

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
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**.

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

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*



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

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

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

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

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

16 5. *This section does not limit:*

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

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

20 (2) *Observing the conduct of tests pursuant to NRS*
21 *293B.145 or 293C.615;*

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

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

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

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

30 (b) *The ability of a person to give or offer to give prepackaged*
31 *food items, nonalcoholic beverages, coats, handwarmers or other*
32 *similar items to other persons who are at a polling place or any*
33 *other location described in paragraph (a), if done in accordance*
34 *with any other law and to the extent such items are not distributed*
35 *inside of a building which does not permit the distribution of such*
36 *items in the building as indicated by a sign posted in a prominent*
37 *place at the entrance of the building.*

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

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

45 6. *As used in this section:*



1 (a) "Close relation" means a current or former spouse or
2 domestic partner, parent, child, sibling, stepparent, grandparent or
3 any person who regularly resides in the household of who, within
4 the immediately preceding 6 months, regularly resided in the
5 household.

6 (b) "Elections official" means:

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

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

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

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

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

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

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

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

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

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

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

25 294A.300 1. Except as otherwise provided in this section, it
26 is unlawful for a member of the Legislature, the Lieutenant
27 Governor, the Lieutenant Governor-Elect, the Governor, ~~for~~ the
28 Governor-Elect, *the Secretary of State, the State Treasurer, the*
29 *State Controller or the Attorney General* to solicit or accept any
30 monetary contribution, or solicit or accept a commitment to make
31 such a contribution for any political purpose during the period
32 beginning:

33 (a) Thirty days before a regular session of the Legislature and
34 ending 30 days after the final adjournment of a regular session of
35 the Legislature;

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

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

44 (2) The members of the Legislature set a date on or before
45 which the Legislature is to convene the special session that is more



1 than 15 days after the date on which the Secretary of State receives
2 one or more substantially similar petitions signed, in the aggregate,
3 by the required number of members calling for the special session
4 pursuant to Section 2A of Article 4 of the Nevada Constitution; or

5 (c) The day after:

6 (1) The date on which the Governor issues the proclamation
7 calling for the special session and ending 15 days after the final
8 adjournment of the special session if the Governor sets a specific
9 date for the commencement of the special session that is 15 or fewer
10 days after the date on which the Governor issues the proclamation
11 calling for the special session; or

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

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

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

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

33 (a) A person to accept or solicit a contribution, or solicit or
34 accept a commitment to make such a contribution, other than a
35 contribution authorized pursuant to NRS 294A.115.

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

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

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



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

3 218H.930 1. A lobbyist shall not knowingly or willfully
4 make any false statement or misrepresentation of facts:

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

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

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

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

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

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

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

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

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

38 9. A lobbyist shall not make, commit to make or offer to make
39 a monetary contribution to a Legislator, the Lieutenant Governor,
40 the Lieutenant Governor-elect, the Governor, ~~or~~ the Governor-
41 elect, *the Secretary of State, the State Treasurer, the State*
42 *Controller or the Attorney General* during the period set forth in
43 subsection 1 of NRS 294A.300 unless such act is otherwise
44 authorized pursuant to subsection 4 of NRS 294A.300.



1 **Sec. 6.** 1. This section and sections 1 to 5, inclusive, of this
2 act become effective upon passage and approval.
3 2. Sections 5.3 and 5.6 of this act become effective on
4 October 1, 2023.

