

PROPOSED REGULATION OF THE SECRETARY OF STATE

LCB File No. R103-25

December 17, 2025

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

AUTHORITY: § 1, NRS 293.124, 293.247 and 293.535.

A REGULATION relating to elections; establishing requirements for affidavits filed to allege certain claims regarding the citizenship or residency of a registrant; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the county clerk to notify a registrant if any elector or other reliable person files an affidavit with the county clerk stating that the registrant: (1) is not a citizen of the United States; or (2) has moved and established residence outside of the boundaries of the county where he or she is registered to vote with the intention to remain there indefinitely and abandon his or her residence in the county. (NRS 293.535) Existing regulations establish requirements for the form and content of certain written challenges for the right to vote of a person. (NAC 293.416) This regulation establishes such requirements for an affidavit filed with the county clerk by an elector or other reliable person to challenge the registration of a voter on the grounds of citizenship or residency by requiring the affidavit to be on a form prescribed by the Secretary of State and contain certain information. This regulation additionally requires a county clerk, upon receipt of the affidavit, to conduct an assessment to determine whether the person who filed the affidavit is an “elector” or “other reliable person.” Finally, this regulation requires a county clerk to maintain certain records relating to this assessment for at least 2 years and authorizes the county clerk to share such a record with the Office of the Secretary of State or another county clerk or a city clerk upon request.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto a new section to read as follows:

1. An affidavit filed with a county clerk pursuant to NRS 293.535 must be on a form prescribed by the Secretary of State and contain, in addition to any other required information:

(a) The address and, if known or readily available, the telephone number of the registrant;

- (b) The number of the precinct in which the registrant is registered to vote;*
- (c) The name, address and telephone number of the person filing the affidavit;*
- (d) The date of the filing of the affidavit;*
- (e) A statement of the facts upon which the affidavit is based;*
- (f) A statement that the affidavit is based on personal knowledge of the facts upon which the affidavit is based;*
- (g) Any documentation or evidence supporting the facts upon which the affidavit is based;*
and
- (h) If the person who filed the affidavit is not a registered voter in this State but qualifies as an elector, a statement that he or she is an elector.*

2. Upon receipt of an affidavit filed pursuant to NRS 293.535, the county clerk shall determine whether the person is an elector or other reliable person who is eligible to file the affidavit. For the purposes of making this determination, the county clerk shall determine the person is eligible as:

- (a) An elector, if the person:*
 - (1) Is a registered voter in this State; or*
 - (2) Includes in his or her affidavit, the statement required pursuant to paragraph (h); or*
- (b) A reliable person, if the person:*
 - (1) Files the affidavit with all information required pursuant to subsection 1; and*
 - (2) Is determined by the county clerk to be credible based on an assessment conducted by the county clerk pursuant to subsection 3.*

3. When conducting an assessment pursuant to subparagraph (2) of paragraph (b) of subsection 2, the county clerk shall consider any factors relevant to the credibility of the

information contained in the affidavit or the person who filed the affidavit, including, without limitation, whether the affidavit contains inconsistent statements or if the person who filed the affidavit has a reputation for untruthfulness or any potential bias towards the registrant. The county clerk may update this assessment as new information becomes available.

4. A county clerk shall maintain a record of the assessment conducted pursuant to subparagraph (2) of paragraph (b) of subsection 2 for at least 2 years and may share the assessment with the Office of the Secretary of State or another county clerk or a city clerk upon request.

5. As used in this section, “personal knowledge” means firsthand knowledge through experience or observation of the facts upon which the affidavit filed pursuant to NRS 293.535 is based. The term does not include speculation or knowledge obtained from a third party, including, without limitation, information obtained from the review of data in a database or other compilation of information.