

### **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 establishing certain requirements and procedures for mail ballots; eliminating certain obsolete references to “absent ballots;” 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 19, 2022 and February 4, 2022, and the adoption hearing was held on February 22, 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.

There was limited public response about this unique regulation. Comments received generally called for the elimination of all proposed regulations including this one.

**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

(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 \*While this regulation was not addressed during this workshop, most written statements covered numerous regulations including this one.

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

Adoption Hearing date: February 2, 2020 \*While this regulation was not addressed during this adoption hearing, most written statements covered numerous regulations including this one.

- (a) Number in attendance: 23
- (b) Number testifying: 17
- (c) Written statements submitted: 162

Adoption Hearing date: February 3, 2020 \*While this regulation was not addressed during this adoption hearing, most written statements covered numerous regulations including this one.

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

Workshop date: February 4, 2022

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

Adoption Hearing: February 22, 2022

- (a) Number in attendance: 16
- (b) Number testifying: 3
- (c) Written statements submitted: 75

- 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.**

Comments generally called for the elimination of all proposed regulations. Other feedback included requiring tri-partisan involvement by election workers instead of bi-partisan involvement as practicable, which is under review for further consideration. Some feedback called for personal liability fines of no less than \$1000 per day if an election officer failed to publish a schedule for a mail central counting board and other suggestions to what would be published by a clerk to notify the public. Some of these suggestions, specifically those relating to publishing timelines and information made available to the public, will be further analyzed based on the transition to a “top down system” pursuant to AB422. This regulation was modified to include the requirement for the starting time that a mail central counting board would begin its work.

**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.

Workshop January 19, 2022 Mark Wlaschin - SOS (Host)	Workshop January 20, 2022 Mark Wlaschin - SOS (Host)	Workshop January 21, 2022 Mark Wlaschin - SOS (Host)	Adoption Hearing February 2, 2022 Mark Wlaschin - SOS (Host)	Adoption Hearing February 3, 2022 Mark Wlaschin - SOS (Host)	Workshop February 4, 2022 Mark Wlaschin - SOS (Host)	Adoption Hearing February 22, 2022 Mark Wlaschin - SOS (Host)
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Workshop January 19, 2022	Workshop January 20, 2022	Workshop January 21, 2022	Adoption Hearing February 2, 2022	Adoption Hearing February 3, 2022	Workshop February 4, 2022	Adoption Hearing February 22, 2022
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