

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R108-21

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 and 293B.353.

A REGULATION relating to elections; setting forth certain requirements for a person to observe the processing and counting of ballots at a central counting place; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a county or city clerk to allow members of the general public to observe the counting of the ballots at the central counting place if those members do not interfere with the counting of ballots. (NRS 293B.353) The central counting place is the location designated by the county or city clerk for the compilation of election returns. (NRS 293.0335)

This regulation: (1) authorizes, with certain limitations, any person to observe the processing and counting of ballots at the central counting place; (2) requires that before a person may observe the processing and counting of ballots, the person must sign an acknowledgement that certain behavior is prohibited at the central counting place; (3) authorizes, under certain circumstances, the county or city clerk to limit the number of persons observing in the central counting place; (4) authorizes, under certain circumstances, the county or city clerk to remove a person from the central counting place; and (5) requires a person to wear a name tag while observing the processing and counting of ballots.

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

- 1. Subject to the provisions of subsections 2 to 5, inclusive, any person may observe the processing and counting of ballots at the central counting place.*
- 2. Before observing the processing and counting of ballots at the central counting place 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 processing and counting of ballots at the central counting place:

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

(1) Talking to workers within the central counting place other than the county or city clerk or a person designated by the county or city clerk to address questions from observers;

(2) Using a mobile telephone or computer within the central counting place;

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

(4) Arguing for or against or challenging any decision of county or city election personnel; and

(5) Interfering with the processing and counting of ballots; and

(b) May be removed from the central counting place 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:

(a) Limit the number of persons in the central counting place who are observing the processing and counting of ballots pursuant to this section for reasons of public safety or to protect voter privacy or maintain order.

(b) Remove from a central counting place a person observing the processing and counting of ballots 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. A person observing the processing and counting of ballots at the central counting place may remain in an area designated by the county or city clerk without interfering with the processing and counting of ballots. 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 a voter.

5. A person observing the processing and counting of ballots at a central counting place pursuant to subsection 1 must wear a name tag denoting the person's full name.

6. The county and city clerk shall retain the signed acknowledgments described in subsection 2 for at least 180 days following the election.

7. As used in this section, "advocate" includes, without limitation, speaking, displaying or disseminating written material and wearing identifying clothing, buttons or other paraphernalia.