

LCB File No. R013-00

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

January 18, 2000

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

AUTHORITY: NRS 293.247, 293.507(6), 294A.380, and 306.011

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 through 5, inclusive, of this regulation.

Sec. 2. *Pursuant to the provisions of NRS 293.507, the secretary of state shall assign an individual series of identification numbers to each county. Each number shall be comprised of twelve characters.*

1. The first nine characters shall be for use by the county clerk in assigning a number to each voter registration application for which the voter has not provided or will not provide an identification number.

2. The last three characters shall be a county designation comprised of three letters assigned by the secretary of state.

Sec. 3. *The absent ballot request form prescribed by the secretary of state pursuant to NRS 293.3095 shall be 8 1/2" by 5 1/2". The following information shall be included with the absent ballot request form:*

1. A statement that a person requesting an absent ballot is not entitled to vote at a polling place unless the absent ballot has been surrendered to the county clerk.

2. The name and address of the county clerk in the county in which the voter requesting an absent ballot resides.

3. An absent ballot request form shall contain the name of only one registered voter and must include the Voter Application Registration Number, if known.

4. An absent ballot request form must be received by the clerk before 5 p.m. on the Tuesday preceding the election.

Sec. 4. *Within 5 days of the completion of a recount demanded pursuant to NRS 293.403, the results of the recount shall be canvassed. If the candidate or ballot question was voted for at any election in one county, the board of county commissioners shall conduct the canvass. If the candidate or ballot question was voted for at any election in more than one county, the boards of county commissioners shall conduct the canvass and report the results to the secretary of state. If the candidate or ballot question was voted for at any election in a city, the city council shall conduct the canvass.*

Sec. 5. *A county clerk may begin processing an absent voter's ballot pursuant to NRS 293.325(2) or (3) 5 working days before an election if the clerk, at least, posts a statement so notifying the public in his office at least 2 working days in advance.*

Sec. 6. NAC 293.182 is hereby amended to read as follows:

1. If a petition consists of more than one document, each of those documents must, in addition to any other requirements:

(a) Contain sequentially numbered spaces for:

- (1) The name of each person signing the petition ~~[, including the person signing the verification or affidavit required by paragraph (b)]~~;
- (2) The signature of the person;
- (3) The residential address of the person;
- (4) The name of the county where the person is a registered voter; and

(5) The date of the signature.

(b) Have attached to it when filed ~~[the verification of a signer required by NRS 293.128 or 306.030 or the affidavit of the person circulating the document required by NRS 293.172, 293.200 or 298.109]~~ *an affidavit of the person circulating the document in the following form:*

STATE OF NEVADA

COUNTY OF _____

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____(print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe them to be genuine signatures; and (6) that each individual who signed was at the time of signing a registered voter in the county of his or her residence.

Subscribed and sworn to or affirmed before me _____

this ____ day of _____, ____.

Signature of circulator

Notary Public or other person authorized to administer an oath

2. Any document of a petition may consist of more than one sheet. If a document consists of more than one sheet:

- (a) Each sheet must be numbered sequentially;
- (b) All the sheets must be permanently attached in numerical order; and
- (c) The verification or affidavit required by subsection 1 must appear on the last sheet of the document.

3. As used in this section, “petition” means a petition containing signatures which are required to be verified pursuant to NRS 293.128, **293.165**, 293.172, 293.200, 298.109, ~~306.035~~, **or 306.110**.

Sec. 7. NAC 293.197 is hereby amended to read as follows:

A mechanized report of an abstract of votes, as required by NRS 293.387, ~~and~~ 293.395, **and 293C.387**, must be transmitted to the secretary of state ~~[in the format of an American Standard Code for Information interchange program on a 3 ½ inch or 5 ¼ inch floppy diskette]~~. The secretary of state shall, not later than March 1 of each year, notify each county clerk **and city clerk** of the specifications for the mechanized report of the abstract of votes required pursuant to this section.

Sec. 8. NAC 293B.070 is hereby amended to read as follows:

1. A county using a mechanical voting system shall conduct a test of the accuracy of its hardware for tabulating votes not less than 3 months before a primary election. The test deck must contain 1,000 ballot cards in a county whose population is 100,000 or more, and 200 ballot cards in a county whose population is less than 100,000. Except as otherwise provided in subsection 3, the test must be conducted in the following manner:

(a) One-fourth of the cards must have the first, fifth, ninth and every succeeding fourth voting position punched to the end of the card;

(b) One-fourth of the cards must have the second, sixth, tenth and every succeeding fourth voting position punched to the end of the card;

(c) One-fourth of the cards must have the third, seventh, eleventh and every succeeding fourth voting position punched to the end of the card;

(d) One-fourth of the cards must have the fourth, eighth, twelfth and every succeeding fourth voting position punched to the end of the card.

2. If cards with pre-punched columns are used, the county shall also conduct a test of the accuracy of its hardware for tabulating pre-punched codes. Except as otherwise provided in subsection 3, the test must be conducted in the following manner:

(a) One-fourth of the cards must have the:

- (1) Twelfth, second and sixth positions punched in the first column;
- (2) Eleventh, third and seventh positions punched in the second column;
- (3) Zero, fourth and eighth positions punched in the third column; and
- (4) First, fifth and ninth positions punched in the fourth column.

(b) One-fourth of the cards must have the:

- (1) Eleventh, third and seventh positions punched in the first column;
- (2) Zero, fourth and eighth positions punched in the second column;
- (3) First, fifth and ninth positions punched in the third column; and
- (4) Twelfth, second and sixth positions punched in the fourth column.

(c) One-fourth of the cards must have the:

- (1) Zero, fourth and eighth positions punched in the first column;
- (2) First, fifth and ninth positions punched in the second column;
- (3) Twelfth, second and sixth positions punched in the third column; and
- (4) Eleventh, third and seventh positions punched in the fourth column.

(d) One-fourth of the cards must have the:

- (1) First, fifth and ninth positions punched in the first column;
- (2) Twelfth, second and sixth positions punched in the second column;

(3) Eleventh, third and seventh position punched in the third column; and

(4) Zero, fourth and eighth positions punched in the fourth column.

3. If the software *or system* is not designed to allow testing to be conducted in the manner prescribed in subsection 1 or 2, the county clerk shall use the test provided by the seller of the mechanical voting system to determine the accuracy of that system.

Sec. 9. Chapter 293C of NAC is hereby amended by adding thereto the provisions set forth as sections 10 and 11 of this regulation.

Sec. 10. *The absent ballot request form prescribed by the secretary of state pursuant to NRS 293C.306 shall be 8 ½” by 5 ½”. The following information shall be included with the absent ballot request:*

1. A statement that a person requesting an absent ballot is not entitled to vote at a polling place unless the absent ballot has been surrendered to the city clerk.

2. The name and address of the city clerk in which the voter requesting an absent ballot resides.

3. An absent ballot request form shall contain the name of only one registered voter and must include the Voter Application Registration Number, if known.

4. An absent ballot request form must be received by the city clerk before 5 p.m. on the Tuesday preceding the election.

Sec. 11. *A city clerk may begin processing an absent voter’s ballot pursuant to NRS 293C.325(2) or (3) 5 working days before an election if the clerk, at least, posts a statement so notifying the public in his office at least 2 working days in advance.*

Sec. 12. NAC 294A.120 is hereby amended to read as follows:

The secretary of state shall, within 5 working days after he receives written notice that a candidate *or elected official* is alleged to have violated a provision of chapter 294A of NRS, notify the candidate *or elected official* of the alleged violation by certified mail.

Sec. 13. NAC 295.020 is hereby amended to read as follows:

1. If a petition for an initiative or referendum consists of more than one document, each document must contain the full text of the proposed measure and sequentially numbered spaces for:

- (a) The name of each person who signs the petition.
- (b) The signature of the person signing.
- (c) The street address of the residence where the person signing actually resides, unless a street address has not been assigned. If a street address has not been assigned, the document may contain the mailing address of the person signing.
- (d) The name of the county where the person who signs is a registered voter.
- (e) The date of the signature.
- (f) If the petition is a municipal initiative or referendum proposed pursuant to the provisions of NRS 295.195 to 295.220, inclusive, the name of the city in which the person who signs is registered to vote.

~~[2. The name of each person who circulates a document must appear on the first sequentially numbered space of the document.]~~

3. A document may consist of more than one sheet. If a document consists of more than one sheet:

- (a) Each sheet must be numbered sequentially;
- (b) All the sheets must be permanently attached together in numerical order; and

(c) The affidavit of the circulator required by NRS 295.095 or 295.205 must appear on the last sheet of the document.

(4) Have attached to it when filed an affidavit of the person circulating the document in the following form:

STATE OF NEVADA

COUNTY OF _____

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____(print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe them to be genuine signatures; and (6) that each individual who signed was at the time of signing a registered voter in the county of his or her residence.

*Subscribed and sworn to or affirmed before me _____
this ____ day of _____, _____. Signature of circulator*

Notary Public or other person authorized to administer an oath

2. As used in this section, “petition” means a petition referred to in article 19, section 3 of the Nevada Constitution, NRS 295.015, 295.045, 295.095, and 295.205.

Sec. 14. NAC 306.050 is hereby amended to read as follows:

A candidate for office nominated pursuant to NRS 306.110 may withdraw his candidacy by presenting his written withdrawal of candidacy in person to the officer who received the filings for candidacy for that office not later than ~~[14]~~ **19** days before the date of the special election.

Sec. 15. NAC 294A.065 is hereby deleted.

Sec. 16. NAC 306.030 is hereby deleted.