

January 14, 2026

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice is hereby given that the Office of the Secretary of State will hold a public hearing at 9:00 a.m. on the 17th day of February of 2026. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of various regulations that pertain to Chapters 293 and 294A of the Nevada Administrative Code contained in the following LCB File Numbers:

NO.	NAC CHAPTERS
R001-26P	293
R002-26P	294A
R003-26P	293
R103-25P	293

The adoption hearing will be conducted in-person. The primary physical is room 2135 of the Nevada Legislative Building located at 401 S. Carson St. Carson City, NV 89701. Information on the location and parking opportunities may be found on the legislative website [here](#). An alternative physical location is provided in Committee Room 6 of the State building at 7120 Amigo St Las Vegas, NV 89119. Persons wishing to comment upon the proposed action of the Secretary of State may address their comments, data, views or arguments, in written form, to:

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

Written submissions must be received by the Secretary of State on or before February 17, 2026. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Office of the Secretary of State may proceed immediately to act upon any written submissions.

To provide public comment or testimony telephonically, dial (888) 475-4499 on the date of the meeting. When prompted, provide Meeting ID 839 7596 4928, and then press #. When prompted for a Participant ID, press #.

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

A copy of this notice and the regulation to be adopted or amended will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for

inspection by members of the public during business hours. A copy of this notice and the regulation to be adopted or amended will also be posted on the internet website of the Secretary of State.

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

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

Distribution and Public Posting

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

Description	Location
Nevada Capitol Building	101 North Carson Street, Suite 3, Carson City, Nevada 89701
State Library, Archives and Public Records	100 Stewart Street, Carson City, Nevada 89701
State of Nevada Website	http://notice.nv.gov/
Nevada Secretary of State Website	http://www.nvsos.gov/sos
Nevada State Legislative Counsel Bureau; Administrative Regulation Notices:	https://www.leg.state.nv.us/App/Notice/A

Reasonable Accommodations

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

Respectfully,



Mark Wlaschin
Deputy Secretary for Elections

Nevada Secretary of State Meeting Notice

17th day of February of 2026 at 9 AM

The primary physical location is room 2135 of the Nevada Legislative Building located at 401 S. Carson St. Carson City, NV 89701. Information on the location and parking opportunities may be found on the legislative website [here](#). An alternative physical location is provided in Committee Room 6 of the State building at 7120 Amigo St Las Vegas, NV 89119.

To provide public comment or testimony telephonically, dial (888) 475-4499 on the date of the meeting. When prompted, provide Meeting ID 839 7596 4928, and then press #. When prompted for a Participant ID, press #.

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

PUBLIC NOTICE

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

This public notice has been posted at the office of the Nevada Secretary of State, 101 North Carson Street, Suite 3, Carson City, Nevada 89701, and at the Nevada State Library and Archives, 100 Stewart Street, Carson City, Nevada 89701. Notice of this meeting was posted on the Internet through the Nevada Secretary of State website at www.nvsos.gov/sos and on the State of Nevada Website at <http://notice.nv.gov/>.

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

AGENDA

1. Call to Order
2. General Public Comment
In consideration of others, who may also wish to provide public comment, please avoid repetition. Comments will be limited to two (2) minutes. No action will be taken on any items raised in the public comment period.
3. Introduction to Adoption Hearing Process
4. Adoption hearing regarding proposed amendment (LCB File Number R001-26P)
5. Public comment on proposed amendments to Nevada Administrative Code Chapters 293 (LCB File Number R001-26P)

6. FOR POSSIBLE ACTION: Adoption of proposed amendment (LCB File Number R001-26P)
7. Adoption hearing regarding proposed amendment (LCB File Number R002-26P)
8. Public comment on proposed amendments to Nevada Administrative Code Chapter 294A (LCB File Number R002-26P)
9. FOR POSSIBLE ACTION: Adoption of proposed amendment (LCB File Number R002-26P)
10. Adoption hearing regarding proposed amendment (LCB File Number R003-26P)
11. Public comment on proposed amendments to Nevada Administrative Code Chapter 293 (LCB File Number R003-26P)
12. FOR POSSIBLE ACTION: Adoption of proposed amendment (LCB File Number R003-26P)
13. Adoption hearing regarding proposed amendment (LCB File Number R103-25P)
14. Public comment on proposed amendments to Nevada Administrative Code Chapter 293 (LCB File Number R103-25P)
15. FOR POSSIBLE ACTION: Adoption of proposed amendment (LCB File Number R103-25P)
16. General Public Comment
In consideration of others, who may also wish to provide public comment, please avoid repetition. Comments will be limited to two (2) minutes. No action will be taken on any items raised in the public comment period.
17. Adjourn

NOTE: The Nevada Secretary of State's Office, Elections Division may take the above matters out of order, may consolidate the above matters for consideration, and reserves the right to remove or delay any of the above matters on the Agenda. Commenters will be limited to two minutes. Members of the public are encouraged to submit written comments for the record at NVElect@sos.nv.gov.

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

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

Respectfully,



Mark Wlaschin
Deputy Secretary for Elections

The following information is provided regarding the proposed regulations in R001-26P pursuant to the requirements of NRS 233B.0603:

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

[NRS 293.124](#) provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of the proposed amendment is to codify standards and procedures for various election functions. Specifically requiring a former Legislator to notify the Secretary of State of his or her resignation from legislative office; and providing other matters properly relating thereto.

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

Not applicable as these proposed regulations would be permanent regulations.

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

As the proposed regulations are permanent regulations, the text of the proposed regulation is provided below. Additionally, they will be posted on the Secretary of State's website [here](#).

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

These regulations do not create an economic effect on either Nevada businesses or the public.

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

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

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

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

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

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the

duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

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

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

The proposed regulations are not required pursuant to federal law.

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

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

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

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

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

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

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

The following information is provided regarding the proposed regulations in R002-26P pursuant to the requirements of NRS 233B.0603:

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

[NRS 293.124](#) provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of the proposed amendment is to codify standards and procedures for various election functions. Specifically establishing requirements for a postelection certification audit of electronic tabulators used in an election; and providing other matters properly relating thereto.

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

Not applicable as these proposed regulations would be permanent regulations.

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

As the proposed regulations are permanent regulations, the text of the proposed regulation is provided below. Additionally, they will be posted on the Secretary of State's website [here](#).

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

These regulations do not create an economic effect on either Nevada businesses or the public.

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

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

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

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

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

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the

duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

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

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

The proposed regulations are not required pursuant to federal law.

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

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

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

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

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

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

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

The following information is provided regarding the proposed regulations in R003-26P pursuant to the requirements of NRS 233B.0603:

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

[NRS 293.124](#) provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of the proposed amendment is to codify standards and procedures for various election functions. Specifically establishing requirements for a postelection certification audit of electronic tabulators used in an election; and providing other matters properly relating thereto.

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

Not applicable as these proposed regulations would be permanent regulations.

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

As the proposed regulations are permanent regulations, the text of the proposed regulation is provided below. Additionally, they will be posted on the Secretary of State's website [here](#).

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

These regulations do not create an economic effect on either Nevada businesses or the public.

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

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

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

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

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

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the

duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

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

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

The proposed regulations are not required pursuant to federal law.

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

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

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

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

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

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

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

The following information is provided regarding the proposed regulations in R103-25P pursuant to the requirements of NRS 233B.0603:

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

[NRS 293.124](#) provides the Secretary of State, as the Chief Officer of Elections for the State of Nevada, the authority to adopt such regulations as are necessary to carry out the provisions of title 24 of NRS. The purpose of the proposed amendment is to codify standards and procedures for various election functions. Specifically establishing requirements for affidavits filed to allege certain claims regarding the citizenship or residency of a registrant; and providing other matters properly relating thereto.

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

Not applicable as these proposed regulations would be permanent regulations.

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

As the proposed regulations are permanent regulations, the text of the proposed regulation is provided below. Additionally, they will be posted on the Secretary of State's website [here](#).

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

These regulations do not create an economic effect on either Nevada businesses or the public.

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

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

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

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

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

(7) A description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the

duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

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

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

The proposed regulations are not required pursuant to federal law.

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

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

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

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

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

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

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

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R001-26

January 12, 2026

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

AUTHORITY: § 1, NRS 293.124, 294A.160, as amended by section 3 of Assembly Bill No. 497, chapter 255, Statutes of Nevada 2025, at page 1755, and NRS 294A.380.

A REGULATION relating to campaign finance; requiring a former Legislator to notify the Secretary of State of his or her resignation from legislative office; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Secretary of State to adopt and promulgate regulations and take such other actions as are necessary for the implementation and effective administration of the provisions of the Nevada Revised Statutes relating to campaign finance. (NRS 294A.380) Each former public officer, including a Legislator who resigns from his or her legislative office, who has contributions that are not spent or committed for expenditure remaining from a previous election is required to dispose of those contributions in a certain manner not later than 15 days after the 4-year period immediately following leaving office. (NRS 294A.160, as amended by section 3 of Assembly Bill No. 497, chapter 255, Statutes of Nevada 2025, at page 1755)

This regulation requires a former Legislator who resigns from his or her legislative office to notify the Secretary of State of the resignation not later than 5 business days after the resignation is effective. This notification is in addition to any other notification required by law such as the requirement that the resignation be delivered to the Governor. (NRS 218A.250)

Section 1. Chapter 294A of NAC is hereby amended by adding thereto a new section to read as follows:

- 1. If any Legislator resigns his or her legislative office, he or she shall notify the Secretary of State not later than 5 business days after the resignation is effective.*
- 2. The notification required by subsection 1 is in addition to any other notification relating to the resignation that is required by law.*

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R002-26

January 13, 2026

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

AUTHORITY: § 1, NRS 293.124, 294A.120, 294A.125, 294A.373 and 294A.380.

A REGULATION relating to campaign finance; requiring candidates to report the amount of interest accrued during reporting periods from money in campaign accounts; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a candidate to open and maintain a separate account in a financial institution located in the United States for the deposit of campaign contributions once the candidate receives minimum contributions of \$100. (NRS 294A.130) Existing law sets forth campaign finance reporting requirements for candidates to report campaign contributions and campaign account balances to the Secretary of State. (NRS 294A.120, 294A.125) Existing law also requires such reports be completed on a form designed and made available by the Secretary of State. (NRS 294A.373)

This regulation requires a candidate who is required to report contributions received and account balances in reporting periods to include in each report the amount of interest accrued during the reporting period from the money in the campaign account maintained by the candidate.

Section 1. Chapter 294A of NAC is hereby amended by adding thereto a new section to read as follows:

A candidate who is required to report contributions received and account balances in reporting periods pursuant to NRS 294A.120 and 294A.125 shall include in each report the amount of interest accrued during the reporting period from the money in the account maintained by the candidate pursuant to NRS 294A.130.

PROPOSED REGULATION OF THE SECRETARY OF STATE

LCB File No. R003-26

January 14, 2026

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

AUTHORITY: § 1, NRS 293.124 and 293.247.

A REGULATION relating to elections; establishing requirements for a postelection certification audit of electronic tabulators used in an election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to adopt regulations for the conduct of elections. (NRS 293.247) Existing regulations provide for certain audits to be conducted after an election, including a postelection certification audit of voter verifiable paper audit trail printers and risk limiting audits. (NAC 293.255, 293.481) If a county used electronic tabulators in an election, this regulation requires a county clerk to conduct a postelection certification audit of electronic tabulators used in the election. This regulation sets forth the process for the county clerk to conduct such an audit and requires, if a discrepancy of four or more votes is discovered during the audit, the county clerk to immediately notify the Secretary of State and investigate the cause of the discrepancy. Additionally, this regulation requires the county clerk to transmit the results of the postelection certification audit to the Secretary of State within 9 days after the date of the election but before the canvass and to include in the results an explanation of any discrepancy discovered by the clerk during the audit and, if determined, an explanation of what caused the discrepancy to occur. Finally, this regulation prohibits any member of the public who observes such an audit from interfering with the conduct of the audit.

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

1. If a county used electronic tabulators in an election, the county clerk of the county shall, after the election, conduct a postelection certification audit of electronic tabulators randomly selected pursuant to subsection 3 or 4, as applicable, to ensure that the electronic tabulator accurately records all votes cast by voters on a paper ballot.

2. A county clerk must conduct a postelection certification audit of an electronic tabulator by comparing each vote cast for the candidate or ballot measure selected to be audited pursuant to subsection 3 or 4 which was recorded on a paper ballot to each vote cast for such candidate or measure which was tabulated by the electronic tabulator. Such comparison may be conducted manually or by a mechanical device determined by the Secretary of State to be capable of accurately reading the votes cast and printed and otherwise qualified for use in this State pursuant to applicable state and federal law.

3. A county clerk of a county whose population is 100,000 or more who conducts a postelection certification audit of electronic tabulators pursuant to this section shall randomly select a number of electronic tabulators equal to 2 percent of the number of electronic tabulators used in the election, or not less than three electronic tabulators, whichever is greater. From each electronic tabulator selected pursuant to this subsection, the county clerk shall audit the results of one race for state or federal office or for a statewide measure, one race for a county office or for a countywide measure and one additional race randomly selected from races tabulated on the electronic tabulator by randomly selecting a batch of votes equal to not less than 1 percent of the votes cast by personal appearance that were tabulated by the electronic tabulator which must include:

(a) Not less than 1 percent of the votes tabulated by the electronic tabulator for the period for early voting by personal appearance; and

(b) Not less than 1 percent of the votes tabulated by the electronic tabulator for the day of the election.

4. A county clerk of a county whose population is less than 100,000 who conducts a postelection certification audit of electronic tabulators pursuant to this section shall randomly

select a number of electronic tabulators equal to 2 percent of the number of electronic tabulators used in the election in the county, or not less than one electronic tabulator, whichever is greater. From each electronic tabulator selected pursuant to this subsection, the county clerk shall audit the results of one race for state or federal office or for a statewide measure, one race for a county office or for a countywide measure and one additional race randomly selected from races tabulated on the electronic tabulator by randomly selecting a batch of votes equal to not less than 1 percent of the votes cast by personal appearance that were tabulated by the electronic tabulator which must include:

(a) Not less than 1 percent of the votes tabulated by the electronic tabulator for the period for early voting by personal appearance; and

(b) Not less than 1 percent of the votes tabulated by the electronic tabulator for the day of the election.

5. If a discrepancy of four or more votes is discovered during a postelection certification audit conducted pursuant to this section, the county clerk must immediately notify the Secretary of State and investigate the cause of the discrepancy.

6. The county clerk shall transmit the results of the postelection certification audit to the Secretary of State within 9 days after the date of the election but before the canvass. The results of the audit must include, without limitation, an explanation of any discrepancy discovered by the clerk during the audit and, if determined, an explanation of what caused the discrepancy to occur.

7. Any member of the public who observes a postelection certification audit conducted pursuant to this section shall not interfere with the conduct of the audit.

8. As used in this section:

(a) “County office” means an elected county office whose candidates are voted upon in the election by the registered voters of one county.

(b) “Federal office” means the elected federal office of President of the United States, Vice President of the United States, United States Senator or Representative in Congress.

(c) “State office” means the elected state office of Governor, Lieutenant Governor, State Senator, State Assemblymember, justice of the Supreme Court, judge of the Court of Appeals, Attorney General, State Controller, Secretary of State, State Treasurer or a member of the Board of Regents of the University of Nevada.

PROPOSED REGULATION OF THE SECRETARY OF STATE

LCB File No. R103-25

December 17, 2025

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

AUTHORITY: § 1, NRS 293.124, 293.247 and 293.535.

A REGULATION relating to elections; establishing requirements for affidavits filed to allege certain claims regarding the citizenship or residency of a registrant; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the county clerk to notify a registrant if any elector or other reliable person files an affidavit with the county clerk stating that the registrant: (1) is not a citizen of the United States; or (2) has moved and established residence outside of the boundaries of the county where he or she is registered to vote with the intention to remain there indefinitely and abandon his or her residence in the county. (NRS 293.535) Existing regulations establish requirements for the form and content of certain written challenges for the right to vote of a person. (NAC 293.416) This regulation establishes such requirements for an affidavit filed with the county clerk by an elector or other reliable person to challenge the registration of a voter on the grounds of citizenship or residency by requiring the affidavit to be on a form prescribed by the Secretary of State and contain certain information. This regulation additionally requires a county clerk, upon receipt of the affidavit, to conduct an assessment to determine whether the person who filed the affidavit is an “elector” or “other reliable person.” Finally, this regulation requires a county clerk to maintain certain records relating to this assessment for at least 2 years and authorizes the county clerk to share such a record with the Office of the Secretary of State or another county clerk or a city clerk upon request.

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

1. An affidavit filed with a county clerk pursuant to NRS 293.535 must be on a form prescribed by the Secretary of State and contain, in addition to any other required information:

(a) The address and, if known or readily available, the telephone number of the registrant;

- (b) The number of the precinct in which the registrant is registered to vote;*
- (c) The name, address and telephone number of the person filing the affidavit;*
- (d) The date of the filing of the affidavit;*
- (e) A statement of the facts upon which the affidavit is based;*
- (f) A statement that the affidavit is based on personal knowledge of the facts upon which the affidavit is based;*
- (g) Any documentation or evidence supporting the facts upon which the affidavit is based;*
and
- (h) If the person who filed the affidavit is not a registered voter in this State but qualifies as an elector, a statement that he or she is an elector.*

2. Upon receipt of an affidavit filed pursuant to NRS 293.535, the county clerk shall determine whether the person is an elector or other reliable person who is eligible to file the affidavit. For the purposes of making this determination, the county clerk shall determine the person is eligible as:

- (a) An elector, if the person:*
 - (1) Is a registered voter in this State; or*
 - (2) Includes in his or her affidavit, the statement required pursuant to paragraph (h); or*
- (b) A reliable person, if the person:*
 - (1) Files the affidavit with all information required pursuant to subsection 1; and*
 - (2) Is determined by the county clerk to be credible based on an assessment conducted by the county clerk pursuant to subsection 3.*

3. When conducting an assessment pursuant to subparagraph (2) of paragraph (b) of subsection 2, the county clerk shall consider any factors relevant to the credibility of the

information contained in the affidavit or the person who filed the affidavit, including, without limitation, whether the affidavit contains inconsistent statements or if the person who filed the affidavit has a reputation for untruthfulness or any potential bias towards the registrant. The county clerk may update this assessment as new information becomes available.

4. A county clerk shall maintain a record of the assessment conducted pursuant to subparagraph (2) of paragraph (b) of subsection 2 for at least 2 years and may share the assessment with the Office of the Secretary of State or another county clerk or a city clerk upon request.

5. As used in this section, “personal knowledge” means firsthand knowledge through experience or observation of the facts upon which the affidavit filed pursuant to NRS 293.535 is based. The term does not include speculation or knowledge obtained from a third party, including, without limitation, information obtained from the review of data in a database or other compilation of information.