

Amendment No. 582

Assembly Amendment to Senate Bill No. 406 First Reprint (BDR 24-894)

Proposed by: Assemblyman O’Neill

Amendment Box: Replaces Amendment No. 569.

Amends: 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.

EGO



Date: 5/18/2023

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; prohibiting certain constitutional officers from soliciting or accepting political contributions during certain periods; 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. Finally, **section 1** establishes that certain activities are
21 not restricted by **section 1**.

Existing law makes it unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect from soliciting or accepting monetary contributions for any political purpose during a certain period before and after a legislative session. (NRS 294A.300) Section 5.3 of this bill makes it unlawful for the Secretary of State, the State Treasurer, the State Controller or the Attorney General from soliciting or accepting monetary contributions for any political purpose during a certain period before and after a legislative session. Section 5.6 of this bill makes conforming changes to prohibit a lobbyist from making or committing or offering to make a monetary contribution during such periods. Section 6 of this bill makes sections 5.3 and 5.6 effective on October 1, 2023.

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 a new section to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

5. This section does not limit:

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

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

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

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

5 (4) *Observing the counting of ballots at the central counting place*
6 *pursuant to NRS 293B.353;*

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

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

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

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

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

24 6. *As used in this section:*

25 (a) *“Close relation” means a current or former spouse or domestic partner,*
26 *parent, child, sibling, stepparent, grandparent or any person who regularly*
27 *resides in the household of who, within the immediately preceding 6 months,*
28 *regularly resided in the household.*

29 (b) *“Elections official” means:*

30 (1) *The Secretary of State or any deputy or employee in the Elections*
31 *Division of the Office of the Secretary of State who is charged with duties relating*
32 *to an election;*

33 (2) *A registrar of voters, county clerk, city clerk or any deputy or*
34 *employee in the elections division of a county or city who is charged with*
35 *elections duties; or*

36 (3) *An election board officer or counting board officer.*

37 (c) *“Personal identifying information” has the meaning ascribed to it in NRS*
38 *205.4617.*

39 (d) *“Sensitive information” has the meaning ascribed to it in NRS 41.1347.*

40 (e) *“Stalking” means a violation of NRS 200.575.*

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

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

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

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

45 **Sec. 5.3. NRS 294A.300 is hereby amended to read as follows:**

46 294A.300 1. Except as otherwise provided in this section, it is unlawful for
47 a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-
48 Elect, the Governor, ~~the~~ the Governor-Elect, *the Secretary of State, the State*
49 *Treasurer, the State Controller or the Attorney General* to solicit or accept any
50 monetary contribution, or solicit or accept a commitment to make such a
51 contribution for any political purpose during the period beginning:

52 (a) Thirty days before a regular session of the Legislature and ending 30 days
53 after the final adjournment of a regular session of the Legislature;

1 (b) Fifteen days before a special session of the Legislature is set to commence
2 and ending 15 days after the final adjournment of a special session of the
3 Legislature, if:

4 (1) The Governor sets a specific date for the commencement of the special
5 session that is more than 15 days after the date on which the Governor issues the
6 proclamation calling for the special session pursuant to Section 9 of Article 5 of the
7 Nevada Constitution; or

8 (2) The members of the Legislature set a date on or before which the
9 Legislature is to convene the special session that is more than 15 days after the date
10 on which the Secretary of State receives one or more substantially similar petitions
11 signed, in the aggregate, by the required number of members calling for the special
12 session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

13 (c) The day after:

14 (1) The date on which the Governor issues the proclamation calling for the
15 special session and ending 15 days after the final adjournment of the special session
16 if the Governor sets a specific date for the commencement of the special session
17 that is 15 or fewer days after the date on which the Governor issues the
18 proclamation calling for the special session; or

19 (2) The date on which the Secretary of State receives one or more
20 substantially similar petitions signed, in the aggregate, by the required number of
21 members of the Legislature calling for the special session and ending 15 days after
22 the final adjournment of the special session if the members set a date on or before
23 which the Legislature is to convene the special session that is 15 or fewer days after
24 the date on which the Secretary of State receives the petitions.

25 2. Except as otherwise provided in this section, a person shall not make or
26 commit to make a contribution or commitment prohibited by subsection 1.

27 3. This section does not prohibit the payment of a salary or other
28 compensation or income to a member of the Legislature, the Lieutenant Governor,
29 ~~for~~ the Governor, the Secretary of State, the State Treasurer, the State Controller
30 or the Attorney General during the period set forth in subsection 1 if it is made for
31 services provided as a part of his or her regular employment or is additional income
32 to which he or she is entitled.

33 4. This section does not apply to any monetary contribution or commitment to
34 make such a contribution that may be given to or accepted by a person pursuant to
35 NRS 294A.115. The provisions of this subsection do not authorize:

36 (a) A person to accept or solicit a contribution, or solicit or accept a
37 commitment to make such a contribution, other than a contribution authorized
38 pursuant to NRS 294A.115.

39 (b) A person to make or commit to make a contribution other than a
40 contribution authorized pursuant to NRS 294A.115.

41 5. This section does not apply to any monetary contribution or commitment to
42 make such a contribution that may be given to or accepted by a Legislator pursuant
43 to NRS 294A.117.

44 6. As used in this section, "political purpose" includes, without limitation, the
45 establishment of, or the addition of money to, a legal defense fund.

46 **Sec. 5.6. NRS 218H.930 is hereby amended to read as follows:**

47 218H.930 1. A lobbyist shall not knowingly or willfully make any false
48 statement or misrepresentation of facts:

49 (a) To any member of the Legislative Branch in an effort to persuade or
50 influence the member in any legislative action.

51 (b) In a registration statement or report concerning lobbying activities filed
52 with the Director.

1 2. A lobbyist shall not knowingly or willfully give any gift to a member of the
2 Legislative Branch or a member of his or her immediate family or otherwise
3 directly or indirectly arrange, facilitate or serve as a conduit for such a gift, whether
4 or not the Legislature is in a regular or special session.

5 3. A member of the Legislative Branch or a member of his or her immediate
6 family shall not knowingly or willfully solicit or accept any gift from a lobbyist,
7 whether or not the Legislature is in a regular or special session.

8 4. A client of a lobbyist shall not make that lobbyist's compensation or
9 reimbursement contingent in any manner upon the outcome of any legislative
10 action.

11 5. Except during the period permitted by NRS 218H.200, a person shall not
12 knowingly act as a lobbyist during a regular or special session without being
13 registered as required by that section, unless the person qualifies for an exemption
14 or exception from the requirements to register as a lobbyist pursuant to any
15 regulations adopted in accordance with NRS 218H.500.

16 6. Except as otherwise provided in subsection 7, a member of the Legislative
17 or Executive Branch of the State Government and an elected officer or employee of
18 a political subdivision shall not receive compensation or reimbursement other than
19 from the State or the political subdivision for personally engaging in lobbying.

20 7. An elected officer or employee of a political subdivision may receive
21 compensation or reimbursement from any organization whose membership consists
22 of elected or appointed public officers.

23 8. A lobbyist shall not instigate the introduction of any legislation for the
24 purpose of obtaining employment to lobby in opposition to that legislation.

25 9. A lobbyist shall not make, commit to make or offer to make a monetary
26 contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-
27 elect, the Governor, ~~the~~ the Governor-elect, the Secretary of State, the State
28 Treasurer, the State Controller or the Attorney General during the period set forth
29 in subsection 1 of NRS 294A.300 unless such act is otherwise authorized pursuant
30 to subsection 4 of NRS 294A.300.

31 **Sec. 6. 1. This ~~act becomes~~ section and sections 1 to 5, inclusive, of this**
32 **act become** effective upon passage and approval.

33 **2. Sections 5.3 and 5.6 of this act become effective on October 1, 2023.**