

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R130-13

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 3 of this regulation:

Section 1. Secretary of State to Prescribe Forms related to Signature Examination and Petition Verification (NRS 293.124, 293.247, 293.1276, 293.1277, 293.1278, 293.1279)

The information required to be sent from the county clerks and registrars of voters to the Secretary of State, pursuant to NRS 293.1276(1), 293.1277(6), 293.1278(3) and 293.1279(4), shall be sent on forms prescribed by the Secretary of State.

Section 2. Deadline to Change a Political Party Name (NRS 293.124, 293.247, 293.128, 293.171)

1. A political party organized pursuant to NRS 293.128 or NRS 293.171 wishing to change the name of its political party must do so by December 31 of the year preceding an election to have the name change represented on any ballots, sample ballots or voter registration materials for the upcoming election year.

Section 3. Claimant Name and Contact Information is Confidential (NRS 293.124, 293.247, 294A.002)

The name and contact information of a person who files a written complaint with Secretary of State's office alleging a violation of this title may be kept confidential.

Chapter 293 of NAC is hereby amended by repealing the following provisions:

~~[NAC 293.050 Certified lists of candidates. (NRS 293.124, 293.247) Not later than 5 working days after the last day upon which any candidate who has filed a declaration of candidacy or acceptance of candidacy may withdraw the candidacy pursuant to NRS 293.202:~~

~~1. Each county clerk shall send to the Secretary of State a list certified by him or her that contains the name and mailing address of each candidate for a county, district or township office who has filed a declaration of candidacy or acceptance of candidacy with him or her.~~

~~2. The Secretary of State will send to each county clerk a list certified by him or her that contains the name and mailing address of each candidate of a minor political party and independent candidate who has filed a declaration of candidacy or an acceptance of candidacy with him or her.]~~

Chapter 293C of NAC is hereby amended by adding thereto the provisions set forth as Section 4 of this regulation:

Section 4. County Clerks to Provide City Clerks Facsimiles of Registered Voters Signatures. (NRS 293.124, 293.247, 293C.270)

- 1. For all elections governed by NRS Chapter 293C, the county clerks and registrars of voters shall provide the city clerks with a copy of each registered voter's signature for purposes of the comparison required by NRS 293C.270.*
- 2. The signature provided may be an original or a facsimile thereof the person's original application to register to vote.*

Chapter 293D of NAC is hereby amended by adding thereto the provisions set forth as Sections 5-6 of this regulation:

Section 5. Definitions. (NRS 293.124, 293.247) As used in this Chapter:

- 1. "Covered voter" has the meaning ascribed to it in NRS 293D.030.*
- 2. "Digital signature" has the meaning ascribed to it in NRS 293D.033.*
- 3. "Electronic signature" has the meaning ascribed to it in NRS 293D.036.*

Section 6. Comparison of electronic and digital signatures (NRS 293.124, 293.247, 293.325, 293D.200)

When comparing the digital or electronic signature of a covered voter against the original signature of a covered voter on the county clerk's register, as required by NRS 293.325(2) and 293C.325(2), a clerk shall use all documents, information and other satisfactory evidence in his or her possession when making his or her determination, including, but not limited to, the following:

- 1. if the covered voter provided an electronic signature, the appearance of the electronic signature as compared to the original signature on file; or*
- 2. the covered voter's Nevada driver's license number, Nevada identification card number, the last four digits of the covered voter's social security number, email address or any other information sufficient to identify the covered voter.*

Chapter 294A of NAC is hereby amended by adding thereto the provisions set forth as Sections 7 – 12 of this regulation:

Section 7. Committee for political action registration thresholds. (NRS 293.124, 293.247, 294A.0055, 294A.230, 294.380)

Committees for political action pursuant to NRS 294A.005(1) are not required to register with the Secretary of State's office pursuant to NRS 294A.230 if it does not:

- 1. receive a contribution in excess of \$1,000 or contributions received from a contributor which cumulatively exceed \$1,000; or*
- 2. make any expenditure in excess of \$1,000 or expenditures to one recipient which cumulatively exceeds \$1,000.*

Section 8. Contributions received for the purpose of affecting the outcome of any election or ballot question. (NRS 293.124, 293.247, 294A.230, 294.380)

For the purposes of NRS 294A.230(2), “contributions received for the purpose of affecting the outcome of any primary election, general election, special election or any question on the ballot” shall mean those contributions which are:

- 1. designated by the contributor for use in Nevada or received from a contributor located in Nevada; or*
- 2. if subsection 1 does not apply, the following rules shall apply in order of descending precedence until the amount of contributions reported are equal to or greater than the amount of expenditures reported:*
 - (a) Contributions sufficient in amount to cover the expenditure on a last-in-first-out basis;*
 - (b) If there is inadequate recordkeeping to determine contributions pursuant to subsection (a), contributions from the largest donor, measured in the aggregate, then the second largest donor and so forth until the amount of contributions is equal to or greater than the amount of expenditures; or*
 - (c) All contributions.*

Section 9. Candidate must sign contributions & expenses report (NRS 293.124, 293.247, 294A.380)

A candidate, and not an authorized representative, shall sign the reports required by NRS 294A.120, 294A.125 and 294A.200 if the report is filed either electronically or on paper.

Section 10. Factors to be considered for determination of express advocacy (NRS 293.124, 293.247, 294A.0025, 294A.380)

- 1. Factors to be considered for determining whether a communication “advocates expressly” or “expressly advocates” pursuant to NRS 294A.0025 include, but are not limited to:*
 - (a) Relation in time to an election in which the targeted candidate or ballot question may appear;*
 - (b) Relation in time to a Legislative Session.*

Section 11. Use of term clearly identified (NRS 293.124, 293.247, 294A.0025, 294A.0075, 294A.347, 294A.348, 294A.380)

- 1. As used in NRS Chapter 294A, the term “clearly identified” does not require specific reference to the name of a candidate or question on the ballot.*
- 2. Any name, nickname, title, image, photograph, phrase or other description may be considered when determining whether a candidate or question on the ballot is clearly identified.*
- 3. Examples of when a candidate or ballot question is “clearly identified” include, but are not limited to:*
 - (a) “your assemblyman”*
 - (b) “the pro-life question”*
 - (c) “the mayor’s office”*

Section 12. Claimant name and contact information is confidential (NRS 293.124, 293.247, 294A.380, 294A.410)

The name and contact information of a person who files a notice of an alleged violation pursuant to NRS 294A.410(2) with the Secretary of State's office may be kept confidential.

Chapter 294A of NAC is hereby amended by repealing the following provisions:

~~[NAC 294A.100—Recall or special election: Report of advocacy regarding candidate or question. (NRS 293.124, 294A.380)~~

~~1.—In a recall or special election, a person who advocates:~~

~~(a) The election of a candidate other than himself or herself to national, congressional, state, district, county, municipal or township office;~~

~~(b) The defeat of a candidate other than his or her opponent in a national, congressional, state, district, county, municipal or township election;~~

~~(c) The election or defeat of a group of candidates not including himself or herself or his or her opponent for national, congressional, state, district, county, municipal or township office; or~~

~~(d) The passage or defeat of a question or a group of questions on the ballot at any election;~~

~~□ shall file the report prescribed by the Secretary of State no later than 30 days after the election.~~

~~2.—The report required by subsection 1 must address:~~

~~(a) In a recall election, the period after the filing of notice to circulate a recall petition up to the recall election.~~

~~(b) In a special election, the period 180 days before the special election.~~

~~3.—The provisions of this section apply to groups of persons, whether formally or informally organized, who advocate the election or defeat of a candidate or group of candidates, or the passage or defeat of a question or group of questions on a ballot, at any election.~~

~~(Added to NAC by Sec'y of State, eff. 7-18-88)~~

Chapter 306 of NAC is hereby amended by adding thereto the provisions set forth as Section 13 of this regulation:

Section 13. Start date for a nominating petition for a recall election (NRS 293.124, 293.247, 306.110)

1. A nominating petition pursuant to NRS 306.110 may not be filed prior to the date the notice of intent to recall a public officer is filed pursuant to NRS 306.015.

2. A nominating petition pursuant to NRS 306.110 may not be circulated for signatures until it is filed with the officer with whom the notice of intent to recall petition was filed.