



**OFFICE OF THE
SECRETARY OF STATE**

December 30, 2021

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice is hereby given that the Office of the Secretary of State will hold a public hearing at 8:00 a.m. on the 2nd day of February of 2022. The meeting may be accessed through the zoom link or telephone number provided below. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of various regulations that pertain to Chapter 293 of the Nevada Administrative Code contained in the following LCB File Numbers:

NO.	NAC CHAPTER	SUBJECT (Additional information on each is provided in the attachments)
R099-21P	293	Revises provisions relating to return envelopes for ballots
R100-21P	293	Revises provisions relating to refunds
R101-21P	293	Revises provisions relating to voter registration
R102-21P	293	Revises provisions relating to written challenges
R103-21P	293	Revises provisions relating to the electronic transfer of information
R104-21P	293	Revises provisions relating to vital statistics records
R105-21P	293	Establishes provisions relating to notification of off-cycle elections
R106-21P	293	Establishes provisions relating to signature verification training
R107-21P	293	Establishes provisions relating to voter ballot preference
R108-21P	293	Establishes provisions relating to observation at a central count facility
R109-21P	293	Revises provisions relating to postelection audits

The hearing will be conducted remotely. Persons wishing to comment upon the proposed action of the Secretary of State may, on the scheduled day and time, enter the meeting from the Zoom website at the link provided below, call the meeting at the phone number included below, or may address their comments, data, views or arguments, in written form, to:

Mark Wlaschin
Office of the Secretary of State, Elections Division
101 North Carson Street, Suite 3, Carson City, Nevada 89701
E-mail: NVElect@sos.nv.gov

Written submissions must be received by the Secretary of State on or before February 1, 2022. If no person who is directly affected by the proposed action appears to request time to make an oral

presentation, the Office of the Secretary of State may proceed immediately to act upon any written submissions.

Zoom Meeting Details:

<https://us02web.zoom.us/j/83682860835?pwd=ZkRXR094NlRBbUVBV2sxcVA1ZStFZz09>

The meeting ID is 836 8286 0835 and passcode is 958139.

To access the meeting via audio only, dial 1-669-900-6833 and enter the meeting ID.

A copy of this notice and the regulation to be adopted or amended will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. A copy will also be posted on the internet website of the Secretary of State.

This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

Distribution and Public Posting

This Notice of has been sent to all persons on the Elections Division's mailing list for administrative regulations and posted at the following locations:

Nevada Capitol Building

101 North Carson Street, Suite 3, Carson City, Nevada 89701

State of Nevada Website

<http://notice.nv.gov/>

Nevada Secretary of State Website

<http://www.nvsos.gov/sos>

Nevada State Legislative Counsel Bureau

Administrative Regulation Notices Website: <https://www.leg.state.nv.us/App/Notice/A>

Reasonable Accommodations

The Nevada Secretary of State, Elections Division is pleased to make reasonable accommodations for those individuals with disabilities who wish to participate in the meeting. If special arrangements for the meeting are necessary, please notify Christa Williams at (775) 684-5705 or nvelect@nv.sos.gov no later than five working days before the meeting.

Respectfully,

Mark Wlaschin
Mark Wlaschin, Deputy Secretary for Elections

Nevada Secretary of State Meeting Notice

2nd day of February of 2022 at 8 AM

Zoom Meeting Details:

<https://us02web.zoom.us/j/83682860835?pwd=ZkRXR094NlRBbUVBV2sxcVA1ZStFZz09>

The meeting ID is 836 8286 0835 and passcode is 958139.

To access the meeting via audio only, dial 1-669-900-6833 and enter the meeting ID.

PUBLIC NOTICE

The public is hereby noticed that the Nevada Secretary of State reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. A time limit of two minutes will be imposed for public comments, in order to afford all members of the public who wish to comment, with an opportunity to do so within the timeframe available.

This public notice has been posted at the office of the Nevada Secretary of State and at the Nevada State Library and Archives. Notice of this meeting was posted on the Internet through the Nevada Secretary of State website at www.nvsos.gov/sos.

The support materials to this agenda are available, at no charge on the Nevada Secretary of State website or by contacting Christa Williams at (775) 684-5705 or nvelect@nv.sos.gov or at the Nevada Secretary of State's Office 101 North Carson Street, Suite 3, Carson City, Nevada 89701.

AGENDA

1. Call to Order
2. General Public Comment
In consideration of others, who may also wish to provide public comment, please avoid repetition. Comments will be limited to two (2) minutes. No action will be taken on any items raised in the public comment period.
3. Introduction to Adoption Hearing Process
4. Adoption Hearing regarding proposed amendment (LCB File Number R099-21P)
5. Public comment on proposed amendments to Nevada Administrative Code Chapter 293 (LCB File Number R099-21P)
6. Adoption Hearing regarding proposed amendment (LCB File Number R100-21P)
7. Public comment on proposed amendments to Nevada Administrative Code Chapter 293 (LCB File Number R100-21P)
8. Adoption Hearing regarding proposed amendment (LCB File Number R101-21P)
9. Public comment on proposed amendments to Nevada Administrative Code Chapter 293 (LCB File Number R101-21P)
10. Adoption Hearing regarding proposed amendment (LCB File Number R102-21P)
11. Public comment on proposed amendments to Nevada Administrative Code Chapter 293 (LCB File Number R102-21P)
12. Adoption Hearing regarding proposed amendment (LCB File Number R103-21P)

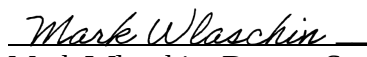
13. Public comment on proposed amendments to Nevada Administrative Code Chapter 293 (LCB File Number R103-21P)
14. Adoption Hearing regarding proposed amendment (LCB File Number R104-21P)
15. Public comment on proposed amendments to Nevada Administrative Code Chapter 293 (LCB File Number R104-21P)
16. Adoption Hearing regarding proposed amendment (LCB File Number R105-21P)
17. Public comment on proposed amendments to Nevada Administrative Code Chapter 293 (LCB File Number R105-21P)
18. Adoption Hearing regarding proposed amendment (LCB File Number R106-21P)
19. Public comment on proposed amendments to Nevada Administrative Code Chapter 293 (LCB File Number R106-21P)
20. Adoption Hearing regarding proposed amendment (LCB File Number R107-21P)
21. Public comment on proposed amendments to Nevada Administrative Code Chapter 293 (LCB File Number R107-21P)
21. Adoption Hearing regarding proposed amendment (LCB File Number R108-21P)
22. Public comment on proposed amendments to Nevada Administrative Code Chapter 293 (LCB File Number R108-21P)
23. Adoption Hearing regarding proposed amendment (LCB File Number R109-21P)
24. Public comment on proposed amendments to Nevada Administrative Code Chapter 293 (LCB File Number R109-21P)
25. General Public Comment
In consideration of others, who may also wish to provide public comment, please avoid repetition. Comments will be limited to two (2) minutes. No action will be taken on any items raised in the public comment period.
26. Adjourn

NOTE: The Nevada Secretary of State's Office, Elections Division may take the above matters out of order, may consolidate the above matters for consideration, and reserves the right to remove or delay any of the above matters on the Agenda.

Commenters will be limited to two minutes.

Members of the public are encouraged to submit written comments for record at NVElect@sos.nv.gov.

Respectfully,


Mark Wlaschin, Deputy Secretary for Elections

The following information is provided regarding the proposed regulations in R099-21P pursuant to the requirements of NRS 233B.0603:

(1) A statement of the need for and purpose of the proposed regulation.

[NRS 293.124](#) provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of the proposed amendment is to codify standards and procedures for various election functions. Specifically requiring a county or city clerk to print in a unique color all return envelopes that are enclosed with mail ballots in that county or city; and providing other matters properly relating thereto.

(2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

Not applicable as these proposed regulations would be permanent regulations.

(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

As the proposed regulations are permanent regulations, the text of the proposed regulation are attached to this notice.

(4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include: (I) Both adverse and beneficial effects; and (II) Both immediate and long-term effects.

These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

(5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The agency determined that these proposed regulations would not impact small businesses through discussions with the county clerks and Secretary of State's accounting division, and through an analysis of historic costs related to the administration of Nevada's elections at the state and county level.

(6) The estimated cost to the agency for enforcement of the proposed regulation.

Enforcement of these proposed regulations poses no significant cost to the Secretary of State's office.

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There are no regulations of other federal, state or local governmental agencies which the proposed regulations overlap or duplicate.

(8) If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulations are not required pursuant to federal law.

(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulations do not include provisions which are more stringent than a federal regulation that regulates the same activity.

(10) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

This information is provided in the text located at the top of this notice. Interested persons may present their view regarding these proposed regulations either in writing or during the aforementioned Zoom meeting.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R099-21

December 20, 2021

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

AUTHORITY: §§ 1 and 2, NRS 293.124, 293.247 and 293.250, as amended by section 22 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at page 1225, and sections 3, 4, 51 and 52 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1216, 1217, 1243 and 1244 (NRS 293.269911, 293.269913, 293C.263 and 293C.26312).

A REGULATION relating to elections; requiring a county or city clerk to print in a unique color all return envelopes that are enclosed with mail ballots in that county or city; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each county and city clerk to send to certain registered voters a mail ballot for every election. The county or city clerk is also required to enclose a return envelope with the mail ballot that is sent to a voter. (Sections 3, 4, 51 and 52 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1216, 1217, 1243 and 1244 (NRS 293.269911, 293.269913, 293C.263 and 293C.26312)) This regulation requires each county and city clerk to: (1) submit to the Secretary of State a request to use a unique color for all return envelopes that are enclosed with mail ballots in the county or city, as applicable; and (2) on and after January 1, 2024, print return envelopes in the unique color approved by the Secretary of State for that county or city, as applicable. This regulation also authorizes the county or city clerk to print return envelopes in the unique color approved by the Secretary of State for that county or city, as applicable, before January 1, 2024.

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

1. Each county and city clerk must submit to the Secretary of State a request to use a unique color for all return envelopes that are enclosed with mail ballots in the county or city, as applicable. If more than one clerk requests to use the same color for return envelopes, the

Secretary of State will determine which clerk is allowed to use that color for return envelopes.

The Secretary of State will inform the county or city clerk whether the request is approved.

2. Before January 1, 2024, the return envelope enclosed with each mail ballot sent to a registered voter by a county or city clerk may be printed in the unique color approved by the Secretary of State pursuant to subsection 1 for the county or city.

3 On and after January 1, 2024, the return envelope enclosed with each mail ballot sent to a registered voter by a county or city clerk must be printed in the unique color approved by the Secretary of State pursuant to subsection 1 for the county or city.

Sec. 2. This regulation becomes effective upon the later of:

1. January 1, 2022; or
2. The date on which this regulation is filed with the Secretary of State.

The following information is provided regarding the proposed regulations in R100-21P pursuant to the requirements of NRS 233B.0603:

(1) A statement of the need for and purpose of the proposed regulation.

[NRS 293.124](#) provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of the proposed amendment is to codify standards and procedures for various election functions. Specifically revising provisions related to the withdrawal of a demand for an election recount; and providing other matters properly relating thereto.

(2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

Not applicable as these proposed regulations would be permanent regulations.

(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

As the proposed regulations are permanent regulations, the text of the proposed regulation are attached to this notice.

(4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include: (I) Both adverse and beneficial effects; and (II) Both immediate and long-term effects.

These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

(5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The agency determined that these proposed regulations would not impact small businesses through discussions with the county clerks and Secretary of State's accounting division, and through an analysis of historic costs related to the administration of Nevada's elections at the state and county level.

(6) The estimated cost to the agency for enforcement of the proposed regulation.

Enforcement of these proposed regulations poses no significant cost to the Secretary of State's office.

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There are no regulations of other federal, state or local governmental agencies which the proposed regulations overlap or duplicate.

(8) If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulations are not required pursuant to federal law.

(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulations do not include provisions which are more stringent than a federal regulation that regulates the same activity.

(10) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

This information is provided in the text located at the top of this notice. Interested persons may present their view regarding these proposed regulations either in writing or during the aforementioned Zoom meeting.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R100-21

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 293.405.

A REGULATION relating to elections; revising provisions related to the withdrawal of a demand for an election recount; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain persons to demand and receive a recount of the vote at an election. A person who demands a recount must deposit in advance the estimated costs of the recount. (NRS 293.403) If the person who demanded the recount does not prevail, and it is found that the sum deposited was less than the cost of the recount, the person is required, upon demand, to pay the deficiency to the county clerk, city clerk or Secretary of State, as the case may be. If the sum deposited is in excess of the cost, the excess must be refunded to the person. If the person who demanded the recount prevails, the sum deposited with the Secretary of State, county clerk or city clerk must be refunded to the person. (NRS 293.405)

Existing regulations provide that: (1) a person who demands a recount of votes may withdraw the demand by filing a withdrawal in writing before the completion of the recount; and (2) the county or city clerk must stop the recount as soon as practicable after such a withdrawal is filed. (NAC 293.371) This regulation provides instead that: (1) a person may, before the completion of the recount, file a withdrawal of the demand in writing with the officer with whom the person filed the demand; and (2) each county or city clerk who was conducting the recount must stop the recount as soon as practicable. If it is found that the sum deposited for the purpose of the recount is: (1) less than the cost of the recount at the time of the withdrawal, the person must pay the deficiency to the county clerk, city clerk or Secretary of State, as applicable; or (2) in excess of the cost of the recount at the time of the withdrawal, the excess must be refunded to the person.

Section 1. NAC 293.371 is hereby amended to read as follows:

293.371 1. At the request of the city or county clerk, the Secretary of State will designate a representative to observe a recount of votes.

2. A person who demands a recount of votes may withdraw the demand by filing a withdrawal in writing *with the officer with whom the person filed the demand pursuant to NRS 293.403* at any time before the completion of the recount. ~~{The city or}~~ *Each* county *or city* clerk ~~{shall}~~ *who was conducting the recount must* stop the recount as soon as practicable after the person demanding the recount ~~{notifies the clerk of}~~ *files* the withdrawal of the demand. A person who withdraws a demand for a recount of votes may not request a continuation of the recount or a new recount of those votes.

3. *If a person files a withdrawal of a demand for a recount pursuant to subsection 2, each county or city clerk who was conducting the recount must determine the actual cost incurred before the withdrawal was filed. If the sum deposited for the purpose of the recount:*

(a) Is less than the cost of the recount at the time of the withdrawal, the person shall, upon demand, pay the deficiency to the county clerk, city clerk or Secretary of State, as applicable.

(b) Is in excess of the cost of the recount at the time of the withdrawal, the excess must be refunded to the person.

The following information is provided regarding the proposed regulations in R101-21P pursuant to the requirements of NRS 233B.0603:

(1) A statement of the need for and purpose of the proposed regulation.

[NRS 293.124](#) provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of the proposed amendment is to codify standards and procedures for various election functions. Specifically revising certain election provisions related to persons convicted of a felony; and providing other matters properly relating thereto.

(2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

Not applicable as these proposed regulations would be permanent regulations.

(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

As the proposed regulations are permanent regulations, the text of the proposed regulation are attached to this notice.

(4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include: (I) Both adverse and beneficial effects; and (II) Both immediate and long-term effects.

These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

(5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The agency determined that these proposed regulations would not impact small businesses through discussions with the county clerks and Secretary of State's accounting division, and through an analysis of historic costs related to the administration of Nevada's elections at the state and county level.

(6) The estimated cost to the agency for enforcement of the proposed regulation.

Enforcement of these proposed regulations poses no significant cost to the Secretary of State's office.

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There are no regulations of other federal, state or local governmental agencies which the proposed regulations overlap or duplicate.

(8) If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulations are not required pursuant to federal law.

(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulations do not include provisions which are more stringent than a federal regulation that regulates the same activity.

(10) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

This information is provided in the text located at the top of this notice. Interested persons may present their view regarding these proposed regulations either in writing or during the aforementioned Zoom meeting.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R101-21

December 20, 2021

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

AUTHORITY: § 1, NRS 293.124 and 293.247; § 2, NRS 293.124, 293.247, 293.540 and 293.543.

A REGULATION relating to elections; revising certain election provisions related to persons convicted of a felony; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) requires a county clerk to cancel the voter registration of a person upon the determination that the person has been convicted of a felony and is currently serving a term of imprisonment; (2) provides that a person convicted of a felony who has served his or her sentence and has been released from prison is immediately restored the right to vote; and (3) authorizes any such person to reregister to vote upon release from prison. (NRS 213.157, 293.540, 293.543)

Existing regulations provide that the Secretary of State will immediately provide the county clerks with any information the Secretary of State receives from the Attorney General of the United States regarding the conviction of any person of a felony. (NAC 293.414) **Section 2** of this regulation provides instead that the Secretary of State will immediately provide the county clerks with any information the Secretary of State receives from the Attorney General of the United States or the Department of Corrections regarding any person who is convicted of a felony and sentenced to a term of imprisonment.

Section 2 also removes obsolete language related to the former process of restoring the voting rights of a person who was convicted of a felony.

Existing regulations require a county clerk to count a provisional ballot under certain circumstances including that a voter has not been convicted of a felony or, if the voter had been convicted of a felony, the civil rights of the voter had been lawfully restored. (NAC 293.270)

Section 1 of this regulation removes this obsolete language in order to comply with the applicable provisions of the Nevada Revised Statutes.

Section 1. NAC 293.270 is hereby amended to read as follows:

293.270 1. A person who completes the written affirmation required by NRS 293.3082 must be provided with a provisional ballot, regardless of whether the person is at the wrong polling place or precinct.

2. If an election official becomes aware that a person appearing to vote is a registered voter who has appeared to vote in the wrong polling place, the election official must inform the person of the location of the correct polling place for the person. The election official must also inform the person that although a provisional ballot may be cast at the incorrect precinct, the provisional ballot will not be counted unless the requirements of subsection 3 are satisfied and the voter casts the provisional ballot at a polling place that is located in the congressional district in which the voter resides.

3. A county clerk shall count a provisional ballot if the county clerk determines that all the following requirements were satisfied by the date of the election for which the provisional ballot was cast:

- (a) The voter was properly registered in the county where the provisional ballot was cast;
- (b) The voter was a citizen of the United States;
- (c) The voter was 18 years of age or older;
- (d) The voter had continuously resided in the county where he or she registered to vote for at least 30 days;
- (e) The voter had continuously resided in the precinct for which he or she registered to vote for at least 10 days;
- (f) ~~The voter had not been convicted of a felony or, if the voter had been convicted of a felony, the civil rights of the voter had been lawfully restored;~~
- ~~(g)~~ The voter signed the required affirmation;

~~[(h)]~~ (g) If the provisional ballot was cast at a polling place, the voter did not cast any other ballot ~~[-, including an absent or mail-in ballot;~~

~~[(i)]~~ ;

(h) If the voter did not show proof of residence and identity at the time he or she registered to vote, that the voter provided official identification establishing residence and identity by 5 p.m. on the Friday following election day;

~~[(i)]~~ (i) The voter cast the provisional ballot at a polling place that was authorized to accept a ballot for the congressional district in which the voter resides; and

~~[(j)]~~ (j) The provisional ballot cast listed the correct federal offices for the congressional district in which the voter resides.

4. The county clerk shall, not earlier than 5 p.m. on the Friday immediately following election day, post and submit to the Secretary of State the totals of provisional votes counted. The county clerk shall post and submit the updated results in the same manner and form as election day results.

Sec. 2. NAC 293.414 is hereby amended to read as follows:

293.414 1. The Secretary of State will immediately provide the county clerks with any information the Secretary of State receives from the Attorney General of the United States *or the Department of Corrections* regarding ~~[(the conviction of)]~~ any person ~~[(of a felony)]~~ *who is convicted of a felony and sentenced to a term of imprisonment.*

2. A county clerk may, for the purpose of making the determination to cancel the registration of a person required by *paragraph (c) of* subsection ~~[(3)]~~ 2 of NRS 293.540, rely upon any information the county clerk receives from the Secretary of State pursuant to subsection 1 or

from the Central Repository for Nevada Records of Criminal History regarding the conviction of any person of a felony.

3. ~~The Secretary of State will immediately provide the county clerks with any information the Secretary of State receives regarding a person convicted of a felony who has had his or her right to vote restored and is currently eligible to register to vote.~~

~~4. A county clerk may, for purposes of determining whether a person applying to register to vote who was convicted of a felony has had his or her right to vote restored and is currently eligible to register, rely on:~~

~~(a) The information received from the Secretary of State pursuant to subsection 3;~~

~~(b) An order of any federal or state court restoring the right to vote to the applicant;~~

~~(c) A document issued to the applicant by a penal agency of the State of Nevada, any other state or the Federal Government verifying that the right to vote of the applicant has been restored; or~~

~~(d) A document issued by a penal agency of the State of Nevada, any other state or the Federal Government verifying that the applicant received a pardon or was discharged from probation, parole or prison before July 1, 2003.~~

~~5. If a county clerk has reason to believe that a document described in subsection 4 is invalid or forged, the county clerk shall attempt to verify the document. The county clerk must accept the document as legitimate unless the county clerk can verify that the document is invalid or forged.~~

~~6. If a county clerk does not receive a document described in subsection 4 within 15 days after a person who was convicted of a felony applies to register to vote, the county clerk shall reject the application of the person to register to vote. A person whose application to register to~~

~~vote is rejected pursuant to this subsection may submit a new application to register}~~ *Upon release from prison, a person whose registration has been cancelled pursuant to paragraph (c) of subsection 2 of NRS 293.540 may reregister to vote ~~{ }~~ by any method authorized pursuant to NRS 293.517.*

The following information is provided regarding the proposed regulations in R102-21P pursuant to the requirements of NRS 233B.0603:

(1) A statement of the need for and purpose of the proposed regulation.

[NRS 293.124](#) provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of the proposed amendment is to codify standards and procedures for various election functions. Specifically requiring that a written challenge to the right to vote of a person and certain oaths or affirmations of a challenged voter include any documentation or evidence supporting the facts upon which each ground of the challenge is based; and providing other matters properly relating thereto.

(2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

Not applicable as these proposed regulations would be permanent regulations.

(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

As the proposed regulations are permanent regulations, the text of the proposed regulation are attached to this notice.

(4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include: (I) Both adverse and beneficial effects; and (II) Both immediate and long-term effects.

These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

(5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The agency determined that these proposed regulations would not impact small businesses through discussions with the county clerks and Secretary of State's accounting division, and through an analysis of historic costs related to the administration of Nevada's elections at the state and county level.

(6) The estimated cost to the agency for enforcement of the proposed regulation.

Enforcement of these proposed regulations poses no significant cost to the Secretary of State's office.

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There are no regulations of other federal, state or local governmental agencies which the proposed regulations overlap or duplicate.

(8) If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulations are not required pursuant to federal law.

(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulations do not include provisions which are more stringent than a federal regulation that regulates the same activity.

(10) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

This information is provided in the text located at the top of this notice. Interested persons may present their view regarding these proposed regulations either in writing or during the aforementioned Zoom meeting.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R102-21

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, 293.303 and 293.547.

A REGULATION relating to elections; requiring that a written challenge to the right to vote of a person and certain oaths or affirmations of a challenged voter include any documentation or evidence supporting the facts upon which each ground of the challenge is based; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a registered voter to challenge the right to vote of another person if: (1) he or she is registered to vote in the same precinct as the person whose right to vote is challenged; and (2) the challenge is based on the personal knowledge of the registered voter who submits the challenge. The challenge must: (1) be signed and verified by the registered voter who submits the challenge; (2) name the person whose right to vote is challenged; and (3) name the ground or grounds, as applicable, of the challenge. (NRS 293.547) Existing regulations require any such written challenge to be on a form prescribed by the Secretary of State and contain certain information including: (1) a statement of the facts upon which each ground for the challenge is based; and (2) a statement that the challenge is based on personal knowledge of the facts upon which each ground for the challenge is based. (NAC 293.416) This regulation requires that a written challenge also contain any documentation or evidence supporting the facts upon which each ground for the challenge is based.

Existing law provides that if a written challenge to the right to vote of another person is filed and the challenged person applies to vote, an election board officer is required to tender the challenged person an oath or affirmation. The oath or affirmation is required to be in a certain form, depending on the reason set forth in the challenge. If the challenged person executes the appropriate oath or affirmation, he or she is allowed to vote. If the challenged person does not execute the appropriate oath or affirmation, with certain exceptions, the challenged person must not be issued a ballot. (NRS 293.303) Existing regulations require that the oath or affirmation of a challenged person must be on a form prescribed by the Secretary of State and contain certain information, including: (1) a statement of the facts upon which each ground for the challenge is based; and (2) a statement that the challenge is based on personal knowledge of the facts upon which each ground for the challenge is based. (NAC 293.416) This regulation requires that the oath or affirmation also contain any documentation or evidence supporting the facts upon which each ground for the challenge is based.

Section 1. NAC 293.416 is hereby amended to read as follows:

293.416 1. A written challenge authorized by NRS 293.547 must be on a form prescribed by the Secretary of State and contain, in addition to any other required information:

(a) The address and, if readily available, the telephone number of the person whose right to vote is challenged.

(b) The number of the precinct in which the person whose right to vote is challenged is registered to vote.

(c) The name, address and telephone number of the person filing the challenge.

(d) The precinct in which the person filing the challenge is registered to vote.

(e) The date of the challenge.

(f) A statement of the facts upon which each ground for the challenge is based.

(g) A statement that the challenge is based on personal knowledge of the facts upon which each ground for the challenge is based.

(h) Any documentation or evidence supporting the facts upon which each ground for the challenge is based.

2. In addition to the requirements set forth in NRS 293.303, the oath or affirmation of a challenged person must be on a form prescribed by the Secretary of State and include, without limitation:

(a) The address and, if readily available, the telephone number of the person whose right to vote is challenged.

(b) The number of the precinct in which the person whose right to vote is challenged is registered to vote.

- (c) The name, address and telephone number of the person filing the challenge.
- (d) The precinct in which the person filing the challenge is registered to vote.
- (e) The date of the challenge.
- (f) A statement of the facts upon which each ground for the challenge is based.
- (g) A statement that the challenge is based on personal knowledge of the facts upon which each ground for the challenge is based.
- (h) Any documentation or evidence supporting the facts upon which each ground for the challenge is based.*

3. As used in this section, “personal knowledge” means that the person who files the challenge has firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based.

The following information is provided regarding the proposed regulations in R103-21P pursuant to the requirements of NRS 233B.0603:

(1) A statement of the need for and purpose of the proposed regulation.

[NRS 293.124](#) provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of the proposed amendment is to codify standards and procedures for various election functions. Specifically requiring county and city clerks to report certain information to the Secretary of State regarding mail ballots; revising the requirements related to the transfer of certain information to the statewide voter registration list; and providing other matters properly relating thereto.

(2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

Not applicable as these proposed regulations would be permanent regulations.

(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

As the proposed regulations are permanent regulations, the text of the proposed regulation are attached to this notice.

(4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include: (I) Both adverse and beneficial effects; and (II) Both immediate and long-term effects.

These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

(5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The agency determined that these proposed regulations would not impact small businesses through discussions with the county clerks and Secretary of State's accounting division, and through an analysis of historic costs related to the administration of Nevada's elections at the state and county level.

(6) The estimated cost to the agency for enforcement of the proposed regulation.

Enforcement of these proposed regulations poses no significant cost to the Secretary of State's office.

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There are no regulations of other federal, state or local governmental agencies which the proposed regulations overlap or duplicate.

(8) If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulations are not required pursuant to federal law.

(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulations do not include provisions which are more stringent than a federal regulation that regulates the same activity.

(10) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

This information is provided in the text located at the top of this notice. Interested persons may present their view regarding these proposed regulations either in writing or during the aforementioned Zoom meeting.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R103-21

December 20, 2021

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

AUTHORITY: § 1, NRS 293.124 and 293.247 and sections 3, 11 and 13 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1216, 1220 and 1222 (NRS 293.269911, 293.269927 and 293.269931); § 2, NRS 293.124 and 293.675; § 3, NRS 293.124 and 293.247 and sections 51, 59 and 61 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1243, 1247 and 1249 (NRS 293C.263, 293C.26327 and 293C.26331); § 4, NRS 293.124.

A REGULATION relating to elections; requiring county and city clerks to report certain information to the Secretary of State regarding mail ballots; revising the requirements related to the transfer of certain information to the statewide voter registration list; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires the county and city clerks to prepare and distribute to certain registered voters a mail ballot for every election; (2) requires the county and city clerks to check the signatures on received mail ballots; (3) authorizes each mail ballot central counting board to begin counting the received mail ballots 15 days before the day of the election; and (4) requires each mail ballot central counting board to complete the count of all mail ballots on or before the seventh day following the election. (Sections 3, 11, 13, 51, 59 and 61 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1216, 1220, 1222, 1243, 1247 and 1249 (NRS 293.269911, 293.269927, 293.269931, 293C.263, 293C.26327 and 293.26331)) **Sections 1 and 3** of this regulation require each county and city clerk, as applicable, to report to the Secretary of State during certain periods: (1) each registered voter that has been sent a mail ballot; (2) each registered voter whose mail ballot has been received by the clerk; (3) whether the clerk has completed the process for checking the signature of a mail ballot; and (4) whether each mail ballot has been processed and counted by the mail ballot central counting board.

Existing regulations require each county clerk to electronically transfer certain information to the statewide voter registration list at least once each business day. When a county clerk electronically transfers such information to the statewide voter registration list, the county clerk must certify that the county clerk has complied with such applicable technical requirements for security as may be prescribed by the Secretary of State to ensure the confidentiality of the information transferred. (NAC 293.458) **Section 2** of this regulation requires instead that when a county clerk electronically transfers such information to the statewide voter registration list, the

county clerk must certify that the county clerk has complied with such applicable technical requirements for security as may be prescribed by the Secretary of State to ensure the confidentiality of the personally identifiable information transferred.

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

1. Beginning the 45th day before an election and through the 7th day following the election, each county clerk shall, at least once each business day, inform the Secretary of State of:

(a) Each registered voter that the county clerk sent a mail ballot for the election;
(b) Each registered voter whose mail ballot has been received by the county clerk; and
(c) For each registered voter whose mail ballot has been received by the county clerk, an indication of whether the process set forth in section 11 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at page 1220 (NRS 293.269927), has been completed.

2. In addition to the information required pursuant to subsection 1, beginning the 15th day before an election and through the 7th day following the election, each county clerk shall, at least once each business day, inform the Secretary of State of whether the mail ballot of a registered voter has been processed and counted.

3. The information required pursuant to this section must be sent electronically and in the form and manner prescribed by the Secretary of State.

Sec. 2. NAC 293.458 is hereby amended to read as follows:

293.458 1. Each county clerk shall, at least once each business day, electronically transfer the information contained in the computerized database established pursuant to NAC 293.454 to the statewide voter registration list. Each transfer must comply with such technical requirements as may be prescribed by the Secretary of State.

2. When a county clerk electronically transfers information to the statewide voter registration list pursuant to subsection 1, the county clerk must certify that:

- (a) The information is accurate and complies with relevant state and federal law; and
- (b) The county clerk has complied with such applicable technical requirements for security as may be prescribed by the Secretary of State to ensure the confidentiality of the *personally identifiable* information transferred pursuant to subsection 1.

3. Each county clerk shall ensure that only authorized personnel may access the computerized database established pursuant to NAC 293.454.

Sec. 3. Chapter 293C of NAC is hereby amended by adding thereto a new section to read as follows:

1. Beginning the 45th day before an election and through the 7th day following the election, each city clerk shall, at least once each business day, inform the Secretary of State of:

- (a) Each registered voter that the city clerk sent a mail ballot for the election;*
- (b) Each registered voter whose mail ballot has been received by the city clerk; and*
- (c) For each registered voter whose mail ballot has been received by the city clerk, an indication of whether the process set forth in section 59 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at page 1247 (NRS 293C.26327), has been completed.*

2. In addition to the information required pursuant to subsection 1, beginning the 15th day before an election and through the 7th day following the election, each city clerk shall, at least once each business day, inform the Secretary of State of whether the mail ballot of a registered voter has been processed and counted.

3. The information required pursuant to this section must be sent electronically and in the form and manner prescribed by the Secretary of State.

Sec. 4. This regulation becomes effective on the later of:

1. January 1, 2022; or
2. The date that this regulation is filed with the Secretary of State.

The following information is provided regarding the proposed regulations in R104-21P pursuant to the requirements of NRS 233B.0603:

(1) A statement of the need for and purpose of the proposed regulation.

[NRS 293.124](#) provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of the proposed amendment is to codify standards and procedures for various election functions. Specifically requiring the Secretary of State to annually determine whether county clerks have cancelled the registrations of voters who are indicated as deceased in vital statistics records; and providing other matters properly relating thereto.

(2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

Not applicable as these proposed regulations would be permanent regulations.

(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

As the proposed regulations are permanent regulations, the text of the proposed regulation are attached to this notice.

(4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include: (I) Both adverse and beneficial effects; and (II) Both immediate and long-term effects.

These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

(5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The agency determined that these proposed regulations would not impact small businesses through discussions with the county clerks and Secretary of State's accounting division, and through an analysis of historic costs related to the administration of Nevada's elections at the state and county level.

(6) The estimated cost to the agency for enforcement of the proposed regulation.

Enforcement of these proposed regulations poses no significant cost to the Secretary of State's office.

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There are no regulations of other federal, state or local governmental agencies which the proposed regulations overlap or duplicate.

(8) If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulations are not required pursuant to federal law.

(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulations do not include provisions which are more stringent than a federal regulation that regulates the same activity.

(10) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

This information is provided in the text located at the top of this notice. Interested persons may present their view regarding these proposed regulations either in writing or during the aforementioned Zoom meeting.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R104-21

December 20, 2021

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

AUTHORITY: § 1, NRS 293.124 and 293.675, as amended by section 44 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at page 1239.

A REGULATION relating to elections; requiring the Secretary of State to annually determine whether county clerks have cancelled the registrations of voters who are indicated as deceased in vital statistics records; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to: (1) establish and maintain the statewide voter registration list; and (2) enter into a cooperative agreement with the State Registrar of Vital Statistics concerning the death of residents of the State to maintain the statewide voter registration list. (NRS 293.675, as amended by section 44 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at page 1239)

Existing regulations provide that on each business day the Secretary of State will compare the statewide voter registration list to the vital statistics records maintained by the State Registrar of Vital Statistics. If the Secretary of State determines that a registered voter is indicated as deceased in the vital statistics records: (1) the Secretary of State will notify the county clerk; and (2) if the county clerk determines that the voter is deceased, the county clerk must cancel the registration of the voter in the county's computerized database of voters and the statewide voter registration list. (NAC 293.464)

This regulation provides that the Secretary of State will determine on or before February 1 of each year whether each county clerk has indicated in the county's computerized database of voters and the statewide voter registration list that the registrations of the voters in the county that are indicated as deceased in the vital statistics records have been cancelled.

Section 1. NAC 293.464 is hereby amended to read as follows:

293.464 1. On each business day, the Secretary of State will compare the statewide voter registration list to the vital statistics records maintained by the State Registrar of Vital Statistics.

2. If the Secretary of State determines from the comparison made pursuant to subsection 1 that a registered voter is indicated as deceased in the vital statistics records:

(a) The Secretary of State will notify the county clerk of the county in which the voter is registered to vote.

(b) Upon receipt of the notification described in paragraph (a), the county clerk shall determine whether the registered voter is deceased and, if so, indicate that the registration of the voter is cancelled in the computerized database established pursuant to NAC 293.454 and in the statewide voter registration list.

3. On or before February 1 of each year, the Secretary of State will determine whether each county clerk has indicated in the computerized database established pursuant to NAC 293.454 and in the statewide voter registration list that the registration of each voter in the county that is indicated as deceased in the vital statistics records is cancelled. If the Secretary of State determines that a county clerk has not done so:

(a) The Secretary of State will notify the county clerk.

(b) Upon receipt of the notification described in paragraph (a), the county clerk shall determine whether the registered voter is deceased and, if so, indicate that the registration of the voter is cancelled in the computerized database established pursuant to NAC 293.454 and in the statewide voter registration list.

The following information is provided regarding the proposed regulations in R105-21P pursuant to the requirements of NRS 233B.0603:

(1) A statement of the need for and purpose of the proposed regulation.

[NRS 293.124](#) provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of the proposed regulation is to codify standards and procedures for various election functions. Specifically requiring county and city clerks to notify the Secretary of State about certain elections; providing that the Secretary of State will confer with the applicable county or city clerk regarding certain issues related to such elections; and providing other matters properly relating thereto.

(2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

Not applicable as these proposed regulations would be permanent regulations.

(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

As the proposed regulations are permanent regulations, the text of the proposed regulation are attached to this notice.

(4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include: (I) Both adverse and beneficial effects; and (II) Both immediate and long-term effects.

These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

(5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The agency determined that these proposed regulations would not impact small businesses through discussions with the county clerks and Secretary of State's accounting division, and through an analysis of historic costs related to the administration of Nevada's elections at the state and county level.

(6) The estimated cost to the agency for enforcement of the proposed regulation.

Enforcement of these proposed regulations poses no significant cost to the Secretary of State's office.

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There are no regulations of other federal, state or local governmental agencies which the proposed regulations overlap or duplicate.

(8) If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulations are not required pursuant to federal law.

(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulations do not include provisions which are more stringent than a federal regulation that regulates the same activity.

(10) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

This information is provided in the text located at the top of this notice. Interested persons may present their view regarding these proposed regulations either in writing or during the aforementioned Zoom meeting.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R105-21

December 20, 2021

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

AUTHORITY: §§ 1-3, NRS 293.124 and 293.247.

A REGULATION relating to elections; requiring county and city clerks to notify the Secretary of State about certain elections; providing that the Secretary of State will confer with the applicable county or city clerk regarding certain issues related to such elections; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Secretary of State to adopt regulations for the conduct of special elections in all cities and counties. (NRS 293.247) This regulation provides that if a recall or special election is called in a county or city and will not be held on the same day as the primary election, primary city election, general election or general city election, as applicable: (1) the appropriate clerk must notify the Secretary of State of the election; and (2) the Secretary of State will confer with the clerk regarding, if applicable: (a) the use of the system of approved electronic transmission established pursuant to NRS 293D.200; (b) the locations of polling places, including, without limitation, polling places for early voting by personal appearance and vote centers; (c) the locations of ballot drop boxes for mail ballots; (d) a plan for the security of ballots for early voting; (e) a plan for allowing members of the general public to observe the conduct of voting at a polling place; and (f) a plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.

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

If a recall or other special election is called in a county and will not be held on the same day as the primary election or general election:

- 1. The county clerk must, as soon as practicable, notify the Secretary of State of the election on the form and in the manner prescribed by the Secretary of State; and*
- 2. The Secretary of State will confer with the county clerk regarding, if applicable:*
 - (a) The use of the system of approved electronic transmission established pursuant to NRS 293D.200;*
 - (b) The locations of polling places, including, without limitation, polling places for early voting by personal appearance and vote centers;*
 - (c) The locations of ballot drop boxes for mail ballots;*
 - (d) A plan for the security of ballots for early voting;*
 - (e) A plan for allowing members of the general public to observe the conduct of voting at a polling place; and*
 - (f) A plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.*
- 3. As used in this section, “vote center” means a polling place established by the county or city clerk, as applicable, pursuant to the provisions of NRS 293.3072 to 293.3075, inclusive, or 293C.3032 to 293C.3035, inclusive, as applicable, where any person entitled to vote by personal appearance in the county or city, as applicable, may do so on the day of the election.*

Sec. 2. Chapter 293C of NAC is hereby amended by adding thereto a new section to read as follows:

If a recall or other special city election is called in a city and will not be held on the same day as the primary city election or general city election:

1. The city clerk must, as soon as practicable, notify the Secretary of State of the election on the form and in the manner prescribed by the Secretary of State; and

2. The Secretary of State will confer with the city clerk regarding, if applicable:

(a) The use of the system of approved electronic transmission established pursuant to NRS 293D.200;

(b) The locations of polling places, including, without limitation, polling places for early voting by personal appearance and vote centers;

(c) The locations of ballot drop boxes for mail ballots;

(d) A plan for the security of ballots for early voting;

(e) A plan for allowing members of the general public to observe the conduct of voting at a polling place; and

(f) A plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.

3. As used in this section, “vote center” means a polling place established by the county or city clerk, as applicable, pursuant to the provisions of NRS 293.3072 to 293.3075, inclusive, or 293C.3032 to 293C.3035, inclusive, as applicable, where any person entitled to vote by personal appearance in the county or city, as applicable, may do so on the day of the election.

Sec. 3. This regulation becomes effective upon the later of:

1. January 1, 2022; or

2. The date upon which the regulation is filed with the Secretary of State.

The following information is provided regarding the proposed regulations in R106-21P pursuant to the requirements of NRS 233B.0603:

(1) A statement of the need for and purpose of the proposed regulation.

[NRS 293.124](#) provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of the proposed regulation is to codify standards and procedures for various election functions. Specifically providing that the Secretary of State will publish a list of approved training classes on forensic signature verification; setting forth certain requirements for training on forensic signature verification; and providing other matters properly relating thereto.

(2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

Not applicable as these proposed regulations would be permanent regulations.

(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

As the proposed regulations are permanent regulations, the text of the proposed regulation are attached to this notice.

(4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include: (I) Both adverse and beneficial effects; and (II) Both immediate and long-term effects.

These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

(5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The agency determined that these proposed regulations would not impact small businesses through discussions with the county clerks and Secretary of State's accounting division, and through an analysis of historic costs related to the administration of Nevada's elections at the state and county level.

(6) The estimated cost to the agency for enforcement of the proposed regulation.

Enforcement of these proposed regulations poses no significant cost to the Secretary of State's office.

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There are no regulations of other federal, state or local governmental agencies which the proposed regulations overlap or duplicate.

(8) If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulations are not required pursuant to federal law.

(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulations do not include provisions which are more stringent than a federal regulation that regulates the same activity.

(10) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

This information is provided in the text located at the top of this notice. Interested persons may present their view regarding these proposed regulations either in writing or during the aforementioned Zoom meeting.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R106-21

December 20, 2021

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

AUTHORITY: §§ 1-6, NRS 293.124 and 293.247 and sections 16 and 64 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1223 and 1250 (NRS 293.877 and 293C.725).

A REGULATION relating to elections; providing that the Secretary of State will publish a list of approved training classes on forensic signature verification; setting forth certain requirements for training on forensic signature verification; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that at least once each year, each county and city clerk and all staff members of such clerks whose duties include administering an election complete a training class on forensic signature verification that is approved by the Secretary of State. (Sections 16 and 64 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1223 and 1250 (NRS 293.877 and 293C.725))

Section 2 of this regulation provides that: (1) the Secretary of State will publish biennially a list of approved training classes; and (2) to be approved, a training class must include a written test on forensic signature verification.

Section 3 of this regulation provides that, with certain exceptions, each county clerk, city clerk and all staff members of the clerks whose duties include administering an election must annually complete: (1) a training class on forensic signature verification; or (2) a refresher class on forensic signature verification. **Section 3** also requires each county or city clerk to annually: (1) identify which members of his or her staff are required to take the classes; and (2) submit to the Secretary of State certificates of completion of the classes.

Section 4 of this regulation provides that if a county or city clerk determines that any member of his or her staff whose duties at a particular election include checking the signature of a voter at a polling place or on a mail ballot has insufficient time to complete an approved training class on forensic signature verification, the clerk may authorize another member of his or her staff who has successfully completed such a class to provide to the person at least 2 hours of hands-on training related to checking the signature of a voter.

Section 5 of this regulation prohibits a staff member of a county or city clerk from checking the signature of a voter at a polling place or on a mail ballot unless the person has

successfully completed an approved training class on forensic signature verification or received the training described in **section 4**.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. 1. *Not later than October 1 of each odd-numbered year, the Secretary of State will publish a list of training classes on forensic signature verification that are approved by the Secretary of State for county clerks, city clerks and the staff members of the clerks whose duties include administering an election.*

2. To be approved by the Secretary of State, a training class on forensic signature verification must include a written test on forensic signature verification that has an established basis for determining a passing grade.

Sec. 3. 1. *Except as otherwise provided in subsection 2 and section 4 of this regulation, not later than April 1 of each year, each county clerk, city clerk and all staff members of the county or city clerk whose duties include administering an election must successfully complete a training class on forensic signature verification that is approved by the Secretary of State. In order to successfully complete such a training class, a person must receive a passing grade on a written test on forensic signature verification.*

2. Except as otherwise provided in this subsection, any staff member whose regular duties at the office of the county or city clerk includes signature verification and who, for 2 consecutive years, has taken an approved training class on forensic signature verification and received a passing grade on the written test, may, in lieu of the training class described in subsection 1, attend a refresher class on forensic signature verification. A refresher class is not required to be approved by the Secretary of State. A staff member who completes a

refresher class in lieu of the training class described in subsection 1 must successfully complete a training class described in subsection 1 at least once every 3 years.

3. Each county or city clerk shall:

(a) Identify which members of his or her staff who are required to successfully complete the approved training class on forensic signature verification or refresher class on forensic signature verification; and

(b) Submit to the Secretary of State on or before April 1 of each year certificates of completion of the classes for all such staff members.

Sec. 4. If a county or city clerk determines that any member of his or her staff, including, without limitation, temporary staff hired for a particular election, whose duties include checking the signature of a voter at a polling place or on a mail ballot has insufficient time to successfully complete an approved training class on forensic signature verification before the election, the county or city clerk may authorize another member of his or her staff who has successfully completed such a training class to provide to the person at least 2 hours of hands-on training related to checking the signature of a voter.

Sec. 5. A staff member of a county or city clerk shall not check the signature of a voter at a polling place or on a mail ballot unless the person has:

1. Successfully completed an approved training class on forensic signature verification, or, if applicable, a refresher class on forensic signature verification; or

2. Received the hands-on training described in section 4 of this regulation.

Sec. 6. This regulation becomes effective upon the later of:

1. January 1, 2022; or

2. The date this regulation is filed with the Secretary of State.

The following information is provided regarding the proposed regulations in R107-21P pursuant to the requirements of NRS 233B.0603:

(1) A statement of the need for and purpose of the proposed regulation.

[NRS 293.124](#) provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of the proposed regulation is to codify standards and procedures for various election functions. Specifically setting forth a process for a registered voter to elect not to receive a mail ballot; requiring, under certain circumstances, a county or city clerk to distribute a second mail ballot to a registered voter; and providing other matters properly relating thereto.

(2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

Not applicable as these proposed regulations would be permanent regulations.

(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

As the proposed regulations are permanent regulations, the text of the proposed regulation are attached to this notice.

(4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include: (I) Both adverse and beneficial effects; and (II) Both immediate and long-term effects.

These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

(5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The agency determined that these proposed regulations would not impact small businesses through discussions with the county clerks and Secretary of State's accounting division, and through an analysis of historic costs related to the administration of Nevada's elections at the state and county level.

(6) The estimated cost to the agency for enforcement of the proposed regulation.

Enforcement of these proposed regulations poses no significant cost to the Secretary of State's office.

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There are no regulations of other federal, state or local governmental agencies which the proposed regulations overlap or duplicate.

(8) If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulations are not required pursuant to federal law.

(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulations do not include provisions which are more stringent than a federal regulation that regulates the same activity.

(10) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

This information is provided in the text located at the top of this notice. Interested persons may present their view regarding these proposed regulations either in writing or during the aforementioned Zoom meeting.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R107-21

December 20, 2021

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

AUTHORITY: §§ 1-4, NRS 293.124 and 293.247 and sections 3 and 51 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1216 and 1243 (NRS 293.269911 and 293C.263).

A REGULATION relating to elections; setting forth a process for a registered voter to elect not to receive a mail ballot; requiring, under certain circumstances, a county or city clerk to distribute a second mail ballot to a registered voter; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, with certain exceptions, a county or city clerk to prepare and distribute a mail ballot for every election to: (1) each active registered voter in the county or city, as applicable; and (2) each person in the county or city, as applicable, who registers to vote or updates his or her voter registration information not later than 14 days before the election. Existing law also authorizes a voter to elect not to receive a mail ballot by submitting to the county or city clerk a written notice which must be received not later than 60 days before the election. (Sections 3 and 51 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1216 and 1243 (NRS 293.269911 and 293C.263))

Section 2 of this regulation authorizes a registered voter to elect not to receive a mail ballot by submitting such written notice to: (1) the Secretary of State, who will notify the applicable county and city clerks; (2) the county clerk, who will notify the applicable city clerk; or (3) the city clerk, who will notify the applicable county clerk. **Section 2** further provides that if a voter has previously elected not to receive a mail ballot, the voter may submit written notice that he or she wants to receive a mail ballot in future elections.

Section 3 of this regulation provides that if a registered voter updates his or mailing address in the voter registration information after the date on which a mail ballot has been sent to the voter but not later than 14 days before the election, the county or city clerk, as applicable, must cancel the first mail ballot and, on or before the 13th day before the election, send the voter a second mail ballot to the updated mailing address.

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

Sec. 2. 1. *A registered voter may elect not to receive a mail ballot pursuant to section 3 or 51 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1216 and 1243 (NRS 293.269911 or 293C.263), as applicable, by submitting written notice to the Secretary of State or applicable county or city clerk. If the voter submits written notice to:*

(a) The Secretary of State, the written notice must be submitted in the form and manner prescribed by the Secretary of State. Upon receipt of such written notice, the Secretary of State will notify the applicable county clerk and city clerk, if any.

(b) The county clerk, the written notice must be submitted in the form and manner prescribed by the county clerk. Upon receipt of such written notice, the county clerk must notify the applicable city clerk, if any.

(c) The city clerk, the written notice must be submitted in the form and manner prescribed by the city clerk. Upon receipt of such written notice, the city clerk must notify the applicable county clerk.

2. *A registered voter who has previously elected not to receive a mail ballot may later request to receive a mail ballot by submitting written notice to the Secretary of State or applicable county or city clerk. If the voter submits written notice to:*

(a) The Secretary of State, the written notice must be submitted in the form and manner prescribed by the Secretary of State. Upon receipt of such written notice, the Secretary of State will notify the applicable county clerk and city clerk, if any.

(b) The county clerk, the written notice must be submitted in the form and manner prescribed by the county clerk. Upon receipt of such written notice, the county clerk must notify the applicable city clerk, if any.

(c) The city clerk, the written notice must be submitted in the form and manner prescribed by the city clerk. Upon receipt of such written notice, the city clerk must notify the applicable county clerk.

3. If any written notice described in subsection 1 or 2 is received after the 60th day before an election, the written notice must be treated as a request to receive or not receive, as applicable, a mail ballot for subsequent elections.

Sec. 3. *1. If a registered voter updates his or her mailing address in the voter registration information after the date on which his or her mail ballot is sent pursuant to section 3 or 51 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1216 and 1243 (NRS 293.269911 or 293C.263), as applicable, but on or before the 14th day before the election, the county or city clerk, as applicable, must:*

(a) On or before the 13th day before the election, send a second mail ballot to the registered voter at the updated mailing address;

(b) Indicate in the roster of mail ballots:

(1) The name of the registered voter to whom the second mail ballot is issued;

(2) The date that the second mail ballot is issued;

(3) The number of the second mail ballot; and

(4) That the first mail ballot is cancelled.

2. Nothing in this section authorizes:

(a) A registered voter to cast more than one mail ballot; or

(b) A county or city clerk to count more than one mail ballot received by a registered voter.

Sec. 4. This regulation becomes effective on the later of:

1. January 1, 2022; or
2. The date that this regulation is filed with the Secretary of State.

The following information is provided regarding the proposed regulations in R108-21P pursuant to the requirements of NRS 233B.0603:

(1) A statement of the need for and purpose of the proposed regulation.

[NRS 293.124](#) provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of the proposed regulation is to codify standards and procedures for various election functions. Specifically 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.

(2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

Not applicable as these proposed regulations would be permanent regulations.

(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

As the proposed regulations are permanent regulations, the text of the proposed regulation are attached to this notice.

(4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include: (I) Both adverse and beneficial effects; and (II) Both immediate and long-term effects.

These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

(5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The agency determined that these proposed regulations would not impact small businesses through discussions with the county clerks and Secretary of State's accounting division, and through an analysis of historic costs related to the administration of Nevada's elections at the state and county level.

(6) The estimated cost to the agency for enforcement of the proposed regulation.

Enforcement of these proposed regulations poses no significant cost to the Secretary of State's office.

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There are no regulations of other federal, state or local governmental agencies which the proposed regulations overlap or duplicate.

(8) If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulations are not required pursuant to federal law.

(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulations do not include provisions which are more stringent than a federal regulation that regulates the same activity.

(10) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

This information is provided in the text located at the top of this notice. Interested persons may present their view regarding these proposed regulations either in writing or during the aforementioned Zoom meeting.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

**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.

The following information is provided regarding the proposed regulations in R109-21P pursuant to the requirements of NRS 233B.0603:

(1) A statement of the need for and purpose of the proposed regulation.

[NRS 293.124](#) provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of the proposed amendment is to codify standards and procedures for various election functions. Specifically revising provisions related to a postelection audit of voter verifiable paper audit trail printers; and providing other matters properly relating thereto.

(2) If the proposed regulation is a temporary regulation, either the terms or substance of the proposed regulation or a description of the subjects and issues involved.

Not applicable as these proposed regulations would be permanent regulations.

(3) If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

As the proposed regulations are permanent regulations, the text of the proposed regulation are attached to this notice.

(4) A statement of the estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include: (I) Both adverse and beneficial effects; and (II) Both immediate and long-term effects.

These regulations do not create an economic effect on either Nevada businesses or the public. These regulations relate to the conduct of Nevada elections and, as such, do not create an adverse or beneficial economic impact in either the immediate or long-term.

(5) A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The agency determined that these proposed regulations would not impact small businesses through discussions with the county clerks and Secretary of State's accounting division, and through an analysis of historic costs related to the administration of Nevada's elections at the state and county level.

(6) The estimated cost to the agency for enforcement of the proposed regulation.

Enforcement of these proposed regulations poses no significant cost to the Secretary of State's office.

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

There are no regulations of other federal, state or local governmental agencies which the proposed regulations overlap or duplicate.

(8) If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulations are not required pursuant to federal law.

(9) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulations do not include provisions which are more stringent than a federal regulation that regulates the same activity.

(10) The time when, the place where and the manner in which interested persons may present their views regarding the proposed regulation.

This information is provided in the text located at the top of this notice. Interested persons may present their view regarding these proposed regulations either in writing or during the aforementioned Zoom meeting.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R109-21

December 20, 2021

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

AUTHORITY: § 1, NRS 293.124 and 293.247.

A REGULATION relating to elections; revising provisions related to a postelection audit of voter verifiable paper audit trail printers; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing regulations require, after each election, a county clerk to conduct a postelection certification audit of a certain number of voter verifiable paper audit trail printers, known as “VVPATs,” that are randomly selected to ensure that the paper record produced by a VVPAT accurately records all votes cast by voters on a mechanical recording device. (NAC 293.255) A VVPAT is the device attached to a mechanical recording device and the paper it prints to record all votes cast by a voter for any and all candidates and for or against any and all measures, enabling that voter to visually verify that the mechanical voting system has accurately recorded the votes of the voter. (NAC 293.010)

This regulation provides that if a discrepancy of four or more votes is discovered during the postelection certification audit, the county clerk must immediately notify the Secretary of State and investigate the cause of the discrepancy. If the discrepancy cannot be resolved, the county clerk must randomly select an additional number of mechanical recording devices with attached VVPATs used in the election to audit. This regulation also requires the county clerk to include in the audit results transmitted to the Secretary of State an explanation of any discrepancy discovered by the county clerk and, if determined, an explanation of what caused the discrepancy to occur.

Section 1. NAC 293.255 is hereby amended to read as follows:

293.255 1. After each election, a county clerk shall conduct a postelection certification audit of VVPATs randomly selected pursuant to subsection 3 or 4, as applicable, to ensure that

the paper record produced by a VVPAT accurately records all votes cast by voters on a mechanical recording device.

2. A county clerk must conduct a postelection certification audit of a VVPAT by comparing each vote cast for each candidate and on each measure which was electronically recorded on the mechanical recording device to each vote cast for each candidate and on each measure which was recorded on the attached VVPAT. Such comparison may be conducted manually or by a mechanical device determined by the Secretary of State to be capable of accurately reading the votes cast and printed and otherwise qualified for use in the State pursuant to applicable state and federal law.

3. The county clerk of a county whose population is 100,000 or more must randomly select a number of mechanical recording devices equal to 2 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than 20 mechanical recording devices, whichever is greater, for the postelection certification audit. *If a discrepancy of four or more votes is discovered during the postelection certification audit, the county clerk must immediately notify the Secretary of State and investigate the cause of the discrepancy. If the discrepancy cannot be resolved, the county clerk must randomly select an additional number of mechanical recording devices equal to 2 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than 20 mechanical recording devices, whichever is greater, for the postelection certification audit.*

4. The county clerk of a county whose population is less than 100,000 must randomly select a number of mechanical recording devices equal to 3 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than four mechanical recording devices, whichever is greater, for the postelection certification audit. *If a discrepancy*

of four or more votes is discovered during the postelection certification audit, the county clerk must immediately notify the Secretary of State and investigate the cause of the discrepancy. If the discrepancy cannot be resolved, the county clerk must randomly select an additional number of mechanical recording devices equal to 3 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than four mechanical recording devices, whichever is greater, for the postelection certification audit.

5. The county clerk shall transmit the results of the audit to the Secretary of State within 7 working days after the date of the election. *The results of the audit must include, without limitation, an explanation of any discrepancy discovered by the county clerk during the audit and, if determined, an explanation of what caused the discrepancy to occur.*

6. Any member of the public who observes the postelection certification audit shall not interfere with the conduct of the audit.