

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R083-21

December 20, 2021

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: § 1, NRS 306.011 and 306.015.

A REGULATION relating to the recall of public officers; authorizing, under certain circumstances, the withdrawal of a petition to recall a public officer; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Secretary of State to adopt regulations relating to the recall of public officers. (NRS 306.011) Existing law requires a notice of intent to circulate a petition to recall a public officer to be signed by three registered voters who: (1) voted in the state, county, district or municipal election at which the public officer was elected; and (2) reside in the jurisdiction represented by the public officer. (NRS 306.015) The Nevada Constitution requires that a petition to recall a public officer contain not less than 25 percent of the number of persons who actually voted in the state, county, district or municipality represented by the public officer at the election in which the public officer was elected. (Nev. Const. Art. 2, § 9) Moreover, existing law requires that the signatures on the petition be verified in accordance with specified statutory guidelines. (NRS 306.015)

This regulation provides that a petition to recall a public officer may be withdrawn if: (1) at least two of the registered voters who signed the notice of intent submit a notice of withdrawal to the filing officer on a form prescribed by the Secretary of State; and (2) the notice of withdrawal is received by the filing officer before the petition is submitted to the filing officer for signature verification. This regulation further provides that once a petition to recall a public officer is withdrawn, no further action may be taken on that petition. Finally, this regulation requires, not later than 24 hours after receiving a notice of withdrawal, the filing officer to notify the Secretary of State, the public officer who is the subject of the recall and, if only two of the registered voters who signed the notice of intent submitted the notice of withdrawal, the third registered voter who signed the notice of intent.

Section 1. Chapter 306 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A petition to recall a public officer may be withdrawn if:

(a) At least two of the registered voters who signed the notice of intent pursuant to NRS 306.015 submit a notice of withdrawal to the filing officer on a form prescribed by the Secretary of State; and

(b) The notice of withdrawal described in paragraph (a) is received by the filing officer before the petition is submitted to the filing officer for signature verification.

2. Except as otherwise provided in subsection 3, once a petition to recall a public officer is withdrawn pursuant to subsection 1, no further action may be taken on that petition.

3. Not later than 24 hours after receiving a notice of withdrawal pursuant to subsection 1, the filing officer shall notify:

(a) The Secretary of State;

(b) The public officer who is the subject of the recall; and

(c) If only two of the registered voters who signed the notice of intent pursuant to NRS 306.015 submitted the notice of withdrawal described in subsection 1, the third registered voter who signed the notice of intent pursuant to NRS 306.015.

↪ The notification required pursuant to this subsection must be sent by mail, electronic mail or facsimile machine.