

**Amendment No. 97**

Assembly Amendment to Assembly Bill No. 175 (BDR 24-635)

**Proposed by:** Assembly Committee on Legislative Operations and Elections

**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) green bold italic underlining is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold underlining is newly added transitory language.

SJA/HAC



Date: 4/3/2013

A.B. No. 175—Revises provisions relating to uniformed-service and overseas voters. (BDR 24-635)



ASSEMBLY BILL NO. 175—ASSEMBLYMEN ELLIOT ANDERSON, OHRENSCHALL, EISEN, BUSTAMANTE ADAMS, HEALEY; AIZLEY, PAUL ANDERSON, BENITEZ-THOMPSON, BOBZIEN, CARLTON, CARRILLO, COHEN, DALY, DIAZ, DONDERO LOOP, DUNCAN, ELLISON, FIORE, FLORES, FRIERSON, GRADY, HAMBRICK, HANSEN, HARDY, HICKEY, HOGAN, HORNE, KIRKPATRICK, KIRNER, LIVERMORE, MARTIN, MUNFORD, NEAL, OSCARSON, PIERCE, SPIEGEL, SPRINKLE, STEWART, SWANK, WHEELER AND WOODBURY

FEBRUARY 26, 2013

JOINT SPONSORS: SENATORS JONES, KIHUEN, SPEARMAN, PARKS, BROWER; ATKINSON, CEGAVSKE, DENIS, FORD, GOICOECHEA, GUSTAVSON, HAMMOND, HARDY, HUTCHISON, KIECKHEFER, MANENDO, ROBERSON, SEGERBLOM, SETTELMAYER, SMITH AND WOODHOUSE

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to uniformed-service and overseas voters. (BDR 24-635)

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.

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AN ACT relating to elections; authorizing uniformed-service voters, their spouses and overseas voters to sign applications to register to vote, applications for military-overseas ballots and military-overseas ballots with digital signatures or electronic signatures; requiring the Secretary of State to prescribe by regulation certain duties of local elections officials; making various other changes to the Uniformed Military and Overseas Absentee Voters Act; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 The Uniformed Military and Overseas Absentee Voters Act (chapter 293D of NRS)  
 2 authorizes members of the Armed Forces of the United States, their spouses and dependents,  
 3 and certain other electors of this State who reside outside the United States (collectively  
 4 known as “covered voters”) to apply for and receive through a system of approved electronic  
 5 transmission established by the Secretary of State applications to register to vote and military-  
 6 overseas ballots.  
 7 **Sections 13 and 15-19** of this bill authorize covered voters to sign applications to register  
 8 to vote, applications for military-overseas ballots and military-overseas ballots using digital or  
 9 electronic signatures. **Section 15** requires the system of approved electronic transmission to  
 10 include a method by which a covered voter may provide his or her digital or electronic

11 signature on any document or other material that is necessary for the covered voter to register  
12 to vote, apply for a military-overseas ballot or cast a military-overseas ballot. **Sections 11 and**  
13 **12** of this bill, respectively, define the terms “digital signature” and “electronic signature.”

14 **Section 15** also requires the Secretary of State to prescribe by regulations the duties of a  
15 local elections official upon receipt of a military-overseas ballot. **Sections 1-9** of this bill  
16 make various conforming changes.

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

1 **Section 1.** NRS 293.1277 is hereby amended to read as follows:

2 293.1277 1. If the Secretary of State finds that the total number of  
3 signatures submitted to all the county clerks is 100 percent or more of the number  
4 of registered voters needed to declare the petition sufficient, the Secretary of State  
5 shall immediately so notify the county clerks. Within 9 days, excluding Saturdays,  
6 Sundays and holidays, after notification, each of the county clerks shall determine  
7 the number of registered voters who have signed the documents submitted in the  
8 county clerk’s county and, in the case of a petition for initiative or referendum  
9 proposing a constitutional amendment or statewide measure, shall tally the number  
10 of signatures for each petition district contained or fully contained within the  
11 county clerk’s county. For the purpose of verification pursuant to this section, the  
12 county clerk shall not include in his or her tally of total signatures any signature  
13 included in the incorrect petition district.

14 2. Except as otherwise provided in subsection 3, if more than 500 names have  
15 been signed on the documents submitted to a county clerk, the county clerk shall  
16 examine the signatures by sampling them at random for verification. The random  
17 sample of signatures to be verified must be drawn in such a manner that every  
18 signature which has been submitted to the county clerk is given an equal  
19 opportunity to be included in the sample. The sample must include an examination  
20 of at least 500 or 5 percent of the signatures, whichever is greater. If documents  
21 were submitted to the county clerk for more than one petition district wholly  
22 contained within that county, a separate random sample must be performed for each  
23 petition district.

24 3. If a petition district comprises more than one county and the petition is for  
25 an initiative or referendum proposing a constitutional amendment or a statewide  
26 measure, and if more than 500 names have been signed on the documents submitted  
27 for that petition district, the appropriate county clerks shall examine the signatures  
28 by sampling them at random for verification. The random sample of signatures to  
29 be verified must be drawn in such a manner that every signature which has been  
30 submitted to the county clerks within the petition district is given an equal  
31 opportunity to be included in the sample. The sample must include an examination  
32 of at least 500 or 5 percent of the signatures presented in the petition district,  
33 whichever is greater. The Secretary of State shall determine the number of  
34 signatures that must be verified by each county clerk within the petition district.

35 4. In determining from the records of registration the number of registered  
36 voters who signed the documents, the county clerk may use the signatures  
37 contained in the file of applications to register to vote. If the county clerk uses that  
38 file, the county clerk shall ensure that every application in the file is examined,  
39 including any application in his or her possession which may not yet be entered into  
40 the county clerk’s records. Except as otherwise provided in ~~this subsection,~~  
41 **subsection 5**, the county clerk shall rely only on the appearance of the signature and

1 the address and date included with each signature in making his or her  
2 determination.

3 ~~5.~~ ~~If ~~+~~ pursuant:~~

4 (a) Pursuant to NRS 293.506, a county clerk establishes a system to allow  
5 persons to register to vote by computer ~~+~~; or

6 (b) *A person registers to vote pursuant to NRS 293D.230 and signs his or her*  
7 *application to register to vote using a digital signature or an electronic signature,*  
8 *→ the county clerk may rely on such other indicia as prescribed by the Secretary of*  
9 *State in making his or her determination.*

10 ~~6.~~ In the case of a petition for initiative or referendum proposing a  
11 constitutional amendment or statewide measure, when the county clerk is  
12 determining the number of registered voters who signed the documents from each  
13 petition district contained fully or partially within the county clerk's county, he or  
14 she must use the statewide voter registration list available pursuant to NRS  
15 293.675.

16 ~~7.~~ Except as otherwise provided in subsection ~~8.~~ 9, upon completing  
17 the examination, the county clerk shall immediately attach to the documents a  
18 certificate properly dated, showing the result of the examination, including the tally  
19 of signatures by petition district, if required, and transmit the documents with the  
20 certificate to the Secretary of State. In the case of a petition for initiative or  
21 referendum proposing a constitutional amendment or statewide measure, if a  
22 petition district comprises more than one county, the appropriate county clerks shall  
23 comply with the regulations adopted by the Secretary of State pursuant to this  
24 section to complete the certificate. A copy of this certificate must be filed in the  
25 clerk's office. When the county clerk transmits the certificate to the Secretary of  
26 State, the county clerk shall notify the Secretary of State of the number of requests  
27 to remove a name received by the county clerk pursuant to NRS 295.055 or  
28 306.015.

29 ~~8.~~ A person who submits a petition to the county clerk which is required  
30 to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056,  
31 298.109, 306.035 or 306.110 must be allowed to witness the verification of the  
32 signatures. A public officer who is the subject of a recall petition must also be  
33 allowed to witness the verification of the signatures on the petition.

34 ~~9.~~ For any petition containing signatures which are required to be  
35 verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110  
36 for any county, district or municipal office within one county, the county clerk shall  
37 not transmit to the Secretary of State the documents containing the signatures of the  
38 registered voters.

39 ~~10.~~ The Secretary of State shall by regulation establish further  
40 procedures for carrying out the provisions of this section.

41 **Sec. 2.** NRS 293.325 is hereby amended to read as follows:

42 293.325 1. Except as otherwise provided in subsection 2 ~~+~~ and NRS  
43 293D.200, when an absent ballot is returned by a registered voter to the county  
44 clerk through the mail, by facsimile machine or other approved electronic  
45 transmission or in person, and record thereof is made in the absent ballot record  
46 book, the county clerk shall neatly stack, unopened, the absent ballot with any other  
47 absent ballot received that day in a container and deliver, or cause to be delivered,  
48 that container to the precinct or district election board.

49 2. ~~+~~ Except as otherwise provided in NRS 293D.200, if an absent ballot  
50 central counting board has been appointed, when an absent ballot is returned by a  
51 registered voter to the county clerk through the mail, by facsimile machine or other  
52 approved electronic transmission or in person, the county clerk shall check the  
53 signature on the return envelope, facsimile or other approved electronic

1 transmission against the original signature of the voter on the county clerk's  
2 register. If the county clerk determines that the absent voter is entitled to cast a  
3 ballot, the county clerk shall deposit the ballot in the proper ballot box or place the  
4 ballot, unopened, in a container that must be securely locked or under the control of  
5 the county clerk at all times. At the end of each day before election day, the county  
6 clerk may remove the ballots from each ballot box, neatly stack the ballots in a  
7 container and seal the container with a numbered seal. Not earlier than 4 working  
8 days before the election, the county clerk shall deliver the ballots to the absent  
9 ballot central counting board to be processed and prepared for counting pursuant to  
10 the procedures established by the Secretary of State to ensure the confidentiality of  
11 the prepared ballots until after the polls have closed pursuant to NRS 293.273 or  
12 293.305.

13 **Sec. 3.** NRS 293.333 is hereby amended to read as follows:

14 293.333 ~~{On}~~ ***Except as otherwise provided in NRS 293D.200, on*** the day of  
15 an election, the precinct or district election boards receiving the absent voters'  
16 ballots from the county clerk shall, in the presence of a majority of the election  
17 board officers, remove the ballots from the ballot box and the containers in which  
18 the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the  
19 regular ballot box in the following manner:

20 1. The name of the voter, as shown on the return envelope or facsimile, must  
21 be called and checked as if the voter were voting in person;

22 2. The signature on the back of the return envelope or on the facsimile must  
23 be compared with that on the original application to register to vote;

24 3. If the board determines that the absent voter is entitled to cast a ballot, the  
25 envelope must be opened, the numbers on the ballot and envelope compared, the  
26 number strip or stub detached from the ballot and, if the numbers are the same, the  
27 ballot deposited in the regular ballot box; and

28 4. The election board officers shall mark in the roster opposite the name of  
29 the voter the word "Voted."

30 **Sec. 4.** NRS 293.335 is hereby amended to read as follows:

31 293.335 When all absent ballots delivered to precinct or district election  
32 boards have been voted or rejected, ***except as otherwise provided in NRS***  
33 ***293D.200***, the empty envelopes and the envelopes containing rejected ballots must  
34 be returned to the county clerk. On all envelopes containing rejected ballots the  
35 cause of rejection must be noted and the envelope signed by a majority of the  
36 election board officers.

37 **Sec. 5.** NRS 293.340 is hereby amended to read as follows:

38 293.340 1. In counties in which an absent ballot central counting board is  
39 appointed the county clerk shall provide a ballot box in the county clerk's office for  
40 each different ballot listing in the county.

41 2. On each such box there ~~{shall}~~ ***must*** appear a statement indicating the  
42 precincts and district for which such box has been designated.

43 3. ~~{Each}~~ ***Except as otherwise provided in NRS 293D.200, each*** absent ballot  
44 voted ~~{shall}~~ ***must*** be deposited in a ballot box according to the precinct or district  
45 of the absent voter voting such ballot.

46 **Sec. 6.** NRS 293C.325 is hereby amended to read as follows:

47 293C.325 1. Except as otherwise provided in subsection 2 ~~{}~~ ***and NRS***  
48 ***293D.200***, when an absent ballot is returned by a registered voter to the city clerk  
49 through the mail, by facsimile machine or other approved electronic transmission or  
50 in person, and record thereof is made in the absent ballot record book, the city clerk  
51 shall neatly stack, unopened, the absent ballot with any other absent ballot received  
52 that day in a container and deliver, or cause to be delivered, that container to the  
53 precinct or district election board.

1           2. ~~##~~ *Except as otherwise provided in NRS 293D.200, if* an absent ballot  
2 central counting board has been appointed, when an absent ballot is returned by a  
3 registered voter to the county clerk through the mail, by facsimile machine or other  
4 approved electronic transmission or in person, the county clerk shall check the  
5 signature on the return envelope, facsimile or other approved electronic  
6 transmission against the original signature of the voter on the county clerk's  
7 register. If the city clerk determines that the absent voter is entitled to cast a ballot,  
8 the city clerk shall deposit the ballot in the proper ballot box or place the ballot,  
9 unopened, in a container that must be securely locked or under the control of the  
10 city clerk at all times. At the end of each day before election day, the city clerk may  
11 remove the ballots from each ballot box, neatly stack the ballots in a container and  
12 seal the container with a numbered seal. Not earlier than 4 working days before the  
13 election, the county clerk shall deliver the ballots to the absent ballot central  
14 counting board to be processed and prepared for counting pursuant to the  
15 procedures established by the Secretary of State to ensure the confidentiality of the  
16 prepared ballots until after the polls have closed pursuant to NRS 293C.267 or  
17 293C.297.

18           **Sec. 7.** NRS 293C.332 is hereby amended to read as follows:

19           293C.332 ~~##~~ *Except as otherwise provided in NRS 293D.200, on* the day  
20 of an election, the precinct or district election boards receiving the absent voters'  
21 ballots from the city clerk shall, in the presence of a majority of the election board  
22 officers, remove the ballots from the ballot box and the containers in which the  
23 ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the  
24 regular ballot box in the following manner:

25           1. The name of the voter, as shown on the return envelope or facsimile, must  
26 be called and checked as if the voter were voting in person;

27           2. The signature on the back of the return envelope or on the facsimile must  
28 be compared with that on the original application to register to vote;

29           3. If the board determines that the absent voter is entitled to cast a ballot, the  
30 envelope must be opened, the numbers on the ballot and envelope compared, the  
31 number strip or stub detached from the ballot and, if the numbers are the same, the  
32 ballot deposited in the regular ballot box; and

33           4. The election board officers shall mark in the roster opposite the name of  
34 the voter the word "Voted."

35           **Sec. 8.** NRS 293C.335 is hereby amended to read as follows:

36           293C.335 When all absent ballots delivered to precinct or district election  
37 boards have been voted or rejected, *except as otherwise provided in NRS*  
38 *293D.200*, the empty envelopes and the envelopes containing rejected ballots must  
39 be returned to the city clerk. On all envelopes containing the rejected ballots the  
40 cause of rejection must be noted and the envelope signed by a majority of the  
41 election board officers.

42           **Sec. 9.** NRS 293C.340 is hereby amended to read as follows:

43           293C.340 1. In cities in which an absent ballot central counting board is  
44 appointed, the city clerk shall provide a ballot box in the city clerk's office for each  
45 different ballot listing in the city.

46           2. On each box there must appear a statement indicating the precincts and  
47 district for which the box has been designated.

48           3. ~~##~~ *Except as otherwise provided in NRS 293D.200, each* absent ballot  
49 voted must be deposited in a ballot box according to the precinct or district of the  
50 absent voter voting that ballot.

51           **Sec. 10.** Chapter 293D of NRS is hereby amended by adding thereto the  
52 provisions set forth as sections 11, 12 and 13 of this act.

53           **Sec. 11.** *"Digital signature" has the meaning ascribed to it in NRS 720.060.*

1       **Sec. 12. “Electronic signature” has the meaning ascribed to it in NRS**  
2 **179.100.**

3       **Sec. 13. A covered voter may sign any document or other material that is**  
4 **necessary for the covered voter to register to vote, apply for a military-overseas**  
5 **ballot or cast a military-overseas ballot pursuant to this chapter using his or her**  
6 **digital signature or electronic signature.**

7       **Sec. 14.** NRS 293D.020 is hereby amended to read as follows:

8       293D.020 As used in this chapter, unless the context otherwise requires, the  
9 words and terms defined in NRS 293D.030 to 293D.090, inclusive, **and sections 11**  
10 **and 12 of this act** have the meanings ascribed to them in those sections.

11       **Sec. 15.** NRS 293D.200 is hereby amended to read as follows:

12       293D.200 1. The Secretary of State shall make available to covered voters  
13 information regarding voter registration procedures for covered voters and  
14 procedures for casting military-overseas ballots.

15       2. The Secretary of State shall establish a system of approved electronic  
16 transmission through which covered voters may apply for, ~~hand~~ receive **and send**  
17 documents and other information pursuant to this chapter. **The system of approved**  
18 **electronic transmission must include, without limitation, a method by which a**  
19 **covered voter may provide his or her digital signature or electronic signature on**  
20 **any document or other material that is necessary for the covered voter to register**  
21 **to vote, apply for a military-overseas ballot or cast a military-overseas ballot**  
22 **pursuant to this chapter.**

23       3. The Secretary of State shall develop standardized absentee-voting  
24 materials, including, without limitation, privacy and transmission envelopes and  
25 their electronic equivalents, authentication materials and voting instructions, to be  
26 used with the military-overseas ballot of a covered voter authorized to vote in any  
27 jurisdiction in this State and, to the extent reasonably possible, shall do so in  
28 coordination with other states.

29       4. The Secretary of State shall prescribe the form and content of a declaration  
30 for use by a covered voter to swear or affirm specific representations pertaining to  
31 the covered voter’s identity, eligibility to vote, status as a covered voter and timely  
32 and proper completion of a military-overseas ballot. The declaration must be based  
33 on the declaration prescribed to accompany a federal write-in absentee ballot under  
34 section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42  
35 U.S.C. § 1973ff-2, as modified to be consistent with this chapter. The Secretary of  
36 State shall ensure that a form for the execution of the declaration, including an  
37 indication of the date of execution of the declaration, is a prominent part of all  
38 balloting materials for which the declaration is required.

39       **5. The Secretary of State shall prescribe by regulation the duties of a local**  
40 **elections official upon receipt of a military-overseas ballot, including, without**  
41 **limitation, the procedures to be used by a local elections official in accepting,**  
42 **handling and counting a military-overseas ballot.**

43       **Sec. 16.** NRS 293D.230 is hereby amended to read as follows:

44       293D.230 1. In addition to any other method of registering to vote set forth  
45 in chapter 293 of NRS, a covered voter may use a federal postcard application, as  
46 prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens  
47 Absentee Voting Act, 42 U.S.C. § 1973ff(b)(2), or the application’s electronic  
48 equivalent, to apply to register to vote.

49       2. A covered voter may use the declaration accompanying the federal write-in  
50 absentee ballot, as prescribed under section 103 of the Uniformed and Overseas  
51 Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2, to apply to register to vote  
52 simultaneously with the submission of the federal write-in absentee ballot, if the  
53 declaration is received by the seventh day before the election. If the declaration is



1 received after the seventh day before the election, it must be treated as an  
2 application to register to vote for subsequent elections.

3 3. The Secretary of State shall ensure that the system of approved electronic  
4 transmission described in subsection 2 of NRS 293D.200 is capable of accepting  
5 ~~both~~ :

6 (a) *Both* a federal postcard application and any other approved electronic  
7 registration application sent to the appropriate local elections official ~~H~~ ; and

8 (b) *A digital signature or an electronic signature of a covered voter on the*  
9 *documents described in paragraph (a).*

10 4. The covered voter may use the system of approved electronic transmission  
11 or any other method set forth in chapter 293 of NRS to register to vote.

12 **Sec. 17.** NRS 293D.300 is hereby amended to read as follows:

13 293D.300 1. A covered voter who is registered to vote in this State may  
14 apply for a military-overseas ballot by submitting a federal postcard application, as  
15 prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens  
16 Absentee Voting Act, 42 U.S.C. § 1973ff(b)(2), or the application's electronic  
17 equivalent, pursuant to this section.

18 2. A covered voter who is not registered to vote in this State may use the  
19 federal postcard application or the application's electronic equivalent  
20 simultaneously to apply to register to vote pursuant to NRS 293D.230 and to apply  
21 for a military-overseas ballot.

22 3. The Secretary of State shall ensure that the system of approved electronic  
23 transmission described in subsection 2 of NRS 293D.200 is capable of accepting  
24 the submission of ~~both~~ :

25 (a) *Both* a federal postcard application and any other approved electronic  
26 military-overseas ballot application sent to the appropriate local elections official ~~H~~  
27 ~~H~~ ; and

28 (b) *A digital signature or an electronic signature of a covered voter on the*  
29 *documents described in paragraph (a).*

30 4. A covered voter may use approved electronic transmission or any other  
31 method approved by the Secretary of State to apply for a military-overseas ballot.

32 ~~H~~ 5. A covered voter may use the declaration accompanying the federal  
33 write-in absentee ballot, as prescribed under section 103 of the Uniformed and  
34 Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2, as an application for  
35 a military-overseas ballot simultaneously with the submission of the federal write-  
36 in absentee ballot, if the declaration is received by the appropriate local elections  
37 official by the seventh day before the election.

38 ~~H~~ 6. To receive the benefits of this chapter, a covered voter must inform the  
39 appropriate local elections official that he or she is a covered voter. Methods of  
40 informing the appropriate local elections official that a person is a covered voter  
41 include, without limitation:

42 (a) The use of a federal postcard application or federal write-in absentee ballot;

43 (b) The use of an overseas address on an approved voting registration  
44 application or ballot application; and

45 (c) The inclusion on an application to register to vote or an application for a  
46 military-overseas ballot of other information sufficient to identify that the person is  
47 a covered voter.

48 ~~H~~ 7. This chapter does not prohibit a covered voter from applying for an  
49 absent ballot pursuant to the provisions of NRS 293.315 or voting in person.

50 **Sec. 18.** NRS 293D.320 is hereby amended to read as follows:

51 293D.320 1. For all covered elections for which this State has not received a  
52 waiver pursuant to section 579 of the Military and Overseas Voter Empowerment  
53 Act, 42 U.S.C. § 1973ff-1(g)(2), not later than 45 days before the election or, if the



1 45th day before the election is a weekend or holiday, not later than the business day  
2 preceding the 45th day, the local elections official in each jurisdiction charged with  
3 distributing military-overseas ballots and balloting materials shall transmit military-  
4 overseas ballots and balloting materials to all covered voters who by that date  
5 submit a valid application for military-overseas ballots.

6 2. A covered voter who requests that a military-overseas ballot and balloting  
7 materials be sent to the covered voter by approved electronic transmission may  
8 choose to receive the military-overseas ballot and balloting materials by ~~facsimile~~

9 :

10 (a) *Facsimile* transmission ~~for electronic~~ ;

11 (b) *Electronic* mail delivery ~~+~~ ; or

12 (c) *The system of approved electronic transmission that is established by the*  
13 *Secretary of State pursuant to subsection 2 of NRS 293D.200.*

14 ↪ The local elections official in each jurisdiction shall transmit the military-  
15 overseas ballot and balloting materials to the covered voter using the means of  
16 approved electronic transmission chosen by the covered voter.

17 3. If an application for a military-overseas ballot from a covered voter arrives  
18 after the jurisdiction begins transmitting ballots and balloting materials to other  
19 voters, the local elections official shall transmit the military-overseas ballot and  
20 balloting materials to the covered voter not later than 2 business days after the  
21 application arrives.

22 **Sec. 19.** NRS 293D.420 is hereby amended to read as follows:

23 293D.420 *1.* Each military-overseas ballot must include or be accompanied  
24 by a declaration signed by the covered voter declaring that a material misstatement  
25 of fact in completing the document may be grounds for a conviction of perjury  
26 under the laws of the United States or this State.

27 *2. The covered voter may sign the declaration required pursuant to*  
28 *subsection 1 using his or her digital signature or electronic signature.*

29 **Sec. 20.** This act becomes effective:

- 30 1. Upon passage and approval for the purpose of adopting regulations; and  
31 2. On January 1, 2014, for all other purposes.