

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB FILE NO. R031-25I

**The following document is the initial draft regulation proposed
by the agency submitted on 08/22/2025**

**COMPLAINTS ALLEGING VIOLATION OF TITLE III OF HELP AMERICA VOTE
ACT OF 2002 *OR TITLE 24 OF NRS***

NAC 293.510 “Respondent” defined. (NRS 293.124, 293.247, 293.4685) “Respondent” means a state or local election official, *political candidate, employee of the State or County government, a group of individuals, or an individual member of the public* against whom a complaint is filed pursuant to NAC 293.515. Added to NAC by Sec’y of State by R077-03, eff. 12-4-2003)

NAC 293.515 Filing; form; delivery of copy to respondents. (NRS 293.124, 293.247, 293.4685)

1. A person who believes that a violation of Title III of the Help America Vote Act of 2002, Public Law 107-252, 52 U.S.C. §§ 21081 to 21102, inclusive, has occurred, is occurring or is about to occur ~~may file a complaint with the Office of the Secretary of State, or~~

2. A person who believes that a violation of Title 24 of the Nevada Revised Statutes, NRS 281, or other chapter of statute relating to the conduct of an election, the qualifications or term of a public officer, the conduct of a petition including the gathering, submission, and review of signatures pursuant to NRS 293.1276 or NRS 293.1277, or the ethical or financial conduct by a candidate, public officer, or certain committees as defined in NRS 294A, inclusive, has occurred, is occurring or is about to occur.

↪ *may file a complaint with the Office of the Secretary of State.*

23. A complaint filed pursuant to subsection 1 must:

(a) Be in writing, notarized and signed and sworn to by the complainant *and submitted via US Mail, electronic mail, or fax using the form prescribed by the Secretary of State.* ~~If the Secretary of State prescribes a form for the complaint, the complaint must be filed on that form.~~

(b) Provide the name of each respondent and a concise statement of the facts of the alleged violation of 52 U.S.C. §§ 21081 to 21102 inclusive.

(c) Be filed in the Office of the Secretary of State:

(1) Not later than 60 days after the occurrence of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation of 52 U.S.C. §§ 21081 to 21102, inclusive, is about to occur; or

(2) Not later than 60 days after the complainant knew or, with the exercise of reasonable diligence, should have known of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation of 52 U.S.C. §§ 21081 to 21102, inclusive, is about to occur,

↪ whichever is later.

4. A complaint filed pursuant to subsection 2 must:

(a) Be in writing and signed by the complainant and submitted via US Mail, electronic mail, or fax using the form prescribed by the Secretary of State.

(b) Provide the name of each respondent and a concise statement of the facts of the alleged violation of Title 24 or NRS 281.5555-NRS 281.581, inclusive.

(c) Be filed in the Office of the Secretary of State:

(1) Not later than 60 days after the occurrence of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation of Title 24 or NRS 281.5555-NRS 281.581 inclusive, is about to occur; or

(2) Not later than 60 days after the complainant knew or, with the exercise of reasonable diligence, should have known of the action or event that forms the basis for the

complaint or for the belief of the complainant that a violation of Title 24 or NRS 281.5555-NRS 281.581 inclusive, is about to occur,

↪ *whichever is later.*

35. The complainant shall mail or deliver a copy of the complaint to each respondent not later than the date on which the complaint is filed.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003; A by R088-21, 2-28-2022)

NAC 293.520 Review; dismissal and refiling. (NRS 293.124, 293.247, 293.4685)

1. The Secretary of State or a designee thereof will review each complaint filed pursuant to NAC 293.515 to determine whether the complaint:

(a) States a violation of 52 U.S.C. §§ 21081 to 21102, *Title 24 or NRS 281.5555-NRS 281.581* inclusive; and

(b) Complies with the requirements of NAC 293.515.

2. If a complaint *or complainant*:

(a) fails to state a violation of 52 U.S.C. §§ 21081 to 21102, *Title 24 or NRS 281.5555-NRS 281.581* inclusive, or,

(b) does not comply with the requirements of NAC 293.515, *or,*

(c) *is uncooperative in the investigation or determination of his or her case. For purposes of this paragraph, a complainant will be deemed uncooperative if:*

a. The Complainant verbally or physically abuses or threatens a member of the Secretary of State; or

b. The Complainant exhibits any other behavior that the Secretary of State deems to hinder the resolution or determination of his/her case.

(d) *Requests the Secretary of State to close the case or withdraws the accusation.*

(e) *Settle the case outside of Secretary of State involvement.*

↪ the complaint will be dismissed without further action and notice of the dismissal will be provided to the complainant.

3. Except as otherwise provided in subsection 4, a complainant whose complaint has been dismissed pursuant to this section may refile the complaint within the time set forth in paragraph (c) of subsection 2 of NAC 293.515.

4. A complainant whose complaint has been dismissed for failure to state a violation of 52 U.S.C. §§ 21081 to 21102, *Title 24 or NRS 281.5555-NRS 281.581* inclusive, may refile the complaint only one time.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003; A by R088-21, 2-28-2022)

NAC 293.530 Hearing: Request; date; notice; nature. (NRS 293.124, 293.247, 293.4685)

1. A complainant may request in a complaint filed *relating to a violation of 52 U.S.C. §§ 21081 to 21102, inclusive* ~~pursuant to NAC 293.515~~ that the Secretary of State hold a hearing on the complaint.

2. If a complainant requests a hearing in accordance with subsection 1, the Secretary of State or a designee thereof will conduct a hearing on the complaint, unless the complaint is dismissed pursuant to NAC 293.520. The hearing will be held not sooner than 10 days but not later than 30 days after a request for a hearing has been made in accordance with subsection 1.

3. The Secretary of State will provide notice of the date, time and place of the hearing at least 10 business days before the hearing:

(a) By mailing a copy of the notice to the complainant, each respondent and any interested person who has requested in writing to be advised of the hearing;

(b) By posting a copy of the notice in a prominent place at the Office of the Secretary of State that is available to the general public; and

(c) By posting a copy of the notice on the website of the Secretary of State.

4. A hearing held pursuant to this section is not a contested case for the purposes of chapter 233B of NRS.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.540 Review and determination when no hearing requested. (NRS 293.124, 293.247, 293.4685)

1. If a complainant has not requested a hearing on a complaint filed relating to a violation of 52 U.S.C. §§ 21081 to 21102, inclusive pursuant to NAC 293.515, or the allegation is related to a violation of Title 24 or NRS 281.5555-NRS 281.581 inclusive, the Secretary of State or a designee thereof will review the complaint and any accompanying record and determine whether, by a preponderance of the evidence, a violation of 52 U.S.C. §§ 21081 to 21102, Title 24 or NRS 281.5555-NRS 281.581 inclusive, has occurred, is occurring or is about to occur.

2. The review of the complaint and any accompanying record may include but is not limited to the conduct of interviews and hearings, the review of applicable filing documents and databases, and the review of personally identifiable information in the possession of any agency or subdivision of the state. The Secretary of State may utilize the services of state and local agencies charged with the administration of elections security or the services of appropriate federal agencies. To the extent relevant, the Secretary of State may utilize information gathered by such agencies.

3. In reviewing the complaint, the Secretary of State may send to the party against whom an alleged allegation is made:

(a) A copy of the election complaint with any supporting documents provided by the Complainant.

4. As a part of each investigation, the Complainant and the Respondent may:

(a) Submit any evidence that they deem material or relevant to the investigation;

(b) Identify any witness; or

(c) Submit a statement from a witness.

5. When responding to an inquiry by the Secretary of State pursuant to this chapter,

(a) A Complainant may represent himself or designate someone to represent them.

(b) The Respondent may represent themselves or designate someone to represent them.

6. An attorney representing the Complainant or the Respondent pursuant to subsection 5, in any matter before the Secretary of State must:

(a) Before acting as the attorney for the Complainant or the Respondent, submit to the Secretary of State a letter of representation which states that the attorney will represent the person in the matter.

7. If the allegation is relating to a violation of 52 U.S.C. §§ 21081 to 21102, inclusive and the Secretary of State is a respondent in the complaint, the Secretary of State will appoint an independent professionally qualified person to act as the designee pursuant to this section.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003; A by R088-21, 2-28-2022)

NAC 293.545 Remedial action or dismissal; issuance of final determination. (NRS 293.124, 293.247, 293.4685)

1. If the Secretary of State or a designee thereof, whether acting as a hearing officer pursuant to NAC 293.535 or reviewing a complaint pursuant to NAC 293.540, determines that a violation of 52 U.S.C. §§ 21081 to 21102, *Title 24 or NRS 281.5555-NRS 281.581* inclusive, has occurred, is occurring or is about to occur, the Secretary of State or the designee will provide the appropriate remedy, including, without limitation, an order to a respondent commanding the respondent to take specified action or prohibiting the respondent from taking specified action, with respect to a past or future election. Such a remedy will not include an award of money damages or attorney's fees.

2. If the Secretary of State or the designee, whether acting as a hearing officer pursuant to NAC 293.535 or reviewing a complaint pursuant to NAC 293.540, determines that a violation of 52 U.S.C. §§ 21081 to 21102, *Title 24 or NRS 281.5555-NRS 281.581* inclusive, has not occurred, is not occurring or is not about to occur, the Secretary of State or the designee will dismiss the complaint.

3. The Secretary of State or the designee will issue a final determination on a complaint made pursuant to subsection 1 or 2 in writing. The final determination will include an explanation of the reasons for the determination and, if applicable, the remedy selected.

4. Except as otherwise provided in NAC 293.550, a final determination of the Secretary of State or the designee on a complaint will be issued within 90 days after the complaint is filed, unless the complainant consents in writing to an extension. The final determination will be:

(a) Mailed to the complainant, each respondent and any interested person who has requested in writing to be advised of the final determination;

(b) Posted on the website of the Secretary of State; and

(c) Made available by the Secretary of State, upon request, to any interested person.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003; A by R088-21, 2-28-2022)

NAC 293.550 Proceedings for alternative dispute resolution. (NRS 293.124, 293.247, 293.4685)

1. If the Secretary of State or a designee thereof does not render a final determination on a complaint filed *relating to a violation of 52 U.S.C. §§ 21081 to 21102, inclusive* ~~pursuant to NAC 293.515~~ within 90 days after the complaint is filed, or within any extension period to which the complainant has consented, the Secretary of State will, on or before the fifth business day after the final determination was due to be issued, initiate proceedings for alternative dispute resolution by:

(a) Retaining an independent, professionally qualified person to act as an arbitrator, if the complainant consents in writing to his or her appointment as the arbitrator at the time of the appointment; or

(b) Designating in writing to the complainant the name of an arbitrator to serve on an arbitration panel to resolve the complaint. If proceedings for alternative dispute resolution are initiated pursuant to this paragraph, not later than 3 business days after the complainant receives such a designation from the Secretary of State, the complainant shall designate in writing to the Secretary of State the name of a second arbitrator. Not later than 3 business days after such a

designation by the complainant, the two arbitrators so designated shall select a third arbitrator to complete the panel.

2. The arbitrator or arbitration panel may review the record compiled in connection with the complaint, including, without limitation, the audio recording of the hearing, any transcript of the hearing and any briefs or memoranda submitted by the parties but shall not receive any additional testimony or evidence unless the arbitrator or arbitration panel requests that the parties present additional briefs or memoranda.

3. The arbitrator, or arbitration panel by a majority vote, shall determine the appropriate resolution of the complaint.

4. The arbitrator or arbitration panel shall issue a written resolution of the complaint not later than 60 days after the final determination of the Secretary of State was due pursuant to NAC 293.545. This period for issuing a written resolution will not be extended.

5. The final resolution of the arbitrator or arbitration panel will be:

(a) Mailed to the complainant, each respondent and any other person who requested in writing to be advised of the final resolution;

(b) Posted on the website of the Secretary of State; and

(c) Made available by the Secretary of State, upon request, to any interested person.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

******(NEW)**** NAC 293.565 Confidentiality of Information**

1. Any information gathered by the Secretary of State in the course of its investigation of an alleged elections complaint submitted pursuant to NAC 293.515 is confidential. This includes:

(a) Any investigative notes or letters,

(b) Emails and correspondence to and from witnesses,

(c) reports,

(d) any other correspondences made by the Secretary of State,

(e) or other related documents.

2. The SOS shall disclose redacted information gathered if:

(a) An individual files a Freedom of Information Act Request (FOIA).

(b) An action has been filed in court concerning the complaint.

3. Non-confidential information that can be included in the final determination pursuant to NAC 293.545 will be made available to the public and will be:

(a) Mailed to the complainant, each respondent and any interested person who has requested in writing to be advised of the final determination;

(b) Made available by the Secretary of State, upon request, to any interested person.