

Amendment No. 483

Senate Amendment to Senate Bill No. 133	(BDR 24-539)
Proposed by: Senate Committee on Legislative Operations and Elections	
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.



SENATE BILL NO. 133—SENATORS DALY, CANNIZZARO, SPEARMAN; DONATE, DONDERO LOOP, FLORES, D. HARRIS, LANGE, NEAL, NGUYEN AND PAZINA

FEBRUARY 13, 2023

JOINT SPONSORS: ASSEMBLYMEN YEAGER, JAUREGUI, GORELOW, BRITTNEY MILLER, BACKUS; ANDERSON, BILBRAY-AXELROD, BROWN-MAY, CARTER, COHEN, CONSIDINE, D’SILVA, DURAN, GONZÁLEZ, LA RUE HATCH, C.H. MILLER, MONROE-MORENO, MOSCA, NEWBY, NGUYEN, ORENTLICHER, PETERS, TAYLOR, THOMAS, TORRES AND WATTS

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to presidential electors. (BDR 24-539)

FISCAL NOTE: Effect on Local Government: No.
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; prohibiting a person from creating or serving in a false slate of presidential electors or conspiring to create or serve in a false slate of presidential electors; prohibiting the State or a local government from appointing to public office or employing a person convicted of such an offense; providing ~~a penalty;~~ penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes the Uniform Faithful Presidential Electors Act, which: (1) provides a system for the selection of presidential electors; and (2) sets forth the duties of presidential electors. (NRS 298.005-298.089) **Section 1** of this bill prohibits a person from creating a false slate of presidential electors, serving in a false slate of presidential electors or conspiring to create or serve in a false slate of presidential electors. **Section 1** further: (1) provides that a person is guilty of a category B felony for committing such an offense; (2) provides that such a person shall be punished by imprisonment in the state prison for a minimum term of not less than 4 years and a maximum term of not more than 10 years; (3) authorizes a court to order a person convicted of such an offense to pay a fine of not more than \$5,000 and repay the costs of investigation and prosecution incurred by the Secretary of State or the Attorney General, as applicable; and (4) prohibits a court from granting probation to a person convicted of such an offense. ~~[(4)]~~

Section 1 authorizes a person who believes that such an alleged violation has occurred to notify the Secretary of State in writing. Section 1 requires the Secretary of State to investigate an alleged violation or refer the alleged violation to the Attorney General to investigate and refer a violation for prosecution or institute and prosecute the appropriate proceedings. ~~[(4) and (5)]~~, as applicable.

Section 1 further prohibits ~~the State or a local government from appointing to public office or employing~~ a person convicted of ~~such an offense.~~ creating or serving in a false

20 slate of presidential electors or conspiring to commit such an offense from being: (1)
 21 elected to public office in this State; (2) appointed to a public office by the State or a
 22 local government; or (3) employed by the State or a local government.

23 Existing law provides for the restoration of certain civil rights, including the right to hold
 24 office, to certain persons who are placed on probation, are granted parole or ~~are granted a~~
 25 pardon ~~or~~ or have served the respective sentence and been released from prison. (NRS
 26 213.155, 213.157) Sections 2 and 3 of this bill preclude a person convicted pursuant to
 27 **section 1** from obtaining the restoration of the civil right to hold office.

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

1 **Section 1.** Chapter 298 of NRS is hereby amended by adding thereto a new
 2 section to read as follows:

3 1. A person shall not : ~~conspire to~~

4 (a) Create a false slate of presidential electors; ~~or~~

5 (b) Serve in a false slate of presidential electors ~~or~~; or

6 (c) Conspire to create or serve in a false slate of presidential electors.

7 2. A person who violates subsection 1 is guilty of a category B felony and
 8 shall be punished by imprisonment in the state prison for a minimum term of not
 9 less than 4 years and a maximum term of not more than 10 years. In addition to
 10 any other penalty, a court may order the person to:

11 (a) Pay a fine of not more than \$5,000; and

12 (b) Repay the costs of investigation and prosecution incurred by the
 13 Secretary of State or Attorney General, as applicable. Money recovered for the
 14 reimbursement of costs of investigation and prosecution pursuant to this
 15 paragraph must be deposited with the State Treasurer for credit to the State
 16 General Fund.

17 3. A court shall not grant probation to or suspend the sentence of a person
 18 convicted of ~~conspiring to create or serve in a false slate of presidential electors~~
 19 ~~pursuant to~~ a crime set forth in subsection 1.

20 4. A person who believes that the provisions of subsection 1 have been
 21 violated may notify the Secretary of State, in writing, of the alleged violation. The
 22 notice must be signed by the person alleging the violation and include:

23 (a) The full name and address of the person alleging the violation;

24 (b) The full name and address of the person or persons alleged to have
 25 committed the violation, if known;

26 (c) A clear and concise statement of facts sufficient to establish that the
 27 alleged violation occurred;

28 (d) Any evidence substantiating the alleged violation;

29 (e) A certification by the person alleging the violation that the facts alleged
 30 in the notice are true to the best knowledge and belief of that person; and

31 (f) Any other information in support of the alleged violation.

32 5. If it appears that the provisions of subsection 1 have been violated or a
 33 notice of an alleged violation is received pursuant to subsection 4, the Secretary
 34 of State shall:

35 (a) Conduct an investigation concerning the alleged violation and cause the
 36 appropriate proceedings to be instituted and prosecuted; or

37 (b) Refer the alleged violation to the Attorney General. The Attorney General
 38 ~~may~~ shall, without delay, investigate the alleged violation and institute and
 39 prosecute the appropriate proceedings to enforce the provisions of subsection 1.

~~5. The State or a local government may not appoint to public office or employ a~~

6. The Secretary of State, when conducting an investigation of an alleged violation of subsection 1, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:

(a) Any person alleged to have committed a violation of subsection 1; or

(b) Any person the Secretary of State or a designated officer or employee of the Secretary of State has reason to believe possesses the materials that are under subpoena.

~~7. A person convicted pursuant to subsection 1 ~~is~~~~
~~may not be:~~

(a) Elected to a public office in this State;

(b) Appointed to a public office by the State or a local government; or

(c) Employed by the State or a local government.

8. As used in this section ~~is~~ "false":

(a) "Conspire to create or serve in a false slate of presidential electors" means to knowingly enter into any agreement, including, without limitation, a written agreement, oral agreement or agreement using electronic communications, with one or more persons to create a false slate of presidential electors or serve in a false slate of presidential electors.

(b) "Create a false slate of presidential electors" means ~~to knowingly sign, file, transmit or record with the~~ ~~Secretary of State, the Archivist of the United States, the Vice President of the United States or the Congress of the United States a list of presidential~~ ~~electors whose candidates for President and Vice President of the United States did not receive the~~ ~~highest number of votes in this State at the general election pursuant to 3 U.S.C. §§ 1 et seq., or chapter 298 of NRS ~~298.065 or 298.075,~~ as applicable.~~

(c) "Serve in a false slate of presidential electors" means to knowingly agree to be included on a list of presidential electors whose candidates for President and Vice President of the United States did not receive the highest number of votes in this State at the general election pursuant to 3 U.S.C. §§ 1 et seq., or chapter 298 of NRS, as applicable.

Sec. 2. NRS 213.155 is hereby amended to read as follows:

213.155 1. A person who receives a discharge from parole pursuant to NRS 213.154:

(a) Is immediately restored to the right to serve as a juror in a civil action.

(b) Four years after the date of his or her discharge from parole, is restored to the right to hold office ~~is~~, **unless the person was convicted pursuant to section 1 of this act.**

(c) Six years after the date of his or her discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Upon his or her discharge from parole, a person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge or dishonorable discharge, as applicable, from parole;

(b) That the person is restored to his or her civil right to serve as a juror in a civil action as of the date of his or her discharge from parole;

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph (b) of subsection 1; and

1 (d) The date on which his or her civil right to serve as a juror in a criminal
2 action will be restored to the person pursuant to paragraph (c) of subsection 1.

3 3. A person who has been discharged from parole in this State or elsewhere
4 and whose official documentation of his or her discharge from parole is lost,
5 damaged or destroyed may file a written request with a court of competent
6 jurisdiction to restore his or her civil rights pursuant to this section. Upon
7 verification that the person has been discharged from parole and is eligible to be
8 restored to the civil rights set forth in subsection 1, the court shall issue an order
9 restoring the person to the civil rights set forth in subsection 1. A person must not
10 be required to pay a fee to receive such an order.

11 4. A person who has been discharged from parole in this State or elsewhere
12 may present:

13 (a) Official documentation of his or her discharge from parole, if it contains the
14 provisions set forth in subsection 2; or

15 (b) A court order restoring his or her civil rights,
16 ➤ as proof that the person has been restored to the civil rights set forth in
17 subsection 1.

18 5. The Board may adopt regulations necessary or convenient for the purposes
19 of this section.

20 **Sec. 3.** NRS 213.157 is hereby amended to read as follows:

21 213.157 1. A person convicted of a felony:

22 (a) Who is placed on probation, granted parole or granted a pardon is
23 immediately restored to the right to vote;

24 (b) Who has served his or her sentence and has been released from prison:

25 (1) Is immediately restored to the right to serve as a juror in a civil action.

26 (2) Is immediately restored to the right to vote.

27 (3) Four years after the date of his or her release from prison, is restored to
28 the right to hold office **⚡**, *unless the person was convicted pursuant to section 1*
29 *of this act.*

30 (4) Six years after the date of his or her release from prison, is restored to
31 the right to serve as a juror in a criminal action.

32 2. Upon his or her release from prison, a person so released must be given an
33 official document which provides:

34 (a) That the person has been released from prison;

35 (b) That the person is restored to his or her civil right to serve as a juror in a
36 civil action as of the date of his or her release from prison;

37 (c) The date on which his or her civil right to hold office will be restored to the
38 person pursuant to subparagraph (3) of paragraph (b) of subsection 1; and

39 (d) The date on which his or her civil right to serve as a juror in a criminal
40 action will be restored to the person pursuant to subparagraph (4) of paragraph (b)
41 of subsection 1.

42 3. A person who has been released from prison in this State or elsewhere and
43 whose official documentation of his or her release from prison is lost, damaged or
44 destroyed may file a written request with a court of competent jurisdiction to
45 restore his or her civil rights pursuant to this section. Upon verification that the
46 person has been released from prison and is eligible to be restored to the civil rights
47 set forth in subsection 1, the court shall issue an order restoring the person to the
48 civil rights set forth in subsection 1. A person must not be required to pay a fee to
49 receive such an order.

50 4. A person who has been released from prison in this State or elsewhere may
51 present:

52 (a) Official documentation of his or her release from prison, if it contains the
53 provisions set forth in subsection 2; or

- 1 (b) A court order restoring his or her civil rights,
2 ↳ as proof that the person has been restored to the civil rights set forth in
3 subsection 1.
4 **Sec. 4.** This act becomes effective upon passage and approval.