

**PROPOSED REGULATION OF  
THE SECRETARY OF STATE**

**LCB File No. R107-21**

December 20, 2021

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

AUTHORITY: §§ 1-4, NRS 293.124 and 293.247 and sections 3 and 51 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1216 and 1243 (NRS 293.269911 and 293C.263).

A REGULATION relating to elections; setting forth a process for a registered voter to elect not to receive a mail ballot; requiring, under certain circumstances, a county or city clerk to distribute a second mail ballot to a registered voter; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires, with certain exceptions, a county or city clerk to prepare and distribute a mail ballot for every election to: (1) each active registered voter in the county or city, as applicable; and (2) each person in the county or city, as applicable, who registers to vote or updates his or her voter registration information not later than 14 days before the election. Existing law also authorizes a voter to elect not to receive a mail ballot by submitting to the county or city clerk a written notice which must be received not later than 60 days before the election. (Sections 3 and 51 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1216 and 1243 (NRS 293.269911 and 293C.263))

**Section 2** of this regulation authorizes a registered voter to elect not to receive a mail ballot by submitting such written notice to: (1) the Secretary of State, who will notify the applicable county and city clerks; (2) the county clerk, who will notify the applicable city clerk; or (3) the city clerk, who will notify the applicable county clerk. **Section 2** further provides that if a voter has previously elected not to receive a mail ballot, the voter may submit written notice that he or she wants to receive a mail ballot in future elections.

**Section 3** of this regulation provides that if a registered voter updates his or mailing address in the voter registration information after the date on which a mail ballot has been sent to the voter but not later than 14 days before the election, the county or city clerk, as applicable, must cancel the first mail ballot and, on or before the 13th day before the election, send the voter a second mail ballot to the updated mailing address.

**Section 1.** Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

**Sec. 2. 1.** *A registered voter may elect not to receive a mail ballot pursuant to section 3 or 51 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1216 and 1243 (NRS 293.269911 or 293C.263), as applicable, by submitting written notice to the Secretary of State or applicable county or city clerk. If the voter submits written notice to:*

*(a) The Secretary of State, the written notice must be submitted in the form and manner prescribed by the Secretary of State. Upon receipt of such written notice, the Secretary of State will notify the applicable county clerk and city clerk, if any.*

*(b) The county clerk, the written notice must be submitted in the form and manner prescribed by the county clerk. Upon receipt of such written notice, the county clerk must notify the applicable city clerk, if any.*

*(c) The city clerk, the written notice must be submitted in the form and manner prescribed by the city clerk. Upon receipt of such written notice, the city clerk must notify the applicable county clerk.*

**2.** *A registered voter who has previously elected not to receive a mail ballot may later request to receive a mail ballot by submitting written notice to the Secretary of State or applicable county or city clerk. If the voter submits written notice to:*

*(a) The Secretary of State, the written notice must be submitted in the form and manner prescribed by the Secretary of State. Upon receipt of such written notice, the Secretary of State will notify the applicable county clerk and city clerk, if any.*

*(b) The county clerk, the written notice must be submitted in the form and manner prescribed by the county clerk. Upon receipt of such written notice, the county clerk must notify the applicable city clerk, if any.*

*(c) The city clerk, the written notice must be submitted in the form and manner prescribed by the city clerk. Upon receipt of such written notice, the city clerk must notify the applicable county clerk.*

*3. If any written notice described in subsection 1 or 2 is received after the 60th day before an election, the written notice must be treated as a request to receive or not receive, as applicable, a mail ballot for subsequent elections.*

*Sec. 3. 1. If a registered voter updates his or her mailing address in the voter registration information after the date on which his or her mail ballot is sent pursuant to section 3 or 51 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1216 and 1243 (NRS 293.269911 or 293C.263), as applicable, but on or before the 14th day before the election, the county or city clerk, as applicable, must:*

*(a) On or before the 13th day before the election, send a second mail ballot to the registered voter at the updated mailing address;*

*(b) Indicate in the roster of mail ballots:*

*(1) The name of the registered voter to whom the second mail ballot is issued;*

*(2) The date that the second mail ballot is issued;*

*(3) The number of the second mail ballot; and*

*(4) That the first mail ballot is cancelled.*

*2. Nothing in this section authorizes:*

*(a) A registered voter to cast more than one mail ballot; or*

*(b) A county or city clerk to count more than one mail ballot received by a registered voter.*

**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.