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Attorneys for Plaintiff

**IN THE FIRST JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR CARSON CITY**

ERIC JENG, an individual,

Plaintiff,

vs.

BARBARA CEGAVSKE, in her official
capacity as NEVADA SECRETARY OF
STATE,

Defendant.

Case No.: 2206 CW331D
Dept. No.: II

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF
CHALLENGING THE BETTER
VOTING NEVADA INITIATIVE**

Priority Matter, Pursuant to
NRS 295.061(1)

Arbitration Exemption: Declaratory and
Injunctive Relief

Plaintiff Eric Jeng, an individual registered to vote in Nevada, files this Complaint for
declaratory and injunctive relief against Barbara Cegavske, in her official capacity as the Nevada

1 Secretary of State, pursuant to NRS 295.061, 30.030 and 33.010. Plaintiff alleges and complains
2 as follows:

3 **JURISDICTION AND VENUE**

4 1. This Court has jurisdiction to hear Plaintiff's claims pursuant to NRS 295.061 and
5 to grant declaratory and injunctive relief pursuant to NRS 30.030, 30.040, and 33.010.

6 2. Venue is proper under NRS 13.020 and 13.040 because this action is against a
7 public officer for acting in her official capacity, and pursuant to NRS 295.061(1).

8 **PARTIES**

9 3. Plaintiff Eric Jeng is a resident of and a registered voter in Clark County, Nevada.

10 4. Defendant Barbara Cegavske is Nevada Secretary of State and is sued in her official
11 capacity. As the Secretary of State, Ms. Cegavske is the Chief Officer of Elections for Nevada and
12 is responsible for the execution, administration, and enforcement of the state's election laws. *See*
13 NRS 293.124. Ms. Cegavske's duties also include qualifying initiatives for submission to the
14 Nevada Legislature and/or the Nevada electorate and disqualifying initiatives that are determined
15 to be invalid.

16 **GENERAL FACTUAL ALLEGATIONS**

17 5. On or about January 28, 2022, David G. Gibbs, on behalf of Repair the Vote PAC,
18 filed Referendum Petition R-01-2022, titled "Referendum on the Provision Related to Changes in
19 Voting Provisions from Assembly Bill 321 of the 2021 Legislative Session" (the "Petition"), with
20 the Secretary of State. *See Exhibit 1*, a true and accurate copy of the Notice of Intent to Circulate
21 Statewide Initiative or Referendum Petition associated with Referendum Petition R-01-2022.

22 6. The Petition challenges portions of Assembly Bill 321 ("AB 321"), 81st Leg., Reg.
23 Sess. (Nev. 2021), which Governor Steve Sisolak signed into law on June 2, 2021, expanding
24 voting access for Nevadans in a number of significant ways. In a statement upon the bill's signing,
25 Governor Sisolak celebrated the state's accomplishment: "At a time when state legislatures across
26 the country are attempting to roll back access to the polls, I am so proud that Nevada continues to
27 push forward with proven strategies that make voting more accessible and secure." Press Release,
28 Nevada Governor's Office, *Governor Sisolak signs groundbreaking legislation to expand voting*

1 access in Nevada, increase education funding (June 2, 2021),
2 [https://gov.nv.gov/News/Press/2021/Gov_signs_groundbreaking_legislation_expand_voting acc](https://gov.nv.gov/News/Press/2021/Gov_signs_groundbreaking_legislation_expand_voting_access/)
3 [ess/](https://gov.nv.gov/News/Press/2021/Gov_signs_groundbreaking_legislation_expand_voting_access/).

4 7. The Petition seeks to repeal multiple sections of AB 321 related to mail ballot
5 procedures in Nevada.

6 8. First, the Petition asks voters to reject the sections of AB 321 requiring county and
7 city clerks to send every active registered voter a mail ballot before a primary or general election
8 unless the voter opts out by providing written notice to the county clerk no later than 60 days
9 before the election. *See* Ex. 1 at 2-5 (quoting AB 321 §§ 3, 4, 51, 52).

10 9. Second, the Petition targets AB 321's procedures allowing voters to designate an
11 authorized individual to return their completed mail ballot on their behalf by mail or personal
12 delivery to the county clerk, or any ballot drop box established in the county. *See* Ex. 1 at 3, 5
13 (quoting AB 321 §§ 9(1), 57(1)). Not only does the Petition ask voters to disapprove of this
14 provision, but it also seeks to do away with protections allowing voters who have a physical
15 disability, are over age 65, or are unable to read or write to direct an individual to mark and sign
16 the ballot on their behalf. *See* Ex. 1 at 3 (quoting AB 321 § 7(2)).

17 10. Third, the Petition seeks repeal of AB 321's provisions permitting mail ballots to
18 be counted where the postmark cannot be determined if the ballots are received no later than 5
19 p.m. on the third day following election day. *See* Ex. 1 at 3, 5 ("If a mail ballot is received by mail
20 not later than 5 p.m. on the third day following the election and the date of the postmark cannot be
21 determined, the mail ballot shall be deemed to have been postmarked on or before the day of the
22 election." (quoting AB 321 §§ 8, 56)).

23 11. The Petition includes a description of effect as required by NRS 295.009(1)(b),
24 which reads, in full:

25 This referendum asks the voters to approve or disapprove of the
26 selected provisions of Assembly Bill 321 (AB321) related to
27 changes in the election laws. In 2021 the Legislature enacted
28 changes to election procedures in Nevada to require that each active
registered voter automatically receive a mail ballot, to permit ballot
harvesting, and to require mail ballots without a legible postmark

1 received after the close of the polls be accepted as postmarked on or
2 before the day of the election.

3 If voters approve this referendum, the referenced sections of AB321
4 voting procedure changes cannot be amended, annulled, repealed,
5 set aside, suspended or in any way made inoperative except by direct
6 vote of the people.

7 If the voters disapprove this referendum, then automatically sending
8 mail ballots to all active registered voters, ballot harvesting, and
9 allowing mail ballots without a postmark received after the election
10 day to be counted will be disallowed and cannot be amended,
11 annulled, repealed, set aside, suspended or in any way made
12 inoperative except by direct vote of the people.

13 See Ex. 1 at 6, 7.

14 CAUSE OF ACTION

15 **Violation of Description of Effect Requirement, NRS 295.009(1)(b)**

16 12. The foregoing paragraphs of this Complaint are realleged and fully incorporated as
17 if set forth in full herein.

18 13. NRS 295.009(1)(b) requires that initiative petitions “set forth, in not more than 200
19 words, a description of the effect of the initiative or referendum if the initiative or referendum is
20 approved by the voters.” The purpose of the description is to “prevent voter confusion and promote
21 informed decisions.” *Nevadans for Nev. v. Beers*, 122 Nev. 930, 939, 142 P.3d 339, 345 (2006).
22 Thus, “[t]he importance of the description of effect cannot be minimized, as it is what the voters
23 see when deciding whether to even sign a petition.” *Coal. for Nev. ’s Future v. RIP Com. Tax, Inc.*,
24 No. 69501, 2016 WL 2842925 at *2 (2016) (unpublished disposition) (citing *Educ. Initiative PAC*
25 *v. Comm. to Protect Nev. Jobs*, 129 Nev. 35, 37, 293 P.3d 874, 876 (2013)).

26 14. As the Nevada Supreme Court has recognized, “the description of effect may hold
27 even more impact with respect to a referendum, since merely gathering sufficient signatures to
28 place a referendum on the ballot guarantees a change to the law regardless of the election’s
outcome.” *Id.* (citing Nev. Const. art. 19, § 1(3) (providing that, if the voters approve the
referendum, the statute “shall stand as the law of the state and shall not be amended, annulled,

1 repealed, set aside, suspended or in any way made inoperative except by the direct vote of the
2 people,” and if the voters disapprove the statute or resolution, it is rendered void)).

3 15. “[A] description of effect must be straightforward, succinct, and non-
4 argumentative” and it “[can]not be deceptive or misleading.” *Educ. Initiative PAC*, 129 Nev. at
5 42, 293 P.3d at 879 (internal quotation marks and citation omitted). It must also “explain the[]
6 ramifications of the proposed amendment” in order to allow voters to make an informed decision.
7 *Nev. Judges Ass’n v. Lau*, 112 Nev. 51, 59, 910 P.2d 898, 903 (1996).

8 16. Here, the description of effect is deficient because it is argumentative, confusing,
9 deceptive or misleading, and omits essential information regarding the Petition’s effects.

10 17. The description first misstates that AB 321 “require[s] that each active registered
11 voter automatically receive a mail ballot.” This is false; AB 321 does not so require, as it clearly
12 provides that voters may opt out of receiving a mail ballot. Ex. 1 at 2 (quoting AB 321 § 3(2)).
13 Because it does not correctly describe the law that it seeks to repeal, the description “materially
14 fails to accurately identify the consequences of the referendum’s passage.” *Las Vegas Taxpayer*
15 *Accountability Comm. v. City Council of City of Las Vegas* (“LVTAC”), 125 Nev. 165, 184, 208
16 P.3d 429, 441 (2009) (invalidating a description that stated a “referendum’s passage would halt
17 only new, additional development projects” when it would in fact “also affect existing
18 redevelopment projects”).

19 18. Next, the description is highly argumentative, confusing, and deceptive because it
20 states that AB 321 “permits ballot harvesting.” “Ballot harvesting” is a pejorative term for the
21 assistance family members, civic organizations, and other groups or individuals provide when they
22 collect completed mail ballots and, with the voters’ full authorization, and return them to election
23 officials on behalf of voters who are unable to conveniently return them themselves. Ballot
24 Harvesting, Dictionary.com (July 1, 2021), [https://www.dictionary.com/e/politics/ballot-](https://www.dictionary.com/e/politics/ballot-harvesting/)
25 [harvesting/](https://www.dictionary.com/e/politics/ballot-harvesting/) (“In US politics, the term *ballot harvesting* is most commonly used by critics of the
26 practice of groups or organizations collecting and turning in individual voters’ completed election
27 ballots.”). The phrase has been employed to falsely suggest these groups or individuals are not
28 simply helping eligible voters exercise their fundamental voting rights, but rather fabricating

1 ballots or extorting votes from vulnerable populations in order to commit electoral fraud. *Id.* (“The
2 word *harvesting* is often seen as intending to imply that the practice results in (or is done as part
3 of an effort to engage in) voter fraud.”). Unsurprisingly, the term “ballot harvesting” is never used
4 in AB 321 itself, nor defined anywhere in the Petition, and its inclusion in the description is alone
5 sufficient reason to invalidate it. *See No Solar Tax PAC v. Citizens for Solar & Energy Fairness*,
6 No. 70146, 2016 WL 4182739 at *2 (Nev. 2016) (unpublished disposition) (invalidating a
7 description that “us[ed] terms that are not in the statutory language, such as ‘green energy’”).

8 19. In addition, noticeably absent from the description is the fact that the referendum
9 would do away with protections given to voters who may need assistance completing and
10 delivering their ballots due to age, physical disability, or the inability to read and write. *See Ex. 1*
11 *at 3, 5* (quoting AB 321 §§ 7(2), 9(1), 57(1)). This blatant omission prevents voters from being
12 informed of the Petition’s true effects—that if repealed, a voter who cannot read or write, is
13 physically disabled, or is over age 65, would no longer be able to obtain this assistance—and it is
14 yet another reason the description is invalid. *See Stumpf v. Lau*, 108 Nev. 826, 832, 839 P.2d 120,
15 124 (1992), *overruled on other grounds by Herbst Gaming, Inc. v. Heller*, 122 Nev. 877, 141 P.3d
16 1224.

17 20. The description also blatantly misrepresents AB 321’s provision regarding the
18 acceptance of mail ballots after election day where the postmark cannot be determined. It states
19 that the law “require[s] mail ballots without a legible postmark received after the close of the polls
20 [to] be accepted as postmarked on or before the day of the election,” implying there is no limit to
21 when unpostmarked mail ballots may be received and suggesting that it allows votes to be cast
22 post-election day. *See Ex. 1 at 6, 7*. In fact, the law requires only that mail ballots received “*not*
23 *later than 5 p.m. on the third day following the election*” be treated as timely when a postmark
24 does not indicate otherwise. *See Ex. 1 at 3, 5* (quoting AB 321 §§ 8, 56) (emphasis added). The
25 deadline is highly significant because, given mail delivery speeds, it is virtually certain that mail
26 ballots received in that timeframe were cast on or before election day. The description’s failure to
27 inform potential signatories of this crucial fact is another “fatal omission that effectively prevents
28 the signers from knowing what they are signing.” *Stumpf*, 108 Nev. at 832, 839 P.2d at 124.

1 4. Granting such other relief as the Court deems appropriate.

2 **AFFIRMATION**

3 The undersigned hereby affirm that the foregoing document does not contain the social
4 security number of any person.

5 DATED this 18th day of February, 2022.

6 **WOLF, RIFKIN, SHAPIRO,**
7 **SCHULMAN & RABKIN, LLP**

8 By: 

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EXHIBIT 1

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT 1

NOTICE OF INTENT TO CIRCULATE STATEWIDE INITIATIVE OR REFERENDUM PETITION

State of Nevada



Secretary of State Barbara K. Cegavske

Pursuant to NRS 295.015, before a petition for initiative or referendum may be presented to registered voters for signatures, the person who intends to circulate the petition must provide the following information:

NAME OF PERSON FILING THE PETITION

David G. Gibbs

NAME(S) OF PERSON(S) AUTHORIZED TO WITHDRAW OR AMEND THE PETITION (provide up to three)

1. David G. Gibbs

2.

3.

NAME OF THE POLITICAL ACTION COMMITTEE (PAC) ADVOCATING FOR THE PASSAGE OF THE INITIATIVE OR REFERENDUM (if none, leave blank)

Repair the Vote

Please note, if you are creating a Political Action Committee for the purpose of advocating for the passage of the initiative or referendum, you must complete a separate PAC registration form.

Additionally, a copy of the initiative or referendum, including the description of effect, must be filed with the Secretary of State's office at the time you submit this form.

X

Signature of Petition Filer

28 Jan 22

Date

**REFERENDUM ON THE PROVISION RELATED TO CHANGES IN VOTING PROVISIONS
FROM ASSEMBLY BILL 321 OF THE 2021 LEGISLATIVE SESSION**

Explanation – Matter in *bolded italics* and matter in brackets [~~omitted material~~] is the material from the specified sections of Assembly Bill 321 to be considered for the approval or disapproval in this referendum.

The People of the State of Nevada do enact as follows:

FULL TEXT OF THE PROPOSED MEASURE

Section 1. Section 3 of Assembly Bill 321 of the 2021 Legislative Session:

Sec. 3. 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the absent ballot in 12-point type to a person who is elderly or disabled.

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Section 2. Section 4 of Assembly Bill 321 of the 2021 Legislative Session:

Sec. 4. 1. Except as otherwise provided in subsection 2, section 3 of this act and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the county clerk finds appropriate.

Section 3. Section 7 of Assembly Bill 321 of the 2021 Legislative Session:

Sec. 7. 1. Except as otherwise provided in this section, a person shall not mark and sign a mail ballot on behalf of a voter or assist a voter to mark and sign a mail ballot pursuant to the provisions of sections 3 to 15, inclusive, of this act.

2. At the direction of a voter who has a physical disability, is at least 65 years of age or is unable to read or write, a person may mark and sign a mail ballot on behalf of the voter or assist the voter to mark and sign a mail ballot pursuant to this section.

3. If a person marks and signs a mail ballot on behalf of a voter pursuant to this section, the person must indicate next to his or her signature that the mail ballot has been marked and signed on behalf of the voter.

4. If a person assists a voter to mark and sign a mail ballot pursuant to this section, the person or the voter must include on the return envelope his or her name, address and signature.

Section 4. Section 8 of Assembly Bill 321 of the 2021 Legislative Session:

Sec. 8. 2. If a mail ballot is received by mail not later than 5 p.m. on the third day following the election and the date of the postmark cannot be determined, the mail ballot shall be deemed to have been postmarked on or before the day of the election.

Section 5. Section 9 of Assembly Bill 321 of the 2021 Legislative Session:

Sec. 9. 1. Except as otherwise provided in subsection 2, at the request of a voter whose mail ballot has been prepared by or on behalf of the voter, a person authorized by the voter may return the mail ballot on behalf of the voter by mail or personal delivery to the county clerk, or any ballot drop box established in the county, pursuant to section 8 of this act.

2. Except for an election board officer in the course of the election board officer's official duties, a person shall not willfully:

(a) Impede, obstruct, prevent or interfere with the return of a voter's mail ballot;

(b) Deny a voter the right to return the voter's mail ballot; or

(c) If the person receives the voter's mail ballot and authorization to return the mail ballot on behalf of the voter by mail or personal delivery, fail to return the mail ballot, unless otherwise authorized by the voter, by mail or personal delivery:

(1) Before the end of the third day after the day of receipt, if the person receives the mail ballot from the voter four or more days before the day of the election; or

(2) Before the deadline established by the United States Postal Service for the mail ballot to be postmarked on the day of the election or before the polls close on the day of the election, as applicable to the type of delivery, if the person receives the mail ballot from the voter three or fewer days before the day of the election.

3. A person who violates any provision of subsection 2 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Section 6. Section 24, subsections 2(e) and (f) of Assembly Bill 321 of the 2021 Legislative Session:

Sec. 24. NRS 293.272 is hereby amended to read as follows:

2. The provisions of subsection 1 do not apply to a person who:

~~(e) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath;~~

~~(f) Requests an absent ballot in person at the office of the county clerk;~~

Section 7. Section 51 of Assembly Bill 321 of the 2021 Legislative Session:

Sec. 51. 1. *Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled.*

2. *The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.*

3. *The city clerk shall not distribute a mail ballot to any person who:*

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. *The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.*

5. *Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:*

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. *In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.*

7. *Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.*

Section 8. Section 52 of Assembly Bill 321 of the 2021 Legislative Session:

Sec. 52. 1. *Except as otherwise provided in subsection 2, section 51 of this act and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:*

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. *In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.*

3. *The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.*

4. *Before sending a mail ballot to an active registered voter, the city clerk shall record:*

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the city clerk finds appropriate.

Section 9. Section 56, Subsection 2 of Assembly Bill 321 of the 2021 Legislative Session:

Sec. 56. 2. *If a mail ballot is received by mail not later than 5 p.m. on the third day following the election and the date of the postmark cannot be determined, the mail ballot shall be deemed to have been postmarked on or before the day of the election.*

Section 10. Section 57 of Assembly Bill 321 of the 2021 Legislative Session:

Sec. 57. 1. *Except as otherwise provided in subsection 2, at the request of a voter whose mail ballot has been prepared by or on behalf of the voter, a person authorized by the voter may return the mail ballot on behalf of the voter by mail or personal delivery to the city clerk, or any ballot drop box established in the city pursuant to section 56 of this act.*

2. *Except for an election board officer in the course of the election board officer's official duties, a person shall not willfully:*

(a) Impede, obstruct, prevent or interfere with the return of a voter's mail ballot;

(b) Deny a voter the right to return the voter's mail ballot; or

(c) If the person receives the voter's mail ballot and authorization to return the mail ballot on behalf of the voter by mail or personal delivery, fail to return the mail ballot, unless otherwise authorized by the voter, by mail or personal delivery;

(1) Before the end of the third day after the day of receipt, if the person receives the mail ballot from the voter four or more days before the day of the election; or

(2) Before the deadline established by the United States Postal Service for the mail ballot to be postmarked on the day of the election or before the polls close on the day of the election, as applicable to the type of delivery, if the person receives the mail ballot from the voter three or fewer days before the day of the election.

3. *A person who violates any provision of subsection 2 is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

Section 11. Section 69, Subsection 2E and (f) of Assembly Bill 321 of the 2021 Legislative Session:

Sec. 69. NRS 293C.265 is hereby amended to read as follows:

2. The provisions of subsection 1 do not apply to a person who:

(e) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath;

(f) Requests an absent ballot in person at the office of the city clerk;

Section 14. Section 86, Subsection 5(c) of Assembly Bill 321 of the 2021 Legislative Session:

Sec. 86. NRS 306.040 is hereby amended to read as follows:

5. The call for a special election pursuant to subsection 4 or 7 must include, without limitation:

(e) Whether any person is entitled to vote in the special election in a mailing precinct or an absent ballot mailing precinct pursuant to NRS 293.343 to 293.355, inclusive, or 293C.342 to 293C.352, inclusive.

Section 15. Section 91 of Assembly Bill 321 of the 2021 Legislative Session:

Sec. 91. NRS 293.013, 293.015, 293.213, 293.230, 293.235, 293.243, 293.262, 293.3088, 293.309, 293.3095, 293.310, 293.313, 293.315, 293.316, 293.3165, 293.317, 293.320, 293.323, 293.325, 293.329, 293.330, 293.333, 293.335, 293.340, 293.343, 293.345, 293.350, 293.352, 293.353, 293.355, 293.3673, 293.384, 293.385, 293.8801, 293.8804, 293.8807, 293.8811, 293.8814, 293.8817, 293.8821, 293.8824, 293.8827, 293.8831, 293.8834, 293.8837, 293.8841, 293.8844, 293.8847, 293.8851, 293.8854, 293.8857, 293.8861, 293.8864, 293.8871, 293.8874, 293.8877, 293.8881, 293.8884, 293.8887, 293B.370, 293C.230, 293C.240, 293C.245, 293C.256, 293C.304, 293C.305, 293C.306, 293C.307, 293C.310, 293C.312, 293C.317, 293C.318, 293C.319, 293C.320, 293C.322, 293C.325, 293C.327, 293C.328, 293C.329, 293C.330, 293C.332, 293C.335, 293C.340, 293C.342, 293C.345, 293C.347, 293C.349, 293C.350, 293C.352, 293C.368, 293C.382, 293C.385 and 293C.650 are hereby repealed.

DESCRIPTION OF EFFECT

This referendum asks the voters to approve or disapprove of the selected provisions of Assembly Bill 321 (AB321) related to changes in the election laws. In 2021 the Legislature enacted changes to election procedures in Nevada to require that each active registered voter automatically receive a mail ballot, to permit ballot harvesting, and to require mail ballots without a legible postmark received after the close of the polls be accepted as postmarked on or before the day of the election.

If voters approve this referendum, the referenced sections of AB321 voting procedure changes cannot be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by direct vote of the people.

If the voters disapprove this referendum, then automatically sending mail ballots to all active registered voters, ballot harvesting, and allowing mail ballots without a postmark received after the election day to be counted will be disallowed and cannot be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by direct vote of the people.

County of _____ **(Only registered voters of this county may sign below)**

Petition District _____ **(Only registered voters of this petition district may sign below)**

This Space For
Office Use Only

1	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	COUNTY	
2	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	COUNTY	
3	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	COUNTY	
4	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	COUNTY	
5	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	COUNTY	

Page _____ of _____

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County of _____ (Only registered voters of this county may sign below)

Petition District _____ (Only registered voters of this petition district may sign below)

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6	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	DATE / /	CITY	COUNTY
7	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	DATE / /	CITY	COUNTY
8	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	DATE / /	CITY	COUNTY
9	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	DATE / /	CITY	COUNTY
10	PRINT YOUR NAME (first name, initial, last name)		RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE	DATE / /	CITY	COUNTY

Page _____ of _____

THE FOLLOWING AFFIDAVIT MUST BE COMPLETED AND SIGNED:

AFFIDAVIT OF CIRCULATOR
(TO BE SIGNED BY CIRCULATOR)

STATE OF NEVADA)
)
COUNTY OF _____)

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that

I reside at _____

(print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that the number of signatures affixed thereon is _____; and (6) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

Subscribed and sworn to or affirmed before me this
_____ day of _____, _____, by _____.

Signature of Circulator

Notary Public or person authorized to administer oath

EL501C
Revised 8/2019

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