

**PROPOSED REGULATION OF THE  
SECRETARY OF STATE**

**LCB File No. R195-07**

November 29, 2007

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

AUTHORITY: §1, NRS 293.124, 293.247, 293.540 and 293.543.

A REGULATION relating to elections; authorizing county clerks to rely on sworn affidavits from persons attempting to reregister to vote after having the right to vote revoked; and providing other matters properly relating thereto.

**Section 1.** NAC 293.414 is hereby amended to read as follows:

293.414 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; ~~for~~

(d) *Subject to the provisions of subsection 5, a sworn affidavit on a form prescribed by the Secretary of State from the person attempting to register to vote declaring that:*

*(1) The registration to vote of the person attempting to register to vote has never been cancelled pursuant to subsection 3 of NRS 293.540;*

*(2) The right to vote of the person attempting to register to vote has been restored pursuant to the provisions of NRS 213.090, 213.155 or 213.157; or*

*(3) The documentation required pursuant to subsection 3 of NRS 213.155:*

*(I) Was never provided to the person attempting to register to vote; or*

*(II) Was provided to the person attempting to register to vote but was subsequently lost, damaged or destroyed; or*

(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.

5. *A sworn affidavit submitted pursuant to paragraph (d) of subsection 4 must include the following information:*

*(a) The jurisdiction in which the person attempting to register to vote was convicted of a felony;*

*(b) The offense for which the person attempting to register to vote was convicted; and*

*(c) The date on which the person attempting to register to vote received an honorable discharge from parole.*

6. 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.