

LCB File No. R086-00

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption, Amendment, and Repeal of Regulations of the
Secretary of State

The Secretary of State will hold a public hearing at **10 am, on Thursday, July 13, 2000, at the Legislative Building, 401 South Carson Street, Room 2144, Carson City, Nevada 89701 and teleconferenced to the Sawyer Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada 89101.** The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, and repeal of regulations pertaining to chapters 293, 293B, 293C, 295, and 306 of the Nevada Administrative Code.

The following information is provided pursuant to the requirement of NRS 233B.060:

1. The need for and the purpose of the proposed regulation or amendment.

These regulations are needed to update the NAC as a result of legislative changes, requests by the county clerks/registrars of voters, and changes deemed appropriate by the Secretary of State.

2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.

These regulations deal with processing absent ballot, the certified list of candidates, inactive voters, voter registration applications, the ballot security plan, recall, and petitions.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

- (a) both adverse and beneficial effects; and
- (b) both immediate and long-term effects.

- (a) There will be no adverse or beneficial economic effects of the regulations on business or the public.

- (b) There will be no immediate or long-term economic effects on business or the public.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There is no estimated cost to the Secretary of State for enforcement of the regulations.

5. A description of, and citation to, any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why

the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

These regulations do not overlap or duplicate any other state, local governmental agency, or federal regulation.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

These regulations are not required by federal law.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

These regulations are not required by federal law.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

These regulations do not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Secretary of State may appear at the public hearing or may address their comments, data, views or arguments, in written form, to Susan Morandi, Deputy for Elections, Secretary of State's Office, 101 North Carson Street, Suite 3, Carson City, Nevada 89701; (775) 684-5705; nvelect@govmail.state.nv.us. Written submissions must be received by the Secretary of State on or before July 12, 2000. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Secretary of State may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted, amended, and repealed will be available at the Election Division, Secretary of State's Office, 101 North Carson Street, Suite 3, Carson City, Nevada 89701; (775) 684-5705; the Secretary of State's Office, 1755 East Plumb Lane, Suite 231, Reno, Nevada 89502; (775) 688-1855; and the Secretary of State's Office, 555 East Washington Avenue, Suite 5200, Las Vegas, Nevada 89101; (702) 486-2440 and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the

principal reasons for and against its adoption, and incorporate therein its reasons for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

The Capitol Building, 101 North Carson Street, Carson City, Nevada 89701

The State Library, 100 North Stewart Street, Carson City, Nevada 89701

The Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada 89101

Dated this 9th day of June, 2000.

Notice of Workshop to Solicit Comments on Proposed Regulation

The Secretary of State is proposing the adoption and amendment of regulations pertaining to chapters 293 and 294A of Nevada Administrative Code. A workshop has been set for **9:30 am, on Friday, April 28, 2000, at the Legislative Building, 401 South Carson Street, Room 2144, Carson City, Nevada 89701 and teleconferenced to the Sawyer Building, 555 East Washington Avenue, Room 4412B and C, Las Vegas, Nevada 89101.** The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

Election and campaign financing issues.

A copy of all materials relating to the proposal may be obtained at the workshops or by contacting the Election Division, Secretary of State's Office, 101 North Carson Street, Suite 3, Carson City, Nevada 89701-4786; (775) 684-5705; nvelect@govmail.state.nv.us; www.sos.state.nv.us. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

The Capitol Building, 101 North Carson Street, Carson City, Nevada 89701

The State Library, 100 North Stewart Street, Carson City, Nevada 89701

The Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada 89101

Date: April 12, 2000

PROPOSED REGULATION OF THE SECRETARY OF STATE

May 2, 2000

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

AUTHORITY: NRS 293.124(2), 293.247(1) & (2), 294A.380 and 306.011

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provision set forth as section 2 of this regulation.

Sec. 2. 1. *On the fourth working day before an election, the county clerk may deliver absent voter ballots to the absent ballot central counting board. Upon receipt of ballots, the board shall:*

- a. Sort the ballots by precinct or voting district;*
 - b. Count the number of ballots by precinct or voting district;*
 - c. Account for all ballots on an official statement of ballots;*
 - d. Duplicate the ballots, if necessary; and*
 - e. Place all official ballots in the container provided to transport those items to a central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the voted ballots to the central counting place.*
- 2. The county clerk must post a statement notifying the public in his office at least 2 working days in advance.*
- 3. The county clerk shall allow members of the general public to observe the handling of the absent ballots if those members do not interfere with the handling of the ballots.*

Sec. 3. NAC 293.050 is hereby amended to read as follows:

1. ~~[On or before the second Wednesday in June,]~~ *Not later than 5 working days after the last day upon which any candidate on the list may withdraw candidacy pursuant to NRS 293.202,* each county clerk shall send to the secretary of state a list certified by him which contains the name and mailing address of each person who is a nonpartisan candidate, ~~[or]~~ a candidate of a major political party, *a candidate of a minor political party or an independent candidate* for a county, district or township office.

2. ~~[Each county clerk shall, not later than the second Wednesday in July, send to the secretary of state a list certified by him which contains the name and mailing address of each person who is a candidate of a minor political party or an independent candidate for a county, district or township office.~~

~~3.] On or before the second Wednesday in July,~~ *Not later than 5 working days after the last day upon which any candidate on the list may withdraw candidacy pursuant to NRS 293.202,* the secretary of state will send to each county clerk a list certified by him which contains the name and mailing address of each person for whom a declaration of candidacy or an acceptance of candidacy has been filed in his office who is a candidate of a minor political party or an independent candidate.

Sec. 4. NAC 293.412 is hereby amended to read as follows:

1. A county clerk:
 - (a) May maintain a separate list of inactive voters or designate inactive voters as such on regular lists of registered voters and election board registers.
 - (b) Shall, at the request of the secretary of state, report to the secretary of state the total number of inactive voters.

2. ~~The number of inactive voters must be included in any calculation used to determine the percentage of registered voters participating in an election.~~

~~3.~~ The name of each inactive voter:

(a) Must be included on any list made available for public inspection pursuant to NRS 293.440 unless the person requesting the list requests the exclusion of those names.

(b) Must not be included on any list made available for public inspection pursuant to NRS 293.557.

~~4.~~ 3. The signature of an inactive voter shall be deemed to be the signature of a registered voter for all purposes regarding any petition authorized or required pursuant to Title 24 of NRS.

~~5.~~ 4. Except as otherwise provided in the subsection, for the purpose of mailing sample ballots, an inactive voter shall be deemed not to be a registered voter unless he requests the city or county clerk, in person, in writing or by telephone, to provide him with a sample ballot. A county or city clerk shall mail sample ballots to all inactive voters in a mailing precinct.

~~6.~~ 5. As used in this section, “inactive voter” means a voter designated as inactive pursuant to NRS 293.530 whose registration has not been canceled.

Sec. 5. NAC 293.420 is hereby amended to read as follows:

1. The secretary of state will create a standard form for use by persons who are applying to register to vote by mail. The form will include:

(a) An application to register to vote by mail;

(b) An explanation of Nevada’s laws on closed primary elections;

(c) Instructions to assist the applicant in completing the application;

(d) A notice stating that the application will not be processed unless an identification number is on the application;

(e) A list of the addresses and telephone numbers of county election officers;

(f) A notice that the application must be complete before it is effective; and

(g) Instructions to the applicant to contact the county clerk if the applicant does not within 20 days after he submits the application to the county clerk receive his voter registration card indicating that his registration has been accepted.

2. The secretary of state will assign a ~~unique~~ control number to each application and will determine the sequence of the control numbers. The control numbers will consist of a two-digit alphabetical code followed by a five-digit numerical code.

3. The control number must be printed on a duplicate copy of the application marked as the receipt and on the application to be returned to the county clerk.

4. Each county clerk shall, after obtaining a series of control numbers from the secretary of state, cause the forms to be printed. The county clerk shall continue to make available a sufficient number of the forms to meet the needs of the residents of the county.

Sec. 6. NAC 293B.040 is hereby amend to read as follows:

1. A county clerk in a county using a mechanical voting system shall:

(a) Store ballot cards upon receipt in a vault or secure area that is accessible only by the county clerk and persons designated by him;

(b) Provide for the security and protection of the stored ballot cards;

(c) Control access to the stored ballot cards; and

(d) Maintain a record of the persons allowed access to the stored ballot cards.

2. The ballot statement must include the time that ballot boxes are removed from the polling place to be taken to the central counting place.

3. Except as otherwise provided in this subsection, each county clerk shall, not later than

~~[April 1 of each year,]~~ *90 days before the election*, submit to the secretary of state for approval, a plan to carry out the provisions of ~~[paragraph (1) of]~~ subsection 2 of NRS 293.247. If there is no change to the plan submitted in the previous year, the county clerk is not required to submit another plan to the secretary of state. The county clerk shall notify the secretary of state, in writing, if there is no change to the plan. The plan must include, without limitation:

- (a) The person who is responsible for transporting the ballot box from the polling place to the central counting place;
- (b) The time allotted for travel from the polling place to the central counting place; and
- (c) The method for verifying the number of marked and unmarked ballots.

Sec. 7. NAC 294A.080 is hereby amended to read as follows:

1. The form of the report of campaign contributions required to be filed pursuant to NRS 294A.120 or 294A.125 must include the number of contributions of \$100 or less that have been received by a candidate.

2. On the form of the report of campaign contributions required to be filed pursuant to NRS 294A. 120 or 294A.125 ~~[and the simplified form that a candidate who has received less than \$1,000 in campaign contributions may file pursuant to NRS 294A.385,]~~ if a candidate has received a series of contributions from any natural person or other entity during a reporting period and the contributions total over \$100, the series must be treated as a single contribution and be separately identified on the candidate's report, with the name and address of the contributor and the date of each contribution in the series.

Sec. 8. NAC 294A.085 is hereby amended to read as follows:

1. The form of the report of campaign contributions required to be filed pursuant to NRS 294A.120 or 294A.125 must include the number of contributions of \$100 or less that have been received by a candidate.

2. On the form of the report of campaign contributions required to be filed pursuant to NRS 294A.120 or 294A.125 ~~[and the simplified form that a candidate who has received less than \$1,000 in campaign contributions may file pursuant to NRS 294A.385]~~, if a candidate has received a series of contributions from any natural person or other entity during a reporting period and the contributions total over \$100, the series must be treated as a single contribution and be separately identified on the candidate's report, with the name and address of the contributor and the date of each contribution in the series.

Sec. 9. NAC 306.018 is hereby amended to read as follows:

~~[1. If the county clerk was not the filing officer with whom a public officer to be recalled filed his declaration of candidacy, the county clerk shall notify the filing officer with whom such public officer filed his declaration of candidacy, in writing, within 1 day after a petition to recall a public officer is submitted for signature verification pursuant to subsection 3 of NRS 306.015 and inform the filing officer on what date the petition was submitted.~~

~~2].~~ A county clerk may, after he verifies the number of signatures contained in a petition to recall a public officer pursuant to NRS 293.1277, notify the secretary of state by telephone of the number of verified signatures contained in the petition.

Sec. 10. NAC 295.030 is hereby repealed.