

Amendment No. 983

Senate Amendment to Assembly Bill No. 192 Third Reprint (BDR 24-836)
Proposed by: Senator Cannizzaro
Amends: Summary: No Title: Yes 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 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 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 1.1 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 held in a given year by notifying the Secretary of State in writing not less than 8 months before the date of a presidential preference primary election in a presidential election year or primary election in any other election year.

20 **Section 5.5** of this bill provides that a board of county commissioners or governing body of an
21 incorporated city that elects to use the ballots purchased by the Secretary of State for all
22 elections held in 2024 must notify the Secretary of State 6 months before the date of the
23 presidential preference primary election in 2024.

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

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

38 Existing law requires each county clerk to conduct a risk-limiting audit of the results
39 of an election prior to the certification of the results of the election. (NS 293.394) Section
40 2.5 of this bill removes the requirement to conduct such an audit prior to the
41 certification of the results.

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

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

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

59 Existing federal law requires a certificate of ascertainment of appointment of
60 presidential electors to be issued and transmitted to the Archivist of the United States
61 not later than 6 days before the time fixed for the meeting of the electors, which is the
62 first Tuesday after the second Wednesday in December. (3 U.S.C. §§ 5, 7) Existing state
63 law authorizes a candidate defeated at any election to demand and receive a recount
64 within 3 working days after the canvass of the vote. For purposes of demanding a
65 recount in a general election, “canvass” means: (1) the canvass by the Supreme Court of
66 the returns for a candidate for a statewide office; or (2) the canvass of the board of
67 county commissioners of the returns for any other candidate. (NRS 293.403) The canvass
68 by: (1) a board of county commissioners must be completed on or before the 10th day
69 following the election; and (2) the Supreme Court is the 4th Tuesday of November after
70 each general election. (NRS 293.387, 293.395) Each recount must be commenced within 5
71 days after demand, and completed within 5 days after it begins. (NRS 293.405) Existing
72 state law further authorizes, with certain exceptions, a candidate or registered voter to
73 contest an election by filing a statement of contest not later than 5 days after a recount is
74 completed, and not later than 14 days after the election if no recount is demanded. (NRS
75 293.407, 293.413) If an election contest is filed, the court is required to set the matter for
76 hearing not less than 5 days and not more than 10 days after the filing of the statement
77 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 ~~a new section to read as follows:~~ 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 of NRS. Such a contract is subject to the provisions of chapter 333 of NRS.

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

3. If a contract or contracts entered into pursuant to this section 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.

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

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

1 (a) A candidate for the office of presidential elector may demand and receive
2 a recount of the vote to determine the number of votes received for the candidate
3 and the number of votes received for the person who won the election if, on or
4 before the 13th day following the election, the candidate who demands the
5 recount:

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

7 (2) Deposits in advance the estimated costs of the recount with the
8 Secretary of State, as determined by the Secretary of State, in accordance with
9 regulations adopted by the Secretary of State defining the term "costs."

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

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

14 (a) A candidate for the office of presidential elector or any registered voter of
15 this State may contest the election of a candidate to the office of presidential
16 elector. To contest the election, the candidate or registered voter, as applicable,
17 must file with the clerk of the district court a written statement of contest not
18 more than 2 working days after the canvass of the returns by the Supreme Court.

19 (b) The statement of contest must be prepared in accordance with NRS
20 293.407.

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

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

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

30 293.269913 1. Except as otherwise provided in subsection 2, NRS
31 293.269911 and chapter 293D of NRS, the county clerk shall send to each active
32 registered voter by first-class mail, or by any class of mail if the Official Election
33 Mail logo or an equivalent logo or mark created by the United States Postal Service
34 is properly placed:

35 (a) A mail ballot;

36 (b) A return envelope;

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

39 (d) Instructions.

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

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

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

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

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

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

53 (d) Any remarks the county clerk finds appropriate.

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

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

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

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

8 293.361 1. During the time a polling place for early voting is open for
9 voting, a person may not electioneer for or against any candidate, measure or
10 political party in or within 100 feet from the entrance to the voting area.

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

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

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

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

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

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

30 **Sec. 2.5. NRS 293.394 is hereby amended to read as follows:**

31 293.394 1. The Secretary of State shall adopt regulations for conducting a
32 risk-limiting audit of an election, which may include, without limitation:

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

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

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

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

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

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

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

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

44 293.403 1. ~~fa~~ **Except as otherwise provided in section 1.3 of this act, a**
45 candidate defeated at any election may demand and receive a recount of the vote for
46 the office for which he or she is a candidate to determine the number of votes
47 received for the candidate and the number of votes received for the person who won
48 the election if, within 3 working days after the canvass of the vote and the
49 certification by the county clerk or city clerk of the abstract of votes, the candidate
50 who demands the recount:

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

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

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

4 (a) Files in writing a demand with:

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

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

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

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

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

15 (a) In any primary election, the canvass by the board of county commissioners
16 of the returns for a candidate or ballot question voted for in one county or the
17 canvass by the board of county commissioners last completing its canvass of the
18 returns for a candidate or ballot question voted for in more than one county.

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

21 (c) In any general election:

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

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

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

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

29 293.404 1. Where a recount is demanded pursuant to the provisions of NRS
30 293.403 ~~or~~ **or section 1.3 of this act**, the:

31 (a) County clerk of each county affected by the recount shall employ a recount
32 board to conduct the recount in the county, and shall act as chair of the recount
33 board unless the recount is for the office of county clerk, in which case the registrar
34 of voters of the county, if a registrar of voters has been appointed for the county,
35 shall act as chair of the recount board. If a registrar of voters has not been appointed
36 for the county, the chair of the board of county commissioners, if the chair is not a
37 candidate on the ballot, shall act as chair of the recount board. If the recount is for
38 the office of county clerk, a registrar of voters has not been appointed for the
39 county and the chair of the board of county commissioners is a candidate on the
40 ballot, the chair of the board of county commissioners shall appoint another
41 member of the board of county commissioners who is not a candidate on the ballot
42 to act as chair of the recount board. A member of the board of county
43 commissioners who is a candidate on the ballot may not serve as a member of the
44 recount board.

45 (b) City clerk shall employ a recount board to conduct the recount in the city,
46 and shall act as chair of the recount board unless the recount is for the office of city
47 clerk, in which case the mayor of the city, if the mayor is not a candidate on the
48 ballot, shall act as chair of the recount board. If the recount is for the office of city
49 clerk and the mayor of the city is a candidate on the ballot, the mayor of the city
50 shall appoint another member of the city council who is not a candidate on the
51 ballot to act as chair of the recount board. A member of the city council who is a
52 candidate on the ballot may not serve as a member of the recount board.

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

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

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

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

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

13 293.405 1. If the person who demanded the recount does not prevail, and it
14 is found that the sum deposited was less than the cost of the recount, the person
15 shall, upon demand, pay the deficiency to the county clerk, city clerk or Secretary
16 of State, as the case may be. If the sum deposited is in excess of the cost, the excess
17 must be refunded to the person.

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

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

24 (b) If the recount concerns an office or ballot question for which voting is
25 statewide, the clerk of each county shall submit a statement of its costs in the
26 recount to the Secretary of State for review and approval. The Secretary of State
27 shall submit the statements to the State Board of Examiners, which shall repay the
28 allowable costs from the Reserve for Statutory Contingency Account to the
29 respective counties.

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

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

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

37 293.407 1. A candidate at any election, or any registered voter of the
38 appropriate political subdivision, may contest the election of any candidate, except
39 for the office of United States Senator or Representative in Congress.

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

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

49 (b) The name of the defendant;

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

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

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

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

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

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

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

10 293.413 1. ~~The~~ **Except as otherwise provided in section 1.3 of this act,**
11 **the** statement of contest provided for in NRS 293.407 shall be filed with the clerk
12 of the district court no later than 5 days after a recount is completed, and no later
13 than 14 days after the election if no recount is demanded. The parties to a contest
14 shall be denominated contestant and defendant.

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

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

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

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

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

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

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

35 2. ***The county clerk shall ensure that any notice posted pursuant to***
36 ***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 freestanding sign;***
39 ***and***

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

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

51 ~~3.~~ **4.** Any person who violates any provision of this section is guilty of a
52 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. 3.5. NRS 293.755 is hereby amended to read as follows:**

15 293.755 1. A person who tampers or interferes with, or attempts to tamper
16 or interfere with, a mechanical voting system, mechanical voting device or any
17 computer program used to ~~count ballots~~ *conduct an election* with the intent to
18 prevent the proper operation of that device, system or program is guilty of a
19 category D felony and shall be punished as provided in NRS 193.130.

20 2. A person who tampers or interferes with, or attempts to tamper or interfere
21 with, a mechanical voting system, mechanical voting device or any computer
22 program used to ~~count ballots~~ *conduct an election* with the intent to influence the
23 outcome of an election is guilty of a category B felony and shall be punished by
24 imprisonment in the state prison for a minimum term of not less than 2 years and a
25 maximum term of not more than 20 years.

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

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

30 293B.400 1. Except as otherwise provided in this section, if a recount is
31 demanded pursuant to the provisions of NRS 293.403 *or section 1.3 of this act* or if
32 an election is contested pursuant to NRS 293.407 ~~or section 1.3 of this act~~, the
33 county or city clerk shall ensure that each mechanical recording device which
34 directly recorded votes electronically for the applicable election provides a record
35 printed on paper of each ballot voted on that device.

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

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

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

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

42 293C.26312 1. Except as otherwise provided in subsection 2, NRS
43 293C.263 and chapter 293D of NRS, the city clerk shall send to each active
44 registered voter by first-class mail, or by any class of mail if the Official Election
45 Mail logo or an equivalent logo or mark created by the United States Postal Service
46 is properly placed:

47 (a) A mail ballot;

48 (b) A return envelope;

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

51 (d) Instructions.

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

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

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

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

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

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

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

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

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

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

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

22 293C.361 1. During the time a polling place for early voting is open for
23 voting, a person may not electioneer for or against any candidate, measure or
24 political party in or within 100 feet from the entrance to the voting area.

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

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

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

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

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

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

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

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

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

45 293D.090 "Uniformed-service voter" means an elector who is:

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

49 2. A member of the Merchant Marine, the Commissioned Corps of the Public
50 Health Service or the Commissioned Corps of the National Oceanic and
51 Atmospheric Administration of the United States;

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

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

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

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

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

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

(a) Upon passage and approval for the purpose of adopting 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~~ 2025, for all other purposes.

Sec. 5.3. 1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State to enter into one or more contracts 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. Notwithstanding the provisions of section ~~44~~ 1.1 of this act, a board of county commissioners or governing body of an incorporated city that elects to use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract or contracts entered into pursuant to section ~~44~~ 1.1 of this act for all statewide and local elections that are held in 2024 pursuant to title 24 of NRS shall notify the Secretary of State in writing not less than 6 months before the date of the presidential preference primary election held on February 6th, 2024.

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

2. ~~[Section]~~ Sections 1.3, 2.6 to 2.85, inclusive, 3.5, 3.7 and 5.1- 5.3 , inclusive, of this act ~~becomes~~ become effective on July 1, 2023.

3. Sections 1.5 ~~[to 5, inclusive,]~~ , 2, 2.5, 3, 4 and 5 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.