

FRANCISCO V. AGUILAR
Secretary of State

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STATE OF NEVADA



**OFFICE OF THE
SECRETARY OF STATE**

GABRIEL DI CHIARA
Chief Deputy Secretary of State

ERIN M. HOUSTON
Deputy Secretary for Securities

MARK A. WLASCHIN
Deputy Secretary for Elections

August 11, 2023

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 1:00 p.m. on the 13th day of September of 2023. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of various regulations that pertain to Chapter 293, 293B, 293C, 293D, and 298 of the Nevada Administrative Code contained in the following LCB File Numbers:

NO.	NAC CHAPTERS
R013-23P	293D
R014-23P	293, 293B, 293C, 293D, 298

The adoption hearing will be conducted in-person. will be conducted in-person. The primary physical location for the workshop is room 2134 of the Nevada Legislative Building located at 401 S. Carson St. Carson City, NV 89701. Information on the location and parking opportunities may be found on the legislative website [here](#). An alternative physical location is provided in room 4401 of the Grant Sawyer building at 555 E Washington Ave Las Vegas, NV 89101. Persons wishing to comment upon the proposed action of the Secretary of State 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 September 11, 2023. 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.

To provide public comment or testimony telephonically, dial 1-888-475-4499 on the date of the meeting. When prompted, provide Meeting ID 893 5314 9650, and then press #. When prompted for a Participant ID, press #.

Additionally, this meeting can be listened to or viewed live over the Internet. The address for the Nevada Legislature's website is <https://www.leg.state.nv.us>. Click on the link: "Scheduled Meetings."

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:

Description	Location
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:	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 Briana Bollman at (775) 684-5705 or nvelect@nv.sos.gov no later than five working days before the meeting.

Respectfully,


Mark Wlaschin, Deputy Secretary for Elections

Nevada Secretary of State Meeting Notice

13th day of September of 2023 at 1 PM

The primary physical location for the workshop is room 2134 of the Nevada Legislative Building located at 401 S. Carson St. Carson City, NV 89701. Information on the location and parking opportunities may be found on the legislative website [here](#). An alternative physical location is provided in room 4401 of the Grant Sawyer building at 555 E Washington Ave Las Vegas, NV 89101.

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Additionally, this meeting can be listened to or viewed live over the Internet. The address for the Nevada Legislature's website is <https://www.leg.state.nv.us>. Click on the link: "Scheduled Meetings."

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 supporting materials to this agenda are available, at no charge on the Nevada Secretary of State website or by contacting Briana Bollman 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 R013-23)
5. Public comment on proposed amendments to Nevada Administrative Code Chapters 293D (LCB File Number R013-23)
6. Adoption hearing regarding proposed amendment (LCB File Number R014-23)
7. Public comment on proposed amendments to Nevada Administrative Code Chapter 293, 293B, 293C, 293D, and 298 (LCB File Number R014-23)
8. 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.

9. 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 the record at NVElect@sos.nv.gov.

Respectfully,

Mark Wlaschin
Mark Wlaschin, Deputy Secretary for Elections

The following information is provided regarding the proposed regulations in R013-23P 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 updating and altering regulations that will govern the conduct of the presidential preference primary based on lessons learned during the 2022 election cycle and that relate to the conduct of military and overseas voting pursuant to the Uniform and Overseas Citizen Absentee Voting Act (UOCAVA).

(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 is provided below. Additionally, they will be posted on the Secretary of State's website [here](#).

(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 person, in writing, or during the aforementioned meeting itself.

(11) Whether the proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation does not establish a new fee or increase an existing fee.

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

The following information is provided regarding the proposed regulations in R014-23P 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 updating and altering regulations that will govern the conduct of the presidential preference primary based on lessons learned during the 2022 election cycle. These regulations will codify formal guidance previously provided by the Office of the Secretary of State.

(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 is provided below. Additionally, they will be posted on the Secretary of State's website [here](#).

(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 person, in writing, or during the aforementioned meeting itself.

(11) Whether the proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation does not establish a new fee or increase an existing fee.

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.

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R013-23

July 17, 2023

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

AUTHORITY: §§ 1 and 2, NRS 293.247 and 293D.200.

A REGULATION relating to elections; requiring a local elections official to provide covered voters with instructions relating to the declaration of a covered voter that is required to be submitted with a military-overseas ballot; providing that only the first ballot received by the local elections official may be counted if a covered voter inadvertently submits more than one military-overseas ballot; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to: (1) establish a system of approved electronic transmission through which covered voters may register to vote and apply for and cast a ballot; and (2) prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. (NRS 293D.200) Existing regulations prescribe the form of such a declaration, which differs depending on whether the covered voter indicates that he or she will return the military-overseas ballot by approved electronic transmission or by mail. (NAC 293D.020) Existing regulations further require the local elections official to provide to a covered voter certain instructions for marking and returning the military-overseas ballot. (NAC 293D.010) **Section 1** of this regulation provides that such instructions must include an explanation that the covered voter must complete and sign the applicable declaration indicating that he or she will return the military-overseas ballot either by approved electronic transmission or by mail.

Existing regulations require a local elections official to count a military-overseas ballot signed by a covered voter using a digital signature or electronic signature unless the local elections official reasonably believes that someone other than the covered voter signed the ballot. (NAC 293D.050) **Section 2** of this regulation provides that if a covered voter attempts to submit by approved electronic transmission a military-overseas ballot and inadvertently submits more than one military-overseas ballot, only the first military-overseas ballot received by the local elections official may be counted.

Section 1. NAC 293D.010 is hereby amended to read as follows:

293D.010 1. A covered voter who applies for a military-overseas ballot shall indicate on the application:

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

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

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

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

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

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

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

(e) An explanation that the covered voter must complete and sign the declaration ~~on the front of the declaration envelope.~~ *set forth in subsection 2 of NAC 293D.020.*

(f) An explanation of the deadline for the registered voter to cast and return the military-overseas ballot and any other necessary voting materials, including, without limitation, the declaration set forth in *subsection 2 of* NAC 293D.020, to the appropriate local elections official.

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

- (a) How to indicate the candidate or candidates for whom the covered voter is voting.
- (b) An explanation that the declaration set forth in *subsection 1 of* NAC 293D.020 must be signed by the covered voter and returned by approved electronic transmission with the military-overseas ballot.
- (c) An explanation of how to return the military-overseas ballot by approved electronic transmission.
- (d) An explanation of the deadline for the registered voter to cast and return the military-overseas ballot and any other necessary voting materials, including, without limitation, the declaration set forth in *subsection 1 of* NAC 293D.020, to the appropriate local elections official.

Sec. 2. NAC 293D.050 is hereby amended to read as follows:

293D.050 *1.* A local elections official shall count a military-overseas ballot signed by a covered voter using a digital signature or electronic signature unless the local elections official reasonably believes that someone other than the covered voter signed the ballot.

2. If a covered voter attempts to submit by approved electronic transmission a military-overseas ballot and inadvertently submits more than one military-overseas ballot, only the first military-overseas ballot received by the local elections official may be counted.

3. Nothing in this section authorizes:

(a) A covered voter to cast more than one military-overseas ballot; or

(b) A local elections official to count more than one military-overseas ballot received from a covered voter.

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R014-23

July 17, 2023

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

AUTHORITY: §§ 1, 6, 8, 10 and 16, NRS 293.124 and 293.247; § 2, NRS 293.124, 293.176 and 293.247; §§ 3-5 and 17, NRS 293.124, 293.177, 293.247, 293C.145 and 293C.175; § 7, NRS 293.1277, 293.1279 and 295.055; §§ 9 and 18, NRS 293.124, 293.247, 293.269917 and 293C.26316; § 11, NRS 293.124, 293.247 and 294.404; § 12, NRS 237.200, 293.124 and 293.247; §§ 13 and 19, NRS 293.124, 293.247 and 293.2565; § 14, NRS 293.124, 293.247, 293.269911 and 293C.263; §§ 15 and 20, NRS 293.124, 293.247, 293.269927 and 293C.26327; § 21, NRS 293.124, 293.247 and 293D.200.

A REGULATION relating to elections; clarifying requirements relating to when a person may be a candidate of a major political party; establishing requirements relating to filing a declaration of candidacy; clarifying certain prohibitions relating to filing for or holding more than one elective office; establishing requirements relating to certain additional fees which may be charged by a county clerk for filing a declaration of candidacy; authorizing candidate photographs to be submitted to the Secretary of State; establishing certain requirements relating to signature verification of certain petitions; providing that certain electronic summaries of votes cast in an election are public records; establishing certain requirements relating to mail ballots; setting forth certain requirements for a person to observe a recount; authorizing an elector who registers to vote in person during certain periods to provide certain types of proof of identity or residency; setting forth certain requirements relating to the name of a candidate printed on a ballot; establishing provisions relating to signature verification of mail ballots; setting forth certain provisions relating to covered voters who request a military-overseas ballot under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from being a candidate of a major political party for partisan office in an election if the person has changed his or her political party affiliation or his or her designation of political party from nonpartisan to a designation of a political party affiliation during the time beginning on December 31 preceding the closing filing date for the election and ending on the date of the election. (NRS 293.176) **Section 2** of this regulation provides that a person is not prohibited from being a candidate of a major political party if: (1)

the person's political party affiliation was changed unintentionally as a result of a transaction with an automatic voter registration agency; or (2) the person had not previously registered to vote in this State and submits an application to register to vote designating an affiliation with a major political party, unless he or she registers to vote in this State during such period and was previously registered in another state with a different political party affiliation or a designation of nonpartisan.

Existing law requires a person to file a declaration of candidacy with the appropriate filing officer before his or her name may be printed on a ballot to be used in an election. (NRS 293.177, 293C.145, 293C.175, 293C.185) **Sections 3 and 17** of this regulation authorize a person to file a declaration of candidacy: (1) by mailing the notarized documents; (2) in person; or (3) if authorized by the filing officer, virtually using a remote technology system. **Sections 3 and 17** also set forth certain requirements for filing a declaration of candidacy virtually.

Existing law prohibits a person from filing nomination papers for or holding more than one elective office at the same time, except that a person may file nomination papers or hold an elective office of a special district and file nomination papers for or hold an elective office of the State, a political subdivision or a municipal corporation. (NRS 281.055) **Section 4** of this regulation clarifies that a person may not file nomination papers for or hold more than one elective office of a special district.

Existing law authorizes a county clerk, with certain exceptions, to charge and collect an additional fee for filing and recording a declaration of candidacy for public office. (NRS 19.013) **Section 5** of this regulation provides that if a county clerk charges an additional fee for filing and recording a declaration of candidacy, the county clerk must charge the additional fee for all public offices for which a declaration of candidacy is filed with the county clerk. **Section 5** also requires the county clerk to report certain information relating to any additional fees charged for filing and recording a declaration of candidacy to the Secretary of State.

Section 6 of this regulation authorizes a candidate, spouse of the candidate or member of the campaign staff of a candidate to submit a photograph of the candidate to the Office of the Secretary of State to be published on the Internet website of the Secretary of State and establishes certain requirements for submitting such a photograph.

Existing law establishes various requirements for a petition which is required to be verified. (NRS 293.12757-293.1279, 295.055, 306.015) **Section 7** of this regulation provides that a county clerk may reject a signature on a petition if: (1) the person was not registered to vote on the date he or she signed the petition; (2) the person signed for an incorrect petition district; (3) the person subsequently requested to have his or her name removed from the petition; or (4) the signature of the person on the petition does not match any signature in the file of applications to register to vote. **Section 7** prohibits a county clerk from rejecting a signature on a petition: (1) if the petition is printed double-sided, unless the signature is illegible or impossible to compare to the signatures in the file of applications to register to vote; (2) if the name is printed in the wrong order; or (3) based on the color of ink used for the signature. **Section 7** further provides that if an address on a petition does not match the address in the files of the county clerk, the county clerk must notify the registered voter and may not verify the signature unless the registered voter demonstrates that he or she is a registered voter. Lastly, **section 7** requires a county clerk to allow a person who submits the petition and a public officer who is the subject of a recall petition to witness the verification of the signatures.

Section 8 of this regulation provides that the electronic summary of the votes cast in an election is a public record and subject to inspection upon request.

Existing law requires a voter to whom a mail ballot has been sent who applies to vote in person at a polling place to surrender his or her mail ballot or sign an affirmation under penalty of perjury that he or she has not voted during the election. If the voter surrenders his or her mail ballot, the election board officer must mark the mail ballot cancelled. (NRS 293.269917, 293C.26316) **Sections 9 and 18** of this regulation provide that to mark a mail ballot “cancelled” an election board officer must: (1) use a rubber stamp to stamp the ballot or stamp both the ballot and the return envelope; or (2) handwrite “cancelled” on the mail ballot or on both the mail ballot and the return envelope.

Existing law requires the county clerk and city clerk to distribute mail ballots not later than 14 days before the election. (NRS 293.269911, 293C.263) Existing regulation provides that if a registered voter updates his or her address after the date the mail ballot is sent but on or before the 14th day before the election, the county or city clerk must mail a second mail ballot to the registered voter and cancel the first mail ballot. (NAC 293.325) **Section 14** of this regulation provides that if a voter who has changed his or her address after the date the mail ballots were sent returns his or her first mail ballot: (1) the first mail ballot shall be deemed to have been legally cast; and (2) if the county or city clerk has already distributed a second mail ballot, the county or city clerk must cancel the second mail ballot or, if the second mail ballot has not been distributed, the county or city clerk must not distribute the second mail ballot.

Section 10 of this regulation provides that if a voter submits a new application to register to vote or updates his or her voter registration information to change his or her name or political party affiliation after the county or city clerk has distributed the mail ballots and returns the mail ballot, the mail ballot shall be deemed to have been legally cast under the previous legal name or political party affiliation of the registered voter.

Existing law authorizes a candidate defeated at an election or a voter at an election to demand a recount under certain circumstances. (NRS 293.403) Existing law also 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) **Section 11** of this regulation: (1) authorizes, with certain limitations, any person to observe a recount; (2) requires that before a person may observe the recount, the person must sign an acknowledgment that certain behavior is prohibited; (3) authorizes, under certain circumstances, the county or city clerk to limit the number of persons observing the recount; (4) authorizes, under certain circumstances, the county or city clerk to remove a person observing the recount; and (5) requires a person to wear a name tag while observing the recount.

Existing law authorizes an elector to register to vote in person during the period for early voting or on the day of the election. To register, the elector must, among other requirements, present his or her current and valid driver’s license or identification card issued by the Department of Motor Vehicles. If his or her driver’s license or identification card does not contain his or her current residential address, the elector may present certain documents to establish residency. (NRS 293.5842, 293.5847) Existing law also authorizes a local government which accepts an identification card issued by the Department of Motor Vehicles for any activity or transaction to also accept a tribal identification card. (NRS 237.200) **Section 12** of this regulation requires an election board officer to accept a tribal identification card as proof of identity and residency from an elector who appears in person to register to vote. **Section 12** also provides that an elector may present certain temporary photographic identification cards issued by the Department of Corrections or another agency of this State as proof of residency if his or

her driver's license or identification card issued by the Department of Motor Vehicles does not contain his or her current residential address.

Existing law provides that the name of a candidate printed on a ballot may be the given name and surname of the candidate or a contraction or familiar form of his or her given name followed by his or her surname. (NRS 293.2565) **Sections 13 and 19** of this regulation provide that the candidate's surname may be his or her original surname or married surname.

Existing law provides that if a voter fails to affix his or her signature to his or her mail ballot or fails to affix his or her signature in the manner provided by law or if there is any question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the voter must provide a signature or confirmation not later than 5 p.m. on the sixth day following the election. (NRS 293.269927, 293C.26327) **Sections 15 and 20** of this regulation provide that the offices of a county or city clerk may, but are not required to, remain open on weekends or outside of normal working hours to provide signature verification.

Existing law authorizes a covered voter to apply for a military-overseas ballot or to register to vote and apply for a military-overseas ballot by submitting a federal postcard application or the application's electronic equivalent if the application or electronic equivalent of the application is received before the time set for closing the polls on election day. (NRS 293D.300) Existing law also requires the Secretary of State to establish a system of approved electronic transmission through which covered voters may register to vote, apply for a military-overseas ballot and cast a military-overseas ballot. (NRS 293D.200) **Section 21** of this regulation requires, upon receipt of a federal postcard application, a local elections official to timestamp the application. **Section 21** also provides that if a covered voter submits a federal postcard application to apply for a military-overseas ballot or to register and apply less than 14 days before the day of an election: (1) the Secretary of State will attempt to contact the covered voter to provide certain information relating to the deadline to cast and return a military-overseas ballot and the option to cast a military-overseas ballot using the system of approved electronic transmission; and (2) the local elections official is required to contact the covered voter, if practicable, to provide certain information relating to the use of the system of approved electronic transmission.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this regulation.

Sec. 2. *For the purposes of NRS 293.176:*

1. A person may be a candidate of a major political party for partisan office in an election if:

(a) The person's designation of political party or political party affiliation was changed as a result of a transaction with an automatic voter registration agency during the automatic

voter registration process and the person did not intentionally change his or her designation of political party or political party affiliation during the transaction; or

(b) The person has not previously registered to vote in this State and submits a new application to register to vote designating a political party affiliation with a major political party before the deadline set forth in NRS 293.177 for filing a declaration of candidacy unless the designation of his or her affiliation on the application filed in this State is filed during the period set forth in NRS 293.176 and has been changed from the designation of political party or political party affiliation on an application filed in any other state.

2. A person who cancels his or her voter registration and submits a new application to register to vote may not be a candidate of a major political party for partisan office in an election if the person changed his or her designation of political party or political party affiliation when canceling his or her voter registration and submitting a new application.

Sec. 3. 1. *A person may file a declaration of candidacy pursuant to NRS 293.177:*

- (a) By submitting the notarized filing documents by mail;*
 - (b) In person; or*
 - (c) Virtually using a remote technology system if authorized by the appropriate filing officer.*
- 2. If the filing officer provides the option to file a declaration of candidacy virtually using a remote technology system:*
- (a) The candidate must have paper copies of the documents during the virtual meeting and pay the filing fee required by NRS 293.193 before the virtual meeting.*
 - (b) Each of the filing documents must be filled out and signed by the candidate and then held up to the camera for confirmation by the filing officer.*

(c) Upon completion of the virtual meeting, the candidate must mail the original filing documents to the filing officer. The filing date for the candidate is the date on which the filing documents are received by the filing officer, which must not be later than the deadline set forth in NRS 293.177 for filing a declaration of candidacy.

3. A filing officer is not responsible for notifying a person filing a declaration of candidacy of any errors in the filing documents or filing fee. If any errors in the filing documents or filing fee are not corrected by 5 p.m. on the deadline set forth in NRS 293.177 for filing a declaration of candidacy, the name of the person may not be printed on a ballot as a candidate.

Sec. 4. 1. *In accordance with NRS 281.055, a person may not file a declaration of candidacy or other nomination papers for more than one elective office of any special district.*

2. The provisions of this section and NRS 281.055 do not prohibit a person from serving in more than one special district in a capacity other than elective office.

Sec. 5. *If a county clerk elects to charge and collect an additional fee for filing and recording a declaration of candidacy for a public office pursuant to NRS 19.013, the county clerk shall:*

1. Charge the additional fee for all public offices for which a declaration of candidacy is filed with the county clerk.

2. Notify the Secretary of State using electronic mail or mail not later than 15 days before the start of the candidate filing period in an election year. The written notification must include, without limitation:

(a) That the additional fee is being charged and collected;

(b) The amount of the additional fee; and

(c) The total filing fee to be collected for each public office.

Sec. 6. 1. In accordance with the provisions of this section, a candidate, the spouse of a candidate or a member of the campaign staff of a candidate may submit a photograph of the candidate to the Office of the Secretary of State to be uploaded to the Internet website of the Secretary of State beginning on the first Monday in March preceding the election and not later than 5 p.m. on the second Friday preceding the day of the election. Any photograph submitted after 5 p.m. on the second Friday preceding the date of the election will be uploaded to the Internet website of the Secretary of State, if practicable.

2. The Office of the Secretary of State will not contact any candidate that does not submit a photograph to obtain such a photograph.

3. The Office of the Secretary of State will:

(a) Only accept digital photographs; and

(b) Crop each photograph to approximately 2 inches above the head of the candidate and 8 inches below the chin of the candidate.

4. The Office of the Secretary of State may, at the discretion of the Office, reject a photograph of a candidate submitted pursuant to this section for any reason, including, without limitation, if the photograph is offensive, contains nudity, alcohol or drug paraphernalia, contains writing or symbols that indicate allegiance to any group or organization or contains persons or objects other than the candidate.

Sec. 7. 1. A county clerk may reject a signature on a petition if:

(a) Pursuant to NRS 293.12757, the person who signed the petition was not qualified to register to vote or had not properly completed an authorized method of registering to vote on the date on which he or he signed the petition;

(b) Pursuant to subsection 1 of NRS 293.1277, the person signed for an incorrect petition district;

(c) Pursuant to NRS 295.055 or 306.015, the person who signed the petition subsequently requested to have his or her name removed from the petition; or

(d) Pursuant to subsection 5 of NRS 293.1277 and subsection 3 of NRS 293.1279, the signature of the person who signed the petition does not match any signature contained in the county clerk's file of applications to register to vote.

2. A county clerk shall not reject a signature on a petition:

(a) Except as otherwise provided in this paragraph, if the petition form is printed on both sides of the paper. If the petition form is printed on both sides of the paper and the signatures written on opposite sides are rendered illegible or impossible to compare to the signature on record, the county clerk may reject the signature.

(b) Based on the order of the first and last name printed on the petition.

(c) Based on the color of the ink used to sign the petition.

3. If the county clerk determines while verifying signatures on a petition that an address on the petition does not match the address of the registered voter in the file of applications to register to vote, the county clerk:

(a) Shall notify the registered voter of the discrepancy, which may be accomplished by, without limitation, posting notice of the discrepancy on the Internet website of the county clerk. Such notice must include the name of the registered voter and information on how the registered voter may contact the county clerk to resolve the discrepancy.

(b) Shall not verify the signature of any person whom the county clerk has notified of an address discrepancy pursuant to paragraph (a) unless the person demonstrates to the

satisfaction of the county clerk that the person is a registered voter of the State, county, district or municipality to which the petition pertains.

4. Pursuant to subsection 9 of NRS 293.1277, a county clerk shall ensure:

(a) A person who submits a petition to the county clerk containing signatures that are required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 may witness the verification of signatures on the petition; and

(b) A public officer who is the subject of a recall petition may witness the verification of signatures on the recall petition.

Sec. 8. An electronic summary of votes cast in an election which does not contain personally identifiable information is a public record and subject to inspection upon request.

Sec. 9. 1. If a voter applies to vote in person at a polling place and surrenders his or her mail ballot pursuant to subsection 3 of NRS 293.269917, the election board officer shall ask the voter to open the envelope so that the mail ballot may be accessed and marked cancelled pursuant to subsection 2. If the voter has already shredded the mail ballot, the shredded mail ballot must be surrendered and placed into a bag labeled "Cancelled ballots."

2. To mark a mail ballot cancelled the election board officer shall:

(a) Use a rubber stamp to stamp the mail ballot or stamp both the mail ballot and the return envelope; or

(b) Write the word "Cancelled" by hand on the mail ballot or on both the mail ballot and the return envelope.

3. In addition to marking the mail ballot cancelled pursuant to subsection 2, the election board officer may:

(a) Tear a small corner off the mail ballot;

(b) Use a hole punch to put a hole in the mail ballot; or

(c) Otherwise make the mail ballot unreadable when using a mechanical tabulation machine.

4. All surrendered mail ballots and return envelopes must be deposited in the vaults of the county clerk and preserved for a period of at least 22 months. After this period, all such surrendered mail ballots and return envelopes must be destroyed immediately.

5. If a voter indicates that he or she elected not to receive a mail ballot pursuant to NRS 293.269911 or did not receive a mail ballot, the voter is not required to surrender a mail ballot or sign an affirmation under penalty of perjury before voting.

Sec. 10. *1. If a registered voter submits a new application to register to vote to change his or her legal name after the date on which his or her mail ballot is sent pursuant to NRS 293.269911 or 293C.263 and returns his or her mail ballot with his or her previous legal name, the mail ballot shall be deemed to have been legally cast under the previous legal name of the registered voter.*

2. If a registered voter updates his or her political party affiliation in the voter registration information after the date on which his or her mail ballot is sent pursuant to NRS 293.269911 for a primary election and returns his or her mail ballot for his or her previous political party affiliation, the mail ballot shall be deemed to have been legally cast under the previous political party affiliation of the registered voter.

3. Nothing in this section authorizes:

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

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

Sec. 11. 1. *Subject to the provisions of subsections 2 to 8, inclusive, any person may observe the conduct of a recount of votes.*

2. *Before observing the conduct of a recount of votes 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 conduct of a recount of votes:*

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

(1) *Using a mobile telephone or computer within the facility in which the recount is occurring;*

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

(3) *Arguing for or against or challenging any decisions of county or city election personnel; and*

(4) *Interfering with the conduct of the recount; and*

(b) *May be removed from the recount facility 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 recount facility who are observing the conduct of a recount pursuant to this section for reasons of public safety or to maintain order.*

(b) *Remove from a recount facility a person observing the conduct of a recount 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 conduct of a recount of votes pursuant to subsection 1 must comply with the same requirements that apply to members of the general public pursuant to NRS 293.274, 293.305, 293.730, 293C.269 and 293C.297.*

5. *A person observing the conduct of a recount of votes pursuant to subsection 1 may remain in an area designated by the county or city clerk to observe the recount without interfering with the recount. 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 the voter.*

6. *A person observing the conduct of a recount of votes pursuant to subsection 1 must wear a name tag denoting the person's full legal name.*

7. *The county and city clerk shall retain the signed acknowledgment described in subsection 2 for at least 180 days after the recount observed by the person who signed the acknowledgment.*

8. *As used in this section:*

(a) *"Advocate" includes, without limitation, speaking, displaying or disseminating written material and wearing identifying clothing, buttons or other paraphernalia.*

(b) *"Meaningful observation" means a person may observe the recount of votes. The term does not include allowing a person to:*

(1) *View the personal information of a voter, a voter's ballot or selections on a voting machine; or*

(2) *Listen to any conversation between election board officers.*

Sec. 12. 1. For the purposes of NRS 293.5842 and 293.5847:

(a) *An elector who is registering to vote may provide his or her current and valid tribal identification card as proof of his or her identity and residency.*

(b) *An elector whose driver's license or identification card issued by the Department of Motor Vehicles does not have the current residential address of the elector may, in addition to*

the documents set forth in subsection 3 of NRS 293.5842 and subsection 3 of NRS 293.5847, present a temporary identification card issued by the Department of Corrections or any other agency of this State, if such identification card contains a photograph of the elector and his or her current residential address.

2. As used in this section, “tribal identification card” means an identification card issued by an Indian tribe located in whole or in part in this State and which satisfies the requirements of subsection 3 of NRS 237.200.

Sec. 13. NAC 293.081 is hereby amended to read as follows:

293.081 1. *For the purposes of NRS 293.2565, the surname of the candidate printed on a ballot may be his or her original surname or married surname. A candidate may not request that a new modification or combination of his or her original surname and married surname appear on a ballot.*

2. A candidate may change the manner in which his or her name will appear on the ballot by filing a written request to amend his or her declaration of candidacy. The request must be filed by the candidate in person with the filing officer with whom he or she filed the declaration of candidacy not later than 5 p.m. on the last day to file the declaration of candidacy.

~~{2-}~~ This ~~{section}~~ *subsection* does not authorize the amendment of any matter contained in a declaration of candidacy other than the manner in which the name of the candidate appears.

Sec. 14. NAC 293.325 is hereby amended to read as follows:

293.325 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 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~~ *Except as otherwise provided in subsection 2, that* the first mail ballot is cancelled.

2. *If a county or city clerk receives a mail ballot cast by a registered voter who updated his or her his or her mailing address in the voter registration information after the date on which his or her mail ballot is sent pursuant to NRS 293.269911 or 293C.263, as applicable:*

(a) The mail ballot shall be deemed to have been cast before the registered voter updated his or her mailing address; and

(b) If, in accordance with subsection 1, the county or city clerk has:

(1) Sent a second mail ballot to the registered voter at the updated mailing address, the county or city clerk shall cancel the second mail ballot; or

(2) Not yet sent a second mail ballot to the registered voter at the updated mailing address, the county or city clerk shall not send a second mail ballot.

3. *Each county or city clerk shall keep a record of:*

(a) Whether a manual override of the election system was necessary to accept a ballot cast pursuant to subsection 2; and

(b) The total number of ballots cast pursuant to subsections 1 and 2.

4. 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. 15. NAC 293.336 is hereby amended to read as follows:

293.336 1. The county clerk or an employee in the office of the county clerk shall check the signature on the return envelope of a mail ballot in accordance with the provisions of NRS 293.269927.

2. The county clerk shall perform periodic audits of each employee in the office of the county clerk whose regular duties include checking signatures on mail ballots. If the county clerk finds that an employee has an irregular acceptance or rejection rate, the county clerk must retrain the employee or prohibit the employee from checking signatures on mail ballots.

3. If the county clerk uses an electronic device to:

(a) Sort mail ballots, the county clerk must test the electronic device before it is so used to ensure that the electronic device properly sorts mail ballots.

(b) Capture the digital image of a voter's signature on a mail ballot, the county clerk must test the electronic device before it is so used to ensure that the electronic device is able to clearly and accurately capture the digital image of a signature on a mail ballot.

4. For the purposes of any voter who is required to provide a signature or a confirmation to the county clerk not later than 5 p.m. on the sixth calendar day following the election pursuant to subsection 6 of NRS 293.269927, the county clerk is not required to provide signature verification during any weekend or holiday or any other time in which the offices of the county clerk are closed in the 6 days following the election. The county clerk may, in his or her discretion, provide signature verification during additional days or times outside of normal working hours.

Sec. 16. Chapter 293C of NAC is hereby amended by adding thereto the provisions set forth as sections 17 and 18 of this regulation.

Sec. 17. *1. A person may file a declaration of candidacy pursuant to NRS 293C.145 or 293C.175, as applicable:*

(a) By submitting the notarized filing documents by mail;

(b) In person; or

(c) Virtually using a remote technology system if authorized by the city clerk.

2. If the city clerk offers the option to file a declaration of candidacy virtually using a remote technology system:

(a) The candidate must have paper copies of the documents during the virtual meeting and pay the filing fee established by the governing body of the city before the virtual meeting.

(b) Each of the filing documents must be filled out and signed by the candidate and then held up to the camera for confirmation by the city clerk.

(c) Upon completion of the virtual meeting, the candidate must mail the original filing documents to the city clerk. The filing date for the candidate is the date on which the filing documents are received by the city clerk, which must not be later than the deadlines set forth in NRS 293C.145 or 293C.175, as applicable, for filing a declaration of candidacy.

3. A city clerk is not responsible for notifying a person filing a declaration of candidacy of any errors in the filing documents or filing fee. If any errors in the filing documents or filing fee are not corrected by 5 p.m. on the deadline set forth in NRS 293C.145 or 293C.175, as applicable, for filing a declaration of candidacy, the name of the person may not be printed on a ballot as a candidate.

Sec. 18. *1. If a voter applies to vote in person at a polling place and surrenders his or her mail ballot pursuant to subsection 3 of NRS 293C.26316, the election board officer shall ask the voter to open the envelope so that the mail ballot may be accessed and marked cancelled pursuant to subsection 2. If the voter has already shredded the mail ballot, the shredded mail ballot must be surrendered and placed into a bag labeled “Cancelled ballots.”*

2. To mark a mail ballot cancelled the election board officer shall:

(a) Use a rubber stamp to stamp the mail ballot or stamp both the mail ballot and the return envelope; or

(b) Write the word “Cancelled” by hand on the mail ballot or on both the mail ballot and the return envelope.

3. In addition to marking the mail ballot cancelled pursuant to subsection 2, the election board officer may:

(a) Tear a small corner off the mail ballot;

(b) Use a hole punch to put a hole in the mail ballot; or

(c) Otherwise make the mail ballot unreadable when using a mechanical tabulation machine.

4. All surrendered mail ballots and mail ballot return envelopes must be deposited in the vaults of the city clerk and preserved for a period of at least 22 months. After this period, all such surrendered mail ballots and return envelopes must be destroyed immediately.

5. If a voter indicates that he or she elected not to receive a mail ballot pursuant to NRS 293C.263 or did not receive a mail ballot, the voter is not required to surrender a mail ballot or sign an affirmation under penalty of perjury before voting.

Sec. 19. NAC 293C.080 is hereby amended to read as follows:

293C.080 1. *For the purposes of NRS 293.2565, the surname of the candidate printed on a ballot may be his or her original surname or married surname. A candidate may not request that a new modification or combination of his or her original surname and married surname appear on the ballot.*

2. A candidate may change the manner in which his or her name will appear on the ballot by filing a written request to amend his or her declaration of candidacy. The request must be filed by the candidate in person with the filing officer with whom the declaration of candidacy was filed not later than 5 p.m. or close of business on the last day to file the declaration of candidacy.

~~{2-}~~ This ~~{section}~~ subsection does not authorize the amendment of any matter contained in a declaration of candidacy other than the manner in which the name of the candidate appears.

Sec. 20. NAC 293C.515 is hereby amended to read as follows:

293C.515 1. The city clerk or an employee in the office of the city clerk shall check the signature on the return envelope of a mail ballot in accordance with the provisions of NRS 293C.26327.

2. The city clerk shall perform periodic audits of each employee in the office of the city clerk whose regular duties include checking the signatures on mail ballots. If the city clerk finds that an employee has an irregular acceptance or rejection rate, the city clerk must retrain the employee or prohibit the employee from checking signatures on mail ballots.

3. If the city clerk uses an electronic device to:

(a) Sort mail ballots, the city clerk must test the electronic device before it is so used to ensure that the electronic device properly sorts mail ballots.

(b) Capture the digital image of a voter's signature on a mail ballot, the city clerk must test the electronic device before it is so used to ensure that the electronic device is able to clearly and accurately capture the digital image of a signature on a mail ballot.

4. For the purposes of any voter who is required to provide a signature or a confirmation to the city clerk not later than 5 p.m. on the sixth calendar day following the election pursuant to subsection 6 of NRS 293C.26327, the city clerk is not required to provide signature verification during any weekend or holiday or any other time in which the offices of the city clerk are closed in the 6 days following the election. The city clerk may, in his or her discretion, provide signature verification during additional days or times outside of normal working hours.

Sec. 21. Chapter 293D of NAC is hereby amended by adding thereto a new section to read as follows:

1. Upon receipt of a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2), or the application's electronic equivalent, the local elections official shall:

(a) Affix, mark or otherwise acknowledge receipt of the federal postcard application by means of a time stamp on the application; and

(b) Record the receipt of a federal postcard application and the type of military-overseas ballot requested, which must be reported to the Secretary of State.

2. In addition to the provisions of NAC 293D.010, if a covered voter submits an application for a military-overseas ballot by federal postcard application less than 14 days before the day of an election:

(a) The Office of the Secretary of State will attempt to contact the covered voter using the contact information provided by the covered voter, including, without limitation, by telephone, electronic mail or facsimile transmission, to provide:

(1) An explanation of the deadline for the registered voter to cast and return the military-overseas ballot and any other necessary voting materials, including, without limitation, the declaration set forth in NAC 293D.020, to the appropriate elections official; and

(2) An explanation of how to return the military-overseas ballot using the system of approved electronic transmission established by the Secretary of State pursuant to NRS 293D.200 to ensure the military-overseas ballot is received by the deadline set forth in NRS 293D.400 for the receipt of a military-overseas ballot.

(b) The local elections official shall:

(1) If the covered voter includes an electronic mailing address or facsimile number with his or her application, as practicable, immediately send to the covered voter the informational letter prepared by the Secretary of State titled “Use of EASE for Military and Overseas Citizen Absent Voters,” which encourages the covered voter to return the military-overseas ballot using the system of approved electronic transmission established by the Secretary of State pursuant to NRS 293D.200 to ensure the military-overseas ballot is received by the deadline set forth in NRS 293D.400 for the receipt of a military-overseas ballot; and

(2) Send the military-overseas ballot to the covered voter by mail, electronic mail or facsimile transmission, as requested by the covered voter.