ROSS MILLER
Secretary of State

NICOLE J. LAMBOLEY
Chief Deputy Secretary of State

ROBERT E. WALSH
Deputy Secretary for Southern Nevada

STATE OF NEVADA

OFFICE OF THE
SECRETARY OF STATE

SCOTT W. ANDERSON
Deputy Secretary for Commercial Recordings

SCOTT F. GILLES
Deputy Secretary for Elections

RYAN HIGH
Deputy Secretary for Operations

NOTICE OF PUBLIC WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

The Office of the Secretary of State
Elections Division

The Secretary of State, 101 North Carson Street, Suite 3, Carson City, Nevada 89701; (775) 684-5705 is proposing the adoption and amendment of regulations pertaining to Chapters 293, 293D, 294A, 295, 304, and 306 of the Nevada Administrative Code. A public workshop has been set for **9:00 A.M., on Monday, December 12, 2011** at the Legislative Building, 401 Carson Street, Room 3137, Carson City, Nevada, with teleconferencing to Room 4412E of the Grant Sawyer Building, 555 East Washington Avenue, Suite 4400, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

R111-11: political party abbreviations; close of registration; voter registration agencies; declarations for military-overseas ballots; campaign finance; political action committees; initiative petitions; nomination timelines for Congressional special elections; and signature removal on certain petitions

R124-11: reporting of turnout numbers; disposition of absent ballots; waiting to vote interpreted; verification of petition signatures; notice of opening and closing of polls; procedures regarding voting; poll observers; inactive registered voters; written challenges; registration forms; nonprofit registration

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Elections Division, Secretary of State's Office, 101 North Carson Street, Suite 3, Carson City, Nevada 89701; (775) 684-5705. A reasonable fee for copying may be charged. Persons wishing to comment upon the proposed regulations may appear at the scheduled workshop or present their comments in writing prior to the date of the Public Workshop by submitting such comments to the Secretary of State, Elections Division, 101 North Carson Street, Suite 3, Carson City, Nevada 89701. This Notice of Public Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

- The Capitol Building, 101 North Carson Street, Carson City, Nevada 89701
- The State Library, 100 North Stewart Street, Carson City, Nevada 89701
- Secretary of State – Reno Office, 500 Damonte Ranch Parkway, Suite 657A, Reno, Nevada 89521
- Secretary of State – Las Vegas Office, Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada 89101
- Nevada State Legislature Building, 401 South Carson Street, Carson City, Nevada 89701
- Secretary of State Website: www.nvsos.gov

Date: November 23, 2011

NEVADA STATE CAPITOL
101 N. Carson Street, SUITE 3
Carson City, Nevada 89701-4786
Telephone: (775) 684-5708
Fax: (775) 684-5725

COMMERCIAL RECORDINGS
MEYER'S ANNEX OFFICE
202 N. Carson Street
Carson City, Nevada 89701-4201
Telephone: (775) 684-5708
Fax: (775) 684-5725

LAS VEGAS OFFICE
555 E. Washington Avenue
Las Vegas, Nevada 89101-1090
SECURITIES: SUITE 5200
Telephone: (702) 486-2440
Fax: (702) 486-2452
CORPORATIONS: SUITE 4000
Telephone: (702) 486-2880
Fax: (702) 486-2888

RENO OFFICE
500 Damonte Ranch Parkway, SUITE 657A
Reno, Nevada 89521
Telephone: (775) 687-9950
Fax: (775) 853-7961

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NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of The Office of the Secretary of State, Elections Division

The Secretary of State, 101 North Carson Street, Suite 3, Carson City, Nevada 89701; (775) 684-5705, will hold a public hearing at **9:00 a.m., on the 23rd day of December, 2011**, at Legislative Building, 401 South Carson Street, Room 2135, Carson City, Nevada, with teleconferencing to Room 4412E of the Grant Sawyer Building, 555 East Washington Avenue, Suite 4400, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and repeal of regulations that pertain to chapters 293, 293D, 294A, 295, 304, and 306 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The purpose of the proposed regulations is to codify standards and procedures for various election functions.

2. These proposed regulations pertain to the following subjects:

R111-11: political party abbreviations; close of registration; voter registration agencies; declarations for military-overseas ballots; campaign finance; political action committees; initiative petitions; nomination timelines for Congressional special elections; and signature removal on certain petitions

R124-11: reporting of turnout numbers; disposition of absent ballots; waiting to vote interpreted; verification of petition signatures; notice of opening and closing of polls; procedures regarding voting; poll observers; inactive registered voters; written challenges; registration forms; nonprofit registration

3. These proposed regulations have no adverse, beneficial, immediate or long-term economic effects on business.

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

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

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6. The proposed regulations are not required pursuant to federal law.

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

8. The proposed regulations do not establish a new fee or increase any existing fee.

Persons wishing to comment upon the proposed action of the Secretary of State's office may appear at the scheduled Public Hearing or may address their comments, data, views or arguments, in written form to the Secretary of State's office at the following: Elections Division, 101 North Carson Street, Suite 3, Carson City, Nevada 89701. Written submissions must be received by the Secretary of State on or before the **close of business (5:00 p.m.) on Wednesday, December 21, 2011**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Secretary of State may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted, amended and repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted, amended, and repealed will be available at the Secretary of State's office at 101 North Carson Street, Suite 3, Carson City, Nevada, and the Secretary of State's Las Vegas office at 555 East Washington Avenue, Las Vegas, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. 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 upon request. A reasonable fee may be charged for copies if it is deemed necessary.

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

This notice has been posted at the following locations:

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- The State Library, 100 North Stewart Street, Carson City, Nevada 89701
- Secretary of State – Reno Office, 500 Damonte Ranch Parkway, Suite 657A, Reno, Nevada 89521
- Secretary of State – Las Vegas Office, Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada 89101
- Nevada State Legislature Building, 401 South Carson Street, Carson City, Nevada 89701
- Secretary of State Website: www.nvsos.gov

Date: November 22, 2011

PROPOSED REGULATION OF

THE SECRETARY OF STATE

LCB File No. R111-11

November 21, 2011

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

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

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

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

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

Sec. 3. ***If a person who signs a petition for initiative or referendum that proposes a constitutional amendment or statewide measure requests pursuant to NRS 295.055 that the county clerk remove the person's name from the petition, the county clerk may not consider the person's signature as an invalid signature when verifying the signatures pursuant to subsections 2 and 3 of NRS 293.1277 solely on the basis that the person requested the removal.***

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

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

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

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

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

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

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

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

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

3. A place for the applicant to request to receive a sample ballot in large type.

4. Instructions to assist the applicant in completing the application by computer.

5. Instructions to the applicant to contact the county clerk if the applicant does not, within 10 calendar days after submitting the application to register to vote by computer to the county clerk, receive his or her voter registration card indicating that the registration has been accepted.

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

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

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

2. ~~[If a county comprises more than one petition district, in completing the statistical sampling required pursuant to NRS 293.1277, when]~~ ***When*** a county clerk is determining the number of registered voters who signed the petition for each petition district contained fully or partially within the county, the county clerk shall ~~[count the signature of a registered voter~~

~~regardless of whether the registered voter indicated on the petition the correct]~~ ***not include in his or her tally of total signatures any signature included in the incorrect*** petition district **.** ~~[in which the registered voter resides.]~~

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

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

293.315 1. An absent ballot sent to a voter by approved electronic transmission must:

(a) Contain instructions for marking the absent ballot.

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

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

(2) Deadline for returning the absent ballot by approved electronic transmission to the county clerk.

(c) Contain the contact information of the county clerk or an authorized representative of the county clerk who will be available during normal business hours to answer questions from the

voter concerning the absent ballot. Such information must include, without limitation, the county clerk or authorized representative's name, address, phone number, facsimile transmission number and electronic mail address.

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

(e) ~~[Instruct the voter to read and sign the oath required pursuant to subsection 3 of NRS 293.3157.~~

~~(f) Contain a statement that failure to sign the oath required pursuant to subsection 3 of NRS 293.3157 will result in the absent ballot not being counted.~~

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

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

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

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

2. An employee designated pursuant to subsection 1 shall:

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

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

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

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

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

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

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

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

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

(b) Interact with persons who:

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

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

4. The Secretary of State will provide:

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

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

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

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

(a) An application to register to vote, which may be submitted in person or by mail to the county clerk of the county in which the applicant resides;

(b) Instructions to assist the applicant in completing the application;

(c) A notice stating that the application must contain the Nevada driver's license number of the applicant or, if the applicant has no Nevada driver's license, at least the last four digits of the social security number of the applicant or, if the applicant has no social security number, a unique identification number assigned by the county clerk pursuant to NAC 293.411 and subsection 5 of NRS 293.507;

(d) A list of the addresses and telephone numbers of county election officers;

(e) A notice that if the applicant indicates on the application that the applicant is not a citizen of the United States or will not be at least 18 years of age on or before election day, the applicant may not register to vote;

(f) The option for the applicant to receive a sample ballot in larger type; and

(g) Instructions to the applicant to contact the county clerk if the applicant does not, within 10 days after submitting the application to the county clerk, receive his or her voter registration card indicating that the registration has been accepted.

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

3. The control number must be printed:

(a) On a receipt of the application; and

(b) On the application to be returned to the county clerk.

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

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

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

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

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

293C.197 1. An absent ballot sent to a voter by approved electronic transmission must:

(a) Contain instructions for marking the absent ballot.

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

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

(2) Deadline for returning the absent ballot by approved electronic transmission to the city clerk.

(c) Contain the contact information of the city clerk or an authorized representative of the city clerk who will be available during normal business hours to answer questions from the voter concerning the absent ballot. Such information must include, without limitation, the city clerk or authorized representative's name, address, phone number, facsimile transmission number and electronic mail address.

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

(e) ~~[Instruct the voter to read and sign the oath required pursuant to subsection 3 of NRS 293.3157.~~

~~(f) Contain a statement that failure to sign the oath required pursuant to subsection 3 of NRS 293.3157 will result in the absent ballot not being counted.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 12. *The declaration for use by a covered voter that is required pursuant to subsection 4 of section 12 of Assembly Bill No. 100, chapter 343, Statutes of Nevada 2011, at page 1918 (NRS 293D.200), must be in the following form:*

DECLARATION OF COVERED VOTER

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

I am a citizen of the United States.

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

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

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

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

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

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

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

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

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

(Signed)

_____

Voter (power of attorney cannot be accepted)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE DECLARATION AND INCLUDE IT WITH YOUR BALLOT.

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

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

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

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

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

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

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

Sec. 17. ***1. Each committee for political action that advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum and that provides compensation to persons to circulate petitions shall report to the Secretary of State:***

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

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

(c) The total amount of compensation provided.

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

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

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

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

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

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

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

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

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

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

(a) Candidate;

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

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

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

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

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

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

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

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

294A.045 1. A candidate for state, district, county, municipal or township office who withdraws his or her candidacy may, if he or she does not accept any additional campaign contributions and has no additional campaign expenses relating to that office, file all the reports of campaign contributions and expenses required pursuant to NRS 294A.120, 294A.200 ***, 294A.286*** and 294A.360 at the time he or she submits a notice of withdrawal to the appropriate filing officer.

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

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

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

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

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

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

(1) The category of the expenditure ~~[;]~~ ***as described in subsection 2 of NRS 294A.365;***

(2) Except as otherwise provided in subsection ~~[2,]~~ ***3,*** the name and address of the person who received payment for the expenditure; and

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

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

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

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

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

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

(a) Candidate;

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

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

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

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

➥ who returns a contribution within 14 days after he or she or any person who is authorized to receive contributions on his or her behalf receives the contribution, is not required to report that contribution pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.270 ***, 294A.286*** or 294A.360.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Establishes that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. A committee for political action becomes inactive when:

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

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

~~3.]~~ ***;***

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

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

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

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

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

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

(b) Must include, without limitation:

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

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

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

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

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

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

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

1. Must contain the person's original signature.

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

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

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

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

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

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

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

(a) Include sequentially numbered spaces for:

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

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

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

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

(5) The date of the signature.

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

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

STATE OF NEVADA

COUNTY OF _____

I, _____ (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) ~~[that I believe each person who signed was at the time of signing a registered voter in the county of his or her residence; (6)]~~ that the number of signatures affixed thereon is _____;

and ~~[(7)]~~ ***(6)*** that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

_____

Signature of circulator

Subscribed and sworn to or affirmed

before me this _____ day of _____, _____.

_____

Notary public or other person licensed

to administer an oath

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 35. NAC 293.301, 293C.180, 294A.048, 294A.115 and 294A.140 are hereby repealed.

TEXT OF REPEALED SECTIONS

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

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

Department of Defense to send an absent ballot to a registered voter who requests a ballot in accordance with NRS 293C.315.

294A.086 Reporting of candidates and elected officials who fail to file certain reports. (NRS 293.124, 294A.380) Each county clerk and city clerk shall transmit to the Secretary of State a list of those candidates and elected officials who fail to file the reports required pursuant to NRS 294A.120, 294A.200 and 294A.360 by the date each report is due within 10 days after the date the report was due.

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

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

2. A ballot advocacy group becomes inactive:

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

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

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

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

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

(b) Must include, without limitation:

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

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

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

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

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

PROPOSED REGULATION OF

THE SECRETARY OF STATE

LCB File No. R124-11

November 22, 2011

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

AUTHORITY: §§1, 3, 4, 6-8 and 13-15, NRS 293.124 and 293.247; §2, NRS 293.124, 293.305 and 293C.297; §5, NRS 293.124, 293.1277 and 293.247; §9, NRS 293.124, 293.247 and 293.517; §10, NRS 293.124, 293.247, 293.440, 293.530 and 293.557; §11, NRS 293.124, 293.247 and 293.547; §12, NRS 293.124, 293.247, 293.507, 293.508 and 293.5235.

A REGULATION relating to elections; requiring county clerks to report certain information to the Secretary of State on election day; setting forth procedures for certain emergencies on election day; revising provisions relating to the admission of voters after the closing of polls on election day; requiring county clerks to post certain information on their websites relating to certain registered voters who sign petitions; requiring county clerks to submit plans to the Secretary of State relating to procedures for opening and closing polling places; revising provisions regarding voting; requiring persons who observe the conduct of voting at polling places to sign an acknowledgment of certain rules of conduct and wear name tags; revising provisions relating to the interpretation by the Secretary of State of "official identification;" revising provisions relating to inactive voters; revising provisions relating to written challenges; revising provisions relating to the form for applications to register to vote; clarifying registration requirements for certain nonprofits who engage in political activities; making various other changes relating to elections; and providing other matters properly relating thereto.

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

Sec. 2. ***1. As used in NRS 293.305 and 293C.297 and NAC 293.217, a person is waiting to vote at the hour of closing the polls if the person:***

(a) Is physically in line waiting to vote;

(b) Has entered the polling place;

(c) Is in the parking lot of the polling place and is moving toward the entrance of the polling place with the intention of voting; or

(d) Is not described in paragraph (a), (b) or (c) but is otherwise determined by a member of the election board to be about to enter the polling place with the intention of voting.

2. After determining who is the last person waiting to vote at the time that the polls close, a member of the election board shall:

(a) Place a sticker or other distinguishing mark on the last person waiting in line to vote; or

(b) If the last person waiting to vote does not want a sticker or other distinguishing mark placed on him or her, physically stand behind the last person waiting in line to vote,

➥ *to ensure that no other person enters the polling place to vote.*

Sec. 3. *On election day for each election other than a city election, the county clerk shall notify the Secretary of State of voter turnout in the county not less often than twice during the hours that polling places are open in the county.*

Sec. 4. *1. Each county clerk and city clerk shall submit a plan to the Secretary of State setting forth the procedures that the clerk will use for the disposition of absent ballots in case of an emergency. Such plan must be submitted not later than 90 days before each election.*

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

3. As used in paragraph (o) of subsection 3 of NRS 293.247, "emergency" means a temporary or permanent situation where one or more polling places located within the jurisdiction of a county clerk or city clerk does not have a mechanical voting device that is properly recording votes electronically.

Sec. 5. NAC 293.185 is hereby amended to read as follows:

293.185 1. If, while verifying signatures pursuant to NRS 293.1277, a county clerk discovers that an address included with a signature does not match the address for the registered voter who signed the petition as indicated in the file of applications to register to vote, the clerk shall ~~[notify the registered voter]~~ ***post on the clerk's website a notice*** of the discrepancy. ***The notice must include, without limitation, the name of the registered voter and information relating to how the registered voter may contact the county clerk to resolve the discrepancy.***

2. A county clerk shall not verify any signature for a person ~~[who has been notified of a discrepancy pursuant to]~~ ***described in*** subsection 1 unless the person demonstrates to the satisfaction of the clerk that the person is a registered voter of the State, county, district or municipality which is applicable for the ballot question or office that is the subject of the petition.

Sec. 6. NAC 293.217 is hereby amended to read as follows:

293.217 1. On election day for each election other than a city election, the county clerk shall notify the Secretary of State by facsimile ***,*** ~~[or]~~ electronic mail ~~[:]~~ ***or other means approved by the Secretary of State:***

(a) ~~[Except as otherwise provided in paragraph (b), of]~~ ***Of the time at which every polling place within the jurisdiction of the county clerk opened on election day. The notification***

required pursuant to this paragraph must be sent to the Secretary of State immediately upon the county clerk confirming that all polling places within the jurisdiction of the county clerk are open on election day.

(b) Of the time at which each polling place within the jurisdiction of the county clerk opened on election day. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the opening of all polling places within the jurisdiction of the county clerk.

~~[(b)]~~ ***(c)*** If the opening or closing of any polling place was delayed on that day. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the delay occurs and include, without limitation, an explanation of the reason for the delay.

~~[(c)]~~ ***(d)*** Of the time at which each polling place within the jurisdiction of the county clerk closed that day and all registered voters waiting to vote at the time the polls closed have voted. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the closing of all polling places within the jurisdiction of the county clerk.

2. If a county clerk reports a delay of an opening or closing of a polling place pursuant to paragraph ~~[(b)]~~ ***(c)*** of subsection 1, the county clerk shall inform the Secretary of State when the delay has been cured and the polling place has opened or closed, as the case may be. The notification required pursuant to this subsection must be sent to the Secretary of State as soon as practicable after the opening or closing, as the case may be, of the polling place.

3. A county clerk shall not report ***, post or otherwise disclose*** on election day any unofficial results of election returns related to a candidate for statewide or multicounty office or a statewide or multicounty ballot question until the Secretary of State:

(a) Receives the notification required pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1 from every county clerk; ~~[and]~~

(b) ***Receives election results from every county clerk;***

(c) Verifies the election results; and

(d) Notifies the county clerk that the county clerk may report ***, post or otherwise disclose*** such unofficial results.

4. Each county clerk shall submit a plan to the Secretary of State setting forth the procedures that the county clerk will use for:

(a) Opening and closing all polling places within the jurisdiction of the county clerk; and

(b) Notifying the Secretary of State of election results on the day of election.

➥ The procedures required pursuant to this subsection must be submitted to the Secretary of State for his or her approval not later than 90 days before each election.

Sec. 7. NAC 293.240 is hereby amended to read as follows:

293.240 1. After a person is identified as being a registered voter and has signed the roster, a member of the election board:

(a) May issue the voter a receipt**.** ~~[; and]~~

(b) ***Shall ask the voter if the voter needs assistance in casting a ballot.***

(c) Shall make the following statement to the voter:

If you have any questions or concerns about the mechanical voting device, please stop voting immediately and bring your question or concern to the attention of a member of the election board. Once you have cast your ballot, you will not be able to have your question or concern addressed by the election board.

(d) Shall direct the voter to a voting booth equipped to handle the voter's ballot.

2. A member of the election board shall not permit any person to enter a voting booth to vote until he or she ascertains that the person understands how to operate the vote recording device.

3. If it is obvious to the members of an election board that a voter is trying to delay an election by repeatedly voiding his or her selections and not casting a ballot, a member of the election board must warn the voter that such actions are unlawful and offer assistance if necessary. If the voter continues to try to delay the election, the election board may take any appropriate action to expedite the election, including, without limitation, removing the voter from the polling place if the county clerk has approved the removal.

4. Before the commencement of voting and periodically throughout the election, members of the election board shall examine the voting booths to ensure that each booth does not contain any campaign cards, political advertising, partisan notes or any other matter which constitutes an unauthorized attempt to influence the voters.

5. The election board shall ensure that a copy of the statement set forth in paragraph (c) of subsection 1 is prominently displayed at the polling place.

6. If a member of the election board observes at a polling place any violation of the provisions of title 24 of NRS, he or she shall immediately notify the county clerk.

Sec. 8. NAC 293.245 is hereby amended to read as follows:

293.245 1. Subject to the provisions of subsections 2 to ~~[6,]~~ ***8,*** inclusive, any person may observe the conduct of voting at a polling place.

2. Before observing the conduct of voting at a polling place pursuant to subsection 1, a person must sign ~~[a]~~ ***an acknowledgment in the*** form prescribed by the Secretary of State stating that the person, during the time the person observes the conduct of voting:

(a) ~~[May not talk]~~ ***Acknowledges that he or she is prohibited from:***

(1) Talking to voters within the polling place;

~~[(b) May not use]~~

(2) Using a mobile telephone or computer within the polling place;

~~[(c) May not advocate]~~

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

~~[(d) May not argue]~~

(4) Arguing for or against or ~~[challenge]~~ ***challenging*** any decisions of county or city election personnel;

~~[(e) May not interfere]~~ ***and***

(5) Interfering with the conduct of voting; and

~~[(f)]~~ ***(b)*** May be removed from the polling place by the county or city clerk for violating any provision of title 24 of NRS or any of the provisions of ~~[paragraphs]~~ ***paragraph*** (a) **.** ~~[to (f), inclusive.]~~

3. The county or city clerk may, at his or her discretion, remove from a polling place a person observing the conduct of voting pursuant to this section for violating any provision of title 24 of NRS or any of the provisions of ~~[paragraphs]~~ ***paragraph*** (a) ~~[to (f), inclusive,]~~ of subsection 2.

4. A person observing the conduct of voting at a polling place 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 and 293.730.

5. A person observing the conduct of voting at a polling place pursuant to subsection 1 may remain in the designated area in the polling place after the polls close pursuant to NRS 293.273 so as to observe the closing of the polling place. The person shall not interfere with the closing of the polling place.

6. A person observing the conduct of voting at a polling place pursuant to subsection 1 may remain in an area designated by the chair of the election board to observe the activities conducted at the polling place without interfering with the voting. 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.

7. ***A person observing the conduct of voting at a polling place pursuant to subsection 1 must wear a name tag denoting the person's full name.***

8. The county and city clerk shall retain the signed acknowledgements described in subsection 2 for at least 180 days following the election observed by the person who signed the acknowledgment.

9. As used in this section, "advocate" includes, without limitation, speaking, displaying or disseminating written material and wearing identifying clothing, buttons or other paraphernalia.

Sec. 9. NAC 293.395 is hereby amended to read as follows:

293.395 For the purposes of NRS 293.517:

1. The Secretary of State interprets "official identification" to mean a government-issued, or otherwise official, article or combination of articles, which establishes both the identity and residence of a person submitting an application to register to vote.

2. The following articles may be used to establish identity:

(a) A current and valid Nevada driver's license;

(b) A current and valid identification card issued by the Department;

(c) A current and valid identification card issued by a branch of the Armed Forces of the United States;

(d) A current and valid identification card issued by a sheriff of a Nevada county to an employee as a condition of employment by certain business enterprises;

(e) A current and valid identification card issued by an agency of the State of Nevada or political subdivision thereof or the United States, including, without limitation, a public school, college or university;

(f) A current and valid student identification card from an accredited private school, college or university;

(g) A current and valid United States passport;

(h) A current and valid insurance plan identification card which the county clerk determines, in his or her discretion, to be a reliable indication of the true name and identity of the person;

(i) A current and valid tribal identification card; ***or***

(j) ~~[A current and valid employee identification card which the county clerk determines, in his or her discretion, to be a reliable indication of the true name and identity of the person; or (k)]~~ Any other official ~~[article]~~ ***photographic identification*** which the county clerk determines, in his or her discretion, to be a reliable indication of the true name and identity of the person, including, without limitation, an expired article listed in paragraphs (a) to ~~[(j),]~~ ***(i),*** inclusive, if that article has been expired for 30 calendar days or less and is otherwise valid.

3. The following articles may be used to establish residency if the current residential address of the applicant, as indicated on the application to register to vote, is displayed on the article:

(a) Any article set forth in subsection 2;

(b) A current and valid utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;

(c) A current and valid bank or credit union statement;

(d) A current and valid paycheck;

(e) A current and valid income tax return;

(f) A current and valid statement concerning the mortgage, rental or lease of a residence;

(g) A current and valid motor vehicle registration;

(h) A current and valid document issued by a governmental agency;

(i) A current and valid property tax statement; or

(j) Any other official article which the county clerk determines, in his or her discretion, to be a reliable indication of the true residential address of the person.

Sec. 10. NAC 293.412 is hereby amended to read as follows:

293.412 1. A county clerk shall:

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

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

2. The name of each inactive voter:

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

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

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

4. A city or county clerk ~~[is]~~ ***:***

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

(b) Is required to send an absent ballot to an inactive voter if the inactive voter requests:

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

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

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

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

Sec. 11. 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:

~~[1.]~~ ***(a)*** The address and, if readily available, the telephone number of the person whose right to vote is challenged.

~~[2.]~~ ***(b)*** The number of the precinct in which the person whose right to vote is challenged is registered to vote.

~~[3.]~~ ***(c)*** The name, address and telephone number of the person filing the challenge.

~~[4.]~~ ***(d)*** The precinct in which the person filing the challenge is registered to vote.

~~[5.]~~ ***(e)*** The date of the challenge.

~~[6.]~~ ***(f)*** A statement of the facts upon which each ground for the challenge is based.

~~[7.]~~ ***(g)*** A statement that the challenge is based on personal knowledge of the facts upon which each ground for the challenge is based.

2. 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.

Sec. 12. NAC 293.420 is hereby amended to read as follows:

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

(a) An application to register to vote, which may be submitted in person or by mail to the county clerk of the county in which the applicant resides;

(b) Instructions to assist the applicant in completing the application;

(c) A notice stating that the application must contain the Nevada driver's license number of the applicant or, if the applicant has no Nevada driver's license, at least the last four digits of the social security number of the applicant or, if the applicant has no social security number, a unique identification number assigned by the county clerk pursuant to NAC 293.411 and subsection 5 of NRS 293.507;

(d) ~~[A list of the addresses and telephone numbers of county election officers;~~

~~(e)]~~ A notice that if the applicant indicates on the application that the applicant is not a citizen of the United States or will not be at least 18 years of age on or before election day, the applicant may not register to vote;

~~[(f)]~~ *(e)* The option for the applicant to receive a sample ballot in larger type; and

~~[(g)]~~ *(f)* Instructions to the applicant to contact the county clerk if the applicant does not, within 10 days after submitting the application to the county clerk, receive his or her voter registration card indicating that the registration has been accepted.

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

3. The control number must be printed:

(a) On a receipt of the application; and

(b) On the application to be returned to the county clerk.

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

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

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

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

Sec. 13. NAC 293C.330 is hereby amended to read as follows:

293C.330 1. After a person is identified as being a registered voter and has signed the roster, a member of the election board ~~[shall]~~ ***:***

(a) May issue the voter a receipt.

(b) Shall ask the voter if the voter needs assistance in casting a ballot.

(c) Shall make the following statement to the voter:

> ***If you have any questions or concerns about the mechanical voting device, please stop voting immediately and bring your question or concern to the attention of a member of the election board. Once you have cast your ballot, you will not be able to have your question or concern addressed by the election board.***

(d) Shall direct the voter to a voting booth equipped to handle the voter's ballot.

2. A member of the election board shall not permit any person to enter a voting booth to vote until he or she ascertains that the person understands how to operate the ~~[vote recording]~~ ***mechanical voting*** device.

3. If it is obvious to the members of an election board that a voter is trying to delay an election by repeatedly voiding his or her selections and not casting a ballot, a member of the election board must warn the voter that such actions are unlawful and offer assistance if necessary. If the voter continues to attempt to delay the election, the election board may take any appropriate action to expedite the election, including, without limitation, removing the voter from the polling place if the county or city clerk has approved the removal.

4. Before the commencement of voting and periodically throughout the election, members of the election board shall examine the voting booths to ensure that each booth does not contain any campaign cards, political advertising, partisan notes or any other matter that constitutes an unauthorized attempt to influence the voters.

5. The election board shall ensure that a copy of the statement set forth in paragraph (c) of subsection 1 is prominently displayed at the polling place.

6. If a member of the election board observes at a polling place any violation of the provisions of title 24 of NRS, he or she shall notify immediately the city clerk.

Sec. 14. Chapter 294A of NAC is hereby amended by adding thereto a new section to read as follows:

The registration requirements for a nonprofit corporation set forth in NRS 294A.225 are in addition to the registration requirements for a nonprofit corporation set forth in NRS 82.523.

Sec. 15. NAC 293.355 is hereby repealed.

TEXT OF REPEALED SECTION

293.355 Demand for recount limited to ballots cast by mail. (NRS 293.124, 293.247, 293.403) A candidate who demands a recount pursuant to subsection 1 of NRS 293.403 may specify that the recount be limited to ballots cast by mail.