsection 2, the county clerk shall immediately mail a notice to the current residence of the person. The notice must be in the form prescribed by the Secretary of State and include, without limitation:

- (a) A space for the person to indicate a political party affiliation;
- (b) A space for the person to affirmatively decline to apply to register to vote or have his or her voter registration updated, as applicable;
- (c) A preaddressed return envelope with postage prepaid;
- (d) A statement setting forth the qualifications to vote in this State as provided by NRS 293.485 and that if the person does not



meet the qualifications to vote in this State, the person should return the notice and affirmatively decline in writing to register to vote;

(e) A statement explaining that unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, the person is deemed to have consented to the transmission of information to the database created by the Secretary of State pursuant to NRS 293.675 by the automatic voter registration agency for the purpose of registering the person to vote or updating the voter registration information on the statewide voter registration list;

(f) A statement explaining that if the person affirmatively declines in writing to apply to register to vote or to have his or her voter registration information updated, as applicable, the county clerk will remove the person from the statewide voter registration list or revert the person's information on the statewide voter registration list to the information that was on the statewide voter registration list before the automatic voter registration agency transmitted the information, and the person shall be deemed to not have registered to vote or updated his or her voter registration information, as applicable;

(g) A statement setting forth the penalties for submitting a false application to register to vote; and

(h) A statement that:

(1) Indicates a political party affiliation or indicates that the person is not affiliated with a political party is voluntary;

(2) The person may indicate a political party affiliation on the form provided by the county clerk in the notice; and

(3) The person will not be able to vote at a ~~{primary election,}~~ presidential preference primary election ~~{for primary city election}~~ for candidates ~~{for partisan offices}~~ of a major political party **for the offices of President and Vice President of the United States** unless the person updates his or her voter registration information to indicate a major political party affiliation.

4. The county clerk may send the notice required pursuant to subsection 3 by electronic mail if the person confirms the validity of the electronic mail address to which the notice will be sent by responding a confirmation inquiry sent to that electronic mail address.

5. The failure or refusal of the person to acknowledge that he or she has received the notice required by subsection 3 is not a declination by the person to apply to register to vote or have his or her voter registration information updated.



6. If the county clerk determines that a person is not eligible to register to vote or if the voter affirmatively declines in writing to be registered to vote or have his or her automatic voter registration updated:

(a) It shall be deemed that the transmittal from the automatic voter registration agency is not a completed voter registration application;

(b) It shall be deemed that the person did not apply to register to vote;

(c) It shall be deemed that the transmission of the person's information by the automatic voter registration system was an official authorized act;

(d) It shall be deemed that the person did not falsely claim citizenship in order to register to vote unless the person affirmatively claimed to be a citizen to the automatic voter registration agency; and

(e) The county clerk must remove the person's registration from the database created by the Secretary of State pursuant to NRS 293.675 or revert the person's information on the database to the information that was on the database before the automatic voter registration agency transmitted the information to the county clerk, as applicable.

Sec. 5. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election where a mechanical voting system is to be used, the county clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, without limitation, overvotes or, in a ~~{primary election or}~~ presidential preference primary election, votes cast for a candidate of a major political party other than the party, if any, of the registration of the voter must not be counted.

(c) If the election is:

(1) A primary election held in an even-numbered year;

(2) A presidential preference primary election; or

(3) A general election,

→ the total votes, other than mail ballots, must be accumulated by precinct.

(d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code



identifying the precinct in which it was voted and, in a ~~{primary election or}~~ presidential preference primary election, identifying the major political party of the voter.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The county clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 6. NRS 293B.300 is hereby amended to read as follows:

293B.300 1. In a primary election or presidential preference primary election, a member of the election board for a precinct shall issue each partisan voter *and, in a primary election, each nonpartisan voter who requests to vote a partisan ballot pursuant to section 1 of this act* a ballot which contains a distinctive code associated with the major political party of *or chosen by* the voter and on which is clearly printed the name of the party.

2. If a mechanical voting system is used in a primary election or presidential preference primary election whereby votes are directly recorded electronically, a member of the election board shall, if the clerk uses voting receipts, in addition to the ballot described in subsection 1, issue each partisan voter *and, in a primary election, each nonpartisan voter who requests to vote a partisan ballot pursuant to section 1 of this act* a voting receipt on which is clearly printed the name of the major political party of *or chosen by* the voter.

3. The member of the election board shall direct the partisan voter *and, in a primary election, each nonpartisan voter who requests to vote a partisan ballot pursuant to section 1 of this act* to a mechanical recording device containing the list of offices and candidates arranged for the ~~{voter's}~~ major political party *of or chosen by the voter* in the manner provided in NRS 293B.190.

Sec. 7. NRS 293B.305 is hereby amended to read as follows:

293B.305 ~~{Unless a major political party allows}~~ *Except for* a nonpartisan voter ~~{to vote for its candidates:}~~ *who requests to vote a partisan ballot pursuant to section 1 of this act:*

1. In a primary election, a member of the election board for a precinct shall issue each nonpartisan voter a ballot with a distinctive code and printed designation identifying it as a nonpartisan ballot.

2. If a mechanical voting system is used in a primary election whereby votes are directly recorded electronically, a member of the election board shall, if the clerk uses voting receipts, in addition to the ballot described in subsection 1, issue the nonpartisan voter a



voting receipt with a printed designation identifying it as a nonpartisan ballot.

3. The member of the election board shall:

(a) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates setting forth only the nonpartisan ballot; or

(b) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates arranged for a partisan ballot, instruct the voter to vote only the nonpartisan section of the list and advise the voter that any votes the voter may cast in the partisan section will not be counted.

Sec. 8. NRS 293B.310 is hereby amended to read as follows:

293B.310 In a primary election, the county clerk may require those partisan voters *and those nonpartisan voters who request to vote a partisan ballot pursuant to section 1 of this act* in a precinct or district whose *designated or chosen* political parties each comprise less than 5 percent of the registered voters for that precinct or district to vote in the manner prescribed for nonpartisan voters in NRS 293B.305.

Secs. 9-11. (Deleted by amendment.)

Sec. 12. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after May 23, 2025.

Sec. 13. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

