

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R103-21

December 20, 2021

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

AUTHORITY: § 1, NRS 293.124 and 293.247 and sections 3, 11 and 13 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1216, 1220 and 1222 (NRS 293.269911, 293.269927 and 293.269931); § 2, NRS 293.124 and 293.675; § 3, NRS 293.124 and 293.247 and sections 51, 59 and 61 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1243, 1247 and 1249 (NRS 293C.263, 293C.26327 and 293C.26331); § 4, NRS 293.124.

A REGULATION relating to elections; requiring county and city clerks to report certain information to the Secretary of State regarding mail ballots; revising the requirements related to the transfer of certain information to the statewide voter registration list; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires the county and city clerks to prepare and distribute to certain registered voters a mail ballot for every election; (2) requires the county and city clerks to check the signatures on received mail ballots; (3) authorizes each mail ballot central counting board to begin counting the received mail ballots 15 days before the day of the election; and (4) requires each mail ballot central counting board to complete the count of all mail ballots on or before the seventh day following the election. (Sections 3, 11, 13, 51, 59 and 61 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1216, 1220, 1222, 1243, 1247 and 1249 (NRS 293.269911, 293.269927, 293.269931, 293C.263, 293C.26327 and 293.26331)) **Sections 1 and 3** of this regulation require each county and city clerk, as applicable, to report to the Secretary of State during certain periods: (1) each registered voter that has been sent a mail ballot; (2) each registered voter whose mail ballot has been received by the clerk; (3) whether the clerk has completed the process for checking the signature of a mail ballot; and (4) whether each mail ballot has been processed and counted by the mail ballot central counting board.

Existing regulations require each county clerk to electronically transfer certain information to the statewide voter registration list at least once each business day. When a county clerk electronically transfers such information to the statewide voter registration list, the county clerk must certify that the county clerk has complied with such applicable technical requirements for security as may be prescribed by the Secretary of State to ensure the confidentiality of the information transferred. (NAC 293.458) **Section 2** of this regulation requires instead that when a county clerk electronically transfers such information to the statewide voter registration list, the

county clerk must certify that the county clerk has complied with such applicable technical requirements for security as may be prescribed by the Secretary of State to ensure the confidentiality of the personally identifiable information transferred.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Beginning the 45th day before an election and through the 7th day following the election, each county clerk shall, at least once each business day, inform the Secretary of State of:

(a) Each registered voter that the county clerk sent a mail ballot for the election;
(b) Each registered voter whose mail ballot has been received by the county clerk; and
(c) For each registered voter whose mail ballot has been received by the county clerk, an indication of whether the process set forth in section 11 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at page 1220 (NRS 293.269927), has been completed.

2. In addition to the information required pursuant to subsection 1, beginning the 15th day before an election and through the 7th day following the election, each county clerk shall, at least once each business day, inform the Secretary of State of whether the mail ballot of a registered voter has been processed and counted.

3. The information required pursuant to this section must be sent electronically and in the form and manner prescribed by the Secretary of State.

Sec. 2. NAC 293.458 is hereby amended to read as follows:

293.458 1. Each county clerk shall, at least once each business day, electronically transfer the information contained in the computerized database established pursuant to NAC 293.454 to the statewide voter registration list. Each transfer must comply with such technical requirements as may be prescribed by the Secretary of State.

2. When a county clerk electronically transfers information to the statewide voter registration list pursuant to subsection 1, the county clerk must certify that:

- (a) The information is accurate and complies with relevant state and federal law; and
- (b) The county clerk has complied with such applicable technical requirements for security as may be prescribed by the Secretary of State to ensure the confidentiality of the *personally identifiable* information transferred pursuant to subsection 1.

3. Each county clerk shall ensure that only authorized personnel may access the computerized database established pursuant to NAC 293.454.

Sec. 3. Chapter 293C of NAC is hereby amended by adding thereto a new section to read as follows:

1. Beginning the 45th day before an election and through the 7th day following the election, each city clerk shall, at least once each business day, inform the Secretary of State of:

- (a) Each registered voter that the city clerk sent a mail ballot for the election;*
- (b) Each registered voter whose mail ballot has been received by the city clerk; and*
- (c) For each registered voter whose mail ballot has been received by the city clerk, an indication of whether the process set forth in section 59 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at page 1247 (NRS 293C.26327), has been completed.*

2. In addition to the information required pursuant to subsection 1, beginning the 15th day before an election and through the 7th day following the election, each city clerk shall, at least once each business day, inform the Secretary of State of whether the mail ballot of a registered voter has been processed and counted.

3. The information required pursuant to this section must be sent electronically and in the form and manner prescribed by the Secretary of State.

Sec. 4. This regulation becomes effective on the later of:

1. January 1, 2022; or
2. The date that this regulation is filed with the Secretary of State.