

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.

~

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 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 or contracts 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 authorizes the Secretary of State to enter into one or more contracts for the purchase of all ballots and return envelopes used in any statewide and local election held in this State. **Section 1** provides that if such a contract or contracts requires the vendor to distribute mail ballots on behalf of a county or city clerk, the contract or contracts 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 or contracts.

Section 1 further authorizes each board of county commissioners and governing body of an incorporated city to elect to use the ballots and return envelopes purchased by the Secretary of State for all statewide and local elections



20 held in a given year by notifying the Secretary of State in writing not less than 8
21 months before the date of a presidential preference primary election in a
22 presidential election year or primary election in any other election year. **Section 5.5**
23 of this bill provides that a board of county commissioners or governing body of an
24 incorporated city that elects to use the ballots purchased by the Secretary of State
25 for all elections held in 2024 must notify the Secretary of State 6 months before the
26 date of the presidential preference primary election in 2024.

27 Existing law requires a county clerk and city clerk to keep continuously posted
28 certain signs and notices which indicate that electioneering is prohibited between
29 the boundary marked by the sign and the entrance to a polling place. (NRS 293.361,
30 293.740, 293C.361) **Sections 2, 3 and 5** of this bill require the county clerk and
31 city clerk to ensure that any signs and notices posted are: (1) at least 17 inches by
32 11 inches in size; (2) placed on a window or door of the polling place or
33 freestanding; and (3) visible to a person approaching the boundary marked by the
34 sign.

35 Existing law defines "electioneering" to include buying, selling, wearing or
36 displaying any badge, button or other insigne which is designed or tends to aid or
37 promote the success or defeat of any political party or a candidate or ballot question
38 to be voted upon at an election. (NRS 293.740) **Section 3** revises this definition to
39 provide instead that "electioneering" includes buying, selling, wearing or
40 displaying any badge, button or other insigne which expressly refers to any political
41 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 *1. The Secretary of State may enter into one or more*
4 *contracts for the purchase of all ballots, including, without*
5 *limitation, mail ballots, and return envelopes for use in any*
6 *statewide and local election held in this State pursuant to title 24*
7 *of NRS. Such a contract is subject to the provisions of chapter 333*
8 *of NRS.*

9 *2. Each board of county commissioners and governing body*
10 *of an incorporated city in this State may elect to use the ballots,*
11 *including, without limitation, mail ballots, and return envelopes*
12 *purchased by the Secretary of State in accordance with the*
13 *contract or contracts entered into pursuant to this section for all*
14 *statewide and local elections held in a given year in this State*
15 *pursuant to title 24 of NRS by notifying the Secretary of State in*
16 *writing not less than 8 months before the date of the presidential*
17 *preference primary election in a presidential election year or the*
18 *date of the primary election in any other election year.*

19 *3. If a contract or contracts entered into pursuant to this*
20 *section requires the vendor to distribute mail ballots on behalf of a*
21 *county or city clerk, the contract or contracts must require the*



1 *vendor to deposit the mail ballots for mailing at a location within*
2 *this State.*

3 **Sec. 1.5.** NRS 293.269913 is hereby amended to read as
4 follows:

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

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

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

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

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

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

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

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

35 *(b) A method for distinguishing the return envelopes of each*
36 *county which must be prominently displayed on the outside of the*
37 *return envelope.*

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

39 293.361 1. During the time a polling place for early voting is
40 open for voting, a person may not electioneer for or against any
41 candidate, measure or political party in or within 100 feet from the
42 entrance to the voting area.

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



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

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

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

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

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

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

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

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

22 293.740 1. Except as otherwise provided in subsection ~~2~~ 3,
23 it is unlawful inside a polling place or within 100 feet from the
24 entrance to the building or other structure in which a polling place is
25 located:

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

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

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

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

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

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

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

42 3. The provisions of ~~subsection~~ *subsections 1 and 2* do not
43 apply to the conduct of a person in a private residence or on
44 commercial or residential property that is within 100 feet from the
45 entrance to a building or other structure in which a polling place is



1 located. The provisions of subsection 1 are not intended to prohibit a
2 person from voting solely because he or she is wearing a prohibited
3 political insigne and is reasonably unable to remove the insigne or
4 cover it. In such a case, the election board officer shall take such
5 action as is necessary to allow the voter to vote as expeditiously as
6 possible and then assist the voter in exiting the polling place as soon
7 as is possible.

8 ~~[3.]~~ 4. Any person who violates any provision of this section is
9 guilty of a gross misdemeanor.

10 ~~[4.]~~ 5. As used in this section, "electioneering" means
11 campaigning for or against a candidate, ballot question or political
12 party by:

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

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

17 (c) Using loudspeakers to broadcast information relating to the
18 support of or opposition to a candidate, ballot question or political
19 party;

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

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

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

27 293C.26312 1. Except as otherwise provided in subsection 2,
28 NRS 293C.263 and chapter 293D of NRS, the city clerk shall send
29 to each active registered voter by first-class mail, or by any class of
30 mail if the Official Election Mail logo or an equivalent logo or mark
31 created by the United States Postal Service is properly placed:

32 (a) A mail ballot;

33 (b) A return envelope;

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

36 (d) Instructions.

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

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

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



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

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

8 (a) *The form of all envelopes in which mail ballots are sent to*

9 *voters and return envelopes, which must, except as otherwise*

10 *provided in paragraph (b), be uniform throughout the State; and*

11 (b) *A method for distinguishing the return envelopes of each*

12 *city which must be prominently displayed on the outside of the*

13 *return envelope.*

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

15 293C.361 1. During the time a polling place for early voting

16 is open for voting, a person may not electioneer for or against any

17 candidate, measure or political party in or within 100 feet from the

18 entrance to the voting area.

19 2. During the period of early voting, the city clerk shall keep

20 continuously posted:

21 (a) At the entrance to the room or area, as applicable, in which

22 the polling place for early voting is located, a sign on which is

23 printed in large letters "Polling Place for Early ~~["Voting"; and]~~

24 *Voting."*

25 (b) At the outer limits of the area within which electioneering is

26 prohibited, ~~["a]~~ *at least one* sign on which is printed in large letters

27 "Distance Marker: No electioneering between this point and the

28 entrance to the polling place." *The city clerk shall ensure that any*

29 *sign posted pursuant to this paragraph is:*

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

31 (2) *Placed on a window or door of the polling place or a*

32 *freestanding sign; and*

33 (3) *Visible to a person approaching the outer limits of the*

34 *area within which electioneering is prohibited.*

35 3. Ropes or other suitable objects may be used at the polling

36 place to ensure compliance with this section. Persons who are not

37 expressly permitted by law to be in a polling place must be excluded

38 from the polling place to the extent practicable.

39 4. Any person who willfully violates the provisions of this

40 section is guilty of a gross misdemeanor.

41 **Sec. 5.3.** 1. There is hereby appropriated from the State

42 General Fund to the Office of the Secretary of State to enter into one

43 or more contracts pursuant to section 1 of this act for the purchase of

44 ballots, including, without limitation, mail ballots and return

45 envelopes, the following sums:



1 For the Fiscal Year 2023-2024..... \$7,805,011
 2 For the Fiscal Year 2024-2025..... \$3,902,506

3 2. Any balance of the sums appropriated by subsection 1
 4 remaining at the end of the respective fiscal years must not be
 5 committed for expenditure after June 30 of the respective fiscal
 6 years by the entity to which the appropriation is made or any entity
 7 to which money from the appropriation is granted or otherwise
 8 transferred in any manner, and any portion of the appropriated
 9 money remaining must not be spent for any purpose after
 10 September 20, 2024, and September 19, 2025, respectively, by
 11 either the entity to which the money was appropriated or the entity
 12 to which the money was subsequently granted or transferred, and
 13 must be reverted to the State General Fund on or before
 14 September 20, 2024, and September 19, 2025, respectively.

15 **Sec. 5.5.** Notwithstanding the provisions of section 1 of this
 16 act, a board of county commissioners or governing body of an
 17 incorporated city that elects to use the ballots, including, without
 18 limitation, mail ballots, and return envelopes purchased by the
 19 Secretary of State in accordance with the contract or contracts
 20 entered into pursuant to section 1 of this act for all statewide and
 21 local elections that are held in 2024 pursuant to title 24 of NRS shall
 22 notify the Secretary of State in writing not less than 6 months before
 23 the date of the presidential preference primary election held on
 24 February 6th, 2024.

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

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

28 3. Sections 1.5 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.

