

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; 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:
7 (1) 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. Finally, **section 1** establishes that certain activities are not
24 restricted by **section 1**.

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

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

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

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

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

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

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



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

4 5. The section does not limit:

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

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

8 (2) Observing the conduct of tests pursuant to NRS
9 293B.145 or 293C.615;

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

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

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

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

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

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

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

33 6. As used in this section:

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

39 (b) "Elections official" means:

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

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



- 1 **(3) An election board officer or counting board officer.**
- 2 **(c) "Personal identifying information" has the meaning**
- 3 **ascribed to it in NRS 205.4617.**
- 4 **(d) "Sensitive information" has the meaning ascribed to it in**
- 5 **NRS 41.1347.**
- 6 **(e) "Stalking" means a violation of NRS 200.575.**
- 7 **Sec. 2.** (Deleted by amendment.)
- 8 **Sec. 3.** (Deleted by amendment.)
- 9 **Sec. 4.** (Deleted by amendment.)
- 10 **Sec. 5.** (Deleted by amendment.)
- 11 **Sec. 6.** This act becomes effective upon passage and approval.

