

SENATE BILL NO. 102—SENATOR DALY

PREFILED JANUARY 17, 2025

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.
(BDR 24-90)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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; prohibiting a person from, with intent to defraud, knowingly creating, filing or otherwise submitting certain documents relating to elections; prohibiting a person from creating or serving in a false slate of presidential electors or conspiring to create or serve in a false slate of presidential electors; prohibiting the State or a local government from appointing to public office a person convicted of such an offense; prohibiting a person from interfering with the selection of presidential electors; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes the Uniform Faithful Presidential Electors Act, which:
2 (1) provides a system for the selection of presidential electors; and (2) sets forth the
3 duties of presidential electors. (NRS 298.005-298.089) **Section 3** of this bill
4 prohibits a person from creating or serving in a false slate of presidential electors or
5 conspiring to create or serve in a false slate of presidential electors. **Section 3**
6 further: (1) provides that a person is guilty of a category D felony for committing
7 such an offense; (2) provides that such a person shall be punished by imprisonment
8 in the state prison for a minimum term of not less than 1 year and a maximum term
9 of not more than 4 years; (3) authorizes a court to order a person convicted of such
10 an offense to pay a fine of not more than \$5,000 and repay the costs of investigation
11 and prosecution incurred by the Secretary of State or the Attorney General, as
12 applicable; and (4) provides that if the court grants probation to a person convicted
13 of such an offense, the court must require, as a condition of probation, that the
14 person serve at least 6 months in the county jail.



15 **Section 3** authorizes a person who believes that such an alleged violation has
16 occurred to notify the Secretary of State in writing on a form prescribed by the
17 Secretary of State. **Section 3** requires the Secretary of State to investigate an
18 alleged violation or refer the alleged violation to the Attorney General or a district
19 attorney to investigate the violation for prosecution or institute and prosecute the
20 appropriate proceeding, as applicable.

21 **Section 3** further prohibits a person convicted of creating or serving in a false
22 slate of presidential electors or conspiring to commit such an offense from being:
23 (1) elected to a public office in this State; or (2) appointed to a public office by the
24 State or a local government.

25 Existing law provides for the restoration of certain civil rights, including the
26 right to hold office, to certain persons who are placed on probation, are granted
27 parole or pardoned or who have served the respective sentence and been released
28 from prison. (NRS 213.155, 213.157) **Sections 5 and 6** of this bill preclude a
29 person convicted of a crime set forth in **section 3** from obtaining the restoration of
30 the civil right to hold office.

31 Existing law sets forth the process, for each major and minor political party as
32 well as each independent candidate, for the selection of a nominee to the position of
33 presidential elector and an alternate to the nominee for each position of presidential
34 elector required by law. (NRS 298.035) Existing law further provides that the
35 nominees for presidential elector whose candidates for President and Vice President
36 receive the highest number of votes in this State at the general election are the
37 presidential electors. (NRS 298.065) **Section 4** of this bill prohibits a person from
38 knowingly interfering with the process set forth in existing law for the nomination
39 and selection of presidential electors.

40 Existing law sets forth provisions governing elections, including provisions
41 which require or authorize the filing or submission of certain documents relating to
42 elections. (Title 24 of NRS) **Section 1** of this bill prohibits a person from, pursuant
43 to such provisions and with intent to defraud, knowingly creating, filing or
44 otherwise submitting any false document or document which contains false
45 signatures. **Section 1** further: (1) provides that a person is guilty of a category C
46 felony for committing such an offense; (2) provides that such a person shall be
47 punished by imprisonment in the state prison for a minimum term of 1 year and a
48 maximum term of 5 years; and (3) authorizes a court to order a person convicted of
49 such an offense to pay a fine of not more than \$5,000.

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. Except as otherwise provided by specific statute, a person*
4 *shall not, with intent to defraud, knowingly create, file or*
5 *otherwise submit pursuant to the provisions of this title any false*
6 *document or document which contains false signatures.*

7 *2. A person who violates the provisions of subsection 1 is*
8 *guilty of a category C felony and shall be punished by*
9 *imprisonment in the state prison for a minimum term of not less*
10 *than 1 year and a maximum term of not more than 5 years. In*
11 *addition to any other penalty, a court may order the person to pay*
12 *a fine of not more than \$5,000.*



1 **Sec. 2.** Chapter 298 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 3 and 4 of this act.

3 **Sec. 3. 1. A person shall not:**

4 (a) *Create a false slate of presidential electors;*

5 (b) *Serve in a false slate of presidential electors; or*

6 (c) *Conspire to create or serve in a false slate of presidential*
7 *electors.*

8 2. *A person who violates subsection 1 is guilty of a category D*
9 *felony and shall be punished by imprisonment in the state prison*
10 *for a minimum term of not less than 1 year and a maximum term*
11 *of not more than 4 years. In addition to any other penalty, a court*
12 *may order the person to:*

13 (a) *Pay a fine of not more than \$5,000; and*

14 (b) *Repay the costs of investigation and prosecution incurred*
15 *by the Secretary of State or Attorney General, as applicable.*
16 *Money recovered for the reimbursement of costs of investigation*
17 *and prosecution pursuant to this paragraph must be deposited*
18 *with the State Treasurer for credit to the State General Fund.*

19 3. *If the court grants probation to a person convicted of a*
20 *crime set forth in subsection 1, the court shall require as a*
21 *condition of probation that the person serve at least 6 months in*
22 *the county jail.*

23 4. *A person who believes that the provisions of subsection 1*
24 *have been violated may notify the Secretary of State, in writing on*
25 *a form prescribed by the Secretary of State, of the alleged*
26 *violation. The notice must be signed by the person alleging the*
27 *violation and include:*

28 (a) *The full name and address of the person alleging the*
29 *violation;*

30 (b) *The full name and address of the person or persons alleged*
31 *to have committed the violation, if known;*

32 (c) *A clear and concise statement of facts sufficient to establish*
33 *that the alleged violation occurred;*

34 (d) *Any evidence substantiating the alleged violation;*

35 (e) *A certification by the person alleging the violation that the*
36 *facts alleged in the notice are true to the best knowledge and belief*
37 *of that person; and*

38 (f) *Any other information in support of the alleged violation.*

39 5. *If it appears that the provisions of subsection 1 have been*
40 *violated or a notice of an alleged violation is received pursuant to*
41 *subsection 4, the Secretary of State shall:*

42 (a) *Conduct an investigation concerning the alleged violation*
43 *and cause the appropriate proceedings to be instituted and*
44 *prosecuted; or*



1 (b) Refer the alleged violation to the Attorney General or a
2 district attorney. The Attorney General or district attorney shall,
3 without delay, investigate the alleged violation and institute and
4 prosecute the appropriate proceedings to enforce the provisions of
5 subsection 1.

6 6. The Secretary of State, when conducting an investigation
7 of an alleged violation of subsection 1, may subpoena witnesses
8 and require the production by subpoena of any books, papers,
9 correspondence, memoranda, agreements or other documents
10 or records that the Secretary of State or a designated officer or
11 employee of the Secretary of State determines are relevant or
12 material to the investigation and are in the possession of:

13 (a) Any person alleged to have committed a violation of
14 subsection 1; or

15 (b) Any person the Secretary of State or a designated officer or
16 employee of the Secretary of State has reason to believe possesses
17 the materials that are under subpoena.

18 7. A person convicted of a crime set forth in subsection 1 may
19 not be:

20 (a) Elected to a public office in this State; or

21 (b) Appointed to a public office by the State or a local
22 government.

23 8. As used in this section:

24 (a) "Conspire to create or serve in a false slate of presidential
25 electors" means to knowingly enter into any agreement, including,
26 without limitation, a written agreement, oral agreement or
27 agreement using electronic communications, with one or more
28 persons to create a false slate of presidential electors or serve in a
29 false slate of presidential electors.

30 (b) "Create a false slate of presidential electors" means to
31 knowingly sign, file, transmit or record with the Secretary of State,
32 the Archivist of the United States, the Vice President of the United
33 States or the Congress of the United States a list of presidential
34 electors whose candidates for President and Vice President of the
35 United States did not receive the highest number of votes in this
36 State at the general election pursuant to 3 U.S.C. §§ 1 et seq., or
37 this chapter, as applicable.

38 (c) "Serve in a false slate of presidential electors" means to
39 knowingly agree to be included on a list of presidential electors
40 whose candidates for President and Vice President of the United
41 States did not receive the highest number of votes in this State at
42 the general election pursuant to 3 U.S.C. §§ 1 et seq., or this
43 chapter, as applicable.

44 **Sec. 4.** A person shall not knowingly interfere with the
45 selection of:



1 *1. A nominee to the position of presidential elector or an*
2 *alternate to the nominee pursuant to NRS 298.035; or*

3 *2. Presidential electors pursuant to NRS 298.065.*

4 **Sec. 5.** NRS 213.155 is hereby amended to read as follows:

5 213.155 1. A person who receives a discharge from parole
6 pursuant to NRS 213.154:

7 (a) Is immediately restored to the right to serve as a juror in a
8 civil action.

9 (b) Four years after the date of his or her discharge from parole,
10 is restored to the right to hold office , *unless the person was*
11 *convicted of a crime set forth in section 3 of this act.*

12 (c) Six years after the date of his or her discharge from parole, is
13 restored to the right to serve as a juror in a criminal action.

14 2. Upon his or her discharge from parole, a person so
15 discharged must be given an official document which provides:

16 (a) That the person has received an honorable discharge or
17 dishonorable discharge, as applicable, from parole;

18 (b) That the person is restored to his or her civil right to serve as
19 a juror in a civil action as of the date of his or her discharge from
20 parole;

21 (c) The date on which his or her civil right to hold office will be
22 restored to the person pursuant to paragraph (b) of subsection 1; and

23 (d) The date on which his or her civil right to serve as a juror in
24 a criminal action will be restored to the person pursuant to
25 paragraph (c) of subsection 1.

26 3. A person who has been discharged from parole in this State
27 or elsewhere and whose official documentation of his or her
28 discharge from parole is lost, damaged or destroyed may file a
29 written request with a court of competent jurisdiction to restore his
30 or her civil rights pursuant to this section. Upon verification that the
31 person has been discharged from parole and is eligible to be restored
32 to the civil rights set forth in subsection 1, the court shall issue an
33 order restoring the person to the civil rights set forth in subsection 1.
34 A person must not be required to pay a fee to receive such an order.

35 4. A person who has been discharged from parole in this State
36 or elsewhere may present:

37 (a) Official documentation of his or her discharge from parole, if
38 it contains the provisions set forth in subsection 2; or

39 (b) A court order restoring his or her civil rights,
40 ➔ as proof that the person has been restored to the civil rights set
41 forth in subsection 1.

42 5. The Board may adopt regulations necessary or convenient
43 for the purposes of this section.

44 **Sec. 6.** NRS 213.157 is hereby amended to read as follows:

45 213.157 1. A person convicted of a felony:



1 (a) Who is placed on probation, granted parole or granted a
2 pardon is immediately restored to the right to vote. ~~§~~

3 (b) Who has served his or her sentence and has been released
4 from prison:

5 (1) Is immediately restored to the right to serve as a juror in a
6 civil action.

7 (2) Is immediately restored to the right to vote.

8 (3) Four years after the date of his or her release from prison,
9 is restored to the right to hold office ~~§~~, *unless the person was*
10 *convicted of a crime set forth in section 3 of this act.*

11 (4) Six years after the date of his or her release from prison,
12 is restored to the right to serve as a juror in a criminal action.

13 2. Upon his or her release from prison, a person so released
14 must be given an official document which provides:

15 (a) That the person has been released from prison;

16 (b) That the person is restored to his or her civil right to serve as
17 a juror in a civil action as of the date of his or her release from
18 prison;

19 (c) The date on which his or her civil right to hold office will be
20 restored to the person pursuant to subparagraph (3) of paragraph (b)
21 of subsection 1; and

22 (d) The date on which his or her civil right to serve as a juror in
23 a criminal action will be restored to the person pursuant to
24 subparagraph (4) of paragraph (b) of subsection 1.

25 3. A person who has been released from prison in this State or
26 elsewhere and whose official documentation of his or her release
27 from prison is lost, damaged or destroyed may file a written request
28 with a court of competent jurisdiction to restore his or her civil
29 rights pursuant to this section. Upon verification that the person has
30 been released from prison and is eligible to be restored to the civil
31 rights set forth in subsection 1, the court shall issue an order
32 restoring the person to the civil rights set forth in subsection 1. A
33 person must not be required to pay a fee to receive such an order.

34 4. A person who has been released from prison in this State or
35 elsewhere may present:

36 (a) Official documentation of his or her release from prison, if it
37 contains the provisions set forth in subsection 2; or

38 (b) A court order restoring his or her civil rights,
39 ↪ as proof that the person has been restored to the civil rights set
40 forth in subsection 1.

41 **Sec. 7.** This act becomes effective upon passage and approval.



