

**ADOPTED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R042-25

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

AUTHORITY: §§ 1-4, NRS 293.124 and 293.530.

A REGULATION relating to elections; requiring county clerks to mail written notices after each primary or general election to certain registered voters under certain circumstances; requiring county clerks to mail voter registration cards to all registered voters in odd-numbered years; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, under certain circumstances, that county clerks designate certain registered voters as inactive. (NRS 293.530) If a registered voter is designated as inactive, the county or city clerk is not required to send the registered voter mail ballots or sample ballots in future elections. (NRS 293.269911, 293.269913, 293C.263, 293C.26312; NAC 293.412) A registered voter who is designated as inactive may still vote in person at a polling place. (NAC 293.412)

Section 2 of this regulation requires, for the purposes of determining whether a registered voter must be designated as an inactive voter after a primary election or general election, each county clerk to, under certain circumstances, mail written notice that complies with the applicable requirements of federal and state law to every registered voter in the county for whom a sample ballot or mail ballot that was mailed to the registered voter for the primary election or general election was returned by the United States Postal Service as undeliverable.

Section 3 of this regulation requires that, on or before certain deadlines in odd-numbered years, each county clerk mail a voter registration card to every registered voter in the county to confirm the address of the registered voter. If a voter registration card is returned as undeliverable, **section 3** further requires the county clerk to mail written notice that complies with the applicable requirements of federal and state law for purposes of determining whether the registered voter must be designated as an inactive voter.

Section 4 of this regulation clarifies that the provisions of **sections 2 and 3** shall not be construed to prohibit a county clerk from cancelling the voter registration of a person under certain circumstances, including if the person: (1) dies; (2) is convicted of a felony and is currently incarcerated; or (3) requests that his or her voter registration be cancelled.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. 1. *For purposes of determining whether a registered voter must be designated as an inactive voter after a primary election or general election:*

(a) Each county clerk shall mail written notice that complies with the applicable requirements of 52 U.S.C. § 20507 and NRS 293.530 to every registered voter in the county for whom a sample ballot or mail ballot that was mailed to the registered voter for the primary election was returned by the United States Postal Service as undeliverable and received by the county clerk on or before the day of the primary election. The written notice required by this paragraph must be mailed to the registered voter not earlier than the day after the canvass of the primary election but not later than 125 days before the general election.

(b) Each county clerk shall mail written notice that complies with the applicable requirements of 52 U.S.C. § 20507 and NRS 293.530 to every registered voter in the county for whom a sample ballot or mail ballot that was mailed to the registered voter for the general election was returned by the United States Postal Service as undeliverable. The written notice required by this paragraph must be mailed to the registered voter not later than 90 days after the general election.

2. Any written notice mailed to a registered voter pursuant to this section must indicate clearly that the written notice is official elections mail from the county clerk.

3. To the extent authorized by legislative appropriation, the Secretary of State will reimburse a county clerk for the costs of mailing any notice pursuant to this section.

Sec. 3. 1. *On or before the first business day in August of an odd-numbered year immediately preceding the presidential preference primary election and on or before the first business day in October of an odd-numbered year that is not immediately preceding a presidential preference primary election, each county clerk shall mail a voter registration card*

that contains the information required pursuant to NRS 293.484 to every registered voter in the county to confirm the address of the registered voter.

2. A voter registration card mailed to a registered voter pursuant to subsection 1 must indicate clearly that the voter registration card is official elections mail from the county clerk.

3. If a voter registration card that was mailed to a registered voter pursuant to subsection 1 is returned by the United States Postal Service as undeliverable, the county clerk shall mail to the registered voter written notice that complies with the applicable requirements of 52 U.S.C. § 20507 and NRS 293.530 for purposes of determining whether the registered voter must be designated as an inactive voter.

4. To the extent authorized by legislative appropriation, the Secretary of State will reimburse a county clerk for the costs of mailing voter registration cards pursuant to this section.

Sec. 4. *The provisions of sections 2 and 3 of this regulation shall not be construed to prohibit a county clerk from cancelling the voter registration of a person pursuant to NRS 293.540, including, without limitation, if the person:*

- 1. Dies;*
- 2. Is convicted of a felony and is currently incarcerated; or*
- 3. Requests that his or her voter registration be cancelled.*