

**ADOPTED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R111-11

Effective December 30, 2011

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

AUTHORITY: §§1, 10 and 35, NRS 293.124; §2, NRS 293.124 and 293.267; §3, NRS 293.124, 293.1277 and 295.055; §4, NRS 293.124, 293.250 and 293.506; §5, NRS 293.124, 293.1277 and 293.247; §§6 and 9, NRS 293.124, 293.247 and 293.250; §7, NRS 293.124, 293.247, 293.504, 293.5045 and 293.524; §8, NRS 293.124, 293.247, 293.507, 293.508 and 293.5235; §§11-14, section 12 of Assembly Bill No. 100, chapter 343, Statutes of Nevada 2011, at page 1918 (NRS 293D.200); §§15, 17 and 18, NRS 294A.380; §16, NRS 294A.230; §19, 21-24 and 26, NRS 293.124 and 294A.380; §20, NRS 293.124, 294A.350 and 294A.380; §25, NRS 293.124, 294A.380 and 294A.420; §27, NRS 293.124, 294A.230 and 294A.380; §§28-30, NRS 293.124, 293.247 and 295.5055; §§31-33, NRS 304.250; §34, NRS 306.011.

A REGULATION relating to elections; requiring the Secretary of State to determine the names or abbreviations of political parties that may appear on a ballot; making various changes relating to the process for verifying signatures on certain petitions; setting forth additional duties of certain employees of voter registration agencies; setting forth requirements for applications to register to vote by computer; setting forth the form of certain declarations required to be submitted by certain voters who are overseas or in the military; providing requirements for instructions to be sent to certain voters who are overseas or in the military; requiring certain committees for political action to report information to the Secretary of State regarding petition circulators; prohibiting committees for political action from using contributions to satisfy penalties; setting forth circumstances under which a county clerk is prohibited from processing a request to remove a signature from a petition; amending the affidavit required to be submitted by circulators of certain petitions; making various other changes relating to campaign practices; setting forth deadlines for political parties to nominate candidates to fill a vacancy in the office of Representative in Congress; making various other changes relating to elections; and providing other matters properly relating thereto.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. On or before January 15 of each year, the Secretary of State will determine the names or abbreviations of all political parties that may appear on ballots immediately following the name of each candidate for partisan office pursuant to NRS 293.267.

Sec. 3. 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.

Sec. 4. The Secretary of State will create a standard form for use by persons who are applying to register to vote by computer in counties that have established a system for using computers to register voters pursuant to NRS 293.506. The form must include:

1. An application to register to vote that requires a person registering to vote by computer to:

(a) Submit all information required by state and federal law.

(b) Include on the application the applicant's driver's license number and the last four digits of the applicant's social security number.

(c) Indicate whether or not the applicant is a citizen of the United States.

(d) Indicate whether or not the applicant will be at least 18 years of age on election day.

2. A statement instructing the applicant not to complete the application by computer if:

(a) The applicant indicated on the form that he or she is not a citizen of the United States or will not be at least 18 years of age on election day; or

(b) The applicant does not have a driver's license or social security number.

3. *A place for the applicant to request to receive a sample ballot in large type.*
4. *Instructions to assist the applicant in completing the application by computer.*
5. *Instructions to the applicant to contact the county clerk if the applicant does not, within 10 calendar days after submitting the application to register to vote by computer to the county clerk, receive his or her voter registration card indicating that the registration has been accepted.*

Sec. 5. NAC 293.1825 is hereby amended to read as follows:

293.1825 In the case of a petition *for initiative or referendum* that proposes a ~~[statute, an amendment to a statute or an amendment to the Constitution of this State:]~~ *constitutional amendment or statewide measure:*

1. If more than 500 names have been signed on the documents submitted to a county clerk and signatures on the petition were gathered from more than one county within the petition district, the Secretary of State will determine the number of signatures that the county clerk is required to verify pursuant to subsection ~~[2]~~ **3** of NRS 293.1277 based on the percentage of signatures collected in that county for the petition district.

2. ~~[If a county comprises more than one petition district, in completing]~~ *During completion of* the statistical sampling required pursuant to NRS 293.1277, when a county clerk is determining the number of registered voters who signed the petition for each petition district contained fully or partially within the county, the county clerk shall ~~[count the signature of a registered voter regardless of whether the registered voter indicated on the petition the correct]~~ *not include in his or her tally of total signatures any signature included in the incorrect* petition district. ~~[in which the registered voter resides.]~~

3. In completing the certificate showing the results of a county clerk's examination of signatures required pursuant to NRS 293.1277, the county clerk shall report to the Secretary of State the number of registered voters who signed the petition for each petition district contained fully or partially within the county . ~~[regardless of whether the registered voters indicated on the petition the correct petition districts in which they reside.]~~ If a petition district comprises more than one county, the Secretary of State will determine based on the certificates submitted by all county clerks of counties contained fully or partially within the petition district the number of registered voters who signed the petition for the petition district.

Sec. 6. NAC 293.315 is hereby amended to read as follows:

293.315 1. An absent ballot sent to a voter by ~~[approved electronic transmission]~~ *facsimile pursuant to subsection 2 of NRS 293.323* must:

(a) Contain instructions for marking the absent ballot.

(b) Contain instructions for returning the absent ballot by ~~[approved electronic transmission,]~~ *facsimile*, including, without limitation, the:

(1) Facsimile transmission number ~~[or electronic mail address, as applicable,]~~ that the voter may use to return the absent ballot.

(2) Deadline for returning the absent ballot by ~~[approved electronic transmission]~~ *facsimile* to the county clerk.

(c) Contain the contact information of the county clerk or an authorized representative of the county 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 county 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 ~~[the oath required pursuant to subsection 3 of NRS 293.3157.]~~ *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 ~~[oath]~~ *declaration* required pursuant to ~~[subsection 3 of NRS 293.3157]~~ *paragraph (e)* will result in the absent ballot not being counted.

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

Sec. 7. NAC 293.4105 is hereby amended to read as follows:

293.4105 1. Each voter registration agency shall designate one employee in each of its offices to be responsible for providing oversight and direction, as necessary, to ensure that the voter registration agency is in compliance with the provisions of 42 U.S.C. §§ 1973gg-1 et seq.

2. An employee designated pursuant to subsection 1 shall:

(a) In cooperation with the county clerks and registrars of voters, conduct training programs once every 6 months to familiarize the employees of the voter registration agency with the required procedures for registering voters through the voter registration agency.

(b) Review each completed application to register to vote that is received by the voter registration agency.

(c) Transmit completed applications to register to vote to the county clerk or registrar of voters.

(d) Ensure that the voter registration agency maintains an adequate supply of applications to register to vote and other materials related to voter registration.

(e) Ensure that the Secretary of State has a current list of all titles and classifications of employees of the voter registration agency whose job duties may require the employees to:

(1) Accept completed applications to register to vote; or

(2) Make applications to register to vote available to a person who applies for or receives services or assistance from the agency.

3. *For purposes of subsection 3 of NRS 293.5045, a “person whose duties will include the registration of voters” means an employee of the voter registration agency who may:*

(a) Have access to paper applications or, if applicable, electronic applications to register to vote; or

(b) Interact with persons who:

(1) Apply for or receive service or assistance from the voter registration agency; and

(2) May submit applications to register to voter to the voter registration agency.

4. The Secretary of State will provide:

(a) Annual training to employees designated pursuant to this section on the provisions of 42 U.S.C. §§ 1973gg-1 et seq.

(b) Any materials that are necessary for employees designated pursuant to this section to conduct training programs pursuant to paragraph (a) of subsection 2. The Secretary of State will ensure that any such materials are updated, as necessary.

Sec. 8. NAC 293.420 is hereby amended to read as follows:

293.420 1. The Secretary of State will create a standard *paper* form for use by persons who are applying to register to vote in person or by mail. The form will include:

- (a) An application to register to vote, which may be submitted in person or by mail to the county clerk of the county in which the applicant resides;
- (b) Instructions to assist the applicant in completing the application;
- (c) A notice stating that the application must contain the Nevada driver's license number of the applicant or, if the applicant has no Nevada driver's license, at least the last four digits of the social security number of the applicant or, if the applicant has no social security number, a unique identification number assigned by the county clerk pursuant to NAC 293.411 and subsection 5 of NRS 293.507;
- (d) A list of the addresses and telephone numbers of county election officers;
- (e) A notice that if the applicant indicates on the application that the applicant is not a citizen of the United States or will not be at least 18 years of age on or before election day, the applicant may not register to vote;
- (f) The option for the applicant to receive a sample ballot in larger type; and
- (g) Instructions to the applicant to contact the county clerk if the applicant does not, within 10 days after submitting the application to the county clerk, receive his or her voter registration card indicating that the registration has been accepted.

2. The Secretary of State will assign a control number to each *paper* application and will determine the sequence of the control numbers. The control numbers will consist of a two-digit alphabetical code followed by a five-digit numerical code.

3. The control number must be printed:

- (a) On a receipt of the application; and
- (b) On the application to be returned to the county clerk.

4. On *paper* application forms that do not contain a control number, including, without limitation, the Federal Post Card Application submitted to a county clerk, the county clerk must enter the control number:

(a) On the application and a receipt of the application, if the application is submitted in person; or

(b) On the application, if the application is submitted by mail.

5. Each county clerk shall ~~[, and the Secretary of State will,]~~ after obtaining a series of control numbers from the Secretary of State ~~[,]~~ cause the *paper* forms to be printed. The county clerk shall continue to make available a sufficient number of the *paper* forms to meet the needs of the residents of the county.

Sec. 9. NAC 293C.197 is hereby amended to read as follows:

293C.197 1. An absent ballot sent to a voter by ~~[approved electronic transmission]~~ *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 ~~[approved electronic transmission,]~~ *facsimile*, including, without limitation, the:

(1) Facsimile transmission number ~~[or electronic mail address, as applicable,]~~ that the voter may use to return the absent ballot.

(2) Deadline for returning the absent ballot by ~~[approved electronic transmission]~~ *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 ~~[the oath required pursuant to subsection 3 of NRS 293.3157.]~~ *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 ~~[oath]~~ *declaration* required pursuant to ~~[subsection 3 of NRS 293.3157]~~ *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.

Sec. 10. Chapter 293D of NAC is hereby amended by adding thereto the provisions set forth as sections 11 to 14, inclusive, of this regulation.

Sec. 11. *1. A covered voter who applies for a military-overseas ballot shall indicate on the application:*

(a) Whether the local elections official must send the military-overseas ballot to the covered voter by mail or approved electronic transmission; and

(b) Whether the covered voter will return the military-overseas ballot to the local elections official by mail or approved electronic transmission.

2. If a covered voter indicates on the application for a military-overseas ballot that he or she will return the military-overseas ballot by mail, the local elections official must provide to

the covered voter a military-overseas ballot and instructions for marking and returning the military-overseas ballot, including, without limitation:

(a) How to indicate the candidate or candidates for whom the covered voter is voting.

(b) How to correct the ballot if the covered voter commits an error in marking the ballot or wants to change the candidate or candidates for whom the covered voter is voting.

(c) An explanation that the completed military-overseas ballot must be inserted into the accompanying privacy envelope or sleeve.

(d) An explanation that the covered voter must insert the privacy envelope or sleeve into the declaration envelope.

(e) An explanation that the covered voter must complete and sign the declaration on the front of the declaration envelope.

(f) An explanation that the military-overseas ballot and any other necessary voting materials, including, without limitation, the declaration set forth in section 12 of this regulation, must be received by the office of the appropriate local elections official by 7 p.m. Pacific Standard Time on the day of the election.

3. If a covered voter indicates on the application for a military-overseas ballot that he or she will return the military-overseas ballot by approved electronic transmission, the local elections official must provide to the covered voter a military-overseas ballot and instructions for marking and returning the military-overseas ballot, including, without limitation:

(a) How to indicate the candidate or candidates for whom the covered voter is voting.

(b) An explanation that the declaration set forth in section 12 of this regulation must be signed by the covered voter and returned by approved electronic transmission with the military-overseas ballot.

(c) An explanation of how to return the military-overseas ballot by approved electronic transmission.

(d) An explanation that the military-overseas ballot and any other necessary voting materials, including, without limitation, the declaration set forth in section 12 of this regulation, must be received by the office of the appropriate local elections official by 7 p.m. Pacific Standard Time on the day of the election.

Sec. 12. 1. *The declaration that is required pursuant to subsection 4 of section 12 of Assembly Bill No. 100, chapter 343, Statutes of Nevada 2011, at page 1918 (NRS 293D.200), for use by a covered voter who indicates that he or she will return the military-overseas ballot by approved electronic transmission must be in the following form:*

DECLARATION OF COVERED VOTER

I am a uniformed-service voter, a spouse or dependent of a uniformed-service voter, or an overseas voter pursuant to the provisions of chapter 293D of NRS.

I am a citizen of the United States.

I will be at least 18 years of age on election day.

I have not been adjudicated mentally incompetent, or if so, my right to vote has been restored.

I have not been convicted of treason or a felony or, if so, my right to vote has been restored.

I am not registered to vote in any other jurisdiction in the United States.

I have not applied, nor do I intend to apply, for a ballot from any other jurisdiction for the same election.

The information on this form is true and complete to the best of my knowledge.

I acknowledge that if I return my voted ballot by approved electronic transmission, I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any absent voter, my signature will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.

I understand that a material misstatement of fact in completing the document may be grounds for a conviction of perjury under the laws of the United States or this State.

I declare under penalty of perjury under the laws of the United States and this State that the foregoing is true and correct.

(Signed)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE

DECLARATION AND INCLUDE IT WITH YOUR BALLOT.

2. The declaration that is required pursuant to subsection 4 of section 12 of Assembly Bill No. 100, chapter 343, Statutes of Nevada 2011, at page 1918 (NRS 293D.200), for use by a covered voter who indicates that he or she will return the military-overseas ballot by mail must be in the following form:

DECLARATION OF COVERED VOTER

I am a uniformed-service voter, a spouse or dependent of a uniformed-service voter, or an overseas voter pursuant to the provisions of chapter 293D of NRS.

I am a citizen of the United States.

I will be at least 18 years of age on election day.

I have not been adjudicated mentally incompetent or, if so, my right to vote has been restored.

I have not been convicted of treason or a felony, or if so, my right to vote has been restored.

I am not registered to vote in any other jurisdiction in the United States.

I have not applied, nor do I intend to apply, for a ballot from any other jurisdiction for the same election.

The information on this form is true and complete to the best of my knowledge.

I understand that a material misstatement of fact in completing the document may be grounds for a conviction of perjury under the laws of the United States or this State.

I declare under penalty of perjury under the laws of the United States and this State that the foregoing is true and correct.

(Signed)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE

DECLARATION AND INCLUDE IT WITH YOUR BALLOT.

Sec. 13. 1. *A county clerk or registrar of voters who receives an application for a military-overseas ballot from a covered voter shall forward the application to the city clerk of the city where the covered voter is registered to vote, if any.*

2. A city clerk who receives an application for a military-overseas ballot from a covered voter shall forward the application to the county clerk or registrar of voters of the county, as applicable.

Sec. 14. *A local elections official may use the Electronic Transmission Service that is available through the Federal Voting Assistance Program of the United States Department of Defense to send a military-overseas ballot to a covered voter who requests a military-overseas ballot pursuant to this chapter and chapter 293D of NRS.*

Sec. 15. Chapter 294A of NAC is hereby amended by adding thereto the provisions set forth as sections 16 and 17 of this regulation.

Sec. 16. *As used in NRS 294A.230, a committee for political action is affiliated with another organization if:*

1. The committee for political action and the organization have the same officers, directors or registered agents; or

2. The same persons have authority or influence over decision making within the committee for political action and the organization.

Sec. 17. 1. *Each committee for political action that advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum and*

that provides compensation to persons to circulate petitions shall report to the Secretary of State:

(a) The number of persons to whom such compensation is provided;

(b) The least amount of such compensation that is provided and the greatest amount of such compensation that is provided; and

(c) The total amount of compensation provided.

2. The report required pursuant to subsection 1 must be submitted to the Secretary of State on the form prescribed by the Secretary of State not later than 15 days after the committee for political action has completed gathering signatures for the petition.

3. The Secretary of State will make public any information received pursuant to this section.

Sec. 18. NAC 294A.010 is hereby amended to read as follows:

294A.010 As used in this chapter, unless the context otherwise requires:

1. “Campaign expenses” has the meaning ascribed to it in ~~NRS 294A.004.~~ *section 36.5 of Assembly Bill No. 81, chapter 501, Statutes of Nevada 2011, at page 3286 (NRS 294A.0035).*

2. “Candidate” has the meaning ascribed to it in NRS 294A.005.

3. “Contribution” has the meaning ascribed to it in NRS 294A.007.

4. “Expenditures” has the meaning ascribed to it in NRS 294A.0075.

Sec. 19. NAC 294A.043 is hereby amended to read as follows:

294A.043 1. A person who makes a contribution in the form of services provided in kind for which money would have otherwise been paid to a:

(a) Candidate;

(b) Committee for political action, political party or committee sponsored by a political party;

(c) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group that is not solicited or approved by the candidate or group; *or*

(d) ~~Person or group of persons organized formally or informally which advocates the passage or defeat of a question or group of questions on the ballot; or~~

~~—(e)]~~ Committee for the recall of a public officer,

↪ shall, within 30 days after the time he or she furnishes those services, provide to the recipient a statement signed by him or her that sets forth the actual cost of those services or, if that amount cannot be determined, the fair market value of those services.

2. A candidate, committee, political party or other person shall include the amount set forth in the statement provided pursuant to subsection 1 in the report required to be filed pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.270 , **294A.286** or 294A.360, unless the candidate, committee, political party or other person knows or should have known that the amount is not accurate.

3. If a candidate, committee, political party or other person knows or should have known that the amount set forth in the statement provided pursuant to subsection 1 is not accurate, he or she shall include in the report required to be filed pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.270 , **294A.286** or 294A.360 the amount that he or she determines is the actual cost of the services or, if he or she cannot determine the actual cost, the fair market value of the services.

Sec. 20. NAC 294A.045 is hereby amended to read as follows:

294A.045 1. A candidate for state, district, county, municipal or township office who withdraws his or her candidacy may, if he or she does not accept any additional campaign

contributions and has no additional campaign expenses relating to that office, file all the reports of campaign contributions and expenses required pursuant to NRS 294A.120, 294A.200 , **294A.286** and 294A.360 at the time he or she submits a notice of withdrawal to the appropriate filing officer.

2. A candidate for state, district, county, municipal or township office who loses a primary election may, if he or she does not accept any additional campaign contributions and has no additional campaign expenses relating to that office, file a report of campaign contributions and expenses required pursuant to ~~paragraph (c) of subsection 1 of~~ NRS 294A.120, 294A.200 , **294A.286** or 294A.360 at the time he or she submits a report required pursuant to ~~paragraph (b) of subsection 1 of~~ NRS 294A.120, 294A.200 , **294A.286** or 294A.360.

Sec. 21. NAC 294A.050 is hereby amended to read as follows:

294A.050 The Secretary of State will distribute ~~forms for reporting campaign contributions and expenditures and~~ copies of this chapter to county clerks, city clerks and registrars of voters.

Sec. 22. NAC 294A.075 is hereby amended to read as follows:

294A.075 1. The form of the report of campaign expenses required to be filed pursuant to NRS 294A.125, 294A.200, 294A.210, 294A.220, 294A.280 , **294A.286** or 294A.360 must include:

(a) For each expenditure of more than \$100:

(1) The category of the expenditure ~~is~~ **as described in subsection 2 of NRS 294A.365;**
(2) Except as otherwise provided in subsection ~~2,~~ **3**, the name and address of the person who received payment for the expenditure; and

(3) The amount and date of the payment for the expenditure.

(b) The total amount spent for all categories of expenditures.

2. *In addition to the requirements of subsection 1, in the case of a report of campaign expenses that a candidate is required to file pursuant to NRS 294A.125 or 294A.200, the form of the report must include, in the aggregate, expenditures which are less than \$100.*

3. A report of campaign expenses required to be filed pursuant to NRS 294A.125, 294A.200, 294A.210, 294A.220, 294A.280 , **294A.286** or 294A.360 is not required to include the names and addresses of each person who received payment for circulating a petition for purposes of gathering signatures, provided that such report contains the total amount paid to such circulators as a group and, if such payments were calculated on a per signature basis, the amount paid per signature.

Sec. 23. NAC 294A.089 is hereby amended to read as follows:

294A.089 1. Except as otherwise provided in subsection 3, any:

(a) Candidate;

(b) Representative of a committee for political action, committee sponsored by a political party or political party;

(c) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group which makes an expenditure on behalf of the candidate or group that is not solicited or approved by the candidate or group; *or*

(d) ~~Person or the representative of a group of persons organized formally or informally which advocates the passage or defeat of a question or group of questions on the ballot at any election; or~~

~~—(e)]~~ Representative of a committee for the recall of a public officer,

↳ who returns a contribution within 14 days after he or she or any person who is authorized to receive contributions on his or her behalf receives the contribution, is not required to report that

contribution pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.270 , **294A.286** or 294A.360.

2. If a person returns a contribution more than 14 days after he or she or any person who is authorized to receive contributions on his or her behalf receives the contribution:

(a) He or she shall report it as a contribution pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.270 , **294A.286** or 294A.360; and

(b) The return of the contribution shall be deemed a campaign expense and must be reported as such pursuant to the provisions of NRS 294A.125, 294A.200, 294A.210, 294A.220, 294A.280 , **294A.286** or 294A.360.

3. A person described in subsection 1 who does not have personal knowledge of a contribution that is received by a person who is authorized to receive contributions on his or her behalf until more than 14 days after the contribution is received is not required to report that contribution pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.270 , **294A.286** or 294A.360 if the person:

(a) Returns the contribution within 14 days after he or she has personal knowledge of the contribution; and

(b) Includes in the next report he or she submits pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.270 , **294A.286** or 294A.360 an affidavit signed by him or her under penalty of perjury attesting that he or she:

(1) Did not have personal knowledge of the contribution until more than 14 days after a person authorized to receive contributions on his or her behalf received the contribution; and

(2) Returned the contribution within 14 days after he or she had personal knowledge of the receipt of the contribution.

Sec. 24. NAC 294A.091 is hereby amended to read as follows:

294A.091 For the purpose of determining the period for which a contribution must be reported pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.270 , **294A.286** or 294A.360, a contribution shall be deemed to have been received 14 days after a person described in subsection 1 of NAC 294A.089 or any person who is authorized to accept contributions on behalf of that person has knowledge of and actual physical possession of the contribution. The date on a check or other negotiable instrument is not conclusive evidence of the date of the receipt of a contribution.

Sec. 25. NAC 294A.097 is hereby amended to read as follows:

294A.097 1. The Secretary of State may waive a civil penalty for good cause pursuant to subsection 4 of NRS 294A.420, if the person , **committee for political action** or entity that is subject to a civil penalty pursuant to subsection 2 of NRS 294A.420:

(a) Files a written request for a waiver setting forth the basis for the waiver;

(b) Properly files the appropriate report pursuant to the applicable provisions of NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 , **294A.286** or 294A.360; and

(c) Establishes that:

(1) Within a reasonable time before or on the date the applicable report was due, the candidate or a member of the family of the candidate, within the second degree of consanguinity or affinity, died, had a serious medical condition or was hospitalized;

(2) The candidate is experiencing extreme financial hardship to the extent that payment of the penalty would result directly in the loss or inability of the candidate to obtain the minimal necessities of food, medicine and shelter;

(3) The candidate or each officer and representative of the *committee for political action or* entity is or was a member of the Armed Forces of the United States serving outside of the State or country within a reasonable period of time before or on the date the applicable report was due and the candidate or each officer and representative of the *committee for political action or* entity executes an affidavit under penalty of perjury attesting to such facts;

(4) The candidate has been directly impacted by a natural disaster;

(5) The entity is organized as a nonprofit under the laws of the State of Nevada, has no paid employees and is comprised only of volunteers and:

(I) The representative of the entity who is responsible for filing the appropriate report on behalf of the entity pursuant to the applicable provisions of NRS 294A.140, 294A.150, 294A.210, 294A.220, 294A.270 , **294A.286** or 294A.280, or a member of the family of such a representative, meets the conditions set forth in subparagraph (1) of paragraph (c); or

(II) The representative of the entity who is responsible for filing the appropriate report on behalf of the entity pursuant to the applicable provisions of NRS 294A.140, 294A.150, 294A.210, 294A.220, 294A.270 , **294A.286** or 294A.280 has, without notice, severed his or her relationship with the entity within a reasonable time before or on the date that the applicable report was due; or

(6) The violation was not due to mere inadvertence, mistake or neglect, and circumstances exist of a similarly serious nature as set forth in this subsection to justify a waiver of the civil penalty, including, without limitation, an obligation to report for active military service or to serve in an official capacity in response to a public emergency.

2. The Secretary of State, with the approval of the Attorney General and for good cause, may reduce a civil penalty imposed pursuant to subsection 2 of NRS 294A.420 if:

(a) The penalty is being imposed for a failure to properly file a report or form for registration;
and

(b) The person, *committee for political action* or entity that is subject to a civil penalty pursuant to subsection 2 of NRS 294A.420 first properly files the appropriate report or form.

Sec. 26. NAC 294A.098 is hereby amended to read as follows:

294A.098 **1.** A candidate shall not use campaign contributions to satisfy a civil penalty or criminal penalty imposed by law.

2. *A committee for political action shall not use contributions to satisfy a civil penalty or criminal penalty imposed by law.*

3. *Each officer of a committee for political action is jointly and severally liable for any civil penalty or criminal penalty imposed on the committee for political action.*

Sec. 27. NAC 294A.110 is hereby amended to read as follows:

294A.110 **1.** An amended form for registration required pursuant to *paragraph (a) of* subsection 3 of NRS 294A.230 must be signed by an officer of the committee for political action filing the form or the registered agent of the committee ~~for~~ *for political action.*

2. *The annual form for registration required pursuant to paragraph (b) of subsection 3 of NRS 294A.230 must be signed by an officer of the committee for political action filing the form or the registered agent of the committee for political action.*

3. A committee for political action becomes inactive when:

(a) An officer or the registered agent of the committee *for political action* files with the Secretary of State a written notice that the committee for political action has ceased to engage in political activities in this State; ~~or~~

(b) The Secretary of State receives mail stamped by the postal service and returned from the address of record of the committee for political action on the most recent registration form on file in the office of the Secretary of State stating that the addressee has moved and did not leave a forwarding address ~~F~~

~~3.4~~ ;

(c) The committee for political action does not file the annual form for registration required pursuant to paragraph (b) subsection 3 of NRS 294A.230; or

(d) If the committee for political action is subject to the provisions of NRS 294A.150 or 294A.220:

(1) When the final vote is cast in the election in which the question or group of questions for which the committee for political action is advocating the passage or defeat appears on the ballot; or

(2) If the election in which the question or group of questions for which the committee for political action is advocating the passage or defeat appears on the ballot is the subject of a challenge or recount, when the challenge or recount is completed.

4. A written notice of inactivity of a committee for political action:

(a) Must be on a form prescribed by the Secretary of State; and

(b) Must include, without limitation:

(1) The name, address and phone number of the committee for political action;

(2) The name of the registered agent of the committee for political action; and

(3) The question or group of questions for which the committee for political action is advocating the passage or defeat, if applicable.

5. Upon receipt of ~~[such]~~ a notice *of inactivity* or returned mail, the Secretary of State will delete the name of the committee *for political action* from each list of active committees for political action which the Secretary of State maintains in his or her office.

~~[4.]~~ 6. As used in this section, an “officer” or “registered agent” of a committee for political action means a person who is listed as such on the committee’s form for registration on file with the Secretary of State.

Sec. 28. Chapter 295 of NAC is hereby amended by adding thereto a new section to read as follows:

A person who requests the county clerk to remove the person’s name from a petition for initiative or referendum pursuant to subsection 4 of NRS 295.055 must submit the request in writing to the county clerk. The request:

1. Must contain the person’s original signature.

2. Must not be accepted by the county clerk if:

(a) The request is submitted to the county clerk by electronic mail;

(b) The county clerk is unable to determine the name of the person requesting the removal;

or

(c) The original signature of the person on the request does not match the signature or a facsimile thereof on the person’s original application to register to vote.

Sec. 29. NAC 295.020 is hereby amended to read as follows:

295.020 1. A person who submits a petition that consists of more than one document to the county clerk for verification of the signatures shall sequentially number each page of each document in the petition, beginning with the number 1.

2. If a petition for an initiative or referendum consists of more than one document, each document must, in addition to any other requirements, contain the full text of the proposed measure and:

(a) Include sequentially numbered spaces for:

(1) The name of each person who signs the petition.

(2) The signature of the person signing the petition.

(3) The street address of the residence where the person signing the petition actually resides, unless a street address has not been assigned. If a street address has not been assigned, the document may contain the mailing address of the person signing the petition.

(4) The name of the county *and the petition district* where the person who signs is a registered voter.

(5) The date of the signature.

(6) If the petition is a municipal initiative or referendum proposed pursuant to the provisions of NRS 295.195 to 295.220, inclusive, the name of the city in which the person who signs is registered to vote.

(b) Have attached to it, when filed, an affidavit signed by the person who circulated the document in substantially the following form:

STATE OF NEVADA

COUNTY OF _____

I, _____ (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city

and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) ~~that I believe each person who signed was at the time of signing a registered voter in the county of his or her residence;~~ (6) that the number of signatures affixed thereon is _____; and ~~(7)~~ (6) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

Signature of circulator

Subscribed and sworn to or affirmed

before me this _____ day of _____, _____.

Notary public or other person licensed

to administer an oath

3. Any document of a petition may consist of more than one page. If a document consists of more than one page:

(a) Each page, including a blank signature page, must be numbered sequentially, beginning with the number 1 for each document;

(b) All the pages must be stapled, bound or attached in a similar manner that does not include the use of paper clips, rubber bands or binder clips and must be placed in numerical order; and

(c) The affidavit of the circulator required by NRS 295.095 or 295.205 must appear on the last pages of the document.

4. As used in this section, “petition” means a petition described in Article 19 of the Nevada Constitution or NRS 295.015 or 295.045.

Sec. 30. NAC 295.025 is hereby amended to read as follows:

295.025 1. Each document of a petition *for initiative or referendum* that proposes a ~~[statute, an amendment to a statute or an amendment to the Constitution of this State]~~ *constitutional amendment or statewide measure* must bear the name of a county and petition district, and only registered voters of that county *and petition district* may sign the document.

2. If a county comprises more than one petition district, a petition *for initiative or referendum* that proposes a ~~[statute, an amendment to a statute or an amendment to the Constitution of this State]~~ *constitutional amendment or statewide measure* must consist of a separate document for each petition district contained fully or partially within the county.

Sec. 31. Chapter 304 of NAC is hereby amended by adding thereto the provisions set forth as sections 32 and 33 of this regulation.

Sec. 32. *As used in this chapter, “catastrophe” has the meaning ascribed to it in NRS 304.210.*

Sec. 33. *1. In the event of a vacancy in the office of Representative in Congress, each major political party and minor political party may nominate a candidate to fill the vacancy. The nominations must be submitted to the Secretary of State not later than 5 p.m.:*

(a) If the vacancy is caused by a catastrophe, on the 15th day following the day on which the Governor issues the proclamation required pursuant to subsection 1 of NRS 304.230.

(b) If the vacancy is not caused by a catastrophe, on the 45th day following the day on which the Governor issues the proclamation required pursuant to subsection 1 of NRS 304.230.

2. A major political party or minor political party that does not submit its nomination pursuant to the requirements of subsection 1 is prohibited from placing a candidate on the ballot for the special election.

3. The provisions of this section apply to every major political party and minor political party regardless of the bylaws, rules or regulations of the major political party or minor political party.

Sec. 34. NAC 306.010 is hereby amended to read as follows:

306.010 A person who requests the Secretary of State to strike the person's signature from a petition to recall a public officer pursuant to NRS 306.040 must submit the request in writing to the Secretary of State. The request:

1. Will not be accepted by the Secretary of State:

(a) Before the day after the Secretary of State provides the notification required by NRS 293.1278 regarding that petition.

(b) After 5 p.m. on the day before the call for the special election is issued regarding that petition.

(c) If the request is submitted to the Secretary of State by electronic mail.

(d) If the Secretary of State is unable to determine the name of the person requesting the removal.

(e) The signature of the person on the request does not match the signature or a facsimile thereof on the person's original application to register to vote.

2. May be transmitted to the Secretary of State by facsimile machine.

3. Must ~~be signed by~~ *contain the original signature of* the person who requests the Secretary of State to strike the person's signature from the petition.

Sec. 35. NAC 293.301, 293C.180, 294A.086, 294A.115 and 294A.140 are hereby repealed.

TEXT OF REPEALED SECTIONS

293.301 Use of electronic transmission network to send absent ballot to registered voter. (NRS 293.124, 293.247) A county clerk may use the electronic transmission network that is available through the Federal Voting Assistance Program of the United States Department of Defense to send an absent ballot to a registered voter who requests an absent ballot pursuant to NRS 293.3157.

293C.180 Use of electronic transmission network to send absent ballot to registered voter. (NRS 293.124, 293.247, 293C.315) A city clerk may use the electronic transmission network that is available through the Federal Voting Assistance Program of the United States Department of Defense to send an absent ballot to a registered voter who requests a ballot in accordance with NRS 293C.315.

294A.086 Reporting of candidates and elected officials who fail to file certain reports.

(NRS 293.124, 294A.380) Each county clerk and city clerk shall transmit to the Secretary of State a list of those candidates and elected officials who fail to file the reports required pursuant to NRS 294A.120, 294A.200 and 294A.360 by the date each report is due within 10 days after the date the report was due.

294A.115 Ballot advocacy group: Execution of amended form for registration; filing of notice of inactivity. (NRS 293.124, 294A.230, 294A.380)

1. An amended form for registration filed by a ballot advocacy group pursuant to subsection 3 of NRS 294A.230 must be signed by an officer of the ballot advocacy group or the registered agent of the ballot advocacy group.

2. A ballot advocacy group becomes inactive:

(a) When the final vote is cast in the election in which the question or group of questions for which the ballot advocacy group is advocating the passage or defeat appears on the ballot; or

(b) If the election in which the question or group of questions for which the ballot advocacy group is advocating the passage or defeat appears on the ballot is the subject of a challenge or recount, when the challenge or recount is completed.

3. A ballot advocacy group must file a notice of inactivity with the Secretary of State not later than 30 days after becoming inactive.

4. The notice of inactivity required pursuant to subsection 3:

(a) Must be on a form prescribed by the Secretary of State; and

(b) Must include, without limitation:

(1) The name, address and phone number of the ballot advocacy group;

(2) The name of the registered agent of the ballot advocacy group; and

(3) The question or group of questions for which the ballot advocacy group is advocating the passage or defeat.

5. As used in this section, “ballot advocacy group” means a person or group of persons required to report campaign contributions and expenditures pursuant to NRS 294A.150 and 294A.220 or required to file a statement of organization pursuant to NRS 294A.281.

294A.140 Submission of report of certain information concerning compensation of persons to circulate petitions. (NRS 293.124, 294A.284, 294A.380) Each person or group of persons required to report compensation to individuals pursuant to NRS 294A.284 shall submit the report on a form prescribed by the Secretary of State within 15 days after the petition is submitted for the verification of signatures.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
Informational Statement
LCB File No. R111-11
LCB File No. R124-11**

- 1. Description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Public comment was solicited by the posting of: (i) Notice of Public Workshop; and (ii) Notice of Intent to Act Upon Regulation. Furthermore, advisory from the Secretary of State's office were disseminated to provide additional notice.

- 2. The number of persons who:**

- (a) **Attended each hearing:** 67
- (b) **Testified at each hearing:** approx 20
- (c) **Submitted written comments:** 6

- 3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

No small businesses were affected. Governmental agencies that were affected were provided direct notice of the regulations and the public hearings via e-mail and other outreach. No state agencies submitted written responses. Other interested parties may obtain copies of the regulations, written public comment and amendments through the Secretary of State website: www.nvsos.gov

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Amendments were adopted and submitted into the record at the adoption hearing. Pursuant to the public comment received at the adoption hearing, the Secretary of State's office has include one additional amendment to R124-11, Section 2. The amendment deletes subsections 1(c) and 1(d).

- 5. The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

- (a) **Estimated economic effect on the businesses which they are to regulate.** n/a
- (b) **Estimated economic effect on the public which they are to regulate.** n/a

- 6. The estimated cost to the agency for enforcement of the proposed regulation:** n/a

- 7. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary.** n/a

- 8. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency. n/a**
- 9. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions. n/a**
- 10. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used. n/a**