

(Reprinted with amendments adopted on June 5, 2023)

SECOND REPRINT

A.B. 286

ASSEMBLY BILL NO. 286—ASSEMBLYMEN BRITTNEY MILLER, C.H. MILLER; ANDERSON, BACKUS, BILBRAY-AXELROD, COHEN, CONSIDINE, D’SILVA, DURAN, GONZÁLEZ, GORELOW, LA RUE HATCH, MARZOLA, MONROE-MORENO, MOSCA, NEWBY, NGUYEN, PETERS, SUMMERS-ARMSTRONG, TAYLOR, THOMAS, TORRES AND WATTS

MARCH 14, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes relating to elections.  
(BDR 24-530)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 5-8)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; requiring a person who administers a county or city jail to establish a policy that ensures a person who is detained in the jail may register to vote and vote in an election; requiring the person who administers a county or city jail to submit a report to the Secretary of State after each election; prohibiting electioneering near certain areas of a jail; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires a county clerk to cancel the registration of a voter upon the determination that the person has been convicted of a felony and is currently incarcerated. (NRS 293.540) Unless a person has been convicted of a felony, existing law does not prohibit a person who is detained in a county or city jail from registering to vote or voting in an election.

**Section 5** of this bill requires each person who administers a county or city jail to establish a policy that ensures that: (1) a person who is detained in the jail and is a registered voter may vote in each primary election, presidential preference primary election, primary city election, general election and general city election in which the person is eligible to vote; and (2) a person detained in the jail and is a qualified elector may register to vote in each such election. **Section 5** requires such



\* A B 2 8 6 R 2 \*

a policy to: (1) be developed in coordination with the county clerk and, if applicable, the city clerk; (2) be consistent with existing provisions of law relating to elections; (3) ensure the safety of any election board officer or other person who assists in the conduct of registering to vote or voting at the jail; (4) ensure that a person who registers to vote or votes in jail may do so without coercion or intimidation; (5) ensure the secrecy of the ballot; and (6) set forth a process for same-day voter registration. **Section 5** further requires the jail to post in a prominent location and set forth in the handbook for detained persons certain information relating to elections and voting in the jail.

**Section 7** of this bill requires each county or city jail to: (1) provide each person detained in the jail with a reasonable amount of privacy to vote; (2) provide each person detained in the jail with a pen to vote his or her mail ballot; (3) allow the county clerk to establish a process for the collection of mail ballots in the jail; and (4) allow a person, under certain circumstances, to cure any defect in a signature on a mail ballot.

**Section 8** of this bill requires each person who administers a county or city jail to submit a report to the Secretary of State not later than 30 days after each primary election, presidential preference primary election, general election, primary city election and general city election.

**Sections 16.5 and 16.7** of this bill prohibit electioneering near the area of a county or city jail where a person detained in the jail may vote.

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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 the provisions set forth as sections 2 to 8, inclusive, of this act.

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** (Deleted by amendment.)

**Sec. 4.** (Deleted by amendment.)

**Sec. 5. 1. *Each person who administers a county or city jail shall establish a policy that ensures that:***

***(a) A person who is detained in the jail and is a registered voter may vote in each primary election, presidential preference primary election, primary city election, general election and general city election in which the person is eligible to vote; and***

***(b) A person who is detained in the jail and is a qualified elector may register to vote in each primary election, presidential preference primary election, primary city election, general election and general city election in which the person is eligible to register to vote.***

***2. If qualified electors or registered voters of a county are detained in a jail or facility located in another county pursuant to an agreement entered into pursuant to subsection 2 of NRS 211.010, the county clerk shall coordinate with the person who administers the jail in the county where such qualified electors or***



1 *registered voters are detained to establish a procedure for those*  
2 *persons to register to vote and vote.*

3 *3. Each policy or procedure established pursuant to*  
4 *subsection 1 or 2, as applicable, must:*

5 *(a) Be developed in coordination with the county clerk and, if*  
6 *applicable, the city clerk;*

7 *(b) Be consistent with the provisions of this title relating to*  
8 *elections;*

9 *(c) Ensure the safety of any election board officer or other*  
10 *person who assists in the conduct of registering to vote or voting at*  
11 *the jail;*

12 *(d) Ensure that a person who registers to vote or votes in a jail*  
13 *may do so without coercion or intimidation;*

14 *(e) Ensure the secrecy of the ballot, including, without*  
15 *limitation, the mail ballot; and*

16 *(f) Set forth a process that allows for same-day voter*  
17 *registration and allows a family member of a person detained in*  
18 *the jail to provide the person in the jail with the necessary*  
19 *information to register to vote on the day of the election pursuant*  
20 *to NRS 293.5847.*

21 *4. Each county or city jail shall post in a prominent location*  
22 *and set forth in the handbook for detained persons information*  
23 *relating to elections and voting in the jail, including, without*  
24 *limitation, qualifications to register to vote and to vote and the*  
25 *options and procedures for registering to vote and voting at the*  
26 *jail.*

27 *5. Nothing in this section authorizes a person convicted of a*  
28 *felony in this State who has not had his or her right to vote*  
29 *restored pursuant to NRS 213.157 to vote or to register to vote.*

30 *6. The Secretary of State shall adopt regulations to carry out*  
31 *the provisions of this section.*

32 **Sec. 6.** (Deleted by amendment.)

33 **Sec. 7. 1.** *Each county or city jail shall:*

34 *(a) Provide each person detained in the jail with a reasonable*  
35 *amount of privacy to vote, which may, without limitation, be in a*  
36 *common area, visitation area, room or cell;*

37 *(b) Provide each person detained in the jail with a pen with*  
38 *black or blue ink to vote his or her mail ballot;*

39 *(c) Allow the county clerk to establish a process for the*  
40 *collection of the mail ballots voted by persons detained in the jail*  
41 *that includes a method for documenting the chain of custody of*  
42 *mail ballots; and*

43 *(d) If applicable, allow the person to cure any defect in the*  
44 *signature on a mail ballot pursuant to NRS 293.269927.*



2. A county or city jail shall not open a mail ballot after a prisoner has voted and sealed the mail ballot.

**Sec. 8.** Not later than 30 days after each primary election, presidential preference primary election, primary city election, general election and general city election, each person who administers a county jail or city jail shall submit in a report to the Secretary of State:

1. An explanation of the process the jail used to comply with the requirements of sections 5 and 7 of this act for the election; and

2. A summary of each complaint received by the jail from a person detained in the jail relating to registering to vote or voting in the election.

**Sec. 9.** (Deleted by amendment.)

**Sec. 10.** (Deleted by amendment.)

**Sec. 11.** (Deleted by amendment.)

**Sec. 12.** (Deleted by amendment.)

**Sec. 13.** (Deleted by amendment.)

**Sec. 14.** (Deleted by amendment.)

**Sec. 15.** (Deleted by amendment.)

**Sec. 16.** (Deleted by amendment.)

**Sec. 16.3.** (Deleted by amendment.)

**Sec. 16.5.** NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area. *During the time that a person detained in a county or city jail may vote in the jail, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance of the voting area of the jail.*

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

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

(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

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. 16.7.** NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection 2, it is unlawful inside a polling place , ~~to~~ within 100 feet from the entrance to the building or other structure in which a polling place is located ~~to~~ , *inside the area of a county or city jail where a person detained in the jail may vote or within 100 feet from the entrance of the area in a jail where a person detained in the jail may vote:*

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

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

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

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

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

4. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

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

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

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

(d) 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 that election; or

(e) Soliciting signatures to any kind of petition.



1       **Sec. 17.** The provisions of NRS 354.599 do not apply to any  
2 additional expenses of a local government that are related to the  
3 provisions of this act.

4       **Sec. 18.** 1. This section and section 17 of this act become  
5 effective upon passage and approval.

6       2. Sections 1 to 16.7, inclusive, of this act, become effective:

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

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

