

CHAPTER.....

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:

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

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

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

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

Existing law sets forth the process, for each major and minor political party as well as each independent candidate, for the selection of a nominee to the position of presidential elector and an alternate to the nominee for each position of presidential elector required by law. (NRS 298.035) Existing law further provides that the nominees for presidential elector whose candidates for President and Vice President



receive the highest number of votes in this State at the general election are the presidential electors. (NRS 298.065) **Section 4** of this bill prohibits a person from knowingly interfering with the process set forth in existing law for the nomination and selection of presidential electors.

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

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

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

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

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

Sec. 3. 1. A person shall not:

(a) Create a false slate of presidential electors;

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

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

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

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



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

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

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

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

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

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

(d) Any evidence substantiating the alleged violation;

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

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

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

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

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

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



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

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

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

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

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

8. As used in this section:

(a) “Conspire to create or serve in a false slate of presidential electors” means to knowingly enter into any agreement, including, without limitation, a written agreement, oral agreement or agreement using electronic communications, with one or more persons to create a false slate of presidential electors or serve in a false slate of presidential electors.

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

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

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

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

2. Presidential electors pursuant to NRS 298.065.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

213.157 1. A person convicted of a felony:

(a) Who is placed on probation, granted parole or granted a pardon is immediately restored to the right to vote . **H**

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



