

ASSEMBLY BILL NO. 192—ASSEMBLYWOMAN GONZÁLEZ

FEBRUARY 20, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections. (BDR 24-836)

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.

AN ACT relating to elections; revising requirements for the form of all envelopes and return envelopes for mail ballots; revising certain requirements relating to electioneering; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Secretary of State to prescribe: (1) the form of all mail
2 ballots; and (2) the placement and listing of all offices, candidates and measures
3 upon which voting is statewide, which must be uniform throughout the State. (NRS
4 293.250) **Sections 1 and 4** of this bill require the form of all envelopes in which
5 mail ballots are sent to voters and all return envelopes for mail ballots to, with
6 certain exceptions, be uniform throughout the State. **Sections 1 and 4** also require
7 each county and city clerk to: (1) submit to the Secretary of State a request to use a
8 unique color for all return envelopes in the county or city, as applicable; and (2)
9 print return envelopes in the unique color approved by the Secretary of State for
10 that county or city, as applicable.

11 Existing law requires a county clerk and city clerk to keep continuously posted
12 certain signs and notices which indicate that electioneering is prohibited between
13 the boundary marked by the sign and the entrance to a polling place. (NRS 293.361,
14 293.740, 293C.361) **Sections 2, 3 and 5** of this bill require the county clerk and
15 city clerk to ensure that any signs and notices posted are: (1) at least 18 inches by
16 12 inches in size; (2) placed on a window or door of the polling place or
17 freestanding; and (3) visible to a person approaching the boundary marked by the
18 sign.

19 Existing law defines “electioneering” to include buying, selling, wearing or
20 displaying any badge, button or other insignia which is designed or tends to aid or
21 promote the success or defeat of any political party or a candidate or ballot question
22 to be voted upon at an election. (NRS 293.740) **Section 3** revises this definition to
23 provide instead that “electioneering” includes buying, selling, wearing or
24 displaying any badge, button or other insignia which expressly refers to any political
25 party or a candidate or ballot question to be voted upon at that election.



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

1 **Section 1.** NRS 293.269913 is hereby amended to read as
2 follows:

3 293.269913 1. Except as otherwise provided in subsection 2,
4 NRS 293.269911 and chapter 293D of NRS, the county clerk shall
5 send to each active registered voter by first-class mail, or by any
6 class of mail if the Official Election Mail logo or an equivalent logo
7 or mark created by the United States Postal Service is properly
8 placed:

- 9 (a) A mail ballot;
10 (b) A return envelope;
11 (c) An envelope or sleeve into which the mail ballot is inserted
12 to ensure its secrecy; and
13 (d) Instructions.

14 2. In sending a mail ballot to an active registered voter, the
15 county clerk shall use an envelope that may not be forwarded to an
16 address of the voter that is different from the address to which the
17 mail ballot is mailed.

18 3. The return envelope must ~~include~~:

19 (a) *Include* postage prepaid by first-class mail if the active
20 registered voter is within the boundaries of the United States, its
21 territories or possessions or on a military base ~~}; and~~

22 (b) *Be printed in a unique color approved by the Secretary of*
23 *State pursuant to subsection 6 for the county.*

24 4. Before sending a mail ballot to an active registered voter, the
25 county clerk shall record:

- 26 (a) The date the mail ballot is issued;
27 (b) The name of the voter to whom the mail ballot is issued, his
28 or her precinct or district and his or her political affiliation, if any,
29 unless all the offices on the mail ballot are nonpartisan offices;
30 (c) The number of the mail ballot; and
31 (d) Any remarks the county clerk finds appropriate.

32 5. *The Secretary of State shall prescribe the form of all*
33 *envelopes in which mail ballots are sent to voters and return*
34 *envelopes, which must, except as otherwise provided in*
35 *subsections 3 and 6, be uniform throughout the State.*

36 6. *Each county clerk shall submit to the Secretary of State a*
37 *request to use a unique color for all return envelopes in the*
38 *county.*

39 **Sec. 2.** NRS 293.361 is hereby amended to read as follows:

40 293.361 1. During the time a polling place for early voting is
41 open for voting, a person may not electioneer for or against any



1 candidate, measure or political party in or within 100 feet from the
2 entrance to the voting area.

3 2. During the period of early voting, the county clerk shall
4 keep continuously posted:

5 (a) At the entrance to the room or area, as applicable, in which
6 the polling place for early voting is located a sign on which is
7 printed in large letters "Polling Place for Early ~~[Voting]; and~~
8 *Voting.*"

9 (b) At the outer limits of the area within which electioneering is
10 prohibited, ~~[a]~~ *at least one* sign on which is printed in large letters
11 "Distance Marker: No electioneering between this point and the
12 entrance to the polling place." *The county clerk shall ensure that*
13 *any sign posted pursuant to this paragraph is:*

- 14 (1) *At least 18 inches by 12 inches in size;*
15 (2) *Placed on a window or door of the polling place or a*
16 *freestanding sign; and*
17 (3) *Visible to a person approaching the outer limits of the*
18 *area within which electioneering is prohibited.*

19 3. Ropes or other suitable objects may be used at the polling
20 place to ensure compliance with this section. Persons who are not
21 expressly permitted by law to be in a polling place must be excluded
22 from the polling place to the extent practicable.

23 4. Any person who willfully violates the provisions of this
24 section is guilty of a gross misdemeanor.

25 **Sec. 3.** NRS 293.740 is hereby amended to read as follows:
26 293.740 1. Except as otherwise provided in subsection ~~[2,]~~ **3**,
27 it is unlawful inside a polling place or within 100 feet from the
28 entrance to the building or other structure in which a polling place is
29 located:

30 (a) For any person to solicit a vote or speak to a voter on the
31 subject of marking the voter's ballot.

32 (b) For any person, including an election board officer, to do
33 any electioneering on election day.

34 ↪ The county clerk or registrar of voters shall ensure that, at the
35 outer limits of the area within which electioneering is prohibited,
36 notices are continuously posted on which are printed in large letters
37 "Distance Marker: No electioneering between this point and the
38 entrance to the polling place."

39 2. *The county clerk shall ensure that any notice posted*
40 *pursuant to subsection 1 is:*

- 41 (a) *At least 18 inches by 12 inches in size;*
42 (b) *Placed on a window or door of the polling place or a*
43 *freestanding sign; and*
44 (c) *Visible to a person approaching the outer limits of the area*
45 *within which electioneering is prohibited pursuant to subsection 1.*



1 3. The provisions of ~~[subsection]~~ *subsections 1 and 2* do not
2 apply to the conduct of a person in a private residence or on
3 commercial or residential property that is within 100 feet from the
4 entrance to a building or other structure in which a polling place is
5 located. The provisions of subsection 1 are not intended to prohibit a
6 person from voting solely because he or she is wearing a prohibited
7 political insigne and is reasonably unable to remove the insigne or
8 cover it. In such a case, the election board officer shall take such
9 action as is necessary to allow the voter to vote as expediently as
10 possible and then assist the voter in exiting the polling place as soon
11 as is possible.

12 ~~[3.]~~ 4. Any person who violates any provision of this section is
13 guilty of a gross misdemeanor.

14 ~~[4.]~~ 5. As used in this section, "electioneering" means
15 campaigning for or against a candidate, ballot question or political
16 party by:

17 (a) Posting signs relating to the support of or opposition to a
18 candidate, ballot question or political party;

19 (b) Distributing literature relating to the support of or opposition
20 to a candidate, ballot question or political party;

21 (c) Using loudspeakers to broadcast information relating to the
22 support of or opposition to a candidate, ballot question or political
23 party;

24 (d) Buying, selling, wearing or displaying any badge, button or
25 other insigne which ~~[is designed or tends to aid or promote the~~
26 ~~success or defeat of]~~ *expressly refers to* any political party or a
27 candidate or ballot question to be voted upon at that election; or

28 (e) Soliciting signatures to any kind of petition.

29 **Sec. 4.** NRS 293C.26312 is hereby amended to read as
30 follows:

31 293C.26312 1. Except as otherwise provided in subsection 2,
32 NRS 293C.263 and chapter 293D of NRS, the city clerk shall send
33 to each active registered voter by first-class mail, or by any class of
34 mail if the Official Election Mail logo or an equivalent logo or mark
35 created by the United States Postal Service is properly placed:

36 (a) A mail ballot;

37 (b) A return envelope;

38 (c) An envelope or sleeve into which the mail ballot is inserted
39 to ensure its secrecy; and

40 (d) Instructions.

41 2. In sending a mail ballot to an active registered voter, the city
42 clerk shall use an envelope that may not be forwarded to an address
43 of the voter that is different from the address to which the mail
44 ballot is mailed.

45 3. The return envelope must ~~[include]~~ :



1 (a) *Include* postage prepaid by first-class mail if the active
2 registered voter is within the boundaries of the United States, its
3 territories or possessions or on a military base ~~[]~~; *and*

4 (b) *Be printed in a unique color approved by the Secretary of*
5 *State pursuant to subsection 6 for the city.*

6 4. Before sending a mail ballot to an active registered voter, the
7 city clerk shall record:

8 (a) The date the mail ballot is issued;

9 (b) The name of the voter to whom the mail ballot is issued, his
10 or her precinct or district and his or her political affiliation, if any,
11 unless all the offices on the mail ballot are nonpartisan offices;

12 (c) The number of the mail ballot; and

13 (d) Any remarks the city clerk finds appropriate.

14 *5. The Secretary of State shall prescribe the form of all*
15 *envelopes in which mail ballots are sent to voters and return*
16 *envelopes, which must, except as otherwise provided in*
17 *subsections 3 and 6, be uniform throughout the State.*

18 *6. Each city clerk shall submit to the Secretary of State a*
19 *request to use a unique color for all return envelopes in the city.*

20 **Sec. 5.** NRS 293C.361 is hereby amended to read as follows:

21 293C.361 1. During the time a polling place for early voting
22 is open for voting, a person may not electioneer for or against any
23 candidate, measure or political party in or within 100 feet from the
24 entrance to the voting area.

25 2. During the period of early voting, the city clerk shall keep
26 continuously posted:

27 (a) At the entrance to the room or area, as applicable, in which
28 the polling place for early voting is located, a sign on which is
29 printed in large letters "Polling Place for Early ~~[Voting?; and]~~
30 *Voting.*"

31 (b) At the outer limits of the area within which electioneering is
32 prohibited, ~~[a]~~ *at least one* sign on which is printed in large letters
33 "Distance Marker: No electioneering between this point and the
34 entrance to the polling place." *The city clerk shall ensure that any*
35 *sign posted pursuant to this paragraph is:*

36 (1) *At least 18 inches by 12 inches in size;*

37 (2) *Placed on a window or door of the polling place or a*
38 *freestanding sign; and*

39 (3) *Visible to a person approaching the outer limits of the*
40 *area within which electioneering is prohibited.*

41 3. Ropes or other suitable objects may be used at the polling
42 place to ensure compliance with this section. Persons who are not
43 expressly permitted by law to be in a polling place must be excluded
44 from the polling place to the extent practicable.



1 4. Any person who willfully violates the provisions of this
2 section is guilty of a gross misdemeanor.

3 **Sec. 6.** 1. This section becomes effective upon passage and
4 approval.

5 2. Sections 1 to 5, inclusive, of this act become effective:

6 (a) Upon passage and approval for the purpose of adopting any
7 regulations and performing any other preparatory administrative
8 tasks that are necessary to carry out the provisions of this act; and

9 (b) On January 1, 2024, for all other purposes.

