

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R015-23

July 17, 2023

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

AUTHORITY: §§ 1 and 2, NRS 293.124 and 293.247.

A REGULATION relating to elections; repealing certain obsolete regulations relating to voting by absent ballot; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth various provisions relating to voting by mail ballot. (NRS 293.269911-293.269937, 293C.263-293C.26337) Assembly Bill No. 321 (A.B. 321) of the 2021 Legislative Session repealed provisions of law governing voting by absent ballot. (Section 91 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at page 1266) Consistent with the changes made by A.B. 321, **sections 1 and 2** of this regulation repeal certain obsolete regulations relating to voting by absent ballot.

Section 1. NAC 293.412 is hereby amended to read as follows:

293.412 1. A county clerk shall:

(a) Maintain a separate list of inactive voters or designate inactive voters as such on regular lists of registered voters and election board registers.

(b) At the request of the Secretary of State, report to the Secretary of State the total number of inactive voters.

2. The name of each inactive voter:

(a) Must be included on any list made available for public inspection pursuant to NRS 293.440 unless the person requesting the list requests the exclusion of those names.

(b) Must not be included on any list made available for public inspection pursuant to NRS 293.557.

3. The signature of an inactive voter shall be deemed to be the signature of a registered voter for all purposes regarding any petition authorized or required pursuant to title 24 of NRS.

4. A city or county clerk:

(a) Is not required to send a sample ballot to an inactive voter.

(b) Is required to send ~~an absent~~ *a military-overseas* ballot to an inactive voter if the inactive voter requests ~~f~~:

~~—— (1) An absent ballot pursuant to the provisions of NRS 293.313 or 293C.310, as applicable; or~~

~~—— (2) A] a military-overseas ballot pursuant to the provisions of chapter 293D of NRS.~~

5. An inactive voter may vote in person at a polling place in the same manner as an active voter.

6. As used in this section, “inactive voter” means a voter designated as inactive pursuant to NRS 293.530 whose registration has not been cancelled.

Sec. 2. NAC 293.1827, 293.291, 293.295, 293.307, 293.318, 293C.165, 293C.170 and 293C.197 are hereby repealed.

TEXT OF REPEALED SECTIONS

293.1827 Verification of signatures on certain petitions: Request to remove signature does not necessarily invalidate signature. (NRS 293.124, 293.1277, 295.055) If a person who signs a petition for initiative or referendum that proposes a constitutional amendment or statewide measure requests pursuant to NRS 295.055 that the county clerk remove the person's name from the petition, the county clerk may not consider the person's signature as an invalid signature when verifying the signatures pursuant to subsections 2 and 3 of NRS 293.1277 solely on the basis that the person requested the removal.

293.291 Form to request absent ballot; voting at polling place after receipt. (NRS 293.124, 293.247, 293.250, 293.330)

1. In addition to the requirements set forth in paragraph (a) of subsection 1 of NRS 293.3095, the form to request an absent ballot must:

(a) Include a line for:

- (1) The name of the registered voter requesting the absent ballot;
- (2) The signature of the registered voter requesting the absent ballot; and
- (3) A tracking number that consists of the:

(I) Control number of the application to register to vote assigned to the application by the Secretary of State pursuant to NAC 293.420; or

(II) Voter registration number that is generated by computer and assigned by the county clerk in a county where a computer is used to register voters; and

(b) Include the name and address of the county clerk of the county where the registered voter who requests the ballot resides.

2. A registered voter who receives an absent ballot may vote at a polling place if the registered voter:

- (a) Surrenders the absent ballot to the county clerk or a designee thereof; or
- (b) Complies with the requirements set forth in subsection 3 of NRS 293.330.

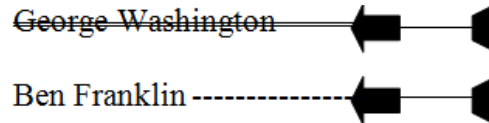
293.295 Request for absent ballot: Verification of voter's address; notification. (NRS 293.124, 293.247, 293.525) A county clerk who receives a request for an absent ballot shall:

- 1. Compare the address of the voter's residence in this State which is indicated on the request with the address which is indicated on the voter's application to register to vote.
- 2. If the county clerk determines that the address indicated on the application to register to vote is different from the address which is indicated on the request for an absent ballot, mail a written notice to the voter. The notice must include:
 - (a) A copy and explanation of the provisions set forth in NRS 293.525; and
 - (b) A postcard to be returned by the voter to the county clerk which includes verification of the address of the voter's residence in this State. The county clerk shall use a postcard that may not be forwarded to an address of the voter which is different from the address to which the notice is mailed.

293.307 Provision of instructions for correction of absent ballot; duplication of corrected ballot. (NRS 293.124, 293.247, 293.250)

- 1. Each county clerk or city clerk shall provide, with each absent ballot, instructions that must include the following:

If you make a mistake or change your mind while voting this ballot, **do not use correction fluid or tape**. Simply cross out the name of the candidate you **do not** wish to vote for and connect the arrow of the candidate you **do** wish to vote for. See example below. Call **XXX-XXXX** for assistance if needed.



2. A county clerk or city clerk shall not duplicate any absent ballot which the voter has marked to indicate a correction or on which the voter has used correction tape or fluid unless the clerk determines that no ambiguity exists as to the intent of the voter.

293.318 Absent ballot: Plan for disposition in case of emergency. (NRS 293.124, 293.247)

1. Each county clerk and city clerk shall submit a plan to the Secretary of State setting forth the procedures that the clerk will use for the disposition of absent ballots in case of an emergency. Such plan must be submitted not later than 90 days before each election.

2. In the case of an emergency, the Secretary of State may order one or more polling places to be used to accommodate voters who are unable to vote at their polling places due to the emergency.

3. As used in paragraph (o) of subsection 3 of NRS 293.247, “emergency” means a temporary or permanent situation where one or more polling places located within the

jurisdiction of a county clerk or city clerk does not have a mechanical voting device that is properly recording votes electronically.

293C.165 Absent ballot: Form to request; voting at polling place after receipt. (NRS 293.124, 293.247, 293.250, 293C.330)

1. In addition to the requirements set forth in paragraph (a) of subsection 1 of NRS 293C.306, the form to request an absent ballot must:

(a) Include a line for:

- (1) The name of the registered voter requesting the absent ballot;
- (2) The signature of the registered voter requesting the absent ballot; and
- (3) A tracking number that consists of the:

(I) Control number of the application to register to vote assigned to the application by the Secretary of State pursuant to NAC 293.420; or

(II) Voter registration number that is generated by computer and assigned by the county clerk in a county where a computer is used to register voters; and

(b) Include the name and address of the city clerk of the city where the registered voter requesting the ballot resides.

2. A registered voter who receives an absent ballot may vote at a polling place if the registered voter:

- (a) Surrenders the absent ballot to the city clerk or the designee of the city clerk; or
- (b) Complies with the requirements set forth in subsection 3 of NRS 293C.330.

293C.170 Request for absent ballot: Verification of voter's address; notification. (NRS 293.124, 293.247) A city clerk who receives a request for an absent ballot shall:

1. Compare the address of the voter's residence in this State that is indicated on the request with the address that is indicated on the voter's application to register to vote.

2. If the city clerk determines that the address indicated on the application to register to vote is different from the address that is indicated on the request for an absent ballot, mail a written notice to the voter. The notice must include:

(a) A copy and explanation of the provisions set forth in NRS 293C.525; and

(b) A postcard to be returned by the voter to the city clerk that includes verification of the address of the voter's residence in this State. The city clerk shall use a postcard that may not be forwarded to an address of the voter that is different from the address to which the notice is mailed.

293C.197 Absent ballot sent by facsimile: Contents and form. (NRS 293.124, 293.247, 293.250, 293C.315)

1. An absent ballot sent to a voter by facsimile pursuant to subsection 2 of NRS 293C.322 must:

(a) Contain instructions for marking the absent ballot.

(b) Contain instructions for returning the absent ballot by facsimile, including, without limitation, the:

(1) Facsimile transmission number that the voter may use to return the absent ballot.

(2) Deadline for returning the absent ballot by facsimile to the city clerk.

(c) Contain the contact information of the city clerk or an authorized representative of the city clerk who will be available during normal business hours to answer questions from the voter concerning the absent ballot. Such information must include, without limitation, the city clerk or

authorized representative's name, address, phone number, facsimile transmission number and electronic mail address.

(d) Instruct the voter that the absent ballot may not be used by another voter or duplicated.

(e) Instruct the voter to read and sign a declaration, under penalty of perjury, stating that the voter:

(1) Resides within the precinct in which he or she is voting; and

(2) Is the person who requested the absent ballot.

(f) Contain a statement that failure to sign the declaration required pursuant to paragraph (e) will result in the absent ballot not being counted.

(g) Contain any other information required by the Secretary of State or city clerk.

2. Except as otherwise provided in NRS 293.309, an absent ballot and the information required pursuant to subsection 1 must be written on a form 8 1/2 x 11 inches in size and printed in a size equal to at least 10-point black type on a white background.