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SECOND REPRINT

A.B. 192

## 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 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; making an appropriation to the Office of the Secretary of State to enter into a contract for the purchase of ballots and return envelopes; 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** provides that if such a contract requires the vendor to distribute mail ballots on behalf of a county or city clerk, the contract must require the vendor to deposit the mail ballots for mailing at a location within this State. **Section 5.3** of this bill makes an appropriation to the Office of the Secretary of State to enter into such a contract.

**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



20 State an exemption from this requirement for the presidential preference primary  
21 election, primary election and general election held in 2024.

22 Existing law requires a county clerk and city clerk to keep continuously posted  
23 certain signs and notices which indicate that electioneering is prohibited between  
24 the boundary marked by the sign and the entrance to a polling place. (NRS 293.361,  
25 293.740, 293C.361) **Sections 2, 3 and 5** of this bill require the county clerk and  
26 city clerk to ensure that any signs and notices posted are: (1) at least 17 inches by  
27 11 inches in size; (2) placed on a window or door of the polling place or  
28 freestanding; and (3) visible to a person approaching the boundary marked by the  
29 sign.

30 Existing law defines "electioneering" to include buying, selling, wearing or  
31 displaying any badge, button or other insignia which is designed or tends to aid or  
32 promote the success or defeat of any political party or a candidate or ballot question to  
33 be voted upon at an election. (NRS 293.740) **Section 3** revises this definition to  
34 provide instead that "electioneering" includes buying, selling, wearing or  
35 displaying any badge, button or other insignia which expressly refers to any political  
36 party or a candidate or ballot question to be voted upon at that election.

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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 *1. 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 *2. If a contract entered into pursuant to this section requires*  
15 *the vendor to distribute mail ballots on behalf of a county or city*  
16 *clerk, the contract must require the vendor to deposit the mail*  
17 *ballots for mailing at a location within this State.*

18 **Sec. 1.5.** NRS 293.269913 is hereby amended to read as  
19 follows:

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

26 (a) A mail ballot;



- 1 (b) A return envelope;
- 2 (c) An envelope or sleeve into which the mail ballot is inserted
- 3 to ensure its secrecy; and
- 4 (d) Instructions.

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

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

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

- 14 (a) The date the mail ballot is issued;
- 15 (b) The name of the voter to whom the mail ballot is issued, his
- 16 or her precinct or district and his or her political affiliation, if any,
- 17 unless all the offices on the mail ballot are nonpartisan offices;
- 18 (c) The number of the mail ballot; and
- 19 (d) Any remarks the county clerk finds appropriate.

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

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

24 *(b) A method for distinguishing the return envelopes of each*  
25 *county which must be prominently displayed on the outside of the*  
26 *return envelope.*

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

28 293.361 1. During the time a polling place for early voting is  
29 open for voting, a person may not electioneer for or against any  
30 candidate, measure or political party in or within 100 feet from the  
31 entrance to the voting area.

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

34 (a) At the entrance to the room or area, as applicable, in which  
35 the polling place for early voting is located a sign on which is  
36 printed in large letters "Polling Place for Early ~~Voting?~~ and  
37 *Voting.*"

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

- 43 *(1) At least 17 inches by 11 inches in size;*
- 44 *(2) Placed on a window or door of the polling place or a*  
45 *freestanding sign; and*



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

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

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

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

10 293.740 1. Except as otherwise provided in subsection ~~2~~ 3,  
11 it is unlawful inside a polling place or within 100 feet from the  
12 entrance to the building or other structure in which a polling place is  
13 located:

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

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

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

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

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

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

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

30 3. The provisions of ~~subsection~~ *subsections 1 and 2* do not  
31 apply to the conduct of a person in a private residence or on  
32 commercial or residential property that is within 100 feet from the  
33 entrance to a building or other structure in which a polling place is  
34 located. The provisions of subsection 1 are not intended to prohibit a  
35 person from voting solely because he or she is wearing a prohibited  
36 political insignia and is reasonably unable to remove the insignia or  
37 cover it. In such a case, the election board officer shall take such  
38 action as is necessary to allow the voter to vote as expediently as  
39 possible and then assist the voter in exiting the polling place as soon  
40 as is possible.

41 ~~3~~ 4. Any person who violates any provision of this section is  
42 guilty of a gross misdemeanor.

43 ~~4~~ 5. As used in this section, "electioneering" means  
44 campaigning for or against a candidate, ballot question or political  
45 party by:



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

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

5 (c) Using loudspeakers to broadcast information relating to the  
6 support of or opposition to a candidate, ballot question or political  
7 party;

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

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

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

15 293C.26312 1. Except as otherwise provided in subsection 2,  
16 NRS 293C.263 and chapter 293D of NRS, the city clerk shall send  
17 to each active registered voter by first-class mail, or by any class of  
18 mail if the Official Election Mail logo or an equivalent logo or mark  
19 created by the United States Postal Service is properly placed:

20 (a) A mail ballot;

21 (b) A return envelope;

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

24 (d) Instructions.

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

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

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

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

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

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

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

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

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



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

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

5 293C.361 1. During the time a polling place for early voting  
6 is open for voting, a person may not electioneer for or against any  
7 candidate, measure or political party in or within 100 feet from the  
8 entrance to the voting area.

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

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

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

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

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

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

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

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

31 **Sec. 5.3.** 1. There is hereby appropriated from the State  
32 General Fund to the Office of the Secretary of State to enter into a  
33 contract pursuant to section 1 of this act for the purchase of ballots,  
34 including, without limitation, mail ballots and return envelopes, the  
35 following sums:

36 For the Fiscal Year 2023-2024 ..... \$7,805,011

37 For the Fiscal Year 2024-2025 ..... \$3,902,506

38 2. Any balance of the sums appropriated by subsection 1  
39 remaining at the end of the respective fiscal years must not be  
40 committed for expenditure after June 30 of the respective fiscal  
41 years by the entity to which the appropriation is made or any entity  
42 to which money from the appropriation is granted or otherwise  
43 transferred in any manner, and any portion of the appropriated  
44 money remaining must not be spent for any purpose after  
45 September 20, 2024, and September 19, 2025, respectively, by



1 either the entity to which the money was appropriated or the entity  
2 to which the money was subsequently granted or transferred, and  
3 must be reverted to the State General Fund on or before  
4 September 20, 2024, and September 19, 2025, respectively.

5 **Sec. 5.5.** Upon the request of a county clerk or city clerk, the  
6 Secretary of State may grant an exemption from the requirement to  
7 use the ballots, including, without limitation, mail ballots, and return  
8 envelopes purchased by the Secretary of State in accordance with  
9 the contract entered into pursuant to section 1 of this act for the  
10 presidential preference primary election, primary election and  
11 general election that is held in 2024.

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

14 2. Section 5.3 of this act becomes effective on July 1, 2023.

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

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

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

