

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R073-11

AUTHORITY: Section 3, inclusive, NRS 225.085.

Chapter 225 of the NAC is hereby amended by adding thereto the provisions set forth as sections 1 – 15, inclusive, of this regulation.

Section 1. *As used in sections 1 to 15, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 2 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 2. *“Document” means any filing normally accepted, processed and filed by the office of the Secretary of State in the normal course of business pursuant to Title 7 of the Nevada Revised Statutes.*

Sec. 3. *“Track-able Delivery Method” means delivery methods including but not limited to Express Mail, Federal Express, DHL and UPS Overnight and messenger services that guarantee service within a specific time frame and that can supply proof of guaranteed service.*

Sec. 4. *“Due date” means:*

- 1. Close of business on the date the filing is required for documents delivered by hand or by regular mail, regular delivery method or track-able delivery method.*
- 2. Midnight on the date the filing is required for documents delivered via electronic methods approved by the Secretary of State.*
- 3. As prescribed by subsection (1), on the next business day following the due date, when the due date falls on a weekend, state or federal holiday or other day the office of the Secretary of State is not open during normal business hours.*

Sec. 5. *“Normal business hours” means the regular hours of operation of the Secretary of State’s office, which are 8 AM to 5 PM Monday – Friday, excluding Nevada State recognized holidays, unless otherwise noticed or posted that hours of operation have been extended.*

Sec. 6. *“Care, Custody and Control” means: Received in the office of the Secretary of State on or before the close of business on the document’s due date except that:*

- 1. Documents sent by track-able delivery methods may be acceptable if the delivery was guaranteed on or before the due date yet failed to be timely delivered. Proof of scheduled delivery and the delivery of the documents pursuant to section 12 are required.*
- 2. Documents sent via electronic methods approved by the Secretary of State will be considered received timely until 11:59 pm on the document’s due date.*

Sec. 7. *“In good order” means that documents received by the Secretary of State must contain the statutory requirements necessary for filing in the office of the Secretary of State, are legible and are accompanied by the fees and if applicable, any penalties, necessary to complete the filing.*

Sec. 8. *The provisions of Sections 1 to 15, inclusive, of this regulation are hereby declared to be severable. If any of the provisions of sections 1 to 15, inclusive of this regulation is held invalid, that invalidity does not affect any other provision of sections 1 to 15, inclusive, of this regulation that can be given effect without the invalid provision or application.*

Sec. 9. *The Secretary of State shall accept any document normally accepted in the Office of the Secretary of State pursuant to Title 7 of the Nevada Revised Statutes if the document is received in good order, accompanied by all fees and penalties and is in his care, custody and control on or before the due date of that document.*

Sec. 10. *The Secretary of State may refuse to file any document with a specific due date if that document is not in the care, custody and control of his office and in good order on or before the due date of that document. The documents may be returned to the customer for additional fees and penalties required for filing. A returned document must be resubmitted in its entirety, in good order.*

Sec. 11. *Penalties and additional fees required by statute shall be collected by the Secretary of State for any document with a specific due date if that document is not received in good order on or before the due date of that document. Collection of penalties and additional fees shall be made at the time the document is resubmitted for filing.*

Sec. 12. *The Secretary of State may accept any document sent by track-able delivery method if:*

- 1. The customer can provide proof of guaranteed delivery date and the guaranteed delivery date is on or before the due date of the document; and*
- 2. The document is received within 3 working days of the due date of that document; and*
- 3. The document is otherwise in good order.*

Sec. 13. *The Secretary of State shall notify the customer in writing or by electronic means when a document has been rejected because it was not in his care, custody and control on or before the due date of that document and shall include in the notification any additional fees or penalties necessary to complete the filing.*

Sec. 14. *Documents submitted on an expedited basis may be accepted for filing, without rejection, if upon verbal notification, customer immediately provides for the payment of any additional fees and penalties and the document is in good order. If no such provision is made,*

or the customer cannot be verbally notified, the document shall be returned without processing and must be resubmitted in its entirety, in good order, accompanied by all fees and penalties necessary for filing.

Sec. 15. *A postmark is not considered the date of submission of a document and is not considered when determining care, custody and control of a document.*