

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; establishing requirements relating to the purchase of mail ballots and return envelopes used in certain elections in this State; 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:

Existing law requires the Secretary of State to prescribe: (1) the form of all mail ballots; and (2) the placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State. (NRS 293.250) **Sections 1.5 and 4** of this bill require the form of all envelopes in which mail ballots are sent to voters and all return envelopes for mail ballots to, with certain exceptions, be uniform throughout the State. **Sections 1.5 and 4** also require the Secretary of State to prescribe a method for distinguishing the return envelopes of each county or city, as applicable.

Section 1 of this bill requires the Secretary of State to enter into a statewide contract for the purchase of all ballots and return envelopes used in a presidential preference primary election, primary election and general election in this State.

Section 1 further requires each county and city clerk to use the ballots and return envelopes purchased by the Secretary of State for such elections. **Section 5.5** of this bill provides that a county or city clerk may request from the Secretary of State an exemption from this requirement for the presidential preference primary election, primary election and general election held in 2024.

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



23 freestanding; and (3) visible to a person approaching the boundary marked by the
24 sign.

25 Existing law defines "electioneering" to include buying, selling, wearing or
26 displaying any badge, button or other insigne which is designed or tends to aid or
27 promote the success or defeat of any political party or a candidate or ballot question
28 to be voted upon at an election. (NRS 293.740) **Section 3** revises this definition to
29 provide instead that "electioneering" includes buying, selling, wearing or
30 displaying any badge, button or other insigne which expressly refers to any political
31 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.** Chapter 293 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *The Secretary of State shall enter into a contract for the*
4 *purchase of all ballots, including, without limitation, mail ballots,*
5 *and return envelopes for use in all presidential preference primary*
6 *elections, primary elections and general elections held in this*
7 *State. Such a contract is subject to the provisions of chapter 333 of*
8 *NRS. Each county clerk and city clerk in this State shall use the*
9 *ballots, including, without limitation, mail ballots, and return*
10 *envelopes purchased by the Secretary of State in accordance with*
11 *the contract entered into pursuant to this section for all*
12 *presidential preference primary elections, primary elections and*
13 *general elections.*

14 **Sec. 1.5.** NRS 293.269913 is hereby amended to read as
15 follows:

16 293.269913 1. Except as otherwise provided in subsection 2,
17 NRS 293.269911 and chapter 293D of NRS, the county clerk shall
18 send to each active registered voter by first-class mail, or by any
19 class of mail if the Official Election Mail logo or an equivalent logo
20 or mark created by the United States Postal Service is properly
21 placed:

- 22 (a) A mail ballot;
23 (b) A return envelope;
24 (c) An envelope or sleeve into which the mail ballot is inserted
25 to ensure its secrecy; and
26 (d) Instructions.

27 2. In sending a mail ballot to an active registered voter, the
28 county clerk shall use an envelope that may not be forwarded to an
29 address of the voter that is different from the address to which the
30 mail ballot is mailed.

31 3. The return envelope must include postage prepaid by first-
32 class mail if the active registered voter is within the boundaries of
33 the United States, its territories or possessions or on a military base.



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

- 3 (a) The date the mail ballot is issued;
- 4 (b) The name of the voter to whom the mail ballot is issued, his
5 or her precinct or district and his or her political affiliation, if any,
6 unless all the offices on the mail ballot are nonpartisan offices;
- 7 (c) The number of the mail ballot; and
- 8 (d) Any remarks the county clerk finds appropriate.

9 **5. *The Secretary of State shall prescribe:***

10 ***(a) The form of all envelopes in which mail ballots are sent to***
11 ***voters and return envelopes, which must, except as otherwise***
12 ***provided in paragraph (b), be uniform throughout the State; and***

13 ***(b) A method for distinguishing the return envelopes of each***
14 ***county which must be prominently displayed on the outside of the***
15 ***return envelope.***

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

17 293.361 1. During the time a polling place for early voting is
18 open for voting, a person may not electioneer for or against any
19 candidate, measure or political party in or within 100 feet from the
20 entrance to the voting area.

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

23 (a) At the entrance to the room or area, as applicable, in which
24 the polling place for early voting is located a sign on which is
25 printed in large letters "Polling Place for Early ~~Voting~~; ~~and~~
26 ***Voting.***"

27 (b) At the outer limits of the area within which electioneering is
28 prohibited, ~~fa~~ ***at least one*** sign on which is printed in large letters
29 "Distance Marker: No electioneering between this point and the
30 entrance to the polling place." ***The county clerk shall ensure that***
31 ***any sign posted pursuant to this paragraph is:***

32 ***(1) At least 17 inches by 11 inches in size;***

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

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

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

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

43 **Sec. 3.** NRS 293.740 is hereby amended to read as follows:

44 293.740 1. Except as otherwise provided in subsection ~~2~~, **3**,
45 it is unlawful inside a polling place or within 100 feet from the



1 entrance to the building or other structure in which a polling place is
2 located:

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

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

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

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

14 (a) *At least 17 inches by 11 inches in size;*

15 (b) *Placed on a window or door of the polling place or a*
16 *freestanding sign; and*

17 (c) *Visible to a person approaching the outer limits of the area*
18 *within which electioneering is prohibited pursuant to subsection 1.*

19 3. The provisions of ~~subsection~~ *subsections 1 and 2* do not
20 apply to the conduct of a person in a private residence or on
21 commercial or residential property that is within 100 feet from the
22 entrance to a building or other structure in which a polling place is
23 located. The provisions of subsection 1 are not intended to prohibit a
24 person from voting solely because he or she is wearing a prohibited
25 political insigne and is reasonably unable to remove the insigne or
26 cover it. In such a case, the election board officer shall take such
27 action as is necessary to allow the voter to vote as expediently as
28 possible and then assist the voter in exiting the polling place as soon
29 as is possible.

30 ~~3.3~~ 4. Any person who violates any provision of this section is
31 guilty of a gross misdemeanor.

32 ~~4.4~~ 5. As used in this section, "electioneering" means
33 campaigning for or against a candidate, ballot question or political
34 party by:

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

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

39 (c) Using loudspeakers to broadcast information relating to the
40 support of or opposition to a candidate, ballot question or political
41 party;

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



(e) Soliciting signatures to any kind of petition.

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

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

(a) A mail ballot;

(b) A return envelope;

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

(d) Instructions.

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

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

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

(a) The date the mail ballot is issued;

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

(c) The number of the mail ballot; and

(d) Any remarks the city clerk finds appropriate.

5. *The Secretary of State shall prescribe:*

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each city which must be prominently displayed on the outside of the return envelope.

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

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

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

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located, a sign on which is



1 printed in large letters “Polling Place for Early ~~[Voting]; and~~
2 *Voting.*”

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

8 (1) *At least 17 inches by 11 inches in size;*

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

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

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

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

19 **Sec. 5.5.** Upon the request of a county clerk or city clerk, the
20 Secretary of State may grant an exemption from the requirement to
21 use the ballots, including, without limitation, mail ballots, and return
22 envelopes purchased by the Secretary of State in accordance with
23 the contract entered into pursuant to section 1 of this act for the
24 presidential preference primary election, primary election and
25 general election that is held in 2024.

26 **Sec. 6.** 1. This section and section 5.5 of this act become
27 effective upon passage and approval.

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

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

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

