

**PROPOSED REGULATION OF THE**

**SECRETARY OF STATE**

**LCB FILE NO. R065-21I**

**The following document is the initial draft regulation proposed**

**by the agency submitted on 10/21/2021**

**PROPOSED REGULATIONS OF THE SECRETARY OF STATE**

**ELECTIONS DIVISION**

**LCB File No. \_\_\_\_\_**

**Section 1. Chapter 306 of NAC is hereby amended by adding thereto the provisions set forth in Sections 2 to 3, and by adding thereto the provisions set forth in Section 4 to 6, inclusive of this regulation.**

**Sec. 2. NAC 306.005 is hereby amended as follows. Restriction on time of filing. ([NRS 306.011](#))**

*1. A notice of intent to circulate a petition to recall a public officer pursuant to subsection 1 of [NRS 306.015](#) may not be filed during the period the circulation or filing of the petition to recall the public officer is prohibited pursuant to [Section 9 of Article 2](#) of the Constitution of the State of Nevada.*

*2. Before a petition to recall a seated official may be circulated, the person or persons intending to circulate the recall petition must file a copy of such petition, with a description not to exceed 200 words providing the reason for the recall, with the Secretary of State on the same date at which the person submitted the Notice of Intent.*

**Sec. 3. NAC 306.020 is hereby amended as follows. Verification by county clerk of number of signatures; notification of Secretary of State. ([NRS 306.011](#))**

1. A county clerk may, after determining the total number of signatures contained in a petition to recall a public officer pursuant to [NRS 293.1276](#), notify the Secretary of State by telephone of the number of signatures contained in the petition. The clerk shall mail or *send by electronic mail*

to the Secretary of State written confirmation of the number of signatures contained in the petition within 1 day after the clerk notifies the Secretary of State by ~~telephone~~ *electronic mail*.

2. A county clerk may, after verifying the number of signatures contained in a petition to recall a public officer pursuant to [NRS 293.1277](#), notify the Secretary of State by ~~telephone~~ *electronic mail* of the number of verified signatures contained in the petition.

#### **Sec. 4.**

##### **NAC 306.006 Timeline for Recall Committee Registration Filing ([NRS 306.011](#))**

*The person or persons responsible for the establishment of a recall committee must file a recall committee registration with the Secretary of State within 10 days of submitting the Notice of Intent to recall a seated official.*

#### **Sec. 5.**

##### **NAC 306.070. Withdrawal of a Notice of Intent prior to Start of Signature Verification**

*If two of the three signers of the notice of intent requests to remove his or her name from the petition, prior to the start of signature verification by the county clerk or registrar, the county clerk shall accept the withdrawal request in writing and inform both the Secretary of State and the third signer of the notice of intent within 24 hours by mail, electronic mail, or facsimile machine. Signatures which have been gathered will not be considered for signature verification and the petition shall be deemed insufficient. The petition has no further effect and all proceedings are thereon terminated.*

#### **Sec. 6.**

##### **NAC 306.060 Candidate nominated at Special Election.**

*When a candidate is nominated pursuant to NRS 306.110, and duly elected during a Special Election, the filing officer shall issue the elected a certificate of election, reflecting the date of*

*the Special Election through the expiration of the term for that office. If the incumbent retains the position, no certificate of election is to be issued.*