

LCB File No. R195-07

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

(This regulation was split out from LCB File No. R163-07;
this section was removed for separate consideration)

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

AUTHORITY: NRS 293.124, NRS 293.247, NRS 293.3677, NRS 294A.380

Sec. 14. NAC 293.414 Information regarding conviction of person of felony.

1. The Secretary of State will immediately provide the county clerks with any information he receives from the Attorney General of the United States regarding the conviction of any person of a felony.

2. A county clerk may, for the purpose of making the determination to cancel the registration of a person required by subsection 3 of NRS 293.540, rely upon any information he receives from the Secretary of State pursuant to subsection 1 or from the Central Repository for Nevada Records of Criminal History regarding the conviction of any person of a felony.

3. The Secretary of State will immediately provide the county clerks with any information he receives regarding a person convicted of a felony who has had his right to vote restored and is currently eligible to register to vote.

4. A county clerk may, for purposes of determining whether a person applying to register to vote who was convicted of a felony has had his right to vote restored and is currently eligible to register, rely on:

(a) The information received from the Secretary of State pursuant to subsection 3;

(b) An order of any federal or state court restoring the right to vote to the applicant;

(c) A document issued to the applicant by a penal agency of the State of Nevada, any other state or the Federal Government verifying that the right to vote of the applicant has been restored; or

(d) A sworn affidavit on a form prescribed by the Secretary of State from the person attempting to register declaring that:

1. His right to vote has been restored pursuant to the provisions of NRS 293.090, 213.155, 293.157;

2. Pursuant to NRS 293.540(3), his right to vote has never been revoked, or has been restored pursuant to the laws of the state in which he was convicted; or

3. The person attempting to register was never provided with the documentation required pursuant to NRS 213.155(3), or that said documentation has been lost, damaged or destroyed;

(e) A document issued by a penal agency of the State of Nevada, any other state or the Federal Government verifying that the applicant received a pardon or was discharged from probation, parole or prison before July 1, 2003.

(f) An affidavit submitted pursuant to subsection 4(d) shall include:

- (1) the jurisdiction where he was convicted;*
- (2) the offense for which he was convicted;*
- (3) the date of his honorable discharge;*

5. If a county clerk has reason to believe that a document described in subsection 4 is invalid or forged, the county clerk shall attempt to verify the document. The county clerk must accept the document as legitimate unless he can verify that the document is invalid or forged.