

omitted). The provisions of 1987 Nev. Stat. ch. 746 cannot and should not be rendered meaningless. They unequivocally require all occupational and professional licensing boards to comply with the State Budget Act.

### CONCLUSION

The State Budget Act, [NRS 353.150](#)-353.246, applies to occupational and professional licensing boards, and those boards must comply with the requirements of the Act.

### QUESTION II

Does [NRS 284.173](#) apply to occupational and professional licensing boards?

### ANALYSIS

[NRS 284.173](#)(1) states:

Elective officers and heads of departments, boards, commissions or institutions may contract for the services of persons as independent contractors.

The language of the statute is plain and unambiguous and not subject to construction. Nevada Power Co. v. Public Serv. Comm'n, [102 Nev. 1](#), 4, 711 P.2d 867 (1986). Boards are specifically designated in the statute. There is no exception for occupational and professional licensing boards. The legislature's intent--the controlling factor in interpreting a statute--was to place all boards within the provisions of [NRS 284.173](#). Robert E. v. Justice Court, [99 Nev. 442](#), 445, 664 P.2d 957 (1983). Moreover, the precept that "[i]f a statute is clear on its face a court cannot go beyond the language of the statute in determining the legislature's intent" applies here. Thompson v. First Judicial Dist. Court, [100 Nev. 352](#), 354, 683 P.2d 17 (1984). The statute is clear on its face. It applies to all boards, including occupational and professional licensing boards.

### CONCLUSION

[NRS 284.173](#), relating to the services of independent contractors, applies to all occupational and professional licensing boards of the State of Nevada.

Very truly yours,

BRIAN McKAY  
Attorney General

By: Brian Chally  
Deputy Attorney General

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OPINION NO. 87-15 ELECTIONS; REGISTRATION; CONSTITUTIONAL LAW; NRS 293.517(4): A registered voter may vote in the ensuing election when the voter changed his name prior to the close of registration for the ensuing election and failed to register his change of name until after the close of registration.

Carson City, September 9, 1987

The Honorable Frankie Sue Del Papa,  
Secretary of State, Capitol Building  
Carson City, Nevada 89710

Dear Ms. Del Papa:

You have requested advice regarding the following:

#### QUESTION

May a registered voter cast a ballot in the ensuing election if the voter changed his name prior to the close of registration for the ensuing election and failed to register his change of name until after the close of registration?

#### ANALYSIS

[NRS 293.540](#)(6) requires the county clerk to cancel an affidavit of registration “[u]pon the request of any registered voter who has changed his name, if such voter satisfies the registrar that such change has been legally effected.” The elector may reregister immediately. [NRS 293.543](#)(1). However, [NRS 293.517](#)(4), which governs the eligibility of the elector to vote at the ensuing election, does not expressly address the situation of a person changing his or her name prior to the close of registration but not reregistering until after the close of registration. [NRS 293.517](#)(4) provides:

Any elector who changes his name by marriage, or otherwise, is not eligible to vote unless he reregisters. If any change of name occurs after the close of registration, the elector may vote at the ensuing election upon satisfactory proof of registration and subsequent change of name.

If the words of a statute are clear, we should not add to or alter them to accomplish a purpose not on the face of the statute. [Cirac v. Lander County](#), [95 Nev. 723](#), 602 P.2d 1012 (1979). On its face, [NRS 293.517](#)(4) implies that unless the change of name occurred after the close of registration, the elector is ineligible to vote at the ensuing election. [NRS 293.517](#)(4) does not expressly state that a registered voter is ineligible to vote in the ensuing election if he reregisters under his changed name after the close of registration for the ensuing election. The Nevada Supreme Court has stated that “the right to vote should not be taken away due to a doubtful statutory construction or ‘mere technicality.’” [Id.](#) at 730.

The legislature may prescribe laws necessary to test the qualifications of an elector. [State ex rel. Whitney v. Findley](#), [20 Nev. 198](#), 202, 19 P. 241, 243 (1888). However, those laws must not directly or indirectly operate to deny or abridge the constitutional right of citizens to vote, or unnecessarily impede its exercise. [Id.](#) at 202. The legislature “also has the power to adopt such reasonable regulations of the constitutional rights of a voter as may be deemed necessary to preserve order at elections, to guard against fraud, undue influence or oppression, and to preserve the purity of the ballot box. ‘All regulations of the elective franchise, however, must be reasonable, uniform and impartial.’” [Id.](#) [at] 202.

We believe that construing [NRS 293.517](#)(4) to absolutely prohibit a registered voter from voting due to his failure to register his change of name until after the close of registration would not result in a reasonable, uniform and impartial interpretation of the election laws of this state.

For instance, in the case of a change of the residence address within the same county, [NRS 293.525](#) provides that an elector who has changed his residence within the same county subsequent to the last preceding general election is not eligible to vote unless he submits to the county clerk, before the close of registration, a written and signed request that the county clerk transfer his registration to the new address. However, there does not exist an absolute prohibition against voting by such a person. Special polling places are provided for those persons successfully challenged on the ground of changed residency within the county so that persons who have changed their residence address may vote for candidates for those offices for which they are still eligible to vote on the date of the election. See [NRS 293.304](#)(2).

No special polling places are provided for those persons who change their name. Therefore, to construe [NRS 293.517](#)(4) to prohibit a voter, who is otherwise registered to vote at that election, from voting due to the fact that the voter registered his change of name after the close of registration would result in depriving the voter of “a fundamental political right, . . . preservative of all rights.” [Dunn v. Blumstein](#), 405 U.S. 330, 336, 92 S.Ct. 995, 31 L.Ed.2d 274 (1972). Such a construction is constitutionally suspect.

We recognize that western culture encourages the practice of women changing their surnames to that of their husband’s after marriage, and [NRS 293.517](#)(4), as construed in the preceding paragraph, may have a greater impact on women exercising their constitutional right to cast a ballot. [NRS 293.517](#)(4), if strictly construed, would tend more often to deny women the right to vote after marriage, unless they registered their name change prior to the close of registration for the ensuing election. As a general matter, before the right to vote may be restricted, “the purpose of the restrictions and the assertedly overriding interests served by it must meet close constitutional scrutiny.” See [Dunn v. Blumstein](#), *supra*, at p. 336.

We are not aware of any substantial interest of the state which would necessitate an absolute prohibition on voting under these circumstances. Protection against any potential fraud and insuring the purity of the ballot box may be accomplished by implementing the challenge procedure set forth in [NRS 293.303](#). Identification of the voter may be challenged upon the ground that he is not the person named in the election board register and entitled to vote as claimed. [NRS 293.303](#)(1). In such a case, the voter may be required to present satisfactory evidence of current identification to the election board.

A liberal interpretation of [NRS 293.517](#)(4) is necessary to preserve one of our most precious freedoms protected by the First and Fourteenth Amendments to the Constitution of the United States, the right to vote. [Long v. Swackhamer](#), [91 Nev. 498](#), 538 P.2d 587 (1975). Such a construction is consistent with the direction, for liberal construction of our election laws, given us by our legislature in [NRS 293.127](#). As the Nevada Supreme Court stated in [Springer v. Mount](#), [86 Nev. 806](#), 809, 477 P.2d 159 (1970), “we believe the people when engaging in political processes should be allowed reasonable latitude in complying with uncertain statutory directions as here.”

## CONCLUSION

A registered voter may vote in the ensuing election when the voter changed his name prior to the close of registration for the ensuing election and failed to register his change of name until after the close of registration. Any administrative problems that may arise at the polling place due to a different name appearing on the list of registered voters may be resolved through the challenge procedure set forth in [NRS 293.303](#).