

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R084-21

December 20, 2021

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

AUTHORITY: § 1, NRS 293.124, 294A.250, 294A.380 and 306.011; § 2, Nev. Const. Art. 2, § 9, NRS 293.124, 306.011, 306.015, 306.020 and 306.030; §§ 3-5, NRS 293.124 and 306.011.

A REGULATION relating to the recall of public officers; establishing a deadline for a committee for the recall of a public officer to register with the Secretary of State; requiring a copy of the proposed petition to recall a public officer to be filed with the Secretary of State on the same date that the notice of intent to circulate the petition is filed with the filing officer; requiring the copy of the proposed petition to comply with existing constitutional and statutory requirements; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Secretary of State to adopt regulations relating to campaign practices and recall elections. (NRS 293.124, 294A.380, 306.011)

Existing law requires a committee for the recall of a public officer to register with the Secretary of State. (NRS 294A.250) Existing law defines “committee for the recall of a public officer” as an organization that: (1) receives any contributions, makes any contribution to candidates or persons or makes any expenditures that are designed to affect the recall of a public officer; or (2) files a notice of intent to circulate a petition for the recall of a public officer. (NRS 294A.006) **Section 1** of this regulation establishes a deadline for the registration of any such committee by requiring the committee to register with the Secretary of State not later than 10 days after filing the notice of intent.

Existing law provides that before a petition for the recall of a public officer is circulated, the persons proposing to circulate the petition must file a notice of intent to circulate the petition. (NRS 306.015) **Section 2** of this regulation requires a copy of the proposed petition to recall a public officer to be filed with the Secretary of State on the same date that the notice of intent is filed with the filing officer. Further, **section 2** prohibits the proposed petition from being circulated until both the notice of intent and a copy of the proposed petition are filed.

The Nevada Constitution and existing law set forth various requirements relating to the contents of a petition to recall a public officer, including, without limitation, the requirement that the petition contain a description, not exceeding 200 words, of the reasons why the recall is demanded. (Nev. Const. Art. 2, § 9, NRS 306.020, 306.030) **Section 2** requires that the copy of

the proposed petition filed with the Secretary of State meet such constitutional and statutory requirements.

Sections 3-5 of this regulation update various internal references in order to conform with existing provisions of the Nevada Revised Statutes.

Section 1. Chapter 294A of NAC is hereby amended by adding thereto a new section to read as follows:

A committee for the recall of a public officer that files a notice of intent to circulate a petition to recall a public officer pursuant to NRS 306.015 shall register with the Secretary of State pursuant to NRS 294A.250 not later than 10 days after the date on which the notice of intent was filed.

Sec. 2. Chapter 306 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The persons proposing to circulate a petition to recall a public officer shall file a copy of the proposed petition with the Secretary of State on the date that the notice of intent to circulate the petition is filed with the filing officer pursuant to NRS 306.015. A copy of the petition may not be circulated until such time that the copy of the proposed petition and the notice of intent are filed.

2. The copy of the proposed petition to recall a public officer must comply with the requirements set forth in Section 9 of Article 2 of the Nevada Constitution and NRS 306.020 and 306.030, including, without limitation, the requirement that the petition contain a summary, not to exceed 200 words, of the reasons why the recall is demanded.

Sec. 3. NAC 306.022 is hereby amended to read as follows:

306.022 1. If the county clerk makes a clerical error regarding a petition to recall a public officer, the county clerk may correct the error before filing, pursuant to subsection ~~4~~ 5 of NRS

306.015, the petition with the filing officer with whom the public officer to be recalled filed his or her declaration of candidacy.

2. If the county clerk chooses to correct the error, he or she shall:

(a) Notify the persons who filed the notice of intent pursuant to subsection 1 of NRS 306.015, the public officer to be recalled and the Secretary of State of the substance of the error;

(b) Inform the persons specified in paragraph (a) of the correct information or procedure; and

(c) Prepare a certificate of error, attach it to the corrected document and provide a copy of the certificate to each of the persons specified in paragraph (a).

3. Correction of a clerical error by a county clerk does not affect the deadlines concerning the process of recalling a public officer set forth in chapter 306 of NRS.

Sec. 4. NAC 306.023 is hereby amended to read as follows:

306.023 The filing officer with whom a public officer to be recalled filed his or her declaration of candidacy shall notify that public officer, in writing, within 2 days after a petition to recall a public officer is filed pursuant to subsection ~~4~~ 5 of NRS 306.015.

Sec. 5. NAC 306.025 is hereby amended to read as follows:

306.025 If a county clerk or city clerk is the officer with whom a petition to recall a public officer is filed pursuant to subsection ~~4~~ 5 of NRS 306.015, the county clerk or city clerk shall, within 3 days after:

1. The Secretary of State completes the notification required by subsection 1 of NRS 306.040; or

2. The county clerk or city clerk receives a court order pursuant to subsection ~~6~~ 7 of NRS 306.040 to call a special election,

↳ provide the Secretary of State with written notification of the date the county clerk or city clerk will issue the call for a special election and the date the special election will be held.