

### **Informational Statement**

The information required by NRS 233B.066 is provided below:

**1. A clear and concise explanation of the need for the adopted regulation.**

NRS 293.124 provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of the proposed amendment is to codify standards and procedures for various election functions. Specifically setting forth various requirements related to an elector with a disability or a registered voter with a disability using the system of approved electronic transmission established for certain uniformed military and overseas voters; requiring each county or city clerk to provide notice to certain persons regarding such a system of approved electronic transmission; revising the instructions provided to covered voters related to military overseas ballots; revising the declaration that certain covered voters are required to submit with a military-overseas ballot; and providing other matters properly relating thereto.

**2. A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary.**

The Office of the Secretary of State solicited comment on the proposed amendment by posting a notice with links to the full text of the proposed amendment to the LCB Administrative Regulation Notices website, Secretary of State's website, and Nevada Public Notice website as well as posting notices and agendas in numerous public locations pursuant to NRS 233B. The notices were also distributed through the agencies 'eNotifier' application which sent them to approximately 670 individual email addresses.

The Office of the Secretary of State also posted links to all notices and proposed text on the agency Twitter page for both the Secretary of State (@NVSOS) and Elections Division (@NVElect). All 17 county clerks and registrars were given a copy of all notices and proposed text along with the guidance to distribute to anyone who may be interested.

A workshop was held regarding this regulation on January 21, 2022 and the adoption hearing was held on February 3, 2022. The notices, proposed text, and link to the video of the workshop and adoption hearing are posted at the following website:

<https://www.nvsos.gov/sos/elections/election-information/elections-regulations>

Written comments received prior to each adoption hearing are available upon request.

The public response varied considerably. A general summary of the comments and summary of the suggested changes is provided below.

Numerous comments centered on concerns regarding the passage of Assembly Bill 321 and Assembly Bill 121 during the 2021 legislative session. Those suggestions would require statutory changes to be implemented. Other concerns involved the distribution of ballots and increasing both security measures as well as reporting procedures. The Office of the Secretary of State continues to work with each county election official in order to identify and implement increased security and

transparency protocols. To that end, this modified regulation is a measured effort to provide increased security and transparency without overtaxing local election officials.

**3. The number of persons who: (1) Attended each hearing; (2) Testified at each hearing; and (3) Submitted to the agency written statements.**

Workshop date: January 19, 2020 \*While this regulation was not addressed during this workshop, most written statements covered numerous regulations including this one.

- (a) Number in attendance: 25
- (b) Number testifying: 19
- (c) Written statements submitted: 60

Workshop date: January 20, 2020 \*While this regulation was not addressed during this workshop, most written statements covered numerous regulations including this one.

- (a) Number in attendance: 31
- (b) Number testifying: 18
- (c) Written statements submitted: 33

Workshop date: January 21, 2020

- (a) Number in attendance: 19
- (b) Number testifying: 17
- (c) Written statements submitted: 26

Adoption Hearing date: February 3, 2020

- (a) Number in attendance: 20
- (b) Number testifying: 13
- (c) Written statements submitted: 164

**4. For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing: (1) Name; (2) Telephone number; (3) Business address; (4) Business telephone number; (5) Electronic mail address; and (6) Name of entity or organization represented.**

Please see the attached spreadsheet for details.

**5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.** Written comments were not solicited from businesses as the proposed regulation does not affect businesses.

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Many of the suggested changes were not implemented because they either conflicted with existing statutes or exceeded the scope of the proposed regulation. Most suggestions were to strike entirely or add a requirement for documentation of the disability which would have exceeded the scope of the proposed text. Concerns about Section 4, Subsection (b) (6) "(b) Instruct the registered voter that the ballot may not be used by another registered voter or duplicated;..." have already been addressed and ballot duplication is not possible. Recommendations to track EASE ballots separately

are already underway as are improved reporting procedures that will be implemented upon completion of our transition to a top-down voter registration system.

- 7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include: (1) Both adverse and beneficial effects; and (2) Both immediate and long-term effects.**

These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

- 8. The estimated cost to the agency for enforcement of the proposed regulation.**

There is no anticipated cost related to the enforcement of the proposed regulation.

- 9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The proposed regulation does not overlap or duplicate any other regulations of another state or government agency.

- 10. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

This regulation does not include provisions which are more stringent than a federal regulation which regulates the same activity.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide a new fee or increase an existing fee.

<b>Workshop January 19, 2022</b>	<b>Workshop January 20, 2022</b>	<b>Workshop January 21, 2022</b>	<b>Adoption Hearing February 2, 2022</b>	<b>Adoption Hearing February 3, 2022</b>
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