

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R102-21

December 20, 2021

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

AUTHORITY: § 1, NRS 293.124, 293.247, 293.303 and 293.547.

A REGULATION relating to elections; requiring that a written challenge to the right to vote of a person and certain oaths or affirmations of a challenged voter include any documentation or evidence supporting the facts upon which each ground of the challenge is based; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a registered voter to challenge the right to vote of another person if: (1) he or she is registered to vote in the same precinct as the person whose right to vote is challenged; and (2) the challenge is based on the personal knowledge of the registered voter who submits the challenge. The challenge must: (1) be signed and verified by the registered voter who submits the challenge; (2) name the person whose right to vote is challenged; and (3) name the ground or grounds, as applicable, of the challenge. (NRS 293.547) Existing regulations require any such written challenge to be on a form prescribed by the Secretary of State and contain certain information including: (1) a statement of the facts upon which each ground for the challenge is based; and (2) a statement that the challenge is based on personal knowledge of the facts upon which each ground for the challenge is based. (NAC 293.416) This regulation requires that a written challenge also contain any documentation or evidence supporting the facts upon which each ground for the challenge is based.

Existing law provides that if a written challenge to the right to vote of another person is filed and the challenged person applies to vote, an election board officer is required to tender the challenged person an oath or affirmation. The oath or affirmation is required to be in a certain form, depending on the reason set forth in the challenge. If the challenged person executes the appropriate oath or affirmation, he or she is allowed to vote. If the challenged person does not execute the appropriate oath or affirmation, with certain exceptions, the challenged person must not be issued a ballot. (NRS 293.303) Existing regulations require that the oath or affirmation of a challenged person must be on a form prescribed by the Secretary of State and contain certain information, including: (1) a statement of the facts upon which each ground for the challenge is based; and (2) a statement that the challenge is based on personal knowledge of the facts upon which each ground for the challenge is based. (NAC 293.416) This regulation requires that the oath or affirmation also contain any documentation or evidence supporting the facts upon which each ground for the challenge is based.

Section 1. NAC 293.416 is hereby amended to read as follows:

293.416 1. A written challenge authorized by NRS 293.547 must be on a form prescribed by the Secretary of State and contain, in addition to any other required information:

(a) The address and, if readily available, the telephone number of the person whose right to vote is challenged.

(b) The number of the precinct in which the person whose right to vote is challenged is registered to vote.

(c) The name, address and telephone number of the person filing the challenge.

(d) The precinct in which the person filing the challenge is registered to vote.

(e) The date of the challenge.

(f) A statement of the facts upon which each ground for the challenge is based.

(g) A statement that the challenge is based on personal knowledge of the facts upon which each ground for the challenge is based.

(h) Any documentation or evidence supporting the facts upon which each ground for the challenge is based.

2. In addition to the requirements set forth in NRS 293.303, the oath or affirmation of a challenged person must be on a form prescribed by the Secretary of State and include, without limitation:

(a) The address and, if readily available, the telephone number of the person whose right to vote is challenged.

(b) The number of the precinct in which the person whose right to vote is challenged is registered to vote.

- (c) The name, address and telephone number of the person filing the challenge.
- (d) The precinct in which the person filing the challenge is registered to vote.
- (e) The date of the challenge.
- (f) A statement of the facts upon which each ground for the challenge is based.
- (g) A statement that the challenge is based on personal knowledge of the facts upon which each ground for the challenge is based.

(h) Any documentation or evidence supporting the facts upon which each ground for the challenge is based.

3. As used in this section, “personal knowledge” means that the person who files the challenge has firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based.