



**OFFICE OF THE
SECRETARY OF STATE**

MEMORANDUM

To: All County Election Officials

From: Wayne Thorley, Deputy Secretary for Elections *WT*

Date: October 18, 2018

Subject: Voter Registration by Individuals with a Prior Felony Conviction

I am writing to assist in our mutual goal of protecting the integrity of the ballot box in Nevada. Our offices desire that only eligible voters participate in the upcoming election and seek to prevent election fraud. For that reason, in an abundance of caution, I am providing guidance concerning the legal requirements by which convicted felons – honorably discharged from parole or probation – are allowed to lawfully register to vote. While NRS 293.543 requires only that an ex-felon produce “satisfactory evidence” of a restoration of voting rights, NAC 293.414 further states that an election official *may* require the registrant to produce certain enumerated items of documentary proof that his or her voting rights have been restored.

Some registrants may express confusion about their voter eligibility in light of a previous felony conviction under Nevada law, the laws of another state, or federal law—each of which implicates different eligibility criteria. Therefore, to ensure that registrants receive accurate information about Nevada’s different voting rights restoration requirements, and to further assist county election officials with appropriate screening and processing, I have enclosed a declaration form that you may accept as a substitute for any of the items of documentary proof listed in NAC 293.414. The declaration will not only provide clarity to those seeking to register, who may not be lawfully allowed to do so, but it will also provide additional voter integrity safeguards for purposes of later evaluating whether voters knowingly misrepresented their eligibility at the time of registering.

It is the position of this office that a properly completed declaration form can serve as “satisfactory evidence” under Nevada law that voting rights have been restored to the named declarant. Additionally, it will serve as a record that the registrant reviewed, acknowledged, and declared his or her compliance with the applicable eligibility criteria. This office believes that the declaration form will bolster the overall integrity of Nevada’s voter registration process by providing specific,

accurate information to registrants and election officials alike, thus creating a disincentive for anyone to feign confusion about voter eligibility requirements for ex-felons.

If you possess a record of having denied, voided, or cancelled a registration on or after January 1, 2018, on the basis that the registrant failed to produce an item of documentary proof described in NAC 293.414, it is recommended that you afford the registrant an opportunity to *complete* the registration process by signing a declaration form at any time on or before Election Day. Any person who completes the registration process by signing the declaration form would be permitted to cast a regular ballot in the 2018 general election, and the declaration forms would ideally be made available at all polling locations during early voting and on Election Day.

This office is grateful to the Clark County Registrar of Voters for having already agreed to implement the above measures. In addition to the declaration form, I have enclosed a copy of the notification letter that the Clark County Registrar of Voters will be mailing to affected persons who have attempted without success to complete the voter registration process in Clark County since January 1, 2018. Please feel free to use this letter as a template for your own letters, but also note that you may have to customize the letter if your processes were different from those in Clark County.

I have also enclosed a fact sheet about voting rights restoration that explains the law in Nevada. Please make this fact sheet available at your office, and please include it in any mailings that you may send to previously cancelled or denied registrants. To assist registrants and poll workers alike, it is also recommended that you make the fact sheet available at early voting and Election Day polling locations.

Questions regarding this memorandum may be directed to myself at (775) 684-5720 or wthorley@sos.nv.gov.