

## **Via Email**

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Administrator, Nevada Real Estate Division (NRED)  
Department of Business & Industry  
3300 W. Sahara Avenue, Suite 325  
Las Vegas, NV 89102

July 28, 2025

## **RE: Petition for Rulemaking Regarding NRS 116.31034(17)**

Dear Administrator Chandra;

### **I. Introduction and Purpose of Petition**

Pursuant to NRS 233B.100 and NRS 116.623, I respectfully petition the Nevada Real Estate Division (NRED), in coordination with the Commission for Common-Interest Communities and Condominium Hotels (CICCH Commission), to adopt regulations ensuring board candidates have access to owner email address used by an association (assumes no owner opt out) for the distribute of campaign materials to unit owners.

While NRS 116.31034(17) seeks to ensure that candidates are afforded a fair opportunity to communicate with unit owners, the provision's use of the word "either" has led to uncertainty and inconsistent application.

This petition does not propose to create new rights or override existing statutory language. Rather, it seeks to clarify standardize the application of NRS 116.31034(17) to prevent misinterpretation that undermines the statute's purpose. The requested regulation is within the Commission's authority under NRS 116.623 to adopt rules necessary to carry out the provisions of NRS Chapter 116, especially where ambiguity results in procedural inconsistencies or restrictions on owner rights.

### **II. Statutory Manipulation Undermining Candidate Access**

NRS 116.31034(17) provides candidates with a clear communication right:

"A candidate may request that the association or its agent either: (a) Distribute printed campaign materials to unit owners; or (b) Provide the candidate with the names, mailing addresses, and email addresses (if known) of all unit owners." This provision protects candidate access to the electorate—but associations have exploited its wording to frustrate that purpose:

- Denial of Option B if Option A is selected
- Refusal to provide known email addresses

- Restricting communications to paper-only formats

Under the current language of NRS 116.31034(17), some associations interpret the word “either” to mean that a candidate must select between receiving contact information for direct outreach or having campaign materials included in the official mailing with the ballot. This interpretation is both unnecessary and prejudicial. For most homeowners, the ballot packet is the first—and sometimes only—moment when they meaningfully engage with the election. Denying a candidate the ability to include their statement with the ballot solely because they requested contact information for additional outreach unfairly disadvantages challengers.

There is no policy rationale for limiting a candidate to only one form of communication—particularly when both serve the purpose of voter education and informed participation. Email communication, meanwhile, is faster, less expensive, and widely adopted as the association’s preferred communication method.

### **III. Proposed Regulatory Clarification**

To ensure fair application of NRS 116.31034(17), I respectfully propose the following regulation:

“An association must not interpret NRS 116.31034(17) to prohibit a candidate from requesting both the inclusion of campaign materials with official election mailings and the contact information of unit owners for independent outreach. A candidate’s exercise of one option shall not preclude access to the other.”

This interpretation does not expand statutory rights but clarifies that the phrase ‘either’ must be read in a manner that fulfills the statute’s intent—to provide fair and equal candidate access to the electorate—and avoids interpretations that unduly restrict communication channels.

Where statutory ambiguity limits access to the electorate, frustrates candidate outreach, or suppresses owner visibility into governance, the Commission should not view its responsibility as ending at the boundary of regulatory authority. Rather, it should embrace a broader advocacy role—identifying statutory shortcomings and recommending legislative updates where warranted.

Clarifying candidate communication rights under NRS 116.31034(17) directly supports this public mission. Ensuring that all candidates can reasonably and equally reach unit owners—through modern, effective channels—helps prevent boards from becoming echo chambers of incumbency and fosters owner confidence in the electoral process.

Should the Commission determine that it lacks the authority to clarify this ambiguity via regulation, I respectfully request that it include this matter among its statutory reform

priorities. Candidate access to the electorate is a foundational democratic principle, and current language in NRS 116.31034(17) is susceptible to interpretations that weaken that principle.

#### **IV. Conclusion**

A rule protecting candidate communication rights is essential to fulfilling the democratic principles underlying NRS 116.31034. Without access to unit owners, candidates—especially challengers—face structural disadvantages that undermine the fairness and legitimacy of board elections.

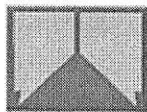
The proposed regulation addresses this concern in a narrow and legally supported way,

Respectfully submitted,



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