

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB FILE NO. R103-25I

**The following document is the initial draft regulation proposed
by the agency submitted on 12/04/2025**

Proposed Regulation

Authority: NRS 293.124; NRS 293.247; NRS 293.535

******(NEW)**** NAC 293.XXX Written Challenges pursuant to NRS 293.535; oath or affirmation of challenged person. (NRS 293.124, 293.247, 293.535)**

1. A written challenge authorized by NRS 293.535 must:

(a) Be on a form prescribed by the Secretary of State;

(b) Be filed with the county clerk; and

(c) Contain, in addition to any other required information:

(1) The address and, if readily available, the telephone number of the person whose right to vote is challenged;

(2) The number of the precinct in which the person whose right to vote is challenged is registered to vote;

(3) The name, address and telephone number of the person filing the challenge;

(4) The date of the challenge;

(5) A statement of the facts upon which each ground for the challenge is based;

(6) A statement that the challenge is based on personal knowledge of the facts upon which each ground for the challenge is based; and

(7) Any documentation or evidence supporting the facts upon which each ground for the challenge is based.

2. As used in this section, “personal knowledge” means that the person who files the challenge has firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based. “Personal knowledge” does not include speculation, information received about a person from a different person, or information based on third-party reporting, databases, or other compilations of information.

3. After receiving a challenge pursuant to NRS 293.535, a County Clerk has an affirmative duty to determine whether the challenger is eligible to file a challenge under the statute as an “elector or other reliable person.” In reaching this determination the County Clerk must rely on the following:

(a) If a challenger is a registered voter in Nevada, they fulfill the elector requirement.

(b) If a challenger is not a registered voter in Nevada, they must include in their affidavit a statement of fact that they are an elector as defined by NRS 293.055.

(c) If a challenger does not qualify as an elector, the County Clerk should consider them to be a reliable person:

(1) if they have provided the affirmation and all information required by NAC 293.XXX(1), including a statement of facts upon which each ground for the challenge is based that supports “personal knowledge” as defined by 293.XXX(2), and,

(2) the County Clerk has assessed the person as credible, considering factors such as any inconsistent statements, any reputation for untruthfulness, and any potential bias.

(d) The assessment conducted pursuant to subsection (c) should be memorialized and maintained by the County Clerk’s office.

(e) The assessment conducted pursuant to subsection (c) may be:

(1) updated as new information becomes available and may be shared between state, county, and city elections officials;

(2) considered to be valid for the purposes of accepting a written challenge under NRS 293.535.