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Office of the Governor

May 17, 2023

The Honorable Steve Yeager
Speaker of the Nevada State Assembly
Nevada Legislature
401 South Carson Street
Carson City, Nevada 89701

Re: Assembly Bill 354 of the 82nd Legislative Session

Dear Speaker Yeager:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 354 (AB 354), which is titled as follows:

AN ACT relating to firearms; prohibiting, under certain circumstances, the possession of a firearm in or within a certain distance of an election site; revising the definition of the term "firearms importer or manufacturer"; defining certain terms; prohibiting a person from engaging in certain acts relating to unfinished frames or receivers, ready frames or receivers and market frames or receivers; revising provisions relating to certain acts involving unfinished frames or receivers, ready frames or receivers and market frames or receivers which are not imprinted with a serial number under certain circumstances; providing penalties; repealing certain provisions relating to firearms; and providing other matters properly relating thereto.

AB 354 is commendable inasmuch as it aims to increase public confidence in the safety in and around our election process. However, its scope is too broad and there is no notable history of gun violence at election facilities in Nevada.

AB 354 replicates federal and state laws prohibiting intimidation at or near a ballot-box. For example, 18 U.S. Code § 594 makes it unlawful to intimidate, threaten, or coerce a person "for the purpose of interfering" with that individual's right "to vote as he may choose." NRS 293.710 ultimately renders the same actions unlawful in Nevada. Moreover, NRS 293.730 subjects an individual to prosecution for a Category E felony if they, "[r]emain in or outside of any polling place

so as to interfere with the conduct of the election.” The provisions in AB 354 are merely duplicative of these existing laws and do nothing but establish more “gun-free zones.”

Additionally, AB 354 is impermissibly vague in relation to its 100 feet gun-free radius surrounding a “ballot-box.” Ballot boxes appear in common community gathering locations across our state, including grocery stores, shopping centers, gyms, and libraries. It is untenable to prohibit law-abiding citizens from exercising their Second Amendment rights in these areas.

Finally, AB 354’s aim to end the transfer of certain firearm parts and receivers would place an impermissible burden on constitutionally protected conduct because possession of firearms, firearm frames, and receivers is within the scope of the Second Amendment’s right to keep and bear arms. Last fall, a Delaware judge ruled that prohibitions on manufacturing and possession are not “consistent with the nation’s historical tradition of firearm regulation.” *Rigby v. Jennings*, 2022 WL 4448220 at *5, (D. Del. Sept. 2022) (citing *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111, 2130 (2022)).

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,

JOE LOMBARDO
Governor

Enclosure

Cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)
The Honorable Nicole Cannizzaro, Senate Majority Leader (without enclosure)
The Honorable Francisco Aguilar, Secretary of State (without enclosure)
Brendan Bucy, Secretary of the Senate (without enclosure)
Susan Furlong, Chief Clerk of the Assembly (without enclosure)
Brenda Erdoes, Esq., Legislative Counsel (without enclosure)