

Amendment No. 799

Assembly Amendment to Assembly Bill No. 192 First Reprint (BDR 24-836)

Proposed by: Assembly Committee on Ways and Means

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD an appropriation where one does not currently exist in A.B. 192 R1.

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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

Existing law defines “electioneering” to include buying, selling, wearing or displaying any badge, button or other insignia which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at an election.

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27 (NRS 293.740) **Section 3** revises this definition to provide instead that “electioneering”
28 includes buying, selling, wearing or displaying any badge, button or other insigne which
29 expressly refers to any political party or a candidate or ballot question to be voted upon at that
30 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 thereto a new
2 section to read as follows:

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

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

13 293.269913 1. Except as otherwise provided in subsection 2, NRS
14 293.269911 and chapter 293D of NRS, the county clerk shall send to each active
15 registered voter by first-class mail, or by any class of mail if the Official Election
16 Mail logo or an equivalent logo or mark created by the United States Postal Service
17 is properly placed:

- 18 (a) A mail ballot;
19 (b) A return envelope;
20 (c) An envelope or sleeve into which the mail ballot is inserted to ensure its
21 secrecy; and
22 (d) Instructions.

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

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

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

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

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

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

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

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

2 293.361 1. During the time a polling place for early voting is open for
3 voting, a person may not electioneer for or against any candidate, measure or
4 political party in or within 100 feet from the entrance to the voting area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 3. The provisions of ~~subsection~~ *subsections 1 and 2* do not apply to the
44 conduct of a person in a private residence or on commercial or residential property
45 that is within 100 feet from the entrance to a building or other structure in which a
46 polling place is located. The provisions of subsection 1 are not intended to prohibit
47 a person from voting solely because he or she is wearing a prohibited political
48 insigne and is reasonably unable to remove the insigne or cover it. In such a case,
49 the election board officer shall take such action as is necessary to allow the voter to
50 vote as expeditiously as possible and then assist the voter in exiting the polling place
51 as soon as is possible.

52 ~~3~~; 4. Any person who violates any provision of this section is guilty of a
53 gross misdemeanor.

1 ~~[4.]~~ 5. As used in this section, “electioneering” means campaigning for or
2 against a candidate, ballot question or political party by:

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

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

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

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

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

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

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

24 (d) Instructions.

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

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

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

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

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

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

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

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

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

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

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

46 293C.361 1. During the time a polling place for early voting is open for
47 voting, a person may not electioneer for or against any candidate, measure or
48 political party in or within 100 feet from the entrance to the voting area.

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

51 (a) At the entrance to the room or area, as applicable, in which the polling
52 place for early voting is located, a sign on which is printed in large letters “Polling
53 Place for Early ~~[Voting]; and] Voting.”~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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