

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
2 threaten to use any force, intimidation, coercion, violence, restraint or undue
3 influence in connection with any election, petition or preregistration or registration
4 of voters. (NRS 293.710) **Section 1** of this bill makes it a crime, punishable as a
5 category E felony, for any person to use or threaten or attempt to use any force,
6 intimidation, coercion, violence, restraint or undue influence with the intent to: (1)



7 interfere with the performance of the duties of any elections official relating to an
8 election; or (2) retaliate against any elections official for performing duties relating
9 to an election. **Section 1** further makes it a crime, punishable as a category E
10 felony, for any person to disseminate any personal identifying information or
11 sensitive information of an elections official without the consent of the elections
12 official, knowing that the elections official could be identified by such information,
13 if: (1) the person disseminates such personal identifying information or sensitive
14 information with the intent to aid, assist, encourage, facilitate, further or promote
15 any criminal offense which would be reasonably likely to cause death, bodily injury
16 or stalking or with the intent to cause harm to the elections official and with
17 knowledge of or reckless disregard for the reasonable likelihood that the
18 dissemination of the information may cause death, bodily injury or stalking; and (2)
19 the dissemination of the personal identifying information or sensitive information
20 would cause a reasonable person to fear the death, bodily injury or stalking of
21 himself or herself or a close relation or causes the death, bodily injury or stalking of
22 the elections official whose information was disseminated or a close relation of the
23 elections official.

24 Existing law authorizes certain persons, including, without limitation, a county
25 or city clerk or registrar of voters charged with the powers and duties relating to
26 elections and any deputy appointed by such a county or city clerk or registrar of
27 voters in the elections division of the county or city, to request: (1) a court order to
28 require that a county assessor, county recorder, county clerk, city clerk or the
29 Secretary of State maintain his or her records in a confidential manner; and (2) that
30 the Department of Motor Vehicles display an alternate address on the person's
31 driver's license, commercial driver's license or identification card. (NRS 247.530,
32 247.540, 250.130, 250.140, 293.906, 293.908, 481.091) **Sections 2-5** of this bill
33 authorize such requests to be made by: (1) an employee of a county or city clerk or
34 registrar of voters in the elections division of the county or city; (2) any employee
35 of the Office of the Secretary of State charged with the powers and duties relating
36 to elections; and (3) the spouse, domestic partner or minor child thereof.

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
2 thereto a new section to read as follows:

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

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

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

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

14 *3. It is unlawful for a person to disseminate any personal*
15 *identifying information or sensitive information of an elections*



1 *official without the consent of the elections official, knowing that*
2 *the elections official could be identified by such information, if:*

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

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

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

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

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

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

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

23 **5. As used in this section:**

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

29 *(b) "Elections official" means:*

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

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

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

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

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

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

42 **Sec. 2.** NRS 293.908 is hereby amended to read as follows:

43 293.908 1. The following persons may request that personal
44 information contained in the records of the Secretary of State or a
45 county or city clerk be kept confidential:



- 1 (a) Any justice or judge in this State.
2 (b) Any senior justice or senior judge in this State.
3 (c) Any court-appointed master in this State.
4 (d) Any clerk of a court, court administrator or court executive
5 officer in this State.
6 (e) Any district attorney or attorney employed by the district
7 attorney who as part of his or her normal job responsibilities
8 prosecutes persons for:
9 (1) Crimes that are punishable as category A felonies; or
10 (2) Domestic violence.
11 (f) Any state or county public defender who as part of his or her
12 normal job responsibilities defends persons for:
13 (1) Crimes that are punishable as category A felonies; or
14 (2) Domestic violence.
15 (g) Any person employed by the Office of the Attorney General
16 who prosecutes or defends actions on behalf of the State of Nevada
17 or any agency in the Executive Department of the State
18 Government.
19 (h) Any person, including without limitation, a social worker,
20 employed by this State or a political subdivision of this State who as
21 part of his or her normal job responsibilities:
22 (1) Interacts with the public; and
23 (2) Performs tasks related to child welfare services or child
24 protective services or tasks that expose the person to comparable
25 dangers.
26 (i) Any county manager in this State.
27 (j) Any inspector, officer or investigator employed by this State
28 or a political subdivision of this State designated by his or her
29 employer:
30 (1) Who possess specialized training in code enforcement;
31 (2) Who, as part of his or her normal job responsibilities,
32 interacts with the public; and
33 (3) Whose primary duties are the performance of tasks
34 related to code enforcement.
35 (k) Any county or city clerk or registrar of voters charged with
36 the powers and duties relating to elections and any deputy *or*
37 *employee* appointed by the county or city clerk or registrar of voters
38 in the elections division of the county or city.
39 (l) *Any employee of the Office of the Secretary of State*
40 *charged with the powers and duties relating to elections.*
41 (m) The spouse, domestic partner or minor child of a person
42 described in paragraphs (a) to ~~(k)~~ (l), inclusive.
43 ~~(m)~~ (n) The surviving spouse, domestic partner or minor child
44 of a person described in paragraphs (a) to ~~(k)~~ (l), inclusive, who
45 was killed in the performance of his or her duties.



1 2. As used in this section:

2 (a) "Child protective services" has the meaning ascribed to it in
3 NRS 432B.042.

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

6 (c) "Code enforcement" means the enforcement of laws,
7 ordinances or codes regulating public nuisances or the public health,
8 safety and welfare.

9 (d) "Social worker" means any person licensed under chapter
10 641B of NRS.

11 **Sec. 3.** NRS 247.540 is hereby amended to read as follows:

12 247.540 1. The following persons may request that the
13 personal information described in subsection 1, 2 or 3 of NRS
14 247.520 that is contained in the records of a county recorder be kept
15 confidential:

16 (a) Any justice or judge in this State.

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

18 (c) Any court-appointed master in this State.

19 (d) Any clerk of a court, court administrator or court executive
20 officer in this State.

21 (e) Any county or city clerk or registrar of voters charged with
22 the powers and duties relating to elections and any deputy *or*
23 *employee* appointed by such county or city clerk or registrar of
24 voters in the elections division of the county or city.

25 (f) *Any employee of the Office of the Secretary of State*
26 *charged with the powers and duties relating to elections.*

27 (g) Any district attorney or attorney employed by the district
28 attorney who as part of his or her normal job responsibilities
29 prosecutes persons for:

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

31 (2) Domestic violence.

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

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

35 (2) Domestic violence.

36 ~~(h)~~ (i) Any person employed by the Office of the Attorney
37 General who prosecutes or defends actions on behalf of the State of
38 Nevada or any agency in the Executive Department of the State
39 Government.

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

43 (1) Interacts with the public; and



1 (2) Performs tasks related to child welfare services or child
2 protective services or tasks that expose the person to comparable
3 dangers.

4 ~~(j)~~ (k) Any county manager in this State.

5 ~~(k)~~ (l) Any inspector, officer or investigator employed by this
6 State or a political subdivision of this State designated by his or her
7 employer:

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

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

11 (3) Whose primary duties are the performance of tasks
12 related to code enforcement.

13 ~~(h)~~ (m) The spouse, domestic partner or minor child of a
14 person described in paragraphs (a) to ~~(k)~~ (l), inclusive.

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

18 ~~(n)~~ (o) Any person for whom a fictitious address has been
19 issued pursuant to NRS 217.462 to 217.471, inclusive.

20 2. Any nonprofit entity in this State that maintains a
21 confidential location for the purpose of providing shelter to victims
22 of domestic violence may request that the personal information
23 described in subsection 4 of NRS 247.520 that is contained in the
24 records of a county recorder be kept confidential.

25 3. As used in this section:

26 (a) "Child protective services" has the meaning ascribed to it in
27 NRS 432B.042.

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

30 (c) "Code enforcement" means the enforcement of laws,
31 ordinances or codes regulating public nuisances or the public health,
32 safety and welfare.

33 (d) "Social worker" means any person licensed under chapter
34 641B of NRS.

35 **Sec. 4.** NRS 250.140 is hereby amended to read as follows:

36 250.140 1. The following persons may request that personal
37 information described in subsection 1, 2 or 3 of NRS 250.120 that is
38 contained in the records of a county assessor be kept confidential:

39 (a) Any justice or judge in this State.

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

41 (c) Any court-appointed master in this State.

42 (d) Any clerk of a court, court administrator or court executive
43 officer in this State.

44 (e) Any county or city clerk or registrar of voters charged with
45 the powers and duties relating to elections and any deputy *or*



1 *employee* appointed by such county or city clerk or registrar of
2 voters in the elections division of the county or city.

3 (f) *Any employee of the Office of the Secretary of State*
4 *charged with the powers and duties relating to elections.*

5 (g) Any peace officer or retired peace officer.

6 ~~[(g)]~~ (h) Any prosecutor.

7 ~~[(h)]~~ (i) Any state or county public defender.

8 ~~[(i)]~~ (j) Any person employed by the Office of the Attorney
9 General who prosecutes or defends actions on behalf of the State of
10 Nevada or any agency in the Executive Department of the State
11 Government.

12 ~~[(j)]~~ (k) Any person, including without limitation, a social
13 worker, employed by this State or a political subdivision of this
14 State who as part of his or her normal job responsibilities interacts
15 with the public and performs tasks related to child welfare services
16 or child protective services or tasks that expose the person to
17 comparable dangers.

18 ~~[(k)]~~ (l) Any county manager in this State.

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

24 ~~[(m)]~~ (n) The spouse, domestic partner or minor child of a
25 person described in paragraphs (a) to ~~[(n)]~~ (m), inclusive.

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

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

31 2. Any nonprofit entity in this State that maintains a
32 confidential location for the purpose of providing shelter to victims
33 of domestic violence may request that the personal information
34 described in subsection 4 of NRS 250.120 that is contained in the
35 records of a county assessor be kept confidential.

36 3. As used in this section:

37 (a) "Child protective services" has the meaning ascribed to it in
38 NRS 432B.042.

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

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

44 (d) "Peace officer" means:



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

4 (2) Any person:

5 (I) Who resides in this State;

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

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

12 (e) "Prosecutor" has the meaning ascribed to it in
13 NRS 241A.030.

14 (f) "Social worker" means any person licensed under chapter
15 641B of NRS.

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

17 481.091 1. The following persons may request that the
18 Department display an alternate address on the person's driver's
19 license, commercial driver's license or identification card:

20 (a) Any justice or judge in this State.

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

22 (c) Any court-appointed master in this State.

23 (d) Any clerk of the court, court administrator or court executive
24 officer in this State.

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

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

28 (2) Domestic violence.

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

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

32 (2) Domestic violence.

33 (g) Any person employed by the Office of the Attorney General
34 who prosecutes or defends actions on behalf of the State of Nevada
35 or any agency in the Executive Department of the State
36 Government.

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

40 (1) Interacts with the public; and

41 (2) Performs tasks related to child welfare services or child
42 protective services or tasks that expose the person to comparable
43 dangers.

44 (i) Any county manager in this State.



1 (j) Any inspector, officer or investigator employed by this State
2 or a political subdivision of this State designated by his or her
3 employer:

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

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

7 (3) Whose primary duties are the performance of tasks
8 related to code enforcement.

9 (k) Any county or city clerk or registrar of voters charged with
10 the powers and duties relating to elections and any deputy *or*
11 *employee* appointed by the county or city clerk or registrar of voters
12 in the elections division of the county or city.

13 (l) *Any employee of the Office of the Secretary of State*
14 *charged with the powers and duties relating to elections.*

15 (m) The spouse, domestic partner or minor child of a person
16 described in paragraphs (a) to ~~(k)~~ (l), inclusive.

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

20 ~~(n)~~ (o) Any person for whom a fictitious address has been
21 issued pursuant to NRS 217.462 to 217.471, inclusive.

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

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

27 (b) Of the person's address of principal residence and mailing
28 address, if different from the address of principal residence.

29 3. A person who obtains a driver's license, commercial driver's
30 license or identification card that displays an alternate address
31 pursuant to this section may subsequently submit a request to the
32 Department to have his or her address of principal residence
33 displayed on his or her driver's license, commercial driver's license
34 or identification card instead of the alternate address.

35 4. The Department may adopt regulations to carry out the
36 provisions of this section.

37 5. As used in this section:

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

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

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



1 (d) "Social worker" means any person licensed under chapter
2 641B of NRS.

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

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