

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R111-11

PROPOSED CHANGES TO CHAPTER 293 OF NAC

Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as Sections 1 through 6 of this regulation”

Section 1: Secretary of State shall establish political party abbreviations to appear on ballots. (NRS 293.267)

1. The Secretary of State shall establish the political party abbreviations pursuant to NRS 293.267 that must be used for all ballots for all elections.

2. The Secretary of State shall publish the approved list of political party abbreviations by January 15 of each year.

Section 2: Close of registration. (NRS 293.560)

1. The last day to register in person for any special, primary or general election is the third Tuesday preceding the election.

2. The last day to register by mail for any special, primary or general election is the fifth Saturday preceding the election.

Section 3: Removal requests are not invalid signatures (NRS 293.1277, 293.055).

Requests to remove a name from a petition pursuant to subsection 4 of NRS 295.055 shall not be deemed an invalid signature by virtue of the removal request during the clerk’s sampling of the petition pursuant to subsection 2 of NRS 293.1277

Section 4: 293.1825 Verification of signatures by county clerks; determination by Secretary of State of number required; completion of certificate. (NRS 293.124, 293.1277, 293.247) In the case of a petition that proposes a *constitutional amendment or statewide measure* ~~[statute, an amendment to a statute or an amendment to the Constitution of this State]~~ :

1. If more than 500 names have been signed on the documents submitted to a county clerk and signatures on the petition were gathered from more than one county within the petition district, the Secretary of State will determine the number of signatures that the county clerk is required to verify pursuant to subsection ~~3 [2]~~ of NRS 293.1277 based on the percentage of signatures collected in that county for the petition district.

2. If a county comprises more than one petition district, in completing the statistical sampling required pursuant to *subsection 2 of* NRS 293.1277, when a county clerk is determining the number of registered voters who signed the petition for each petition district contained fully or partially within the county, the county clerk shall *not include in his or her tally of total signatures any signature included in the incorrect petition district.* ~~[count the signature of a registered voter regardless of whether the registered voter indicated on the petition the correct petition district in which the registered voter resides.]~~

3. In completing the certificate showing the results of a county clerk’s examination of signatures required pursuant to NRS 293.1277, the county clerk shall report to the Secretary of

State the number of registered voters who signed the petition for each petition district contained fully or partially within the county *and the county clerk shall not include in his or her tally of total signatures and signature included in the incorrect petition district [regardless of whether the registered voters indicated on the petition the correct petition districts in which they reside.]*

4. If a petition district comprises more than one county, the Secretary of State will determine based on the certificates submitted by all county clerks of counties contained fully or partially within the petition district the number of registered voters who signed the petition for the petition district.

Section 5: 293.4105 Designation by voter registration agency of employee to ensure compliance with National Voter Registration Act of 1993. (NRS 293.124, 293.247, 293.504, 293.5045, 293.524)

1. Each voter registration agency shall designate one employee in each of its offices to be responsible for providing oversight and direction, as necessary, to ensure that the voter registration agency is in compliance with the provisions of 42 U.S.C. §§ 1973gg-1 et seq. *and NRS 293.5045.*

2. An employee designated pursuant to subsection 1 shall:

(a) In cooperation with the county clerks and registrars of voters, conduct training programs once every 6 months to familiarize the employees of the voter registration agency with the required procedures for registering voters through the voter registration agency.

(b) Review each completed application to register to vote that is received by the voter registration agency.

(c) Transmit completed applications to register to vote to the county clerk or registrar of voters.

(d) Ensure that the voter registration agency maintains an adequate supply of applications to register to vote and other materials related to voter registration.

(e) Compile and forward to the Secretary of State the list of the voter registration agency's employment positions whose duties include the registration of voters.

3. The Secretary of State will provide:

(a) Annual training to employees designated pursuant to this section on the provisions of 42 U.S.C. §§ 1973gg-1 et seq.

(b) Any materials that are necessary for employees designated pursuant to this section to conduct training programs pursuant to paragraph (a) of subsection 2. The Secretary of State will ensure that any such materials are updated, as necessary.

4. For purposes of NRS 293.5045(3), a voter registration agency employee whose duties include the registration of voters shall only include those employees who directly handle paper applications, who deal directly with potential applicants, or have access to voter registration applications.

5. The Secretary of State shall not enforce NRS 293.5045(3) against voter registration agencies with respect to employees hired prior to July 1, 2011.

Section 6: 293.420 Forms for application for registration on paper and by computer: Contents; submission; control number; printing. (NRS 293.124, 293.247, 293.507, 293.508, 293.5235)

1. The Secretary of State will create a standard *paper* form for use by persons who are applying to register to vote in person or by mail. The form will include:

- (a) An application to register to vote, which may be submitted in person or by mail to the county clerk of the county in which the applicant resides;
- (b) Instructions to assist the applicant in completing the application;
- (c) A notice stating that the application must contain the Nevada driver's license number of the applicant or, if the applicant has no Nevada driver's license, at least the last four digits of the social security number of the applicant or, if the applicant has no social security number, a unique identification number assigned by the county clerk pursuant to NAC 293.411 and subsection 5 of NRS 293.507;
- (d) A list of the addresses and telephone numbers of county election officers;
- (e) A notice that if the applicant indicates on the application that the applicant is not a citizen of the United States or will not be at least 18 years of age on or before election day, the applicant may not register to vote;
- (f) The option for the applicant to receive a sample ballot in larger type; and
- (g) Instructions to the applicant to contact the county clerk if the applicant does not, within 10 days after submitting the application to the county clerk, receive his or her voter registration card indicating that the registration has been accepted.

2. The Secretary of State will create a standard computer voter registration application for use by persons who are applying to register to vote by computer. The application will include fields for users to submit:

- (a) State and federally required information to register to vote, which may be submitted by computer to the county clerk of the county in which the applicant resides;***
- (b) Instructions to assist the applicant in completing the application;***
- (c) Fields for which the applicant must provide their Nevada driver's license number and the last four digits of the social security number of the applicant;***
- (e) Procedures that if the applicant indicates on the application that the applicant is not a citizen of the United States or will not be at least 18 years of age on or before election day, the applicant cannot continue to register to vote;***
- (f) The option for the applicant to receive a sample ballot in larger type; and***
- (g) Instructions to the applicant to contact the county clerk if the applicant does not, within 10 days after submitting the application to the county clerk, receive his or her voter registration card indicating that the registration has been accepted.***

~~2~~ **3.** The Secretary of State will assign a control number to each *paper* 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~~ **4.** The control number must be printed:

- (a) On a receipt of the application; and
- (b) On the application to be returned to the county clerk.

~~4~~ **5.** On *paper* application forms that do not contain a control number, including, without limitation, the Federal Post Card Application submitted to a county clerk, the county clerk must enter the control number:

- (a) On the application and a receipt of the application, if the application is submitted in person; or
- (b) On the application, if the application is submitted by mail.

~~5~~ **6.** Each county clerk shall, and the Secretary of State will, 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.

PROPOSED CHANGES TO CHAPTER 293D OF NAC

Chapter 293D of NAC is hereby amended by adding thereto the provisions set forth as Sections 7 through 10 of this regulation:

Section 7: Definitions. (NRS 293D.030, 293D.040, 293D.050) As used in this chapter, unless the context otherwise requires:

- 1. "Covered voter" has the meaning ascribed to it in NRS 293D.030.*
- 2. "Local elections official" has the meaning ascribed to it in NRS 293D.040.*
- 3. "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.*

Section 8: Declaration to accompany military-overseas ballot (NRS 293.250, 293D.200).

1. A covered voter returning a military-overseas ballot must include the following declaration with their return materials:

DECLARATION OF VOTER

I am a resident of _____ County, State of Nevada, and I have not applied, nor do I intend to apply, for a ballot from any other jurisdiction for the same election.

I declare under penalty of perjury, that:

- 1. I am a member of the Uniformed Services or merchant marine on active duty or an eligible spouse or dependent of such a member, or a U.S. citizen temporarily residing outside the U.S., or other U.S. citizen residing outside the U.S.; and*
- 2. I am a U.S. citizen, at least 18 years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction; and*
- 3. I have not been convicted of a felony or other disqualifying offense or been adjudicated mentally incompetent, or if so, my voting rights have been reinstated; and*
- 4. I am not registering, requesting a ballot, or voting in any other jurisdiction in the U.S.; and*
- 5. I have voted and sent this ballot in private and have not allowed any person to observe the marking of this ballot, except for those authorized to assist voters under state or Federal law and I have not been influenced; and*
- 6. My signature and date below indicate when I completed this document; and*
- 7. If I am returning my voted ballot by approved electronic transmission, I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any*

(1) A declaration, under penalty of perjury, stating that the registered voter resides within the precinct in which he or she is voting and is the person whose name appears on the envelope;

(2) The signature of the registered voter to which a clerk may authenticate against the original application to register to vote; and

(3) A statement that the registered voter has not applied and will not apply to any other county clerk for a ballot.

(c) A privacy envelope or sleeve into which a voted ballot may be placed, and which, together with the voted ballot, can fit into a return transmission envelope. The privacy envelope or sleeve should be designed in such a way that it will hide the voter's ballot.

(d) Voting instructions which, at a minimum, direct the voter:

(1) To completely fill in the space provided in the selection of legally available choices permitted by any office;

(2) To cross out the name of the candidate the voter does not wish to vote for if an error was made, and connect the arrow of the candidate the voter does wish to vote for;

(3) To insert a voted ballot into a privacy envelope, close the privacy envelope around the ballot, and insert the privacy envelope containing the voted ballot into the return transmission envelope;

(4) To read and sign the declaration on the outside of the return envelope, and provide the address that the registered voter provided on the application for voter registration, before returning the ballot to the clerk; and

(5) To return completed ballot materials by 7 PM PST on the day of the election.

5. Voting materials to be returned by approved electronic transmission must include:

(a) An official ballot;

(b) A declaration, under penalty of perjury, stating that the registered voter resides within the precinct in which he or she is voting and is the person whose name appears on the envelope;

(c) Voting instructions which, at a minimum, direct the voter:

(1) To completely fill in the space provided in the selection of legally available choices permitted by any office;

(2) To read and sign the declaration provided, and provide the address that the registered voter provided on the application for voter registration, before returning the ballot to the clerk;

(3) The procedures by which the voter may return a voted ballot and declaration of voter back to the clerk to be counted; and

(4) To return completed ballot materials by 7 PM PST on the day of the election.

PROPOSED CHANGES TO CHAPTER 294A OF NAC

Chapter 294A of NAC is hereby amended by adding thereto the provisions set forth as Sections 11 through 20 of this regulation:

Section 11: Contributions to a candidate controlled committee for political action (NRS 294A.100).

1. A contribution that is made to a committee for political action that is controlled by a candidate shall be considered a contribution directly to the candidate for purposes of NRS 294A.100.

2. For the purposes of this section, a candidate shall be deemed to control a committee for political action if the candidate is an officer or the registered agent as set forth in the registration form of the committee for political action or if the candidate is involved in the decisions or has influence over the committee for political action's expenditures or campaign expenses.

Section 12: For purposes of Chapter 294A of the NRS and NAC, an expenditure advocating the defeat of a clearly identified candidate or group of candidates is an expenditure on the behalf of the opponents of that candidate or group of candidates.

Section 13: For purposes of Chapter 294A, "affiliated" shall be interpreted to mean organizations, groups or entities that share the same officers, directors, registered agents or individuals with authority or influence over decision making of the organization, group or entity.

Section 14: Reporting of certain information concerning compensation of persons to circulate petitions.

1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum that provides compensation to persons to circulate petitions shall, in addition to the reporting requirements of NRS 294A.150 and NRS 294A.220, report to the Secretary of State:

(a) The number of persons to whom such compensation is provided;

(b) The least amount of such compensation that is provided and the greatest amount of such compensation that is provided; and

(c) The total amount of compensation provided.

2. The Secretary of State shall make public any information received pursuant to this section.

3. The report required by subsection (1) shall be filed with the Secretary of State within 15 days following completion of signature gathering.

Section 15: 294A.010 Definitions. (NRS 293.124, 294A.380) As used in this chapter, unless the context otherwise requires:

1. "Campaign expenses" has the meaning ascribed to it in NRS 294A.~~004~~ (*Sec. 36.5/AB81 – not assigned statutes yet*).

2. "Candidate" has the meaning ascribed to it in NRS 294A.005.

3. "Contribution" has the meaning ascribed to it in NRS 294A.007.

4. "*Expenditure*" has the meaning ascribed to it in NRS 294A.004.

Section 16: 294A.050 Distribution of ~~forms for reports and~~ copies of chapter. (NRS 293.124, 294A.380) The Secretary of State will distribute ~~forms for reporting campaign contributions and~~ expenditures and copies of this chapter to county clerks, city clerks and registrars of voters.

Section 17: 294A.075 Form of report of expenses: Required information. (NRS 293.124, 294A.380)

1. 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:
 - (a) For each expenditure of more than \$100:
 - (1) The category of the expenditure *pursuant to the categories set forth in NRS 294A.365(2)*;
 - (2) Except as otherwise provided in subsection 2, the name and address of the person who received payment for the expenditure; and
 - (3) The amount and date of the payment for the expenditure.
 - (b) The total amount spent for all categories of *campaign expenses* ~~[expenditures]~~.
 - (c) *The aggregate amount of all campaign expenses which are \$100 or less.*
2. A report of campaign expenses required to be filed pursuant to NRS 294A.125, 294A.200, 294A.210, 294A.220, 294A.280 or 294A.360 is not required to include the names and addresses of each person who received payment for circulating a petition for purposes of gathering signatures, provided that such report contains the total amount paid to such circulators as a group and, if such payments were calculated on a per signature basis, the amount paid per signature.

Section 18: 294A.098 Use of contributions to satisfy civil or criminal penalty prohibited; liability of officers of committees for political action. (NRS 293.124, 294A.286, 294A.380)

1. A candidate shall not use campaign contributions to satisfy a civil penalty or criminal penalty imposed by law.
2. *A committee for political action shall not use contributions to satisfy a civil penalty or criminal penalty.*
3. *Officer of committees for political action shall be held jointly and severally liable for civil penalties and criminal penalties imposed by law against their committees for political action.*

Section 19: 294A.110 Committee for political action: Execution of amended and annual form for registration; deletion of name from list of active committees; failure to file annual registration. (NRS 293.124, 294A.230, 294A.380)

1. An amended form for registration required pursuant to subsection 3(a) of NRS 294A.230 must be signed by an officer of the committee for political action filing the form or *its* ~~[the]~~ registered agent ~~[of the committee]~~.
2. *An annual form for registration required pursuant to subsection 3(b) of NRS 294A.230 must be signed by an officer of the committee for political action filing the form or its registered agent.*
- ~~[2]~~ 3. A committee for political action becomes inactive when:
 - (a) An officer or the registered agent of the committee files with the Secretary of State a written notice that the committee for political action has ceased to engage in political activities in this State; or
 - (b) The Secretary of State receives mail stamped by the postal service and returned from the address of record of the committee for political action on the most recent registration form on file in the office of the Secretary of State stating that the addressee has moved and did not leave a forwarding address; *or* ~~[]~~
 - (c) *The committee for political action fails to file its annual registration by January 15 of each year as required by NRS 294A.230(3)(b).*

~~[3]~~ 4. Upon receipt of such a notice or returned mail, the Secretary of State will delete the name of the committee from each list of active committees for political action which the Secretary of State maintains in his or her office.

~~[4]~~ 5. As used in this section, an “officer” or “registered agent” of a committee for political action means a person who is listed as such on the committee’s form for registration on file with the Secretary of State.

Section 20: NAC 294A.115 Committee for Political Action Advocating the Passage or Defeat of a Ballot Question ~~[Ballot-advocacy group]~~ : Execution of amended and annual form for registration; filing of notice of inactivity. (NRS 293.124, 294A.230, 294A.380)

1. An amended form for registration filed by a *committee for political action advocating the passage or defeat of a ballot question ~~[ballot-advocacy group]~~* pursuant to subsection 3(a) of NRS 294A.230 must be signed by an officer of the *committee for political action advocating the passage or defeat of a ballot question ~~[ballot-advocacy group]~~* or *its ~~[the]~~ registered agent ~~[of the ballot-advocacy group]~~* .

2. An annual form for registration filed by a committee for political action advocating the passage or defeat of a ballot question pursuant to subsection 3(b) of NRS 294A.230 must be signed by an officer of the committee for political action advocating the passage or defeat of a ballot question or its registered agent.

~~[2]~~ 3. A *committee for political action advocating the passage or defeat of a ballot question ~~[ballot-advocacy group]~~* becomes inactive:

(a) When the final vote is cast in the election in which the question or group of questions for which the *committee for political action ~~[ballot-advocacy group]~~* is advocating the passage or defeat appears on the ballot; or

(b) If the election in which the question or group of questions for which the *committee for political action ~~[ballot-advocacy group]~~* is advocating the passage or defeat appears on the ballot is the subject of a challenge or recount, when the challenge or recount is completed.

~~[3]~~ 4. A *committee for political action advocating the passage or defeat of a ballot question ~~[ballot-advocacy group]~~* must file a notice of inactivity with the Secretary of State not later than 30 days after becoming inactive.

~~[4]~~ 5. The notice of inactivity required pursuant to subsection ~~[3]~~ 4:

(a) Must be on a form prescribed by the Secretary of State; and

(b) Must include, without limitation:

(1) The name, address and phone number of the *committee for political action ~~[ballot-advocacy group]~~* ;

(2) The name of the registered agent of the *committee for political action ~~[ballot-advocacy group]~~* ; and

(3) The question or group of questions for which the *committee for political action ~~[ballot-advocacy group]~~* is advocating the passage or defeat.

~~[5]~~ 6. As used in this section, “*committee for political action advocating the passage or defeat of a ballot question ~~[ballot-advocacy group]~~*” means a person or group of persons required to report campaign contributions and expenditures pursuant to NRS 294A.150 and 294A.220 *and ~~[or]~~ required to register with the Secretary of State ~~[file a statement of organization]~~* pursuant to NRS 294A.230~~[281]~~ .

PROPOSED CHANGES TO CHAPTER 295 OF NAC

Chapter 295 of NAC is hereby amended by adding thereto the provisions set forth as Sections 21 through 23 of this regulation:

Section 21: Removal of name from petition (NRS 295.055).

1. A valid request for name removal from a petition pursuant to subsection 4 of NRS 295.055 must be in writing and include an original signature.

2. A county clerk shall not process and count a removal request that:

(a) is forwarded to the county clerk by e-mail;

(b) is illegibly written such that the county clerk cannot confirm the name of the individual requesting the removal; and

(c) includes a signature that cannot be confirmed upon comparison to that individual's voter registration application signature.

Section 22: NAC 295.020 Requirements for individual documents of petitions for initiative or referendum. (NRS 293.124, 293.247, 295.055)

1. A person who submits a petition that consists of more than one document to the county clerk for verification of the signatures shall sequentially number each page of each document in the petition, beginning with the number 1.

2. If a petition for an initiative or referendum consists of more than one document, each document must, in addition to any other requirements, contain the full text of the proposed measure and:

(a) Include sequentially numbered spaces for:

(1) The name of each person who signs the petition.

(2) The signature of the person signing the petition.

(3) The street address of the residence where the person signing the petition 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 the petition.

(4) The name of the county ***and the petition district*** where the person who signs is a registered voter.

(5) The date of the signature.

(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 each person who signed was at the time of signing a registered voter in the county of his or her residence;~~ (6) that the

number of signatures affixed thereon is _____; and (~~6~~ 6) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

Signature of circulator

Subscribed and sworn to or affirmed
before me this _____ day of _____, _____.

Notary public or other person licensed
to administer an oath

3. Any document of a petition may consist of more than one page. If a document consists of more than one page:
 - (a) Each page, including a blank signature page, must be numbered sequentially, beginning with the number 1 for each document;
 - (b) All the pages must be stapled, bound or attached in a similar manner that does not include the use of paper clips, rubber bands or binder clips and must be placed in numerical order; and
 - (c) The affidavit of the circulator required by NRS 295.095 or 295.205 must appear on the last pages of the document.
4. As used in this section, "petition" means a petition described in Article 19 of the Nevada Constitution or NRS 295.015 or 295.045.

Section 23: NAC 295.025 Individual documents limited to voters of single county; separate documents required for each petition district. (NRS 293.124, 293.247, 295.055)

1. Each document of a petition *or referendum* that proposes a *constitutional amendment or statewide measure* [~~statute, an amendment to a statute or an amendment to the Constitution of this State~~] must bear the name of a county and petition district, and only registered voters of that county *and petition district* may sign the document.
2. If a county comprises more than one petition district, a petition *or referendum* that proposes a *constitutional amendment or statewide measure* [~~statute, an amendment to a statute or an amendment to the Constitution of this State~~] must consist of a separate document for each petition district contained fully or partially within the county.

PROPOSED CHANGES TO CHAPTER 304 OF NAC

Chapter 304 of NAC is hereby amended by adding thereto the provisions set forth as Section 24 through 25 of this regulation:

Section 24: Definitions. (NRS 304.210) As used in this chapter, unless the context otherwise requires:

1. ***"Catastrophe" has the meaning ascribed to it in NRS 304.210.***

Section 25: Deadline for political parties to nominate their candidate for a special election. (NRS 304.230, 304.240)

- 1. Major political parties and minor political parties must nominate their respective candidate for a special election pursuant to subsection 1 of NRS 304.230 by the following deadlines:
(a) Within 45 days following the Governor's election proclamation pursuant to subsection 1 of NRS 304.230; and
(b) If the vacancy is caused by a catastrophe, within 15 days following the Governor's election proclamation pursuant to subsection 1 of NRS 304.230.*
- 2. A major political party or minor political party who fails to nominate a candidate by the deadlines set forth in subsection 1 are precluded from placing a candidate on the ballot of a the corresponding special election.*
- 3. The deadlines in subsection 1 shall apply to the political parties regardless of the political parties' internal bylaws, rules or regulations.*

PROPOSED CHANGES TO CHAPTER 306 OF NAC

Chapter 306 of NAC is hereby amended by adding thereto the provisions set forth as Section 26 of this regulation:

Section 26: NAC 306.014 Removal of signature from petition: Notification of county clerk; effect on legal sufficiency; signature required. (NRS 306.011, 306.015)

- 1. If signatures are stricken from a petition to recall a public officer pursuant to subsection 2 of NRS 306.040, the secretary of state will notify the appropriate county clerk. The removal of names from a petition pursuant to subsection 2 of NRS 306.040 after the fifth business day after the secretary of state completes the notification required by subsection 1 of NRS 306.040 does not affect the legal sufficiency of the petition.*
- 2. A valid request for name removal from a petition pursuant to subsection 5 of NRS 306.015 must be in writing and include an original signature.*
- 3. A county clerk shall not process and count a removal request that:
(a) is forwarded to the county clerk by e-mail;
(b) is illegibly written such that the county clerk cannot confirm the name of the individual requesting the removal; and
(c) includes a signature that cannot be confirmed upon comparison to that individual's voter registration application signature.*