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FIRST REPRINT

S.B. 133

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,
BRITNEY 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 penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes the Uniform Faithful Presidential Electors Act, which:
2 (1) provides a system for the selection of presidential electors; and (2) sets forth the
3 duties of presidential electors. (NRS 298.005-298.089) **Section 1** of this bill
4 prohibits a person from creating a false slate of presidential electors, serving in a
5 false slate of presidential electors or conspiring to create or serve in a false slate of
6 presidential electors. **Section 1** further: (1) provides that a person is guilty of a
7 category B felony for committing such an offense; (2) provides that such a person
8 shall be punished by imprisonment in the state prison for a minimum term of not



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9 less than 4 years and a maximum term of not more than 10 years; (3) authorizes a
10 court to order a person convicted of such an offense to pay a fine of not more than
11 \$5,000 and repay the costs of investigation and prosecution incurred by the
12 Secretary of State or the Attorney General, as applicable; and (4) prohibits a court
13 from granting probation to a person convicted of such an offense.

14 **Section 1** authorizes a person who believes that such an alleged violation has
15 occurred to notify the Secretary of State in writing. **Section 1** requires the Secretary
16 of State to investigate an alleged violation or refer the alleged violation to the
17 Attorney General to investigate and refer a violation for prosecution or institute and
18 prosecute the appropriate proceedings, as applicable.

19 **Section 1** further prohibits a person convicted of creating or serving in a false
20 slate of presidential electors or conspiring to commit such an offense from being:
21 (1) elected to public office in this State; (2) appointed to a public office by the State
22 or a 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
24 right to hold office, to certain persons who are placed on probation, are granted
25 parole or pardon or have served the respective sentence and been released from
26 prison. (NRS 213.155, 213.157) **Sections 2 and 3** of this bill preclude a person
27 convicted pursuant to **section 1** from obtaining the restoration of the civil right to
28 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
2 thereto a new section to read as follows:

3 **1. A person shall not:**

4 **(a) Create a false slate of presidential electors;**

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

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

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

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

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

19 **3. A court shall not grant probation to or suspend the**
20 **sentence of a person convicted of a crime set forth in subsection 1.**

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



1 (a) *The full name and address of the person alleging the*
2 *violation;*

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

5 (c) *A clear and concise statement of facts sufficient to establish*
6 *that the alleged violation occurred;*

7 (d) *Any evidence substantiating the alleged violation;*

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

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

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

15 (a) *Conduct an investigation concerning the alleged violation*
16 *and cause the appropriate proceedings to be instituted and*
17 *prosecuted; or*

18 (b) *Refer the alleged violation to the Attorney General. The*
19 *Attorney General shall, without delay, investigate the alleged*
20 *violation and institute and prosecute the appropriate proceedings*
21 *to enforce the provisions of subsection 1.*

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

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

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

34 7. *A person convicted pursuant to subsection 1 may not be:*

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

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

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

39 8. *As used in this section:*

40 (a) *“Conspire to create or serve in a false slate of presidential*
41 *electors” means to knowingly enter into any agreement, including,*
42 *without limitation, a written agreement, oral agreement or*
43 *agreement using electronic communications, with one or more*
44 *persons to create a false slate of presidential electors or serve in a*
45 *false slate of presidential electors.*



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

9 (c) *“Serve in a false slate of presidential electors” means to*
10 *knowingly agree to be included on a list of presidential electors*
11 *whose candidates for President and Vice President of the United*
12 *States did not receive the highest number of votes in this State at*
13 *the general election pursuant to 3 U.S.C. §§ 1 et seq., or chapter*
14 *298 of NRS, as applicable.*

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

16 213.155 1. A person who receives a discharge from parole
17 pursuant to NRS 213.154:

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

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

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

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

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

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

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

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

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



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

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

5 (b) A court order restoring his or her civil rights,
6 ↪ as proof that the person has been restored to the civil rights set
7 forth in subsection 1.

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

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

11 213.157 1. A person convicted of a felony:

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

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

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

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

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

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

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

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

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

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

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

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



- 1 4. A person who has been released from prison in this State or
2 elsewhere may present:
3 (a) Official documentation of his or her release from prison, if it
4 contains the provisions set forth in subsection 2; or
5 (b) A court order restoring his or her civil rights,
6 ↳ as proof that the person has been restored to the civil rights set
7 forth in subsection 1.
8 **Sec. 4.** This act becomes effective upon passage and approval.

