

Amendment No. 824

Senate Amendment to Senate Bill No. 162 First Reprint	(BDR 24-812)
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 S.B. 162 R1 (§§ 1.3, 5.5).

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.

HAC/ERS



Date: 5/31/2023

S.B. No. 162—Revises provisions relating to voting in county and city jails.
(BDR 24-812)



SENATE BILL NO. 162—SENATOR SCHEIBLE

FEBRUARY 15, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to voting in county and city jails.
(BDR 24-812)

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

CONTAINS UNFUNDED MANDATE (§§ ~~HH~~ 1.3, 5.5)
(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 that a ~~prisoner~~ person detained in the jail who is a registered voter may vote in any election in which the ~~prisoner~~ person is eligible to vote; setting forth certain requirements for such a policy; authorizing the Secretary of State to allow certain persons detained in a county or city jail to use the system of approved electronic transmission for covered voters who are overseas or in the military to register to vote and to cast a ballot in an election; 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 the person has been convicted of a felony, existing law does not prohibit a prisoner in a county or city jail from registering to vote or voting in an election.

Section ~~HH~~ 1.3 of this bill requires each person who administers a county or city jail to establish a policy that ensures a ~~prisoner~~ person detained in the jail who is a registered voter may vote in each primary election, presidential preference primary election, general city election, primary city election, general election or special election. Each such policy must: (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 voting at the jail; and (4) ensure the secrecy of the ballot of each ~~prisoner~~ person. **Section ~~HH~~ 1.3** further requires each person who administers a county or city jail to submit a copy of the policy established pursuant to **section ~~HH~~ 1.3** on or before October 1 of each odd-numbered year to the Secretary of State and the Director of the Legislative Counsel Bureau. Finally, **section ~~HH~~ 1.3** clarifies that nothing in **section ~~HH~~ 1.3 or 1.6 of this bill** authorizes a person convicted of a felony in this State who has not had his or her right to vote or register to vote restored to vote or register to vote.

Section 1.6 authorizes 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 5.5 of this bill requires, on or before January 1, 2024, each person who administers a county or city jail to: (1) establish the policy required pursuant to ~~section HJ 1.3~~ that will apply to the 2024 Presidential Preference Primary Election, 2024 Primary Election, 2024 Primary City Election, 2024 General Election and 2024 General City Election; and (2) submit a copy of the policy to the Secretary of State and the Director of the Legislative Counsel Bureau.

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 new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.6 of this act.

Sec. 1.3. 1. Each person who administers a county or city jail shall establish a policy that ensures that a ~~prisoner~~ person who is detained in the jail who is a registered voter may vote in each primary election, presidential preference primary election, primary city election, general election, general city election and special election in which the ~~prisoner~~ person who is detained is eligible to vote.

2. Each policy established pursuant to subsection 1 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 voting at the jail; and

(d) Ensure the secrecy of the ballot, including, without limitation, the mail ballot of each ~~prisoner~~ person who is detained.

3. On or before October 1 of each odd-numbered year, each person who administers a county or city jail shall submit a copy of the policy established pursuant to subsection 1 to the Secretary of State and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission. If a special election is held, each person who administers a county or city jail shall also submit a copy of the policy established pursuant to subsection 1 to the Secretary of State at least 30 days before the date of the special election.

4. Nothing in this section or section 1.6 of this act authorizes a person convicted of a felony in the State who has not had his or her right to vote restored pursuant to NRS 213.157 to vote or register to vote.

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

Sec. 1.6. 1. Except as otherwise provided in this section, the Secretary of State may allow during the period of early voting and on election day:

(a) An elector who is detained in a county or city jail to use the system of approved electronic transmission established pursuant to NRS 293D.200 to register to vote in every election where the system of approved electronic

1 transmission is available to a covered voter to register to vote. The deadline for
2 such an elector to use the system of approved electronic transmission to register
3 to vote is the same as the deadline set forth in NRS 293D.230 for a covered voter
4 to register to vote.

5 (b) A registered voter who is in the custody of a county or city jail to use the
6 system of approved electronic transmission established pursuant to NRS
7 293D.200 to apply for and cast a ballot in every election where the system of
8 approved electronic transmission is available to a covered voter to request and
9 cast a military-overseas ballot. The deadlines for such a registered voter to use
10 the system of approved electronic transmission to request and cast a ballot are the
11 same as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered
12 voter to request and cast a military-overseas ballot.

13 2. If the Secretary of State allows the use of the system of approved
14 electronic transmission pursuant to this section:

15 (a) Upon receipt of an application and ballot cast by a person using the
16 system of approved electronic transmission established pursuant to NRS
17 293D.200, the local elections official shall affix, mark or otherwise acknowledge
18 receipt of the application and ballot by means of a time stamp on the application.

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

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

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

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

36 (f) A county or city jail shall not prohibit, restrict or monitor the use of the
37 system of approved electronic transmission established pursuant to NRS
38 293D.200 by any person who is detained in the jail.

39 (g) A county or city jail is not required to allow a person detained in the jail
40 to use the system of approved electronic transmission established pursuant to
41 NRS 293D.200 unless the jail has the technology that is necessary for a person to
42 use the system of approved electronic transmission. A county or city jail that has
43 the technology necessary for a person to use the system of approved electronic
44 transmission shall not prohibit, restrict or monitor the use of the system of the
45 approved electronic transmission by a person detained in the jail.

46 3. The Secretary of State may adopt any regulation necessary to carry out
47 the provisions of this section.

48 4. As used in this section:

49 (a) "Covered voter" has the meaning ascribed to it in NRS 293D.030.

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

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

52 (d) "Military-overseas ballot" has the meaning ascribed to it in NRS
53 293D.050.

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

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

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

4 **Sec. 5.** (Deleted by amendment.)

5 **Sec. 5.5.** On or before January 1, 2024, each person who administers a
6 county or city jail shall:

7 1. In coordination with the county clerk, and if applicable, the city clerk,
8 establish the policy required pursuant to section ~~HH 1.3~~ **1.3** of this act that will apply to
9 the 2024 Presidential Preference Primary Election, 2024 Primary Election, 2024
10 Primary City Election, 2024 General Election and 2024 General City Election; and

11 2. Submit a copy of the policy established pursuant to subsection 1 to the
12 Secretary of State and the Director of the Legislative Counsel Bureau for
13 transmittal to the Legislature, or if the Legislature is not in session, to the
14 Legislative Commission.

15 **Sec. 5.7.** The provisions of subsection 1 of NRS 218D.380 do not apply to
16 any provision of this act which adds or revises a requirement to submit a report to
17 the Legislature.

18 **Sec. 6.** The provisions of NRS 354.599 do not apply to any additional
19 expenses of a local government that are related to the provisions of this act.

20 **Sec. 7.** 1. This section and sections 5.5 and 6 of this act become effective
21 upon passage and approval.

22 2. Sections 1 to 5, inclusive, and 5.7 of this act become effective:

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

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