

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 elections in this State; revising requirements for the form of all envelopes and return envelopes for mail ballots; revising certain requirements relating to electioneering; revising provisions relating to recounts and contests of presidential elections; revising provisions relating to risk-limiting audits; revising provisions relating to tampering or interfering with certain election equipment or computer programs; revising the definition of uniformed-service voter; delaying the effective date of certain provisions relating to automatic voter registration; 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; providing a penalty; 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 1.1** 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 1.1** provides that if such a



12 contract or contracts requires the vendor to distribute mail ballots on behalf of a  
13 county or city clerk, the contract or contracts must require the vendor to deposit the  
14 mail ballots for mailing at a location within this State. **Section 5.3** of this bill makes  
15 an appropriation to the Office of the Secretary of State to enter into such a contract  
16 or contracts.

17 **Section 1.1** further authorizes each board of county commissioners and  
18 governing body of an incorporated city to elect to use the ballots and return  
19 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 insignia 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 insignia which expressly refers to any political  
41 party or a candidate or ballot question to be voted upon at that election.

42 Existing law requires each county clerk to conduct a risk-limiting audit of the  
43 results of an election prior to the certification of the results of the election. (NRS  
44 293.394) **Section 2.5** of this bill removes the requirement to conduct such an audit  
45 prior to the certification of the results.

46 Existing law provides a penalty for a person who tampers or interferes or  
47 attempts to tamper or interfere with any computer program used to count ballots.  
48 (NRS 293.755) **Section 3.5** of this bill instead prohibits a person from tampering or  
49 interfering or attempting to tamper or interfere with any computer program used to  
50 conduct an election.

51 Existing law authorizes uniformed-service voters and certain other voters to  
52 vote in an election using a system of approved electronic transmission, a federal  
53 postcard application or the federal write-in absentee ballot. (Chapter 293D of NRS)  
54 **Section 5.1** of this bill revises the definition of “uniformed-service voter” to  
55 include a member of the active or reserve component of the Space Force of the  
56 United States who is on active duty.

57 Beginning on January 1, 2024, existing law expands the agencies which  
58 provide automatic voter registration services and establishes certain requirements  
59 for an automatic voter registration agency to transmit certain voter registration  
60 information to the Secretary of State and county clerks. (Chapter 555, Statutes of  
61 Nevada 2021, at page 3849) **Section 5.2** of this bill delays the effective date of  
62 these provisions until January 1, 2025.

63 Existing federal law requires a certificate of ascertainment of appointment of  
64 presidential electors to be issued and transmitted to the Archivist of the United  
65 States not later than 6 days before the time fixed for the meeting of the electors,  
66 which is the first Tuesday after the second Wednesday in December. (3 U.S.C. §§



5, 7) Existing state law authorizes a candidate defeated at any election to demand and receive a recount within 3 working days after the canvass of the vote. For purposes of demanding a recount in a general election, “canvass” means: (1) the canvass by the Supreme Court of the returns for a candidate for a statewide office; or (2) the canvass of the board of county commissioners of the returns for any other candidate. (NRS 293.403) The canvass by: (1) a board of county commissioners must be completed on or before the 10th day following the election; and (2) the Supreme Court is the 4th Tuesday of November after each general election. (NRS 293.387, 293.395) Each recount must be commenced within 5 days after demand, and completed within 5 days after it begins. (NRS 293.405) Existing state law further authorizes, with certain exceptions, a candidate or registered voter to contest an election by filing a statement of contest not later than 5 days after a recount is completed, and not later than 14 days after the election if no recount is demanded. (NRS 293.407, 293.413) If an election contest is filed, the court is required to set the matter for hearing not less than 5 days and not more than 10 days after the filing of the statement of contest. (NRS 293.413)

**Section 1.3** of this bill establishes a different timeline for filing a recount or an election contest that applies only to the election of presidential electors. Specifically, **section 1.3** provides that a candidate for the office of presidential elector may demand and receive a recount if, on or before the 13th day following the election, the candidate files the written demand to and deposits the estimated costs of the recount with the Secretary of State. Any such recount must be: (1) commenced within 1 day after the demand is filed; and (2) completed within 5 days after the recount begins. **Section 1.3** further authorizes a candidate or any registered voter to contest the election of a candidate to the office of presidential elector not more than 2 working days after the canvass of the returns by the Supreme Court. Such an election contest must be: (1) scheduled for a judicial hearing not more than 5 days after the filing of the statement of contest; and (2) decided before the deadline to issue and submit the certificate of ascertainment pursuant to federal law.

Pursuant to **section 1.3**, for purposes of the 2024 General Election, which will be held on November 5, 2024, the deadline: (1) to demand a recount for the office of presidential elector is November 18, 2024; (2) to begin a recount for the office of presidential elector is November 19, 2024; (3) to complete a recount for the office of presidential elector is November 24, 2024; (4) to contest the election for the office of presidential elector is December 2, 2024; and (5) for the court to set any such contest for hearing is December 7, 2024. Further, the deadline under federal law to issue and transmit the certificate of ascertainment is December 11, 2024, so, pursuant to **section 1.3**, the court must determine the result of any election contest of the office of presidential elector before December 11, 2024.

**Sections 2.6-2.85 and 3.7** of this bill make conforming changes to reflect the changes in **section 1.3** to the schedule for filing a demand for a recount or an election contest for the office of presidential elector.

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

**Section 1.** Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 and 1.3 of this act.

**Sec. 1.1. 1. *The Secretary of State may enter into one or more contracts for the purchase of all ballots, including, without limitation, mail ballots, and return envelopes for use in any statewide and local election held in this State pursuant to title 24***



1 of NRS. Such a contract is subject to the provisions of chapter 333  
2 of NRS.

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

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

18 **Sec. 1.3.** For the purposes of an election to the office of  
19 presidential elector:

20 1. The following requirements apply to a demand for a  
21 recount:

22 (a) A candidate for the office of presidential elector may  
23 demand and receive a recount of the vote to determine the number  
24 of votes received for the candidate and the number of votes  
25 received for the person who won the election if, on or before the  
26 13th day following the election, the candidate who demands the  
27 recount:

28 (1) Files in writing a demand with the Secretary of State;  
29 and

30 (2) Deposits in advance the estimated costs of the recount  
31 with the Secretary of State, as determined by the Secretary of  
32 State, in accordance with regulations adopted by the Secretary of  
33 State defining the term "costs."

34 (b) A recount conducted pursuant to this subsection must be  
35 commenced within 1 day after the demand is filed and must be  
36 completed within 5 days after the recount is begun.

37 2. The following requirements apply to a contest of an  
38 election:

39 (a) A candidate for the office of presidential elector or any  
40 registered voter of this State may contest the election of a  
41 candidate to the office of presidential elector. To contest the  
42 election, the candidate or registered voter, as applicable, must file  
43 with the clerk of the district court a written statement of contest  
44 not more than 2 working days after the canvass of the returns by  
45 the Supreme Court.



1 *(b) The statement of contest must be prepared in accordance*  
2 *with NRS 293.407.*

3 *(c) The court shall set the matter for a hearing not more than*  
4 *5 days after the filing of the statement of contest and must*  
5 *determine the results of the contest before the deadline to issue*  
6 *and submit the certificate of ascertainment pursuant to 3 U.S.C. §*  
7 *5. Election contests take precedence over all regular business of*  
8 *the court in order that results of elections shall be determined as*  
9 *soon as practicable.*

10 *(d) The court may refer the contest to a special master in the*  
11 *manner provided by the Nevada Rules of Civil Procedure, and*  
12 *such special master shall have all powers necessary for a proper*  
13 *determination of the contest.*

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.

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

- 36 (a) The date the mail ballot is issued;  
37 (b) The name of the voter to whom the mail ballot is issued, his  
38 or her precinct or district and his or her political affiliation, if any,  
39 unless all the offices on the mail ballot are nonpartisan offices;  
40 (c) The number of the mail ballot; and  
41 (d) Any remarks the county clerk finds appropriate.

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

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



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

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

5 293.361 1. During the time a polling place for early voting is  
6 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 county clerk shall  
10 keep 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 county clerk shall ensure that*  
19 *any 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. 2.5.** NRS 293.394 is hereby amended to read as follows:

32 293.394 1. The Secretary of State shall adopt regulations for  
33 conducting a risk-limiting audit of an election, which may include,  
34 without limitation:

35 (a) Procedures to conduct a risk-limiting audit;

36 (b) Criteria for which elections must be audited; and

37 (c) Criteria to determine the scope of the risk-limiting audit.

38 2. In accordance with the regulations adopted by the Secretary  
39 of State pursuant to this section, each county clerk shall conduct a  
40 risk-limiting audit of the results of an election . ~~[prior to the~~  
41 ~~certification of the results of the election pursuant to NRS 293.395.]~~

42 3. As used in this section, "risk-limiting audit" means an audit  
43 protocol that:

44 (a) Makes use of statistical principles and methods; and



1 (b) Is designed to limit the risk of certifying an incorrect  
2 election outcome.

3 **Sec. 2.6.** NRS 293.403 is hereby amended to read as follows:

4 293.403 1. ~~[A]~~ *Except as otherwise provided in section 1.3*  
5 *of this act, a* candidate defeated at any election may demand and  
6 receive a recount of the vote for the office for which he or she is a  
7 candidate to determine the number of votes received for the  
8 candidate and the number of votes received for the person who won  
9 the election if, within 3 working days after the canvass of the vote  
10 and the certification by the county clerk or city clerk of the abstract  
11 of votes, the candidate who demands the recount:

12 (a) Files in writing a demand with the officer with whom the  
13 candidate filed his or her declaration of candidacy; and

14 (b) Deposits in advance the estimated costs of the recount with  
15 that officer.

16 2. Any voter at an election may demand and receive a recount  
17 of the vote for a ballot question if, within 3 working days after the  
18 canvass of the vote and the certification by the county clerk or city  
19 clerk of the abstract of votes, the voter:

20 (a) Files in writing a demand with:

21 (1) The Secretary of State, if the demand is for a recount of a  
22 ballot question affecting more than one county; or

23 (2) The county or city clerk who will conduct the recount, if  
24 the demand is for a recount of a ballot question affecting only one  
25 county or city; and

26 (b) Deposits in advance the estimated costs of the recount with  
27 the person to whom the demand was made.

28 3. The estimated costs of the recount must be determined by  
29 the person with whom the advance is deposited based on regulations  
30 adopted by the Secretary of State defining the term "costs."

31 4. As used in this section, "canvass" means:

32 (a) In any primary election, the canvass by the board of county  
33 commissioners of the returns for a candidate or ballot question voted  
34 for in one county or the canvass by the board of county  
35 commissioners last completing its canvass of the returns for a  
36 candidate or ballot question voted for in more than one county.

37 (b) In any primary city election, the canvass by the city council  
38 of the returns for a candidate or ballot question voted for in the city.

39 (c) In any general election:

40 (1) The canvass by the Supreme Court of the returns for a  
41 candidate for a statewide office or a statewide ballot question; or

42 (2) The canvass of the board of county commissioners of the  
43 returns for any other candidate or ballot question, as provided in  
44 paragraph (a).



1 (d) In any general city election, the canvass by the city council  
2 of the returns for a candidate or ballot question voted for in the city.

3 **Sec. 2.7.** NRS 293.404 is hereby amended to read as follows:

4 293.404 1. Where a recount is demanded pursuant to the  
5 provisions of NRS 293.403 ~~§~~ *or section 1.3 of this act*, the:

6 (a) County clerk of each county affected by the recount shall  
7 employ a recount board to conduct the recount in the county, and  
8 shall act as chair of the recount board unless the recount is for the  
9 office of county clerk, in which case the registrar of voters of the  
10 county, if a registrar of voters has been appointed for the county,  
11 shall act as chair of the recount board. If a registrar of voters has not  
12 been appointed for the county, the chair of the board of county  
13 commissioners, if the chair is not a candidate on the ballot, shall act  
14 as chair of the recount board. If the recount is for the office of  
15 county clerk, a registrar of voters has not been appointed for the  
16 county and the chair of the board of county commissioners is a  
17 candidate on the ballot, the chair of the board of county  
18 commissioners shall appoint another member of the board of county  
19 commissioners who is not a candidate on the ballot to act as chair of  
20 the recount board. A member of the board of county commissioners  
21 who is a candidate on the ballot may not serve as a member of the  
22 recount board.

23 (b) City clerk shall employ a recount board to conduct the  
24 recount in the city, and shall act as chair of the recount board unless  
25 the recount is for the office of city clerk, in which case the mayor of  
26 the city, if the mayor is not a candidate on the ballot, shall act as  
27 chair of the recount board. If the recount is for the office of city  
28 clerk and the mayor of the city is a candidate on the ballot, the  
29 mayor of the city shall appoint another member of the city council  
30 who is not a candidate on the ballot to act as chair of the recount  
31 board. A member of the city council who is a candidate on the ballot  
32 may not serve as a member of the recount board.

33 2. Each candidate for the office affected by the recount and the  
34 voter who demanded the recount, if any, may be present in person or  
35 by an authorized representative, but may not be a member of the  
36 recount board.

37 3. The recount must include a count and inspection of all  
38 ballots, including rejected ballots, and must determine whether all  
39 ballots are marked as required by law. All ballots must be recounted  
40 in the same manner in which the ballots were originally tabulated.

41 4. The county or city clerk shall unseal and give to the recount  
42 board all ballots to be counted.

43 5. The Secretary of State may adopt regulations to carry out the  
44 provisions of this section.





1       **Sec. 2.8.** NRS 293.405 is hereby amended to read as follows:

2       293.405 1. If the person who demanded the recount does not  
3 prevail, and it is found that the sum deposited was less than the cost  
4 of the recount, the person shall, upon demand, pay the deficiency to  
5 the county clerk, city clerk or Secretary of State, as the case may be.  
6 If the sum deposited is in excess of the cost, the excess must be  
7 refunded to the person.

8       2. If the person who demanded the recount prevails, the sum  
9 deposited with the Secretary of State, county clerk or city clerk must  
10 be refunded to the person and the cost of the recount must be paid as  
11 follows:

12       (a) If the recount concerns an office or ballot question for which  
13 voting is not statewide, the cost must be borne by the county or city  
14 which conducted the recount.

15       (b) If the recount concerns an office or ballot question for which  
16 voting is statewide, the clerk of each county shall submit a statement  
17 of its costs in the recount to the Secretary of State for review and  
18 approval. The Secretary of State shall submit the statements to the  
19 State Board of Examiners, which shall repay the allowable costs  
20 from the Reserve for Statutory Contingency Account to the  
21 respective counties.

22       3. ~~Each~~ *Except as otherwise provided in section 1.3 of this*  
23 *act, each* recount must be commenced within 5 days after demand,  
24 and must be completed within 5 days after it is begun.

25       4. After the recount of a precinct is completed, that precinct  
26 must not be subject to another recount for the same office or ballot  
27 question at the same election.

28       **Sec. 2.83.** NRS 293.407 is hereby amended to read as follows:

29       293.407 1. A candidate at any election, or any registered  
30 voter of the appropriate political subdivision, may contest the  
31 election of any candidate, except for the office of United States  
32 Senator or Representative in Congress.

33       2. Except where the contest involves the general election for  
34 the office of Governor, Lieutenant Governor, Assemblyman,  
35 Assemblywoman, State Senator, justice of the Supreme Court or  
36 judge of the Court of Appeals, a candidate or voter who wishes to  
37 contest an election, including election to the office of presidential  
38 elector, must, within the time prescribed in NRS 293.413 ~~§~~ *or*  
39 *section 1.3 of this act*, file with the clerk of the district court a  
40 written statement of contest, setting forth:

41       (a) The name of the contestant and that the contestant is a  
42 registered voter of the political subdivision in which the election to  
43 be contested or part of it was held;

44       (b) The name of the defendant;

45       (c) The office to which the defendant was declared elected;



1 (d) The particular grounds of contest and the section of Nevada  
2 Revised Statutes pursuant to which the statement is filed; and

3 (e) The date of the declaration of the result of the election and  
4 the body or board which canvassed the returns thereof.

5 3. The contestant shall verify the statement of contest in the  
6 manner provided for the verification of pleadings in civil actions.

7 4. All material regarding a contest filed by a contestant with  
8 the clerk of the district court must be filed in triplicate.

9 5. The contestant must notify the defendant that a statement of  
10 contest has been filed pursuant to this section.

11 **Sec. 2.85.** NRS 293.413 is hereby amended to read as follows:

12 293.413 1. ~~{The}~~ *Except as otherwise provided in section 1.3*  
13 *of this act, the* statement of contest provided for in NRS 293.407  
14 shall be filed with the clerk of the district court no later than 5 days  
15 after a recount is completed, and no later than 14 days after the  
16 election if no recount is demanded. The parties to a contest shall be  
17 denominated contestant and defendant.

18 2. ~~{The}~~ *Except as otherwise provided in section 1.3 of this*  
19 *act, the* court shall set the matter for hearing not less than 5 days nor  
20 more than 10 days after the filing of the statement of contest.  
21 Election contests shall take precedence over all regular business of  
22 the court in order that results of elections shall be determined as  
23 soon as practicable.

24 3. The court may refer the contest to a special master in the  
25 manner provided by the Nevada Rules of Civil Procedure, and such  
26 special master shall have all powers necessary for a proper  
27 determination of the contest.

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

29 293.740 1. Except as otherwise provided in subsection ~~{2,}~~ **3,**  
30 it is unlawful inside a polling place or within 100 feet from the  
31 entrance to the building or other structure in which a polling place is  
32 located:

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

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

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

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

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



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

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

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

16 ~~3.1~~ 4. Any person who violates any provision of this section is  
17 guilty of a gross misdemeanor.

18 ~~4.1~~ 5. As used in this section, "electioneering" means  
19 campaigning for or against a candidate, ballot question or political  
20 party by:

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

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

25 (c) Using loudspeakers to broadcast information relating to the  
26 support of or opposition to a candidate, ballot question or political  
27 party;

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

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

33 **Sec. 3.5.** NRS 293.755 is hereby amended to read as follows:

34 293.755 1. A person who tampers or interferes with, or  
35 attempts to tamper or interfere with, a mechanical voting system,  
36 mechanical voting device or any computer program used to ~~count~~  
37 ~~ballots~~ *conduct an election* with the intent to prevent the proper  
38 operation of that device, system or program is guilty of a category D  
39 felony and shall be punished as provided in NRS 193.130.

40 2. A person who tampers or interferes with, or attempts to  
41 tamper or interfere with, a mechanical voting system, mechanical  
42 voting device or any computer program used to ~~count ballots~~  
43 *conduct an election* with the intent to influence the outcome of an  
44 election is guilty of a category B felony and shall be punished by



1 imprisonment in the state prison for a minimum term of not less  
2 than 2 years and a maximum term of not more than 20 years.

3 3. The county or city clerk shall report any alleged violation of  
4 this section to the district attorney who shall cause appropriate  
5 proceedings to be instituted and prosecuted in a court of competent  
6 jurisdiction without delay.

7 **Sec. 3.7.** NRS 293B.400 is hereby amended to read as follows:

8 293B.400 1. Except as otherwise provided in this section, if a  
9 recount is demanded pursuant to the provisions of NRS 293.403 *or*  
10 *section 1.3 of this act* or if an election is contested pursuant to NRS  
11 293.407 ~~§~~ *or section 1.3 of this act*, the county or city clerk shall  
12 ensure that each mechanical recording device which directly  
13 recorded votes electronically for the applicable election provides a  
14 record printed on paper of each ballot voted on that device.

15 2. In carrying out the requirements of this section, the county  
16 or city clerk shall:

17 (a) Print only the records required for the recount or contest; and

18 (b) Collect those records and deposit them in the vaults of the  
19 county or city clerk pursuant to NRS 293.391 or 293C.390.

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

22 293C.26312 1. Except as otherwise provided in subsection 2,  
23 NRS 293C.263 and chapter 293D of NRS, the city clerk shall send  
24 to each active registered voter by first-class mail, or by any class of  
25 mail if the Official Election Mail logo or an equivalent logo or mark  
26 created by the United States Postal Service is properly placed:

27 (a) A mail ballot;

28 (b) A return envelope;

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

31 (d) Instructions.

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

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

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

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

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

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



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

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

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

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

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

10 293C.361 1. During the time a polling place for early voting  
11 is open for voting, a person may not electioneer for or against any  
12 candidate, measure or political party in or within 100 feet from the  
13 entrance to the voting area.

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

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

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

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

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

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

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

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

36 **Sec. 5.1.** NRS 293D.090 is hereby amended to read as  
37 follows:

38 293D.090 "Uniformed-service voter" means an elector who is:

39 1. A member of the active or reserve components of the Army,  
40 Navy, Air Force, Marine Corps, ~~or~~ Coast Guard **or Space Force**  
41 of the United States who is on active duty;

42 2. A member of the Merchant Marine, the Commissioned  
43 Corps of the Public Health Service or the Commissioned Corps of  
44 the National Oceanic and Atmospheric Administration of the United  
45 States;



1 3. A member of the National Guard or state militia unit who is  
2 on activated status; or

3 4. A spouse or dependent of a person described in subsection 1,  
4 2 or 3.

5 **Sec. 5.2.** Section 36 of chapter 555, Statutes of Nevada 2021,  
6 at page 3876, is hereby amended to read as follows:

7 Sec. 36. 1. This section becomes effective upon  
8 passage and approval.

9 2. Sections 32.3 and 32.7 of this act become effective on  
10 July 1, 2021.

11 3. Sections 1 to 32, inclusive, and 33, 34 and 35 of this  
12 act become effective:

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

17 (b) On January 1, ~~2024,~~ 2025, for all other purposes.

18 **Sec. 5.3.** 1. There is hereby appropriated from the State  
19 General Fund to the Office of the Secretary of State to enter into one  
20 or more contracts pursuant to section 1 of this act for the purchase of  
21 ballots, including, without limitation, mail ballots and return  
22 envelopes, the following sums:

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

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

25 2. Any balance of the sums appropriated by subsection 1  
26 remaining at the end of the respective fiscal years must not be  
27 committed for expenditure after June 30 of the respective fiscal  
28 years by the entity to which the appropriation is made or any entity  
29 to which money from the appropriation is granted or otherwise  
30 transferred in any manner, and any portion of the appropriated  
31 money remaining must not be spent for any purpose after  
32 September 20, 2024, and September 19, 2025, respectively, by  
33 either the entity to which the money was appropriated or the entity  
34 to which the money was subsequently granted or transferred, and  
35 must be reverted to the State General Fund on or before  
36 September 20, 2024, and September 19, 2025, respectively.

37 **Sec. 5.5.** Notwithstanding the provisions of section 1.1 of this  
38 act, a board of county commissioners or governing body of an  
39 incorporated city that elects to use the ballots, including, without  
40 limitation, mail ballots, and return envelopes purchased by the  
41 Secretary of State in accordance with the contract or contracts  
42 entered into pursuant to section 1.1 of this act for all statewide and  
43 local elections that are held in 2024 pursuant to title 24 of NRS shall  
44 notify the Secretary of State in writing not less than 6 months before



1 the date of the presidential preference primary election held on  
2 February 6th, 2024.

3 **Sec. 6.** 1. This section and sections 1, 1.1 and 5.5 of this act  
4 become effective upon passage and approval.

5 2. Sections 1.3, 2.6 to 2.85, inclusive, 3.5, 3.7 and 5.1-5.3,  
6 inclusive, of this act become effective on July 1, 2023.

7 3. Sections 1.5, 2, 2.5, 3, 4 and 5 of this act become effective:

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

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

