

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R107-23

November 22, 2023

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

AUTHORITY: §§ 1 and 2, NRS 293.124, 293.247 and 306.011.

A REGULATION relating to elections; requiring a county or city clerk to submit certain plans relating to the conduct of an election before a recall election; providing that the Secretary of State will review such plans; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law require the Secretary of State to adopt regulations related to the conduct of elections and provide that: (1) general election laws, insofar as applicable, must also apply to a recall election: and (2) a recall election must be conducted pursuant to the provisions for primary, primary city, general and general city elections. (NRS 293.124, 293.247, 306.011, 306.120, 306.130)

Existing laws and regulations require a county clerk and city clerk to submit to the Secretary of State, before certain elections, plans relating to the conduct of the election. (NRS 293.3594, 293B.354, 293C.3594; NAC 293.202, 293.217, 293.321, 293.351, 293B.040, 293C.270, 293C.575, sections 3 and 10 of LCB File No. R200-22) **Sections 1 and 2** of this regulation provide that a plan required to be submitted to the Secretary of State before certain elections must also be submitted before a recall election, insofar as applicable, and must be submitted not more than 5 business days after the county or city clerk receives notification from the Secretary of State that the number of signatures on a petition to recall a public officer is sufficient. **Sections 1 and 2** also require the Secretary of State to review each plan and notify the county or city clerk whether the plan complies with the applicable requirements.

Section 1. NAC 293.203 is hereby amended to read as follows:

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

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

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

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

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

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

(d) A plan for the security of ballots for early voting and on election day;

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

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

3. Any plan required to be submitted to the Secretary of State by a county clerk before an election pursuant to chapter 293 or 293B of NRS and chapter 293 or 293B of NAC, insofar as applicable, including, without limitation, the plans specified in subsection 2, must also be submitted before a recall election. The county clerk must submit each plan not more than 5 business days after receiving the notification from the Secretary of State pursuant to subsection 1 of NRS 306.040. The Secretary of State will review each plan submitted pursuant to this subsection and, not later than 15 days after a plan is submitted, notify the county clerk whether the plan complies with the requirements of chapter 293 or 293B of NRS and chapter 293 or 293B of NAC, as applicable.

Sec. 2. NAC 293C.275 is hereby amended to read as follows:

293C.275 If a recall or other special city election is called in a city and will not be held on the same day as the primary city election or general city election:

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

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

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

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

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

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

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

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

3. Any plan required to be submitted to the Secretary of State by a city clerk before an election pursuant to chapter 293, 293B or 293C of NRS and chapter 293, 293B or 293C of NAC, insofar as applicable, including, without limitation, the plans specified in subsection 2, must also be submitted before a recall election. The city clerk must submit each plan not more than 5 business days after receiving the notification from the Secretary of State pursuant to subsection 1 of NRS 306.040. The Secretary of State will review each plan submitted pursuant

to this subsection and, not later than 15 days after a plan is submitted, notify the city clerk whether the plan complies with the requirements of chapter 293, 293B or 293C of NRS and chapter 293, 293B or 293C of NAC, as applicable.