

Amendment No. 974

Senate Amendment to Assembly Bill No. 286 First Reprint (BDR 24-530)

Proposed by: Senate Committee on Finance

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 286 R1 (§§ 5-8).

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.

ERS/HAC



Date: 6/4/2023

A.B. No. 286—Makes various changes relating to elections. (BDR 24-530)



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 Secretary of State to allow certain persons detained in a county jail or city jail to use a certain system of approved electronic transmission to register to vote and to cast a ballot 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 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 6 of this bill requires the Secretary of State to allow: (1) an elector who is detained in a county or city jail to use the system of approved electronic transmission established for covered voters who are overseas or in the military to register to vote; and (2) a registered voter who is detained in a county or city jail to use the system of approved electronic transmission to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter who is overseas or in the military. Section 16.3 of this bill requires the Secretary of State to prescribe the procedures to be followed and the requirements of the use of the system of approved electronic transmission by electors and voters who are detained in a county or city 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.

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

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

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

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

(c) 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;

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

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

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

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

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

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

Sec. 6. ~~1. Except as otherwise provided in this section, the Secretary of State shall allow during the period of early voting and on election days:~~

~~(a) An elector who is detained in a county or city jail to use the system of approved electronic transmission established pursuant to NRS 203D.200 to register to vote in every election where the system of approved electronic transmission is available to a covered voter to register to vote. The deadline for such an elector to use the system of approved electronic transmission to register to vote is the same as the deadline set forth in NRS 203D.230 for a covered voter to register to vote.~~

~~(b) A registered voter who is in the custody of a county or city jail to use the system of approved electronic transmission established pursuant to NRS 203D.200 to apply for and cast a ballot in every election where the system of approved electronic transmission is available to a covered voter to request and cast a military overseas ballot. The deadlines for such a registered voter to use the system of approved electronic transmission to request and cast a ballot are the same as the deadlines set forth in NRS 203D.310 and 203D.400 for a covered voter to request and cast a military overseas ballot.~~

~~2. Upon receipt of an application and ballot cast by a person using the system of approved electronic transmission established pursuant to NRS 203D.200, the local elections official shall affix, mark or otherwise acknowledge receipt of the application and ballot by means of a time stamp on the application.~~

~~3. The Secretary of State shall ensure that an elector or a registered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the elector or registered voter to register to vote, apply for a ballot or cast a ballot, as applicable.~~

~~4. The Secretary of State shall prescribe the form and content of a declaration for use by an elector or a registered voter to swear or affirm specific representations pertaining to identity, eligibility to vote, status as such an elector or registered voter and timely and proper completion of a ballot.~~

~~5. The Secretary of State shall prescribe the duties of the county and city clerks upon receipt of a ballot sent by a registered voter using the system of approved electronic transmission pursuant to this section, including, without limitation, the procedures to be used in accepting, handling and counting the ballot.~~

~~6. The Secretary of State shall make available to an elector or registered voter who is detained in a county or city jail instructions on using the system of approved electronic transmission to register to vote and apply for and cast a ballot.~~

~~7. A county or city jail shall not prohibit, restrict or monitor the use of the system of approved electronic transmission established pursuant to NRS 203D.200 by any person who is detained in the jail.~~

~~8. The provisions of this section do not require a county or city jail to allow a person detained in the jail to use the system of approved electronic transmission established pursuant to NRS 203D.200 unless the jail has the technology that is necessary for a person to use the system of approved electronic transmission. A county or city jail that has the technology necessary for a person to use the system of approved electronic transmission shall not prohibit, restrict or monitor the use of the system of approved electronic transmission by a person detained in the jail.~~

~~9. The Secretary of State shall adopt any regulation necessary to carry out the provisions of this section.~~

~~10. As used in this section:~~

~~(a) "Covered voter" has the meaning ascribed to it in NRS 203D.020.~~

~~(b) "Digital signature" has the meaning ascribed to it in NRS 720.060.~~

~~(c) "Electronic signature" has the meaning ascribed to it in NRS 719.100.~~

~~(d) "Military overseas ballot" has the meaning ascribed to it in NRS 203D.050.~~ (Deleted by amendment.)

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

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

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

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

(d) If applicable, allow the person to cure any defect in the 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, ~~6~~ 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. ~~NRS 293.250 is hereby amended to read as follows:~~

~~293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:~~

~~(a) The form of all ballots, mail ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State;~~

~~(b) The procedures to be followed and the requirements of:~~

~~(1) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters;~~

~~(2) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters with disabilities pursuant to NRS 293.269951;~~

~~(3) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters who are detained in a county or city jail.~~

~~2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:~~

~~(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State;~~

~~(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county;~~

~~3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.~~

~~4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.~~

~~5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.~~

~~6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.~~

~~7. A county clerk~~

~~(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.~~

~~(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.~~ **(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, ~~for~~ within 100 feet from the entrance to the building or other structure in which a polling place is located ~~for~~, *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 expeditiously 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;

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

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

5 (d) Buying, selling, wearing or displaying any badge, button or other insigne
6 which is designed or tends to aid or promote the success or defeat of any political
7 party or a candidate or ballot question to be voted upon at that election; or

8 (e) Soliciting signatures to any kind of petition.

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

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

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

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

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