

ASSEMBLY BILL NO. 326—ASSEMBLYMEN YUREK, KASAMA,
DICKMAN; DELONG, GALLANT, GRAY, GURR, HAFEN,
HANSEN, HARDY, HIBBETTS, KOENIG, MCARTHUR AND
O'NEILL

MARCH 17, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.
(BDR 24-690)

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

~

EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to elections; creating the Election Crimes Unit within the Elections Division of the Office of the Secretary of State; requiring the Unit to establish a complaint system and a hotline to report election irregularities; requiring the Unit to receive and review complaints, notices and reports concerning alleged election irregularities; authorizing the Unit to conduct investigations or make referrals relating to alleged election irregularities; requiring the Unit to submit a report to the Governor and the Legislature every odd-numbered year concerning alleged election irregularities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that the Secretary of State shall serve as the Chief Officer
2 of Elections for this State, and is responsible for the execution and enforcement of
3 provisions of existing law governing elections in this State and all other provisions
4 of state and federal law relating to elections in this State. (NRS 293.124) **Section 5**
5 of this bill creates the Election Crimes Unit within the Elections Division of the
6 Office of the Secretary of State, composed of a Director appointed by the Secretary
7 of State and, within the limits of legislative appropriation, a number of investigators
8 and other staff which the Secretary of State determines are necessary to carry out
9 the duties of the Unit. For the purposes of establishing the jurisdiction of the Unit,
10 **section 3** of this bill defines "election irregularity" as a violation of certain
11 provisions of state law relating to elections. **Section 6** of this bill requires the Unit
12 to: (1) establish and administer a statewide complaint system allowing any person



* A B 3 2 6 *

who believes there has been an election irregularity to notify the Unit in writing; (2) maintain a 24-hour, toll-free statewide hotline by which any person can report an alleged election irregularity; and (3) receive and review any complaints, notices or reports concerning allegations of election irregularities. **Section 6** further authorizes the Unit to conduct an investigation concerning an alleged election irregularity or refer the alleged election irregularity to the Attorney General if, after reasonable inquiry, there is reasonable suspicion that an election irregularity has occurred.

Section 7 of this bill requires the Unit to submit a report on or before January 15 of each odd-numbered year to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature. The report must include the number of: (1) complaints, notices and reports received and reviewed by the Unit; (2) investigations initiated by the Unit; and (3) referrals made to the Attorney General. For each alleged election irregularity identified by the Unit, the report must also include: (1) the source of the alleged election irregularity; (2) the nature of the alleged election irregularity; (3) the county in which the alleged election irregularity reportedly occurred; and (4) the current status of any investigations, referrals or prosecutions concerning the alleged election irregularity.

Sections 8-11 of this bill update various reporting requirements concerning election irregularities, requiring a county or city clerk to notify the Secretary of State of certain violations or challenges related to elections filed pursuant to existing law.

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 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Election irregularity” means a violation of any of the provisions of chapter 293, 293B, 293C, 295, 298, 304 or 306 of NRS.*

Sec. 4. *“Unit” means the Election Crimes Unit created by section 5 of this act.*

Sec. 5. 1. *The Election Crimes Unit is hereby created within the Elections Division of the Office of the Secretary of State.*

2. *The Unit is composed of:*

(a) A Director appointed by the Secretary of State; and

(b) Within the limits of legislative appropriations, a number of investigators and other staff which the Secretary of State determines are necessary to carry out the duties of the Unit.

Sec. 6. 1. *The Unit shall:*

(a) Establish and administer a statewide complaint system to allow any person who believes that there has been an election



1 *irregularity to notify the Unit in writing. The Secretary of State*
2 *shall prescribe any form required for such complaints.*

3 *(b) Maintain a 24-hour, toll-free statewide hotline by which*
4 *any person can report an alleged election irregularity.*

5 *(c) Receive and review any complaints, notices or reports*
6 *concerning allegations of election irregularities submitted to the*
7 *Secretary of State.*

8 *2. If, after reasonable inquiry, there is reasonable suspicion*
9 *that an election irregularity has occurred, the Unit may:*

10 *(a) Conduct an investigation concerning the alleged election*
11 *irregularity; or*

12 *(b) Refer the alleged election irregularity to the Attorney*
13 *General.*

14 *3. This section must not be construed to limit the authority of*
15 *any other agency or political subdivision of the State authorized by*
16 *law to investigate or prosecute violations of any provision of this*
17 *title.*

18 **Sec. 7. 1. On or before January 15 of each odd-numbered**
19 **year, the Unit shall prepare and submit a report to the Governor**
20 **and the Director of the Legislative Counsel Bureau for transmittal**
21 **to the Legislature.**

22 *2. The report must include the number of:*

23 *(a) Complaints, notices and reports received and reviewed by*
24 *the Unit;*

25 *(b) Investigations initiated by the Unit; and*

26 *(c) Referrals made to the Attorney General.*

27 *3. For each alleged election irregularity identified by the*
28 *Unit, the report must include:*

29 *(a) The source of the alleged election irregularity;*

30 *(b) The nature of the alleged election irregularity;*

31 *(c) The county in which the alleged election irregularity*
32 *reportedly occurred; and*

33 *(d) The current status of any investigation, referral or*
34 *prosecution concerning the alleged election irregularity.*

35 **Sec. 8. NRS 293.505 is hereby amended to read as follows:**

36 **293.505 1. All justices of the peace, except those located in**
37 **county seats, are ex officio field registrars to carry out the**
38 **provisions of this chapter.**

39 **2. The county clerk shall appoint at least one registered voter to**
40 **serve as a field registrar of voters who, except as otherwise provided**
41 **in NRS 293.5055, shall preregister and register voters within the**
42 **county for which the field registrar is appointed. Except as**
43 **otherwise provided in subsection 1, a candidate for any office may**
44 **not be appointed or serve as a field registrar. A field registrar serves**
45 **at the pleasure of the county clerk and shall perform such duties as**



1 the county clerk may direct. The county clerk shall not knowingly
2 appoint any person as a field registrar who has been convicted of a
3 felony involving theft or fraud. The Secretary of State may bring an
4 action against a county clerk to collect a civil penalty of not more
5 than \$5,000 for each person who is appointed as a field registrar in
6 violation of this subsection. Any civil penalty collected pursuant to
7 this subsection must be deposited with the State Treasurer for credit
8 to the State General Fund.

9 3. A field registrar shall demand of any person who applies for
10 preregistration or registration all information required by the
11 application to preregister or register to vote, as applicable, and shall
12 administer all oaths required by this chapter.

13 4. When a field registrar has in his or her possession five or
14 more completed applications to preregister or register to vote, the
15 field registrar shall forward them to the county clerk, but in no case
16 may the field registrar hold any number of them for more than 10
17 days.

18 5. Each field registrar shall forward to the county clerk all
19 completed applications in his or her possession immediately after
20 the last day to register to vote by mail pursuant to NRS 293.560 or
21 293C.527, as applicable. Within 5 days after the last day to register
22 to vote by mail pursuant to NRS 293.560 or 293C.527, as
23 applicable, a field registrar shall return all unused applications in his
24 or her possession to the county clerk. If all of the unused
25 applications are not returned to the county clerk, the field registrar
26 shall account for the unreturned applications.

27 6. Each field registrar shall submit to the county clerk a list of
28 the serial numbers of the completed applications to preregister or
29 register to vote and the names of the electors on those applications.
30 The serial numbers must be listed in numerical order.

31 7. Each field registrar shall post notices sent to him or her by
32 the county clerk for posting in accordance with the election laws of
33 this State.

34 8. A field registrar, employee of a voter registration agency or
35 person assisting a voter pursuant to NRS 293.5235 shall not:

36 (a) Delegate any of his or her duties to another person; or

37 (b) Refuse to preregister or register a person on account of that
38 person's political party affiliation.

39 9. A person shall not hold himself or herself out to be or
40 attempt to exercise the duties of a field registrar unless the person
41 has been so appointed.

42 10. A county clerk, field registrar, employee of a voter
43 registration agency or person assisting another person pursuant to
44 NRS 293.5235 shall not:



(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a person on the subject of marking his or her ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

↳ while preregistering or registering the person.

11. When the county clerk receives applications to preregister or register to vote from a field registrar, the county clerk shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons preregistered or registered; and

(b) The political party of the persons preregistered or registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting another person pursuant to NRS 293.5235 shall not:

(a) Knowingly:

(1) Register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or

(2) Preregister a person who does not meet the qualifications set forth in NRS 293.4855; or

(b) Preregister or register a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting another person pursuant to NRS 293.5235 or any other person providing a form for the application to preregister or register to vote to an elector for the purpose of preregistering or registering to vote:

(a) If the person who assists another person with completing the form for the application to preregister or register to vote retains the form, shall enter his or her name on the duplicate copy or receipt retained by the person upon completion of the form; and

(b) Shall not alter, deface or destroy an application to preregister or register to vote that has been signed by a person except to correct information contained in the application after receiving notice from the person that a change in or addition to the information is required.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred **H and the Secretary of State.**

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.



Sec. 9. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

(a) File the challenge in the registrar of voters' register and:

(1) In counties where records of registration are not kept by computer, he or she shall attach a copy of the challenge to the challenged registration in the roster.

(2) In counties where records of registration are kept by computer, he or she shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the roster.

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.

(c) Immediately notify the district attorney ~~H~~ and the Secretary of State. A copy of the challenge must accompany the notice.

6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

Sec. 10. NRS 293.548 is hereby amended to read as follows:

293.548 1. A person who files a written challenge pursuant to NRS 293.547 or an affidavit pursuant to NRS 293.535 may



1 withdraw the challenge or affidavit not later than the 25th day
2 before the date of the election, by submitting a written request to the
3 county clerk. Upon receipt of the request, the county clerk shall:

4 (a) Remove the challenge or affidavit from the registrar of
5 voters' register, any roster and any other record in which the
6 challenge or affidavit has been filed or entered;

7 (b) If a notice of the challenge or affidavit has been mailed to
8 the person who is the subject of the challenge or affidavit, mail a
9 notice and a copy of the request to withdraw to that person; and

10 (c) If a notice of the challenge has been mailed to the district
11 attorney **H and the Secretary of State**, mail a notice and a copy of
12 the request to withdraw to the district attorney **H and the Secretary**
13 **of State.**

14 2. If the county clerk receives a request to withdraw pursuant
15 to subsection 1, the county clerk shall withdraw the person's
16 challenge or affidavit.

17 **Sec. 11.** NRS 293.755 is hereby amended to read as follows:

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

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

31 3. The county or city clerk shall report any alleged violation of
32 this section **to the Secretary of State and** to the district attorney ,
33 who shall cause appropriate proceedings to be instituted and
34 prosecuted in a court of competent jurisdiction without delay.

35 **Sec. 12.** The provisions of subsection 1 of NRS 218D.380 do
36 not apply to any provision of this act which adds or revises a
37 requirement to submit a report to the Legislature.

38 **Sec. 13.** This act becomes effective on July 1, 2023.

