

**ADOPTED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R086-00

Effective August 22, 2000

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

AUTHORITY: §§1, 2, 5, 6 and 7, NRS 293.124 and 293.247; §3, NRS 293.124, 293.247 and 293.389; §4, NRS 293.124 and 293.5235; §8, NRS 293.124, 306.011 and 306.015; §9, NRS 293.124, 306.011 and 306.040; §10, NRS 293.124.

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

1. In a county in which the county clerk has appointed an absent ballot central counting board and posted a statement pursuant to subsection 2, the county clerk may, not earlier than 4 working days before election day and not later than 5 p.m. on the second working day before election day, deliver the absent voters' ballot boxes to the absent ballot central counting board.

When the ballot boxes are received, the absent ballot central counting board shall:

- (a) Withdraw the ballots and return the ballot boxes to the county clerk;*
- (b) Sort the ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district;*
- (c) Count the number of ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district;*
- (d) Account for all ballots on the statement of ballots;*
- (e) Duplicate any ballots that necessitate duplicating as authorized by and in the manner set forth in NRS 293B.375; and*

(f) Place all the ballots, including any ballots produced pursuant to paragraph (e), and the statement of ballots into the container provided by the county clerk to transport those items to a central counting place and seal the container. The container and seal used must comply with the provisions of NRS 293.462.

2. Not later than 2 working days before the date of delivery of the ballot boxes pursuant to subsection 1, the county clerk must post a statement in his office that notifies the public of any actions that will be taken pursuant to subsection 1.

3. Any absent ballots received by the county clerk after he delivers the ballot boxes pursuant to subsection 1 must be:

(a) Deposited into the appropriate absent voters' ballot boxes pursuant to the provisions of NRS 293.309 to 293.340, inclusive, after those ballot boxes have been returned pursuant to subsection 1; and

(b) Processed pursuant to the provisions of NRS 293.3625 to 293.397, inclusive.

4. The county clerk shall allow members of the general public to observe the handling of the absent ballots conducted pursuant to subsection 1 if those members do not interfere with the handling of the absent ballots.

Sec. 2. NAC 293.050 is hereby amended to read as follows:

293.050 ~~[1.—On or before the second Wednesday in June, each]~~ *Not later than 5 working days after the last day upon which any candidate who has filed his declaration of candidacy or acceptance of candidacy may withdraw his candidacy pursuant to NRS 293.202:*

1. Each county clerk shall send to the secretary of state a list certified by him ~~[which]~~ that contains the name and mailing address of each ~~[person who is a nonpartisan candidate or a candidate of a major political party]~~ candidate for a county, district or township office ~~[-~~

~~—2.— Each county clerk shall, not later than the second Wednesday in July, send to the secretary of state a list certified by him which contains the name and mailing address of each person who is a candidate of a minor political party or an independent candidate for a county, district or township office.~~

~~—3.— On or before the second Wednesday in July, the] *who has filed a declaration of candidacy or acceptance of candidacy with him.*~~

2. *The* secretary of state will send to each county clerk a list certified by him ~~[which]~~ *that* contains the name and mailing address of each ~~[person for whom]~~ *candidate of a minor political party and independent candidate who has filed* a declaration of candidacy or an acceptance of candidacy ~~[has been filed in his office who is a candidate of a minor political party or an independent candidate.]~~ *with him.*

Sec. 3. NAC 293.412 is hereby amended to read as follows:

293.412 1. A county clerk:

(a) May maintain a separate list of inactive voters or designate inactive voters as such on regular lists of registered voters and election board registers.

(b) Shall, at the request of the secretary of state, report to the secretary of state the total number of inactive voters.

2. ~~[The number of inactive voters must be included in any calculation used to determine the percentage of registered voters participating in an election.~~

~~—3.]~~ The name of each inactive voter:

(a) Must be included on any list made available for public inspection pursuant to NRS 293.440 unless the person requesting the list requests the exclusion of those names.

(b) Must not be included on any list made available for public inspection pursuant to NRS 293.557.

~~{4.}~~ 3. The signature of an inactive voter shall be deemed to be the signature of a registered voter for all purposes regarding any petition authorized or required pursuant to Title 24 of NRS.

~~{5.}~~ 4. Except as otherwise provided in this subsection, for the purpose of mailing sample ballots, an inactive voter shall be deemed not to be a registered voter unless he requests the city or county clerk, in person, in writing or by telephone, to provide him with a sample ballot. A county or city clerk shall mail sample ballots to all inactive voters in a mailing precinct.

~~{6.}~~ 5. As used in this section, “inactive voter” means a voter designated as inactive pursuant to NRS 293.530 whose registration has not been canceled.

Sec. 4. NAC 293.420 is hereby amended to read as follows:

293.420 1. The secretary of state will create a standard form for use by persons who are applying to register to vote by mail. The form will include:

- (a) An application to register to vote by mail;
- (b) An explanation of Nevada’s laws on closed primary elections;
- (c) Instructions to assist the applicant in completing the application;
- (d) A notice stating that the application will not be processed unless an identification number is on the application;
- (e) A list of the addresses and telephone numbers of county election officers;
- (f) A notice that the application must be complete before it is effective; and
- (g) Instructions to the applicant to contact the county clerk if the applicant does not within 20 days after he submits the application to the county clerk receive his voter registration card indicating that his registration has been accepted.

2. The secretary of state will assign a ~~unique~~ control number to each application and will determine the sequence of the control numbers. The control numbers will consist of a two-digit alphabetical code followed by a five-digit numerical code.

3. The control number must be printed on a duplicate copy of the application marked as the receipt and on the application to be returned to the county clerk.

4. Each county clerk shall, after obtaining a series of control numbers from the secretary of state, cause the forms to be printed. The county clerk shall continue to make available a sufficient number of the forms to meet the needs of the residents of the county.

Sec. 5. NAC 293B.040 is hereby amended to read as follows:

293B.040 1. A county clerk in a county using a mechanical voting system shall:

(a) Store ballot cards upon receipt in a vault or secure area that is accessible only by the county clerk and persons designated by him;

(b) Provide for the security and protection of the stored ballot cards;

(c) Control access to the stored ballot cards; and

(d) Maintain a record of the persons allowed access to the stored ballot cards.

2. The ballot statement must include the time that ballot boxes are removed from the polling place to be taken to the central counting place.

3. Except as otherwise provided in this subsection, each county clerk shall, not later than ~~April 1 of each year,~~ *the 90th day before the primary election*, submit to the secretary of state for approval ~~[-]~~ a plan to carry out the provisions of paragraph (1) of subsection 2 of NRS 293.247 ~~[-]~~ *concerning the procedures to be used to ensure the security of the ballots*. If there is no change to the plan submitted in the previous year, the county clerk is not required to submit

another plan to the secretary of state. The county clerk shall notify the secretary of state, in writing, if there is no change to the plan. The plan must include, without limitation:

- (a) The person who is responsible for transporting the ballot box from the polling place to the central counting place;
- (b) The time allotted for travel from the polling place to the central counting place; and
- (c) The method for verifying the number of marked and unmarked ballots.

Sec. 6. Chapter 293C of NAC is hereby amended by adding thereto a new section to read as follows:

1. In a city in which an absent ballot central counting board has been appointed and the city clerk has posted a statement pursuant to subsection 2, the city clerk may, not earlier than 4 working days before election day and not later than 5 p.m. on the second working day before election day, deliver the absent voters' ballot boxes to the absent ballot central counting board.

When the ballot boxes are received, the absent ballot central counting board shall:

- (a) Withdraw the ballots and return the ballot boxes to the city clerk;*
- (b) Sort the ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district;*
- (c) Count the number of ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district;*
- (d) Account for all ballots on the statement of ballots;*
- (e) Duplicate any ballots that necessitate duplicating as authorized by and in the manner set forth in NRS 293C.655; and*
- (f) Place all the ballots, including any ballots produced pursuant to paragraph (e), and the statement of ballots into the container provided by the city clerk to transport those items to a*

central counting place and seal the container. The container and seal used must comply with the provisions of NRS 293C.700.

2. Not later than 2 working days before the date of delivery of the ballot boxes pursuant to subsection 1, the city clerk must post a statement in his office that notifies the public of any actions that will be taken pursuant to subsection 1.

3. Any absent ballots received by the city clerk after he delivers the ballot boxes pursuant to subsection 1 must be:

(a) Deposited into the appropriate absent voters' ballot boxes pursuant to the provisions of NRS 293C.305 to 293C.340, inclusive, after those ballot boxes have been returned pursuant to subsection 1; and

(b) Processed pursuant to the provisions of NRS 293C.3615 to 293C.395, inclusive.

4. The city clerk shall allow members of the general public to observe the handling of the absent ballots conducted pursuant to subsection 1 if those members do not interfere with the handling of the absent ballots.

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

293C.070 ~~[Each]~~ *Not later than 5 working days after the last day upon which any candidate who has filed a declaration or acceptance of candidacy may withdraw his candidacy pursuant to NRS 293C.195, each* city clerk shall send to the secretary of state a list certified by him that contains the name and mailing address of each person who is a candidate for a city office. ~~[If the city:~~

~~— 1. — Holds a primary city election, the list must be sent on or before March 15 of the year in which that election is held.~~

~~—2.— Does not hold a primary city election, the list must be sent on or before May 15 of the year in which the general city election is held.]~~

Sec. 8. NAC 306.018 is hereby amended to read as follows:

306.018 ~~[1.— If the county clerk was not the filing officer with whom a public officer to be recalled filed his declaration of candidacy, the county clerk shall notify the filing officer with whom such public officer filed his declaration of candidacy, in writing, within 1 day after a petition to recall a public officer is submitted for signature verification pursuant to subsection 3 of NRS 306.015 and inform the filing officer on what date the petition was submitted.~~

~~—2.]~~ The filing officer with whom the public officer to be recalled filed his declaration of candidacy shall notify that public officer, in writing, within 2 days after ~~[the]~~ *a* petition to recall ~~[a]~~ *that* public officer was submitted for signature verification pursuant to subsection 3 of NRS 306.015.

Sec. 9. NAC 306.025 is hereby amended to read as follows:

306.025 If a county clerk *or city clerk* is the officer with whom a petition to recall a public officer is filed pursuant to subsection 4 of NRS 306.015, the county clerk *or city clerk* shall, within 3 days after:

1. The secretary of state completes the notification required by subsection 1 of NRS 306.040; or
 2. The county clerk *or city clerk* receives a court order pursuant to subsection ~~[5]~~ *6* of NRS 306.040 to call a special election,
- FLUSH provide the secretary of state with written notification of the date the county clerk *or city clerk* will issue the call for a special election and the date the special election will be held.

Sec. 10. NAC 293.186, 293C.220 and 295.030 are hereby repealed.

TEXT OF REPEALED SECTIONS

293.186 Removing, crossing out, or tampering with signatures on certain petitions prohibited. (NRS 293.124) Except as otherwise provided in NRS 306.015 and 306.040, a person shall not remove, cross out or tamper with any signature on a petition which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 298.109 or 306.035.

293C.220 Removing, crossing out or tampering with signatures on certain petitions prohibited. (NRS 293.124) Except as otherwise provided in NRS 306.015 and 306.040, a person shall not remove, cross out or tamper with any signature on a petition that is required to be verified pursuant to NRS 306.015 and 306.035.

295.030 Alteration of signature on petition prohibited. (NRS 293.124) A person shall not remove, cross out or tamper with any signature on a petition for a state, county or municipal initiative or referendum.

NOTICE OF ADOPTION OF REGULATION

The Secretary of State adopted regulations assigned LCB File No. R086-00 which pertain to chapters 293,293B, 293C, 295, and 306 of the Nevada Administrative Code on July 13, 2000. A copy of the regulations as adopted is attached hereto.

INFORMATIONAL STATEMENT FOR PROPOSED REGULATIONS FOR THE SECRETARY OF STATE

The following statement is submitted for adopted amendments to Nevada Administrative Code chapters 293, 293B, 293C, 295, and 306.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

A workshop and an adoption hearing were held. Notices of the workshop and the hearing were sent to county and city clerks and the registrars of voters as well as those requesting the notice.

Summaries of public response are attached and may also be obtained from Susan Morandi at the Election Division of the Secretary of State's office.

2. The number of persons who:

(a) Attended each hearing:	April 28, 2000	9
	July 13, 2000	8
(b) Testified at each hearing:	April 28, 2000	4
	July 13, 2000	3
(c) Submitted to the agency written comments:	April 28, 2000	2
	July 13, 2000	0

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

See question 1.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

One change was made as a result of the hearing.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

- (a) There is no adverse or beneficial economic effect on businesses.
- (b) There is no immediate or long term economic effects on businesses.

6. The estimated cost to the agency for enforcement of the proposed regulation.

There is no cost to the Secretary of State for enforcement of the regulation.

7. A description of any regulations of the state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulation does not overlap or duplicate any regulation of other state or government agencies.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of those provisions.

The regulation is not more stringent than federal regulation.

9. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

No new fees are established and no existing fees are increased.