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MEMORANDUM

To: Nevada County Clerks & Registrars

From: Mark Wlaschin

Date: February 15, 2022

Subject: Memo 2022-004 - Guidance Regarding Candidates whose Party Affiliations were changed because of AVR

The following guidance is provided to address candidates whose major political party affiliations were changed due to the Automatic Voter Registration (AVR) process.

[NRS 293.176](#) describes the requirements for candidacy of a major political party for partisan office in any election:

NRS 293.176 When candidacy for major political party prohibited; exception.

1. Except as otherwise provided in subsection 2, no person may be a candidate of a major political party for partisan office in any election if the person has changed:

(a) The designation of his or her political party affiliation; or

(b) His or her designation of political party from nonpartisan to a designation of a political party affiliation,

↳ on an application to register to vote in the State of Nevada or in any other state during the time beginning on December 31 preceding the closing filing date for that election and ending on the date of that election whether or not the person's previous registration was still effective at the time of the change in party designation.

2. The provisions of subsection 1 do not apply to any person who is a candidate of a political party that is not organized pursuant to [NRS 293.171](#) on the December 31 next preceding the closing filing date for the election.

(Added to NRS by [1963, 1373](#); A [1971, 1551](#); [1979, 491](#); [1987, 690](#); [1989, 2161](#); [1995, 75](#), [2259](#), [2775](#); [1997, 1607](#); [1999, 3551](#); [2001, 2947](#); [2005, 1434](#); [2011, 3280](#))

Since December 1, 2021, there has been at least one candidate whose major political party affiliation was changed by the AVR process through no fault of their own. This individual was a registered affiliate of a major party in county X, but then moved into county Y. When conducting a transaction at the DMV to change their vehicle registration to county Y, the individual's party affiliation was changed to 'Other' because the 'political party' field was left blank. When the

individual was notified by the county Clerk, they immediately contacted the Clerk to change it to their desired political party, but this action occurred after January 1, 2022.

Therefore the following guidance is provided:

- If a candidate of a major political party for partisan office had previously been affiliated with a major party, but then submitted to their Clerk a document or digital request changing their party affiliation from a major party to any other party prior to December 31, 2021, but then attempts changes it back, pursuant to NRS 293.176 they are not eligible to run for office as a representative of that major political party.
- If a candidate of a major political party for partisan office had their party affiliation changed from a major political party to any other party through the AVR process, including by the establishment of a new voter registration in a different county than they had been previously registered, the candidate is eligible to run for office as a representative of that major political party.

It is the intent of the Office of the Secretary of State that this guidance be submitted as a regulation following the conclusion of the 2022 election cycle. To that end, if any Clerk identifies a means to improve this guidance, please notify the Deputy for Elections prior to December 15, 2022.

Respectfully,

Barbara K. Cegavske
Secretary of State

By: Mark Wlaschin
Mark Wlaschin, Deputy Secretary for Elections