

Amendment No. 820

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

Proposed by: Assemblywoman González

Amendment Box: Consistent with Amendment No. 799.

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

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; 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 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. (NRS 293.740) **Section 3** revises this definition to provide instead that “electioneering” includes buying, selling, wearing or displaying any badge, button or other insignia which

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30 expressly refers to any political party or a candidate or ballot question to be voted upon at that
31 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 ***1. 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 ***2. If a contract entered into pursuant to this section requires the vendor to***
13 ***distribute mail ballots on behalf of a county or city clerk, the contract must***
14 ***require the vendor to deposit the mail ballots for mailing at a location within this***
15 ***State.***

16 **Sec. 1.5.** NRS 293.269913 is hereby amended to read as follows:
17 293.269913 1. Except as otherwise provided in subsection 2, NRS
18 293.269911 and chapter 293D of NRS, the county clerk shall send to each active
19 registered voter by first-class mail, or by any class of mail if the Official Election
20 Mail logo or an equivalent logo or mark created by the United States Postal Service
21 is properly placed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~3.]~~ 4. Any person who violates any provision of this section is guilty of a
2 gross misdemeanor.

3 ~~4.]~~ 5. As used in this section, “electioneering” means campaigning for or
4 against a candidate, ballot question or political party by:

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

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

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

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

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

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

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

22 (a) A mail ballot;

23 (b) A return envelope;

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

26 (d) Instructions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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