

**REVISED PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R091-23

November 7, 2023

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

AUTHORITY: § 1, NRS 293.1276 and 293.1277; § 2, NRS 293.1276; § 3, NRS 293.1277; § 4, NRS 295.055; § 5, NRS 306.011 and 306.015.

A REGULATION relating to petitions; establishing certain requirements relating to signatures on certain petitions; setting forth certain requirements relating to requests to remove a name from certain petitions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the county clerk, upon receiving certain petitions containing signatures which are required to be verified, to determine the total number of signatures on the petition, tally the number of signatures for each petition district contained fully or partially within the county and forward that information to the Secretary of State. (NRS 293.1276)

Section 2 of this regulation provides that when the county clerk is determining and tallying the total number of signatures, the county clerk must count each signature on the petition including any signature that has been crossed out.

Existing law requires the county clerk to verify a certain number or percentage of signatures on a petition and provides that the county clerk may use the signatures contained in the file of applications to register to vote to verify signatures. For a person who signed a petition and who registered to vote by computer and signed his or her application to register to vote using a digital or electronic signature, existing law authorizes the Secretary of State to establish other methods for the county clerk to verify such a person’s signature. (NRS 293.1277) **Section 3** of this regulation authorizes the county clerk to check the signature of such a person who signed the petition against all other signatures of the person in the records of the county clerk.

Existing law authorizes a person to submit a written request to the county clerk to remove his or her name from a petition for initiative or referendum or a petition to recall a public officer. (NRS 295.055, 306.015) **Sections 4 and 5** of this regulation authorize a county clerk to accept such a written request by electronic mail if the request is submitted on the form prescribed by the Secretary of State.

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

Sec. 2. *To determine the total number of signatures affixed to a petition and tally the number of signatures for each petition district contained fully or partially within a county pursuant to NRS 293.1276, a county clerk shall count each signature on the petition, including, without limitation, any signature on the petition that has been crossed out.*

Sec. 3. *When verifying signatures on a petition pursuant to subsection 6 of NRS 293.1277, the county clerk may check the signature of the person who signed the petition against all signatures of the person available in the records of the county clerk.*

Sec. 4. NAC 295.050 is hereby amended to read as follows:

295.050 **1.** 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:

~~1-1~~ **(a)** Must contain the person's original signature.

~~1-2~~ **(b)** Must not be accepted by the county clerk if:

~~1-(a)~~ **The request is submitted to the county clerk by electronic mail;**

~~1-(b)~~ **(1)** The county clerk is unable to determine the name of the person requesting the removal; or

~~1-(c)~~ **(2)** 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.

2. *For the purposes of subsection 1, a county clerk may accept a request submitted in writing by electronic mail if the request is submitted on the form prescribed by the Secretary of State.*

Sec. 5. Chapter 306 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A request submitted pursuant to subsection 6 of NRS 306.015 to remove a person's name from a petition to recall a public officer must be submitted in writing. The county clerk must not accept the request if:

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

or

(b) 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. For the purposes of subsection 1, a county clerk may accept a request submitted in writing by electronic mail if the request is submitted on the form prescribed by the Secretary of State.