

Amendment No. 518

Senate Amendment to Senate Bill No. 406	(BDR 24-894)
<b>Proposed by:</b> Senate Committee on Legislative Operations and Elections	
<b>Amendment Box:</b> Replaces Amendment No. 359.	
<b>Amends:</b> Summary: No Title: Yes 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.

BJF



Date: 4/22/2023

S.B. No. 406—Revises provisions relating to elections. (BDR 24-894)





SENATE BILL NO. 406—COMMITTEE ON  
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE SECRETARY OF STATE)

MARCH 27, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections. (BDR 24-894)

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; making it unlawful for a person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to interfere with the performance of duties of an elections official or retaliate against an elections official for the performance of such duties; making it unlawful to disseminate certain information about an elections official; ~~authorizing certain employees of the Office of the Secretary of State, county or city clerk or registrar of voters, and the spouse, domestic partner or minor child thereof, to request that certain personal information be kept in a confidential manner; authorizing such persons to request that the Department of Motor Vehicles display an alternate address on his or her driver's license, commercial driver's license or identification card;~~ providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law makes it a crime, punishable as a category E felony, to use or threaten to use  
2 any force, intimidation, coercion, violence, restraint or undue influence in connection with any  
3 election, petition or preregistration or registration of voters. (NRS 293.710) **Section 1** of this  
4 bill makes it a crime, punishable as a category E felony, for any person to use or threaten or  
5 attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the  
6 intent to: (1) interfere with the performance of the duties of any elections official relating to an  
7 election; or (2) retaliate against any elections official for performing duties relating to an  
8 election. **Section 1** further makes it a crime, punishable as a category E felony, for any person  
9 to disseminate any personal identifying information or sensitive information of an elections  
10 official without the consent of the elections official, knowing that the elections official could  
11 be identified by such information, if: (1) the person disseminates such personal identifying  
12 information or sensitive information with the intent to aid, assist, encourage, facilitate, further  
13 or promote any criminal offense which would be reasonably likely to cause death, bodily  
14 injury or stalking or with the intent to cause harm to the elections official and with knowledge  
15 of or reckless disregard for the reasonable likelihood that the dissemination of the information

16 may cause death, bodily injury or stalking; and (2) the dissemination of the personal  
 17 identifying information or sensitive information would cause a reasonable person to fear the  
 18 death, bodily injury or stalking of himself or herself or a close relation or causes the death,  
 19 bodily injury or stalking of the elections official whose information was disseminated or a  
 20 close relation of the elections official.

21 ~~Existing law authorizes certain persons, including, without limitation, a county or city~~  
 22 ~~clerk or registrar of voters charged with the powers and duties relating to elections and any~~  
 23 ~~deputy appointed by such a county or city clerk or registrar of voters in the elections division~~  
 24 ~~of the county or city, to request: (1) a court order to require that a county assessor, county~~  
 25 ~~recorder, county clerk, city clerk or the Secretary of State maintain his or her records in a~~  
 26 ~~confidential manner; and (2) that the Department of Motor Vehicles display an alternate~~  
 27 ~~address on the person's driver's license, commercial driver's license or identification card.~~  
 28 ~~(NRS 247.530, 247.540, 250.130, 250.140, 293.906, 293.908, 481.091) Sections 2-5 of this~~  
 29 ~~bill authorize such requests to be made by: (1) an employee of a county or city clerk or~~  
 30 ~~registrar of voters in the elections division of the county or city; (2) any employee of the~~  
 31 ~~Office of the Secretary of State charged with the powers and duties relating to elections; and~~  
 32 ~~(3) the spouse, domestic partner or minor child thereof.] **Finally, section 1 establishes that**~~  
 33 **certain activities are not restricted by section 1.**

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 293 of NRS is hereby amended by adding thereto a new  
 2 section to read as follows:

3 ***1. It is unlawful for any person to use or threaten or attempt to use any***  
 4 ***force, intimidation, coercion, violence, restraint or undue influence with the***  
 5 ***intent to:***

6 ***(a) Interfere with the performance of the duties of any elections official***  
 7 ***relating to an election; or***

8 ***(b) Retaliate against any elections official for performing duties relating to***  
 9 ***an election.***

10 ***2. The provisions of subsection 1 apply regardless of whether a person uses***  
 11 ***or threatens or attempts to use such force, intimidation, coercion, violence,***  
 12 ***restraint or undue influence at a polling place or a location other than a polling***  
 13 ***place.***

14 ***3. It is unlawful for a person to disseminate any personal identifying***  
 15 ***information or sensitive information of an elections official without the consent***  
 16 ***of the elections official, knowing that the elections official could be identified by***  
 17 ***such information, if:***

18 ***(a) The person disseminates such personal identifying information or***  
 19 ***sensitive information:***

20 ***(1) With the intent to aid, assist, encourage, facilitate, further or promote***  
 21 ***any criminal offense which would be reasonably likely to cause death, bodily***  
 22 ***injury or stalking; or***

23 ***(2) With the intent to cause harm to the elections official and with***  
 24 ***knowledge of or reckless disregard for the reasonable likelihood that the***  
 25 ***dissemination of the information may cause death, bodily injury or stalking; and***

26 ***(b) The dissemination of the personal identifying information or sensitive***  
 27 ***information:***

28 ***(1) Would cause a reasonable person to fear the death, bodily injury or***  
 29 ***stalking of himself or herself or a close relation; or***

30 ***(2) Causes the death, bodily injury or stalking of the elections official***  
 31 ***whose information was disseminated or a close relation of the elections official.***

1           4. A person who violates the provisions of subsection 1 or 3 is guilty of a  
2 category E felony and shall be punished as provided in NRS 193.130.

3           5. ~~The section does not limit:~~

4           (a) The applicability of the provisions of law relating to:

5           (1) Observing the conduct of voting at a polling place pursuant to NRS  
6 293.274 or 293C.269;

7           (2) Observing the conduct of tests pursuant to NRS 293B.145 or  
8 293C.615;

9           (3) Observing the handling of ballots upon the closing of the polls  
10 pursuant to NRS 293B.330 or 293C.630;

11           (4) Observing the counting of ballots at the central counting place  
12 pursuant to NRS 293B.353;

13           (5) Observing the delivery, counting, handling and processing of the  
14 ballots at a polling place, receiving center and the central counting place  
15 pursuant to NRS 293B.354; and

16           (6) Observing ballot processing pursuant to NRS 293B.380.

17           (b) The ability of a person to give or offer to give prepackaged food items,  
18 nonalcoholic beverages, coats, handwarmers or other similar items to other  
19 persons who are at a polling place or any other location described in paragraph  
20 (a), if done in accordance with any other law and to the extent such items are not  
21 distributed inside of a building which does not permit the distribution of such  
22 items in the building as indicated by a sign posted in a prominent place at the  
23 entrance of the building.

24           (c) The ability of a person to engage in written recordation of notes at a  
25 polling place or a location other than a polling place; or

26           (d) The ability of a person to communicate with voters, election board  
27 officers or other persons in any way that is not otherwise limited or prohibited  
28 pursuant to subsection 1 or 3 or any other provision of law, including, without  
29 limitation, NRS 293.740.

30           6. ~~As used in this section:~~

31           (a) "Close relation" means a current or former spouse or domestic partner,  
32 parent, child, sibling, stepparent, grandparent or any person who regularly  
33 resides in the household of who, within the immediately preceding 6 months,  
34 regularly resided in the household.

35           (b) "Elections official" means:

36           (1) The Secretary of State or any deputy or employee in the Elections  
37 Division of the Office of the Secretary of State who is charged with duties relating  
38 to an election;

39           (2) A registrar of voters, county clerk, city clerk or any deputy or  
40 employee in the elections division of a county or city who is charged with  
41 elections duties; or

42           (3) An election board officer or counting board officer.

43           (c) "Personal identifying information" has the meaning ascribed to it in NRS  
44 205.4617.

45           (d) "Sensitive information" has the meaning ascribed to it in NRS 41.1347.

46           (e) "Stalking" means a violation of NRS 200.575.

47           Sec. 2. ~~[NRS 293.908 is hereby amended to read as follows:~~

48           ~~293.908 1. The following persons may request that personal information~~  
49 ~~contained in the records of the Secretary of State or a county or city clerk be kept~~  
50 ~~confidential:~~

51           ~~(a) Any justice or judge in this State.~~

52           ~~(b) Any senior justice or senior judge in this State.~~

53           ~~(c) Any court appointed master in this State.~~

~~1 — (d) Any clerk of a court, court administrator or court executive officer in this  
2 State.~~

~~3 — (e) Any district attorney or attorney employed by the district attorney who as  
4 part of his or her normal job responsibilities prosecutes persons for:~~

~~5 — (1) Crimes that are punishable as category A felonies; or~~

~~6 — (2) Domestic violence.~~

~~7 — (f) Any state or county public defender who as part of his or her normal job  
8 responsibilities defends persons for:~~

~~9 — (1) Crimes that are punishable as category A felonies; or~~

~~10 — (2) Domestic violence.~~

~~11 — (g) Any person employed by the Office of the Attorney General who  
12 prosecutes or defends actions on behalf of the State of Nevada or any agency in the  
13 Executive Department of the State Government.~~

~~14 — (h) Any person, including without limitation, a social worker, employed by this  
15 State or a political subdivision of this State who as part of his or her normal job  
16 responsibilities:~~

~~17 — (1) Interacts with the public; and~~

~~18 — (2) Performs tasks related to child welfare services or child protective  
19 services or tasks that expose the person to comparable dangers.~~

~~20 — (i) Any county manager in this State.~~

~~21 — (j) Any inspector, officer or investigator employed by this State or a political  
22 subdivision of this State designated by his or her employer.~~

~~23 — (1) Who possess specialized training in code enforcement;~~

~~24 — (2) Who, as part of his or her normal job responsibilities, interacts with the  
25 public; and~~

~~26 — (3) Whose primary duties are the performance of tasks related to code  
27 enforcement.~~

~~28 — (k) Any county or city clerk or registrar of voters charged with the powers and  
29 duties relating to elections and any deputy or employee appointed by the county or  
30 city clerk or registrar of voters in the elections division of the county or city.~~

~~31 — (l) Any employee of the Office of the Secretary of State charged with the  
32 powers and duties relating to elections.~~

~~33 — (m) The spouse, domestic partner or minor child of a person described in  
34 paragraphs (a) to [(d),] (l), inclusive.~~

~~35 — [(m)] (n) The surviving spouse, domestic partner or minor child of a person  
36 described in paragraphs (a) to [(l),] (l), inclusive, who was killed in the  
37 performance of his or her duties.~~

~~38 — 2. As used in this section:~~

~~39 — (a) "Child protective services" has the meaning ascribed to it in NRS  
40 432B.042.~~

~~41 — (b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.~~

~~42 — (c) "Code enforcement" means the enforcement of laws, ordinances or codes  
43 regulating public nuisances or the public health, safety and welfare.~~

~~44 — (d) "Social worker" means any person licensed under chapter 641B of NRS.]~~

~~45 **(Deleted by amendment.)**~~

~~46 **Sec. 3. [NRS 247.540 is hereby amended to read as follows:**~~

~~47 — 247.540 1. The following persons may request that the personal information  
48 described in subsection 1, 2 or 3 of NRS 247.520 that is contained in the records of  
49 a county recorder be kept confidential:~~

~~50 — (a) Any justice or judge in this State.~~

~~51 — (b) Any senior justice or senior judge in this State.~~

~~52 — (c) Any court appointed master in this State.~~

1 ~~— (d) Any clerk of a court, court administrator or court executive officer in this~~  
2 ~~State.~~

3 ~~— (e) Any county or city clerk or registrar of voters charged with the powers and~~  
4 ~~duties relating to elections and any deputy or employee appointed by such county~~  
5 ~~or city clerk or registrar of voters in the elections division of the county or city.~~

6 ~~— (f) Any employee of the Office of the Secretary of State charged with the~~  
7 ~~powers and duties relating to elections.~~

8 ~~— (g) Any district attorney or attorney employed by the district attorney who as~~  
9 ~~part of his or her normal job responsibilities prosecutes persons for:~~

10 ~~— (1) Crimes that are punishable as category A felonies; or~~

11 ~~— (2) Domestic violence.~~

12 ~~— [(g)] (h) Any state or county public defender who as part of his or her normal~~  
13 ~~job responsibilities defends persons for:~~

14 ~~— (1) Crimes that are punishable as category A felonies; or~~

15 ~~— (2) Domestic violence.~~

16 ~~— [(h)] (i) Any person employed by the Office of the Attorney General who~~  
17 ~~prosecutes or defends actions on behalf of the State of Nevada or any agency in the~~  
18 ~~Executive Department of the State Government.~~

19 ~~— [(i)] (j) Any person, including without limitation, a social worker, employed~~  
20 ~~by this State or a political subdivision of this State who as part of his or her normal~~  
21 ~~job responsibilities:~~

22 ~~— (1) Interacts with the public; and~~

23 ~~— (2) Performs tasks related to child welfare services or child protective~~  
24 ~~services or tasks that expose the person to comparable dangers.~~

25 ~~— [(j)] (k) Any county manager in this State.~~

26 ~~— [(k)] (l) Any inspector, officer or investigator employed by this State or a~~  
27 ~~political subdivision of this State designated by his or her employer;~~

28 ~~— (1) Who possesses specialized training in code enforcement;~~

29 ~~— (2) Who, as part of his or her normal job responsibilities, interacts with the~~  
30 ~~public; and~~

31 ~~— (3) Whose primary duties are the performance of tasks related to code~~  
32 ~~enforcement.~~

33 ~~— [(l)] (m) The spouse, domestic partner or minor child of a person described in~~  
34 ~~paragraphs (a) to [(k)], (l), inclusive.~~

35 ~~— [(m)] (n) The surviving spouse, domestic partner or minor child of a person~~  
36 ~~described in paragraphs (a) to [(k)], (l), inclusive, who was killed in the~~  
37 ~~performance of his or her duties.~~

38 ~~— [(n)] (o) Any person for whom a fictitious address has been issued pursuant to~~  
39 ~~NRS 217.462 to 217.471, inclusive.~~

40 ~~— 2. Any nonprofit entity in this State that maintains a confidential location for~~  
41 ~~the purpose of providing shelter to victims of domestic violence may request that~~  
42 ~~the personal information described in subsection 4 of NRS 247.520 that is~~  
43 ~~contained in the records of a county recorder be kept confidential.~~

44 ~~— 3. As used in this section:~~

45 ~~— (a) “Child protective services” has the meaning ascribed to it in NRS~~  
46 ~~432B.042.~~

47 ~~— (b) “Child welfare services” has the meaning ascribed to it in NRS 432B.044.~~

48 ~~— (c) “Code enforcement” means the enforcement of laws, ordinances or codes~~  
49 ~~regulating public nuisances or the public health, safety and welfare.~~

50 ~~— (d) “Social worker” means any person licensed under chapter 641B of NRS.]~~

51 ~~(Deleted by amendment.)~~

1       **Sec. 4.** ~~[NRS 250.140 is hereby amended to read as follows:~~

2       ~~250.140 1. The following persons may request that personal information~~  
 3 ~~described in subsection 1, 2 or 3 of NRS 250.120 that is contained in the records of~~  
 4 ~~a county assessor be kept confidential:~~

5       ~~(a) Any justice or judge in this State;~~

6       ~~(b) Any senior justice or senior judge in this State;~~

7       ~~(c) Any court-appointed master in this State;~~

8       ~~(d) Any clerk of a court, court administrator or court executive officer in this~~  
 9 ~~State;~~

10       ~~(e) Any county or city clerk or registrar of voters charged with the powers and~~  
 11 ~~duties relating to elections and any deputy or employee appointed by such county~~  
 12 ~~or city clerk or registrar of voters in the elections division of the county or city;~~

13       ~~(f) Any employee of the Office of the Secretary of State charged with the~~  
 14 ~~powers and duties relating to elections;~~

15       ~~(g) Any peace officer or retired peace officer;~~

16       ~~[(g)] (h) Any prosecutor;~~

17       ~~[(h)] (i) Any state or county public defender;~~

18       ~~[(i)] (j) Any person employed by the Office of the Attorney General who~~  
 19 ~~prosecutes or defends actions on behalf of the State of Nevada or any agency in the~~  
 20 ~~Executive Department of the State Government;~~

21       ~~[(j)] (k) Any person, including without limitation, a social worker, employed~~  
 22 ~~by this State or a political subdivision of this State who as part of his or her normal~~  
 23 ~~job responsibilities interacts with the public and performs tasks related to child~~  
 24 ~~welfare services or child protective services or tasks that expose the person to~~  
 25 ~~comparable dangers;~~

26       ~~[(k)] (l) Any county manager in this State;~~

27       ~~[(l)] (m) Any inspector, officer or investigator employed by this State or a~~  
 28 ~~political subdivision of this State designated by his or her employer who possesses~~  
 29 ~~specialized training in code enforcement, interacts with the public and whose~~  
 30 ~~primary duties are the performance of tasks related to code enforcement;~~

31       ~~[(m)] (n) The spouse, domestic partner or minor child of a person described in~~  
 32 ~~paragraphs (a) to [(l)], (m), inclusive;~~

33       ~~[(n)] (o) The surviving spouse, domestic partner or minor child of a person~~  
 34 ~~described in paragraphs (a) to [(l)], (m), inclusive, who was killed in the~~  
 35 ~~performance of his or her duties;~~

36       ~~[(o)] (p) Any person for whom a fictitious address has been issued pursuant to~~  
 37 ~~NRS 217.462 to 217.471, inclusive;~~

38       ~~2. Any nonprofit entity in this State that maintains a confidential location for~~  
 39 ~~the purpose of providing shelter to victims of domestic violence may request that~~  
 40 ~~the personal information described in subsection 4 of NRS 250.120 that is~~  
 41 ~~contained in the records of a county assessor be kept confidential;~~

42       ~~3. As used in this section:~~

43       ~~(a) "Child protective services" has the meaning ascribed to it in NRS~~  
 44 ~~432B.042;~~

45       ~~(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044;~~

46       ~~(c) "Code enforcement" means the enforcement of laws, ordinances or codes~~  
 47 ~~regulating public nuisances or the public health, safety and welfare;~~

48       ~~(d) "Peace officer" means:~~

49       ~~(1) Any person upon whom some or all of the powers of a peace officer are~~  
 50 ~~conferred pursuant to NRS 289.150 to 289.360, inclusive; and~~

51       ~~(2) Any person:~~

52       ~~(I) Who resides in this State;~~

53       ~~(II) Whose primary duties are to enforce the law; and~~



~~(III) Who is employed by a law enforcement agency of the Federal Government, including, without limitation, a ranger for the National Park Service and an agent employed by the Federal Bureau of Investigation, Secret Service, United States Department of Homeland Security or United States Department of the Treasury;~~

~~(c) "Prosecutor" has the meaning ascribed to it in NRS 241A.030;~~

~~(f) "Social worker" means any person licensed under chapter 641B of NRS;~~

**(Deleted by amendment.)**

**Sec. 5.** ~~[NRS 481.091 is hereby amended to read as follows:~~

~~481.091 1. The following persons may request that the Department display an alternate address on the person's driver's license, commercial driver's license or identification card:~~

~~(a) Any justice or judge in this State;~~

~~(b) Any senior justice or senior judge in this State;~~

~~(c) Any court-appointed master in this State;~~

~~(d) Any clerk of the court, court administrator or court executive officer in this State;~~

~~(e) Any prosecutor who as part of his or her normal job responsibilities prosecutes persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence;~~

~~(f) Any state or county public defender who as part of his or her normal job responsibilities defends persons for:~~

~~(1) Crimes that are punishable as category A felonies; or~~

~~(2) Domestic violence;~~

~~(g) Any person employed by the Office of the Attorney General who prosecutes or defends actions on behalf of the State of Nevada or any agency in the Executive Department of the State Government;~~

~~(h) Any person, including, without limitation, a social worker, employed by this State or a political subdivision of this State who as part of his or her normal job responsibilities:~~

~~(1) Interacts with the public; and~~

~~(2) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers;~~

~~(i) Any county manager in this State;~~

~~(j) Any inspector, officer or investigator employed by this State or a political subdivision of this State designated by his or her employer;~~

~~(1) Who possesses specialized training in code enforcement;~~

~~(2) Who, as part of his or her normal job responsibilities, interacts with the public; and~~

~~(3) Whose primary duties are the performance of tasks related to code enforcement;~~

~~(k) Any county or city clerk or registrar of voters charged with the powers and duties relating to elections and any deputy or employee appointed by the county or city clerk or registrar of voters in the elections division of the county or city;~~

~~(l) Any employee of the Office of the Secretary of State charged with the powers and duties relating to elections;~~

~~(m) The spouse, domestic partner or minor child of a person described in paragraphs (a) to [(k),] (l), inclusive;~~

~~[(m)] (n) The surviving spouse, domestic partner or minor child of a person described in paragraphs (a) to [(k),] (l), inclusive, who was killed in the performance of his or her duties;~~

1 ~~[(n)] (e) Any person for whom a fictitious address has been issued pursuant to~~  
2 ~~NRS 217.462 to 217.471, inclusive.~~

3 ~~2. A person who wishes to have an alternate address displayed on his or her~~  
4 ~~driver's license, commercial driver's license or identification card pursuant to this~~  
5 ~~section must submit to the Department satisfactory proof:~~

6 ~~(a) That he or she is a person described in subsection 1; and~~

7 ~~(b) Of the person's address of principal residence and mailing address, if~~  
8 ~~different from the address of principal residence.~~

9 ~~3. A person who obtains a driver's license, commercial driver's license or~~  
10 ~~identification card that displays an alternate address pursuant to this section may~~  
11 ~~subsequently submit a request to the Department to have his or her address of~~  
12 ~~principal residence displayed on his or her driver's license, commercial driver's~~  
13 ~~license or identification card instead of the alternate address.~~

14 ~~4. The Department may adopt regulations to carry out the provisions of this~~  
15 ~~section.~~

16 ~~5. As used in this section:~~

17 ~~(a) "Child protective services" has the meaning ascribed to it in NRS~~  
18 ~~432B.042.~~

19 ~~(b) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.~~

20 ~~(c) "Code enforcement" means the enforcement of laws, ordinances or codes~~  
21 ~~regulating public nuisances or the public health, safety and welfare.~~

22 ~~(d) "Social worker" means any person licensed under chapter 641B of NRS.]~~

23 **(Deleted by amendment.)**

24 **Sec. 6.** This act becomes effective upon passage and approval.