

# PROPOSED REGULATION OF THE SECRETARY OF STATE

## LCB File No. R068-11

AUTHORITY: Section 1 to 22, inclusive, NRS 78.026, 78A.013, 80.0045, 81.0027, 82.525, 84.007, 86.557, 87.5445, 87A.260, 88.336, 88A.890, 92A.207.

Chapters 77, 78, 78A, 80, 81, 82, 84, 86, 87, 88, 88A and 92A of the NAC are hereby amended by adding thereto the provisions set forth as sections 1 – 12, inclusive, of this regulation.

**Section 1.** *As used in sections 1 to 12, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 2 to 5, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 2.** *“Electronic filing” means the submission and processing of documents filed in the Office of the Secretary of State by electronic processes.*

**Sec. 3.** *“Electronic processes” means any electronic process developed and approved by the Secretary of State for the submission and/or processing of the documents filed by the Commercial Recordings Division of the Secretary of State’s office.*

**Sec. 4.** *“Sign” means to affix a signature to a record.*

**Sec. 5.** *“Signature” means a name, word, symbol or mark executed or otherwise adopted, or a record encrypted or similarly processed in whole or in part, by a person with the present intent to identify himself and adopt or accept a record. The term includes, without limitation, an electronic signature as defined in NRS 719.100.*

**Sec. 6.** *The provisions of Sections 1 to 12, inclusive, of this regulation are hereby declared to be severable. If any of the provisions of sections 1 to 12, inclusive of this regulation is held*

*invalid, that invalidity does not affect any other provision of sections 1 to 12, inclusive, of this regulation that can be given effect without the invalid provision or application.*

**Sec. 7.** *The Secretary of State may accept an electronic filing from a customer if the electronic processes are in place and available for use in the office of the Secretary of State. This regulation does not provide for the electronic filing of documents where there is no process in place or the electronic processes have not been approved by the Secretary of State for filing documents.*

**Sec. 8.** *The Secretary of State may develop the processes for accepting and processing electronic filings.*

**Sec. 9.** *The Secretary of State shall accept for filing any electronic filing submitted by electronic processes if that filing contains all the information required for filing and the filing is accompanied by the proper fees and, if applicable, penalties.*

**Sec. 10.** *The Secretary of State may reject any electronic filing if the statutory requirements for filing are not present, the appropriate fees are not remitted, or the information submitted has been corrupted in any manner.*

**Sec. 11.** *The Secretary of State may reject an electronic filing if it appears that the filing contains viruses or may otherwise compromise the security of the processing systems and database.*

**Sec. 12.** *Failure by the Secretary of State to receive an electronic filing does not relieve the customer from any filing requirement, fees or associated penalties.*