

Amendment No. 228

Senate Amendment to Senate Bill No. 54	(BDR 24-409)
<b>Proposed by:</b> Senate Committee on Legislative Operations and Elections	
<b>Amends:</b> Summary: No Title: No 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. 54—COMMITTEE ON  
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE SECRETARY OF STATE)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections. (BDR 24-409)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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; requiring the Secretary of State to prepare, maintain and publish an elections procedures manual; requiring county and city clerks to comply with the most recent version of such a manual; requiring the Secretary of State to provide training to certain elections officials related to election procedures; providing for the attendance of certain election officials at such training; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that the Secretary of State is the Chief Officer of Elections for this State and is responsible for the execution and enforcement of the provisions of state and federal law relating to elections in this State. (NRS 293.124)

**Section 2** of this bill requires: (1) the Secretary of State to ~~biennially~~ **at least once every 2 years**, prepare, maintain and publish an elections procedures manual to ensure correctness, impartiality, uniformity and efficiency in elections procedures; and (2) county and city clerks to comply with the procedures set forth in the most current version of the elections procedures manual. **Section 2** further requires the Secretary of State to submit ~~a new~~ **the most recent** version of the elections procedures manual to the ~~Office of the Attorney General~~ **Legislative Commission** for approval **not less frequently than every 4 years** and prohibits the inclusion in the election procedures manual of any provision that conflicts with any provision of state or federal law or regulation.

~~Section 4 of this bill exempts the election procedures manual from the requirements of the Administrative Procedures Act relating to the adoption of regulations and the adjudication by an agency of a contested case. (Chapter 233B of NRS; NRS 233B.039.)~~

**Section 3** of this bill requires the Secretary of State to develop and provide a training course related to elections procedures to each county and city clerk. **Section 3:** (1) requires each county and city clerk to attend the training course ~~during the second week of January of each odd-numbered year, or if a county or city does not attend the training course at that time, during the second week of January of the following even-numbered year;~~ **and** (2) authorizes a county or city clerk to require any deputy or employee of the clerk's office whose duties relate to elections to attend the training course. Under **section 3**, the Secretary of State: (1) is required to reimburse each county and city for the per diem allowance and travel expenses of a county or city clerk who attends the training course and any such reimbursement must be

paid from the Reserve for Statutory Contingency Account upon the recommendation of the Secretary of State and the approval of the State Board of Examiners; and (2) is ~~prohibited from reimbursing~~ authorized to reimburse a county or city for the per diem allowance and travel expenses of a deputy or employee of the clerk's office who attends the training course, and ~~thus, the applicable county or city would be responsible for such expenses~~ any such reimbursement must be paid from the Reserve for Statutory Contingency Account upon the recommendation of the Secretary of State and the approval of the State Board of Examiners. Section 4.5 of this bill makes a conforming change to provide for these reimbursements from the Reserve for Statutory Contingency Account.

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 and 3 of this act.

**Sec. 2.** 1. ~~The~~ At least once every 2 years, the Secretary of State shall ~~biennially~~ prepare, maintain and publish an elections procedures manual to ensure correctness, impartiality, uniformity and efficiency in the elections procedures of this State. Each county clerk and city clerk is required to comply with the procedures set forth in the most current version of the elections procedures manual.

2. The elections procedures manual required pursuant to subsection 1 must include, without limitation, guidance and standards for administering an election that are consistent with the provisions of this title and any regulations adopted by the Secretary of State pursuant thereto.

3. ~~Before publishing a new~~ The most recent version of the elections procedures manual prepared pursuant to subsection 1 ~~shall be submitted by the Secretary of State~~ must be submitted by the Secretary of State ~~shall submit the new version of the elections procedures manual to the Office of the Attorney General~~ to the Legislative Commission for approval ~~not less frequently than every 4 years. The Secretary of State may make any change to the elections procedures manual that is not substantively related to administering an election without the approval of the Legislative Commission.~~

4. Nothing in this section authorizes the Secretary of State to include any provision in the elections procedures manual that amends or conflicts with any provision of state or federal law or regulations.

**Sec. 3.** 1. The Secretary of State shall develop and provide a training course to each county clerk and city clerk related to elections procedures, including, without limitation, the procedures set forth in the elections procedures manual required pursuant to section 2 of this act.

2. ~~The Secretary of State shall provide the training course required pursuant to subsection 1 during the second week of January of each year.~~

~~3. Except as otherwise provided in this subsection, each~~ Each county clerk and city clerk ~~is required to~~ shall attend the training course ~~during the second week of January of each odd-numbered year. If a county clerk or city clerk does not attend the training course during the second week of January of an odd-numbered year, such clerk must attend the next training course~~ provided by the Secretary of State ~~in the following even-numbered year.~~

~~4.~~ 3. A county clerk or city clerk may require any deputy or employee of the office of the county or city clerk whose duties relate to elections to attend a training course provided by the Secretary of State pursuant to this section.

~~5.~~ 4. The Secretary of State:

(a) *Shall provide to or reimburse the county or city, as applicable, for the cost of the per diem allowance and travel expenses of the county clerk or city clerk for attending the training course required pursuant to this section. Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.*

(b) ~~*[Shall not]*~~ *May provide to or reimburse the county or city, as applicable, for the cost of the per diem allowance and travel expenses of any deputy or employee of the office of the county or city clerk for attending the training course required pursuant to this section. Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.*

**Sec. 4.** ~~NRS 223B.029 is hereby amended to read as follows:~~

~~223B.029 1. The following agencies are entirely exempted from the requirements of this chapter:~~

~~(a) The Governor;~~

~~(b) Except as otherwise provided in NRS 209.221 and 209.2473, the Department of Corrections;~~

~~(c) The Nevada System of Higher Education;~~

~~(d) The Office of the Military;~~

~~(e) The Nevada Gaming Control Board;~~

~~(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission;~~

~~(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services;~~

~~(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services;~~

~~(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer;~~

~~(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375;~~

~~(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260;~~

~~(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310;~~

~~(m) The Silver State Health Insurance Exchange;~~

~~(n) The Cannabis Compliance Board;~~

~~2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.~~

~~3. The special provisions of:~~

~~(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;~~

~~(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;~~

~~(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and~~

~~(d) NRS 90.800 for the use of summary orders in contested cases;~~

~~prevail over the general provisions of this chapter.~~  
~~4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.~~

~~5. The provisions of this chapter do not apply to:~~  
~~(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;~~

~~(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;~~

~~(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;~~

~~(d) The judicial review of decisions of the Public Utilities Commission of Nevada;~~

~~(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;~~

~~(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;~~

~~(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;~~

~~(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive;~~

~~(i) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;~~

~~(j) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; [or]~~

~~(k) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404 [.] ; or~~

~~(l) The preparation, maintenance and publication of the elections procedures manual by the Secretary of State pursuant to section 2 of this act.~~

~~6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case. (Deleted by amendment.)~~

**Sec. 4.5. NRS 353.264 is hereby amended to read as follows:**

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 293.253, 293.405, 298.710, 304.230, 353.120, 353.262, 412.154 and 475.235 ~~and~~ **and section 3 of this act;**

1 (b) The payment of claims which are obligations of the State pursuant to:

2 (1) Chapter 472 of NRS arising from operations of the Division of Forestry  
3 of the State Department of Conservation and Natural Resources directly involving  
4 the protection of life and property; and

5 (2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,  
6 ➔ except that claims may be approved for the respective purposes listed in this  
7 paragraph only when the money otherwise appropriated for those purposes has been  
8 exhausted;

9 (c) The payment of claims which are obligations of the State pursuant to NRS  
10 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance  
11 Premiums is insufficient to pay the claims;

12 (d) The payment of claims which are obligations of the State pursuant to NRS  
13 41.950; and

14 (e) The payment of claims which are obligations of the State pursuant to NRS  
15 535.030 arising from remedial actions taken by the State Engineer when the  
16 condition of a dam becomes dangerous to the safety of life or property.

17 3. The State Board of Examiners may authorize its Clerk or a person  
18 designated by the Clerk, under such circumstances as it deems appropriate, to  
19 approve, on behalf of the Board, the payment of claims from the Reserve for  
20 Statutory Contingency Account. For the purpose of exercising any authority  
21 granted to the Clerk of the State Board of Examiners or to the person designated by  
22 the Clerk pursuant to this subsection, any statutory reference to the State Board of  
23 Examiners relating to such a claim shall be deemed to refer to the Clerk of the  
24 Board or the person designated by the Clerk.

25 **Sec. 5.** This act becomes effective upon passage and approval.