

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB FILE NO. R108-211

**The following document is the initial draft regulation proposed
by the agency submitted on 11/23/2021**

PROPOSED REGULATIONS OF THE SECRETARY OF STATE

ELECTIONS DIVISION

LCB File No. _____

Section 1. Chapter 293 of NAC is hereby amended by establishing the provisions set forth in Section 2, inclusive of this regulation.

Sec. 2.

NAC 293.____ Observation at Central Count Facility (NRS 293.124, 293.247)

1. Subject to the provisions of subsections 2 to 8, inclusive, any person may observe the signature verification and tabulation processes at a county's central count facility.

2. Before observing the conduct of voting at a county's central count facility pursuant to subsection 1, a person must sign an acknowledgment in the form prescribed by the Secretary of State stating that the person, during the time the person observes the conduct of voting:

(a) Acknowledges that he or she is prohibited from:

1. Talking to workers within the central count facility with the exception of the county clerk and anyone else designated as a person to whom questions may be directed;

2. Using a mobile telephone or computer within the central count facility;

3. Advocating for or against a candidate, political party or ballot question;

4. Arguing for or against or challenging any decisions of county or city election personnel;

and

5. Interfering with the conduct of ballot processing; and

(b) May be removed from the central count facility by the county or city clerk for violating any provision of title 24 of NRS or any of the provisions of paragraph (a).

- 3. The county or city clerk may, at his or her discretion, remove from the central count facility a person observing the conduct of ballot processing pursuant to this section for violating any provision of title 24 of NRS or any of the provisions of paragraph (a) of subsection 2.*
- 4. The county or city clerk may, at his or her discretion, limit the number of observers permitted inside the central count facility for reasons of public safety, to preserve voter privacy, or to maintain order.*
- 5. A person observing the conduct of voting at the central count facility pursuant to subsection 1 must comply with the same requirements that apply to members of the general public pursuant to NRS 293.274, 293.305 and 293.730.*
- 6. A person observing the conduct of voting at the central count facility pursuant to subsection 1 may remain in an area designated by the chair of the election board to observe the activities conducted without interfering with the ballot processing. The designated area must allow for meaningful observation but must not be located in an area that would allow an observer to infringe on the privacy and confidentiality of the ballot of the voter.*
- 7. A person observing the conduct of voting at the central count facility pursuant to subsection 1 must wear a name tag denoting the person's full name.*
- 8. The county clerk shall retain the signed acknowledgments described in subsection 2 for at least 180 days following the election observed by the person who signed the acknowledgment.*
- 9. As used in this section, "advocate" includes, without limitation, speaking, displaying or disseminating written material and wearing party-identifying or candidate-specific clothing, buttons or other paraphernalia.*