

SENATE BILL NO. 100—SENATOR DALY

PREFILED JANUARY 16, 2025

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections. (BDR 24-197)

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; establishing provisions governing the performance of certain election duties in a timely manner; providing a penalty for certain persons charged with duties relating to an election for failing to carry out such duties in a timely manner; requiring the approval of the Secretary of State relating to certain vendors of mechanical voting systems and mechanical recording devices used in an election; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a public officer or other person, upon whom any duty is
2 imposed under the provisions governing the election laws of this State, who
3 willfully neglects his or her duty or willfully performs the duty in such a way as to
4 hinder the objects and purposes of the election laws is guilty of a category E felony,
5 which is punishable by a minimum term of imprisonment of 1 year and a maximum
6 term of not more than 4 years and may be subject to a fine of not more than \$5,000.
7 If the person is a public officer and is convicted of this offense, his or her office is
8 forfeited. (NRS 293.800) **Section 2** of this bill provides that a public officer or
9 other person who is charged with duties relating to an election who fails to perform
10 his or her duties in a timely manner by the applicable deadline set forth in statute is
11 also guilty of a category E felony and subject to these penalties.

12 **Section 1** of this bill requires a public officer or other person to notify the
13 Secretary of State and the Attorney General if he or she will not be able to perform
14 a duty imposed under existing law relating to elections by the deadline. **Section 1**
15 also provides that if a public officer or other person who represents or is employed
16 by a county or city, upon whom a duty is imposed under the provisions governing
17 the election laws in this State, fails to perform his or her duty in a timely manner in
18 accordance with the applicable deadlines set forth in statute, the Secretary of State
19 may: (1) petition the district court for an order relieving that public officer or other



20 person of his or her duties and directing the Secretary of State to perform the duties
21 on behalf of the public officer or person; and (2) charge the county or city
22 represented by or who employs the public officer or person for the costs incurred
23 by the Secretary of State in performing those duties. **Section 1** further provides
24 that: (1) if the Secretary of State relieves a public officer or other person of his or
25 her duties and fails to perform those duties in a timely manner, the Attorney
26 General may petition the district court for an order relieving the Secretary of State
27 of those duties and directing the Attorney General to perform the duties; and (2) if
28 neither the Secretary of State nor the Attorney General takes action, any registered
29 voter may file an action with the district court for the county for the appointment of
30 a special master to perform the duties of the public officer or other person.

31 Existing law requires: (1) all mechanical voting systems and mechanical
32 recording devices purchased or leased in or used in any election of this State to be
33 approved by the Secretary of State; and (2) a city or county that wishes to change or
34 improve a mechanical voting system or mechanical recording device that has been
35 approved by the Secretary of State to obtain the approval of the Secretary of State.
36 (NRS 293B.1045) **Section 3** of this bill requires: (1) a vendor of a mechanical
37 voting system or mechanical recording device to also be approved by the Secretary
38 of State; and (2) a city or county that wishes to change the vendor of the
39 mechanical voting system or mechanical recording device to obtain the approval of
40 the Secretary of State.

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. If a public officer or other person who represents or is*
4 *employed by a county or city or agency thereof, including, without*
5 *limitation, a county or city clerk, will not be able to perform a duty*
6 *required by this title or any regulation adopted pursuant to this*
7 *title by the applicable deadline set forth in this title, the public*
8 *officer or other person shall notify the Secretary of State and the*
9 *Attorney General before the deadline established by this title or*
10 *any regulation adopted pursuant to this title.*

11 *2. If a public officer or other person who represents or is*
12 *employed by a county or city or agency thereof and upon whom*
13 *any duty is imposed by this title or any regulation adopted*
14 *pursuant to this title fails to carry out that duty in a timely manner*
15 *in accordance with the applicable deadlines set forth in this title or*
16 *any regulation adopted pursuant to this title for the performance*
17 *of such duties, the Secretary of State may:*

18 *(a) Apply to the district court for the county for an order*
19 *relieving the public officer or other person from his or her duties*
20 *imposed pursuant to this title or any regulation adopted pursuant*
21 *to this title and directing the Secretary of State to perform such*
22 *duties on behalf of the public officer or person. The district court*



1 shall give the matter priority over all other civil matters pending
2 with the court.

3 (b) Charge the county or city that is represented by or employs
4 the public officer or other person for the costs incurred in
5 performing the duty on behalf of the public officer or other
6 person.

7 3. If the Secretary of State relieves a public officer or other
8 person from their duties pursuant to subsection 2 and fails to
9 perform such duties on behalf of the public officer or person, the
10 Attorney General may apply to the district court for an order
11 relieving the Secretary of State from his or her duties and
12 directing the Attorney General to perform such duties on behalf of
13 the Secretary of State.

14 4. If a public officer or other person fails to perform his or
15 her duties in a timely manner in accordance with the deadlines set
16 forth in statute for the performance of such duties and neither the
17 Secretary of State nor the Attorney General acts pursuant to
18 subsection 2 or 3, any registered voter may file an action with the
19 district court for the county for the appointment of a special
20 master to oversee the performance of these duties.

21 5. The Secretary of State may adopt regulations to carry out
22 the provisions of this section, which may include, without
23 limitation, establishing:

24 (a) Timelines for carrying out the duties set forth in this
25 section; and

26 (b) The circumstances that constitute performing a duty in a
27 timely manner.

28 **Sec. 2.** NRS 293.800 is hereby amended to read as follows:

29 293.800 1. A person who, for himself, herself or another
30 person, willfully gives a false answer or answers to questions
31 propounded to the person by the registrar or field registrar of voters
32 relating to the information called for by the application to register to
33 vote, or who willfully falsifies the application in any particular, or
34 who violates any of the provisions of the election laws of this State
35 or knowingly encourages another person to violate those laws is
36 guilty of a category E felony and shall be punished as provided in
37 NRS 193.130.

38 2. A public officer or other person, upon whom any duty is
39 imposed by this title, who ~~willfully~~ :

40 (a) ~~Willfully~~ neglects his or her duty ~~for or willfully~~ ;

41 (b) ~~Willfully~~ performs ~~it~~ his or her duty in such a way as to
42 hinder the objects and purposes of the election laws of this State ~~it~~ ;

43 or



1 (c) *Fails to perform his or her duty in a timely manner in*
2 *accordance with the applicable deadlines for the performance of*
3 *that duty,*

4 ↪ except where another penalty is provided, is guilty of a category
5 E felony and shall be punished as provided in NRS 193.130.

6 3. If the person is a public officer, his or her office is forfeited
7 upon conviction of any offense provided for in subsection 2.

8 4. Except as otherwise provided in this subsection, a person
9 who causes or endeavors to cause his or her name to be registered,
10 knowing that he or she is not an elector or will not be an elector on
11 or before the day of the next ensuing election in the precinct or
12 district in which he or she causes or endeavors to cause the
13 registration to be made, and any other person who induces, aids or
14 abets the person in the commission of either of the acts is guilty of a
15 category E felony and shall be punished as provided in NRS
16 193.130. The provisions of this subsection do not apply to a person
17 who preregisters to vote.

18 5. A field registrar or other person who provides to an elector
19 an application to register to vote and who:

20 (a) Knowingly falsifies the application or knowingly causes an
21 application to be falsified;

22 (b) Knowingly provides money or other compensation to
23 another for a falsified application; or

24 (c) Intentionally fails to submit to the county clerk a completed
25 application,

26 ↪ is guilty of a category E felony and shall be punished as provided
27 in NRS 193.130.

28 **Sec. 3.** NRS 293B.1045 is hereby amended to read as follows:

29 293B.1045 1. No mechanical voting system or mechanical
30 recording device may be purchased or leased in or used in any
31 election of this State unless the *mechanical voting* system or
32 *mechanical recording* device *and the vendor of the mechanical*
33 *voting system or mechanical recording device* is approved by the
34 Secretary of State.

35 2. A ~~{person who owns or has an interest in}~~ *vendor of*
36 *mechanical voting system or mechanical recording device* may
37 submit an application to the Secretary of State *for approval of the*
38 *vendor and* to have the system or device examined for approval for
39 use during the elections of this State. The Secretary of State shall
40 approve or disapprove the *vendor and* use of such a system or
41 device not later than 120 days after the application is submitted.

42 3. As a condition to approval, the ~~{person}~~ *vendor* shall have
43 the mechanical voting system or mechanical recording device
44 independently examined by a person approved by the Secretary of
45 State. The examiner shall:



1 (a) Review and analyze any electronic or computerized features
2 of the system or device; and

3 (b) Prepare and submit to the Secretary of State a report of the
4 results of the examination which includes a statement of the opinion
5 of the examiner regarding the feasibility of using such a system or
6 device during the elections of this State, with consideration for the
7 safe and proper operation of the system or device under the
8 conditions prescribed by the applicable election laws.

9 4. Any cost for the independent examination of a mechanical
10 voting system or mechanical recording device conducted pursuant to
11 subsection 3 must be paid by the ~~{person}~~ *vendor* who submits an
12 application ~~{to have the system or device approved}~~ *for approval* by
13 the Secretary of State.

14 5. The Secretary of State shall approve a mechanical voting
15 system or mechanical recording device for use during the elections
16 of this State if:

17 (a) The report prepared pursuant to subsection 3 states that the
18 system or device can be used safely and properly in this State; and

19 (b) The Secretary of State determines after independently
20 examining the system or device that it can be used safely and
21 properly in this State.

22 6. Before a city or county may change *a vendor or otherwise*
23 *change* or improve a mechanical voting system or mechanical
24 recording device that has been approved by the Secretary of State
25 pursuant to this section, the city or county must obtain approval
26 from the Secretary of State. If any such change or improvement
27 does not comply with the requirements of this section, the Secretary
28 of State shall not approve the *vendor or the* use or sale of any
29 system or device that incorporates the change or improvement in
30 this State.

31 7. The Secretary of State may reexamine a mechanical voting
32 system or mechanical recording device or any part thereof at any
33 time for the purpose of approving a change or improvement
34 pursuant to subsection 6 or to ensure that the system or device
35 continues to comply with the election laws of this State.

36 8. The Secretary of State and any examiner of a mechanical
37 voting system or mechanical recording device must not have any
38 pecuniary interest in the system or device examined.

39 9. The Secretary of State may establish regulations to carry out
40 the provisions of this section.

41 *10. As used in this section, "vendor" means a person who*
42 *owns or has an interest in a mechanical voting system or*
43 *mechanical recording device.*



1 **Sec. 4.** This act becomes effective on July 1, 2025.

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