

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R013-00

February 28, 2000

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

AUTHORITY: §§1-3, 5-10 and 13, NRS 293.124 and 293.247; §4, NRS 293.124, 293.247 and 293.507; §§11 and 12, NRS 294A.380; §14, NRS 306.011; §15, NRS 294A.380 and 306.011.

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. *In addition to the requirements set forth in paragraph (a) of subsection 1 of NRS 293.3095, the form to request an absent ballot must:*

- (a) Be 8 1/2 inches by 5 1/2 inches in size;*
 - (b) Include the name of only one registered voter;*
 - (c) Include a line for the registered voter to enter the identification number assigned to him by the county clerk pursuant to NRS 293.507 and section 4 of this regulation;*
 - (d) Include a notice that sets forth the provisions of subsection 2; and*
 - (e) Include the name and address of the county clerk of the county where the registered voter who requests the ballot resides; and*
 - (f) Be received by the county clerk before 5 p.m. on the Tuesday preceding the election.*
- 2. A registered voter who receives an absent ballot may not vote at a polling place unless he surrenders the absent ballot to the county clerk.*

Sec. 3. *The results of a recount of any election demanded pursuant to NRS 293.403 must be canvassed within 5 working days after the completion of the recount. If the recount concerns a statewide office or statewide ballot question, the board of county commissioners of each county shall conduct the canvass and report the results to the secretary of state. If the recount concerns a candidate or ballot question that was voted for in one county, the board of county commissioners shall conduct the canvass. If the recount concerns a candidate or ballot question that was voted for in a city election, the governing body of the city shall conduct the canvass.*

Sec. 4. *The secretary of state will assign to each county a series of numbers that must be used by the county clerk in assigning a unique identification number to a person who wishes to register to vote pursuant to NRS 293.507 and is unable, or does not wish, to provide the clerk with the number indicated on the identification described in subparagraph (1) of paragraph (a) of subsection 4 of NRS 293.507. The identification number must be followed by three letters assigned by the secretary of state to identify the county.*

Sec. 5. NAC 293.182 is hereby amended to read as follows:

293.182 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 signed by the person who circulated the document in substantially 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 I believe each person who signed was at the time of signing a registered voter in the county of his residence.

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

Notary public or other person licensed 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 *paragraph (b) of* 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, ~~for 306.035.]~~ *306.035 or 306.110.*

Sec. 6. NAC 293.197 is hereby amended to read as follows:

293.197 A mechanized report of an abstract of votes, as required by NRS 293.387 and 293.395, must be transmitted to the secretary of state . ~~[in the format of an American Standard Code for Information Interchange program on a 3 1/2 inch or 5 1/4 inch floppy diskette.]~~ The secretary of state ~~[shall,]~~ *will*, not later than March 1 of each year, notify each county clerk of the specifications for the mechanized report of the abstract of votes required pursuant to this section.

Sec. 7. NAC 293B.070 is hereby amended to read as follows:

293B.070 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; and

(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 prepunched columns are used, the county shall also conduct a test of the accuracy of its hardware for tabulating prepunched 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 positions 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.

4. If an event occurs during the tabulation of ballots which requires the repair or adjustment of a card reader, the card reader must be retested for accuracy before it may again be used.

5. If any of the equipment used for the tabulation of ballots fails to function properly as the result of a surge in or failure of power, the prescribed methods for certification of the mechanical voting system must be completed before the system may again be used.

6. A county clerk in a county using a mechanical voting system shall:

(a) Determine the most reasonable and practical method for completing the process of tabulating ballots in the event the existing system fails; and

(b) Develop a plan for the tabulation of ballots in the event that a failure in the existing system precludes the tabulation of ballots at the usual and customary location.

Sec. 8. Chapter 293C of NAC is hereby amended by adding thereto a new section to read as follows:

1. In addition to the requirements set forth in paragraph (a) of subsection 1 of NRS 293C.306, the form to request an absent ballot must:

(a) Be 8 1/2 inches by 5 1/2 inches in size;

(b) Include the name of only one registered voter;

(c) Include a line for the registered voter to enter the identification number assigned to him by the county clerk pursuant to NRS 293.507 and section 4 of this regulation;

(d) Include a notice that sets forth the provisions of subsection 2;

(e) Include the name and address of the city clerk of the city where the registered voter requesting the ballot resides; and

(f) Be received by the city clerk before 5 p.m. on the Tuesday preceding the election.

2. A registered voter who receives an absent ballot may not vote at a polling place unless he surrenders the absent ballot to the city clerk.

Sec. 9. NAC 293C.210 is hereby amended to read as follows:

293C.210 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 required by paragraph (b);

(2) The signature of the person;

(3) The residential address of the person;

(4) The name of the city 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 306.030.~~
an affidavit signed by the person who circulated the document in substantially the following form:

STATE OF NEVADA

COUNTY OF _____

CITY 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 I believe each person who signed was at the time of signing a registered voter in the city of his residence.

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

Notary public or other person licensed 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 *paragraph (b) of* subsection 1 must appear on the last sheet of the document.

3. As used in this section, “petition” means a petition containing signatures that are required to be verified pursuant to NRS 306.015 and 306.035.

Sec. 10. NAC 293C.260 is hereby amended to read as follows:

293C.260 A mechanized report of an abstract of votes, as required by NRS 293C.387, must be transmitted to the secretary of state . ~~[in the format of an American Standard Code for Information Interchange program on a 3-1/2-inch or 5-1/4-inch floppy diskette.]~~ The secretary of

state will, not later than March 1 of each year, notify each city clerk of the specifications for the mechanized report of the abstract of votes required pursuant to this section.

Sec. 11. NAC 294A.080 is hereby amended to read as follows:

294A.080 1. The form of the report of campaign contributions required to be filed pursuant to NRS 294A.120 or 294A.125 must include the number of contributions of \$100 or less that have been received by a candidate.

2. On the form of the report of campaign contributions required to be filed pursuant to NRS 294A.120 or 294A.125 , ~~[and the simplified form that a candidate who has received less than \$1,000 in campaign contributions may file pursuant to NRS 294A.385,]~~ if a candidate has received a series of contributions from any natural person or other entity during a reporting period and the contributions total over \$100, the series must be treated as a single contribution and be separately identified on the candidate's report, with the name and address of the contributor and the date of each contribution in the series.

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

294A.120 The secretary of state ~~[shall,]~~ **will**, within 5 working days after he receives written notice that a candidate **or public officer** is alleged to have violated a provision of chapter 294A of NRS, notify the candidate **or public officer** of the alleged violation by certified mail.

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

295.020 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 :

(a) Include sequentially numbered spaces for:

~~[(a)]~~ **(1)** The name of each person who signs the petition.

~~[(b)]~~ **(2)** The signature of the person signing.

~~[(e)]~~ (3) 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)]~~ (4) The name of the county where the person who signs is a registered voter.

~~[(e)]~~ (5) The date of the signature.

~~[(f)]~~ (6) 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.

(b) Have attached to it, when filed, an affidavit signed by the person who circulated the document in substantially 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 I believe each person who signed was at the time of signing a registered voter in the county of his residence.

Subscribed and sworn to or affirmed before me

this _____ day of _____, ____.

Signature of circulator

Notary public or other person licensed to administer an oath

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.

3. As used in this section, “petition” means a petition described in article 19 of the Nevada constitution or NRS 295.015, 295.045, 295.095, 295.140 or 295.205.

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

306.050 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 receives 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 and 306.030 are hereby repealed.

TEXT OF REPEALED SECTIONS

294A.065 Form of report of campaign expenses: Categories of expenditures. (NRS 294A.380) The form of the report of campaign expenses required to be filed pursuant to NRS 294A.125, 294A.200, 294A.210, 294A.220, 294A.280 or 294A.360 must include the following categories of expenditures:

1. Office expenses;
2. Expenses related to volunteers;
3. Expenses related to travel;
4. Expenses related to advertising by:
 - (a) Television;
 - (b) Newspaper;
 - (c) Radio;
 - (d) Billboards;
 - (e) Printed signs, posters, fliers or brochures; and
 - (f) Direct mail;
5. Expenses related to paid staff;
6. Expenses related to consultants;
7. Expenses related to polling;
8. Expenses related to special events;

9. Expenses for advertising and research on computer networks;

10. Goods and services provided in kind for which money would otherwise have been paid;

and

11. Other miscellaneous expenses related to the campaign.

306.030 Complaint to challenge petition: Filing of motion for temporary restraining order required. (NRS 306.011) A person who files a complaint to challenge a petition for the recall of a public officer pursuant to NRS 306.040 shall, on the same date, file a motion for a temporary restraining order to restrain the:

1. Officer with whom the petition was filed from calling a special election before the court has determined the sufficiency of the petition; and

2. Secretary of state from accepting requests from persons who wish to have their names stricken from the petition pursuant to subsection 2 of NRS 306.040.