

FRANCISCO V. AGUILAR
Secretary of State

MAGGIE SALAS CRESPO
Deputy Secretary for Southern Nevada

DEBBIE I. BOWMAN
Deputy Secretary for Operations

SHAUNA BAKKEDAHL
Deputy Secretary for Commercial Recordings

STATE OF NEVADA



**OFFICE OF THE
SECRETARY OF STATE**

GABRIEL DI CHIARA
Chief Deputy Secretary of State

ERIN M. HOUSTON
Deputy Secretary for Securities

MARK A. WLASCHIN
Deputy Secretary for Elections

July 27, 2023

Notice of Workshop to Solicit Comments on Proposed Regulation

Notice is hereby given that the Office of the Secretary of State will hold a workshop at 9:00 a.m. on the 18th day of August of 2023. The purpose of the workshop is to received comments from all interested persons regarding the amendment of various regulations that pertain to Chapter 293, 293B, and 298 of the Nevada Administrative Code contained in the following LCB File Numbers:

NO.	NAC CHAPTERS
R008-23P	293, 293B
R009-23P	293, 298
R010-23P	298
R200-22P	293

The workshop will be conducted remotely and in-person. The physical location for the workshop is room 2134 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](#). Persons wishing to comment upon the proposed action of the Secretary of State may, on the scheduled day and time, enter the meeting from the Zoom website at the link provided below or may address their comments, data, views or arguments, in written form, to:

Mark Wlaschin
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 August 18, 2023.

Zoom Meeting Details:

<https://zoom.us/join>

The meeting ID is 886 7819 7051.

To access the meeting via audio only, dial 1-888-475-4499 and enter the meeting ID.

NEVADA STATE CAPITOL
101 N. Carson Street, Suite 3
Carson City, Nevada 89701-3714

MEYERS ANNEX
COMMERCIAL RECORDINGS
202 N. Carson Street
Carson City, Nevada 89701-4201

LAS VEGAS OFFICE
2250 Las Vegas Blvd North, Suite 400
North Las Vegas, Nevada 89030-5873

nvsos.gov

These workshops will be conducted in accordance with NRS 241.020.

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 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 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 Briana Bollman at (775) 684-5705 or nvelect@nv.sos.gov no later than five working days before the meeting.

Respectfully,


Mark Wlaschin, Deputy Secretary for Elections

Nevada Secretary of State Meeting Notice

18th day of August of 2023 at 9 AM

The physical location for the workshop is room 2134 of the Nevada Legislative Building located at 401 S. Carson St. Carson City, NV 89701

Zoom Meeting Details:

<https://zoom.us/join>

The meeting ID is 886 7819 7051.

To access the meeting via audio only, dial 1-888-475-4499 and enter the meeting ID.

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 and at the Nevada State Library and Archives. Notice of this meeting was posted on the Internet through the Nevada Secretary of State website at www.nvsos.gov/sos.

The support materials to this agenda are available, at no charge on the Nevada Secretary of State website or by contacting Briana Bollman at (775) 684-5705 or nvelect@nv.sos.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 Workshop Process
4. Workshop regarding proposed amendment (LCB File Number R008-23P)
5. Public comment on proposed amendments to Nevada Administrative Code Chapters 293/293B (LCB File Number R008-23P)
6. Workshop regarding proposed amendment (LCB File Number R009-23P)
7. Public comment on proposed amendments to Nevada Administrative Code Chapter 293/298 (LCB File Number R009-23P)
8. Workshop regarding proposed amendment (LCB File Number R010-23P)
9. Public comment on proposed amendments to Nevada Administrative Code Chapter 298 (LCB File Number R010-23P)
10. Workshop regarding proposed amendment (LCB File Number R200-22P)
11. Public comment on proposed amendments to Nevada Administrative Code Chapter 293 (LCB File Number R200-22P)

12. 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.

13. 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 record at NVElect@sos.nv.gov.

Respectfully,

Mark Wlaschin
Mark Wlaschin, Deputy Secretary for Elections

The following information is provided regarding the proposed regulations in R008-23P 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 adding the term “presidential preference primary” to existing regulations and otherwise providing conforming changes related to the presidential preference primary.

(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 county 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.

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.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

The following information is provided regarding the proposed regulations in R009-23P 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 creating new regulations relating to the conduct of the presidential preference primary.

(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 county 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.

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.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

Respectfully,



Mark Wlaschin, Deputy Secretary for Elections

The following information is provided regarding the proposed regulations in R010-23P 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 creating new regulations relating to the conduct of the presidential preference primary.

(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 county 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.

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.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

Respectfully,

Mark Wlaschin, Deputy Secretary for Elections

The following information is provided regarding the proposed regulations in R200-22P 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 putting into permanent regulation the temporary hand-count regulations previously submitted during the 2022 election cycle.

(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 county 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.

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.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.

Respectfully,

Mark Wlaschin

Mark Wlaschin, Deputy Secretary for Elections

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R008-23

July 17, 2023

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

AUTHORITY: § 1, NRS 293.124, 293.247, 298.640 and 298.710; §§ 2 and 5, NRS 293.124, 293.247, 298.640 and 298.690; § 3, NRS 293.124, 293.247, 293.275, 298.640 and 298.690; § 4, NRS 293.124, 293.269921 and 298.640.

A REGULATION relating to elections; applying certain regulations relating to ballot stock, contingency plans, testing of electronic rosters and voting equipment to presidential preference primary elections; 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 in this State, including, without limitation, presidential preference primary elections, primary elections and general elections. (NRS 293.124, 293.247, 298.640) This regulation revises various requirements for the conduct of elections to include presidential preference primary elections.

Existing law requires the cost of a presidential preference primary election to be charged against the State and paid from a certain account upon recommendation of the Secretary of State and approval of the State Board of Examiners. (NRS 298.710) Existing regulations provide that the Secretary of State will reimburse a county for the cost of basic ballot stock for primary and general elections. (NAC 293.200) **Section 1** of this regulation provides for the reimbursement of a county for the cost of basic ballot stock for presidential preference primary elections.

Existing regulations require each county clerk to submit to the Secretary of State not later than 60 days before a general election a written contingency plan in the event that election operations are significantly disrupted. (NAC 293.202) **Section 2** of this regulation requires such a plan to be submitted to the Secretary of State before any election.

Existing regulations require a county clerk who uses an electronic roster for an election to conduct logic and accuracy tests on the electronic roster, which testing must confirm that the electronic roster accurately displays information that includes, without limitation, whether the election is a primary election, general election or special election. (NAC 293.228) **Section 3** of this regulation requires the logic and accuracy test to also include whether the electronic roster accurately displays whether the election is a presidential preference primary election.

Existing law sets forth certain requirements relating to ballot drop boxes and retrieval teams. (NRS 293.269921, 298.640) Existing regulations require a county clerk to report to the Secretary of State costs related to ballot drop box and retrieval teams 45 days after each general

election. (NAC 293.353) **Section 4** of this regulation requires instead a county clerk to report such costs to the Secretary of State 45 days after each election.

Existing regulations require that each county clerk and city clerk shall, not later than the 90th day before a general election, submit to the Secretary of State a plan to ensure the accuracy and security of mechanical voting systems, mechanical voting devices and other voting equipment in the county or city. (NAC 293B.040) **Section 5** of this regulation requires such a plan to be submitted not later than the 90th day before any election.

Section 1. NAC 293.200 is hereby amended to read as follows:

293.200 1. The Secretary of State will reimburse the counties for the cost of the basic ballot stock. Reimbursement will not be made for setup and other costs, including the cost of personalized printing, stitching, binding or numbering of the ballots.

2. Payment will be made after a claim of cost is presented to the Secretary of State. A county clerk shall present the claim:

(a) *For the cost of the basic ballot stock for the presidential preference primary election not later than March 30 of the year in which the presidential preference primary election is held.*

(b) For the cost of the basic ballot stock for the primary election not later than June 30 of the year in which the general election is held.

~~(b)~~ (c) For the cost of the basic ballot stock for ballots for the general election not later than December 31 of the year in which the general election is held.

➔ A manufacturer's invoice showing an itemized list of all charges must accompany the claim.

The Secretary of State will not pay claims presented more than 30 days after the date that the claim is required to be presented pursuant to paragraph (a) , ~~(b)~~ ~~(b)~~ or (c).

Sec. 2. NAC 293.202 is hereby amended to read as follows:

293.202 1. Each county clerk shall, not later than 60 days before the date of ~~the general~~ *any* election, submit to the Secretary of State a written contingency plan that describes the

procedures that will be used in the event that election operations, including, without limitation, mechanical voting systems and any components thereof, are significantly disrupted.

2. The plan required by subsection 1 must, without limitation:

(a) Consider all potential sources of disruption to election operations, including, without limitation:

- (1) Systemic equipment failures or malfunctions;
- (2) Power outages;
- (3) Natural disasters or infrastructure failure;
- (4) Threats of terrorism or other civil disturbances; and
- (5) Unauthorized access, intrusion or hacking into election facilities or equipment; and

(b) Explain how the county clerk will ensure continuity in voting if one or more polling places become temporarily or permanently unusable during the period for early voting or on the day of the election, which may include, without limitation:

- (1) Sending voters to an alternative polling place;
- (2) Seeking a court order to extend voting hours; or
- (3) Requesting that voters return to the polling place after the disruption has been

resolved.

3. In addition to the written contingency plan required by subsection 1, each county clerk shall submit to the Secretary of State a written contingency plan for the tabulation of ballots in the event that the county experiences a loss of the central counting equipment or the use of the central counting place. If the county clerk invokes this contingency plan, the county clerk must notify the Secretary of State in writing not later than 12 hours after doing so. The plan:

(a) Must, without limitation, identify alternative counting equipment and facilities; and

(b) May provide for the transport of ballots across county lines for the purpose of ballot tabulation if the ballots are inventoried and can be safeguarded by election staff and election board officers in the same manner as the ballots would be protected if the ballots were not transported.

4. Before each election, the county clerk shall:

(a) Review the existing contingency plans required by subsections 1 and 3 and update the plans as necessary; and

(b) Ensure that any election staff in the office of the county clerk and all other relevant county employees have been briefed on the contingency plans.

Sec. 3. NAC 293.228 is hereby amended to read as follows:

293.228 1. If a county clerk uses an electronic roster for an election, the county clerk must conduct logic and accuracy tests on the electronic roster and certify to the Secretary of State that the testing was completed by the deadline set forth in NRS 293.275.

2. The testing required pursuant to subsection 1 must confirm, without limitation:

(a) That each electronic roster accurately displays:

(1) The date and time;

(2) The date of the election and the type of election, including, without limitation, whether the election is a *presidential preference primary election*, primary election, general election or special election;

(3) The name of the county;

(4) The number of voter files contained in the electronic roster;

(5) The precinct and number of voters in the precinct, if applicable;

(6) The current version of the operating system; and

- (7) The signature records of the voters in the county;
- (b) For at least one electronic roster assigned to each polling place, the correct functioning of the electronic roster for the following situations:
 - (1) A registered voter in the county who appears to vote in person who has not voted in the election;
 - (2) A registered voter in the county who appears to vote in person where the electronic roster shows that a ballot connected to the voter has already been received or voted;
 - (3) A person who claims to be registered to vote who cannot be located in the electronic roster;
 - (4) A registered voter who is listed as inactive in the electronic roster;
 - (5) A registered voter who spoils his or her ballot;
 - (6) A registered voter who appears to vote in person and brings his or her unvoted mail ballot;
 - (7) A registered voter who would like to change his or her political party affiliation;
 - (8) A registered voter who would like to update his or her voter registration information;and
 - (9) A registered voter in a county with a precinct split; and
- (c) The correct performance of the following functions of the electronic roster:
 - (1) Printing labels;
 - (2) Printing activation cards or ballot cards;
 - (3) That a ballot issued by one electronic roster is indicated as issued on other electronic rosters;
 - (4) Preparing turnout reports;

(5) Preparing daily totals; and

(6) That the roster uploads correctly to the office of the county clerk.

Sec. 4. NAC 293.353 is hereby amended to read as follows:

293.353 The county clerk shall, not later than 45 days after each ~~general~~ election, report to the Secretary of State:

1. The cost of purchasing, installing and performing maintenance on the ballot drop boxes established in the county; and

2. Any costs associated with the retrieval teams described in NAC 293.352, including, without limitation, the cost of hiring, training and paying the retrieval teams.

Sec. 5. NAC 293B.040 is hereby amended to read as follows:

293B.040 1. A county clerk and city clerk shall:

(a) Store ballots, results cartridges and VVPATs upon receipt in a vault or secure area that is accessible only by the county or city clerk and persons designated by the county or city clerk;

(b) Provide for the security and protection of the stored ballots, results cartridges and VVPATs;

(c) Control access to the stored ballots, results cartridges and VVPATs;

(d) Maintain a record of the persons allowed access to the stored ballots, results cartridges and VVPATs; and

(e) Require that any election board officers allowed access to the stored ballots, results cartridges and VVPATs have sworn under oath to perform their duties honestly and faithfully.

2. Each county and city clerk shall, not later than the 90th day before ~~the general~~ *any* election, submit to the Secretary of State for approval using the form prescribed by the Secretary

of State a plan to ensure the accuracy and security of voting in the county or city, which must, without limitation:

(a) Include procedures to carry out the provisions of paragraph (e) of subsection 3 of NRS 293.247 concerning the procedures to be used to ensure the security of the ballots, results cartridges, VVPATs, election media cartridges or memory devices, blank ballot stock, chain-of-custody documents and access controls;

(b) Include any forms, schedules logs or checklists that are referenced in the plan;

(c) Identify the person who is responsible for transporting the ballots, results cartridges and VVPATs from the polling place to the central counting place; and

(d) Include the time allotted for travel from the polling place to the central counting place.

3. If there is no change to the plan submitted pursuant to subsection 2 for the previous election, the county clerk or city clerk is not required to submit another plan to the Secretary of State. The county or city clerk must notify the Secretary of State, in writing, if there is no change to the plan.

4. The Secretary of State will approve or disapprove a plan submitted pursuant to subsection 2 not later than 15 days after the plan is submitted.

5. As used in this section, “ballot stock” means:

(a) The paper upon which a ballot is printed on which a voter directly indicates his or her vote; and

(b) The materials included with a mail ballot, including, without limitation, the mail ballot, return envelope, envelope or sleeve into which the mail ballot is inserted to ensure its secrecy and voter instructions.

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R009-23

July 17, 2023

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

AUTHORITY: §§ 1 and 9, NRS 293.247; § 2, NRS 293.124, 293.247, 293.565 and 298.690; §§ 3-8, NRS 293.124, 293.247, 293.250 and 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023; §§ 10 and 11, NRS 293.124 and 293.247; § 12, NRS 293.124, 293.247, 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, 298.250 and 298.259; § 13, NRS 293.124, 293.247 and 293.403.

A REGULATION relating to elections; setting forth certain requirements for county clerks relating to preparing and distributing sample ballots for a presidential preference primary election; setting forth certain requirements related to registering to vote or voting by the system of approved electronic transmission created by the Secretary of State; clarifying the applicability of certain provisions of the Nevada Revised Statutes relating to the withdrawal of candidacy and challenging the candidacy of a person to a presidential preference primary election; setting forth the deadline for demanding a recount of the vote for the presidential preference primary election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires a county clerk to distribute sample ballots to registered voters, but provides that a county clerk is not required to distribute a sample ballot to a person who registers to vote less than 20 days before the date of an election. (NRS 293.565) Existing law further requires a county clerk, in conducting a presidential preference primary election to distribute sample ballots for the presidential preference primary election. (NRS 298.690) **Section 2** of this regulation sets forth certain requirements for county clerks relating to sample ballots for a presidential preference primary election. Specifically, **section 2**: (1) provides that a clerk is only required to distribute a sample ballot for the presidential preference primary election to registered voters who indicated an affiliation with that major political party 20 days or more before the date of the presidential preference primary election; (2) requires a county clerk to provide an electronic copy of the sample ballot to each candidate who filed with the Secretary of State a declaration of candidacy for the presidential preference primary election; (3) requires a county clerk to provide an electronic copy of each sample ballot for a presidential preference primary election to the Secretary of State; and (4) requires a county clerk to post a copy of the sample ballot or list of candidates in a conspicuous place in the county clerk's office.

Existing law requires the Secretary of State to establish a system of approved electronic transmission through which: (1) certain military and overseas voters; and (2) electors and registered voters with a disability may register to vote and apply for and cast a ballot using the system of approved electronic transmission. Senate Bill No. 216 of the 2023 Legislative Session authorized electors and registered voters who are tribal members and who reside on an Indian reservation or Indian colony to also use such system of approved electronic transmission. (NRS 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, NRS 293D.200) Existing law further requires the Secretary of State to prescribe the form and content of a declaration for use by a person authorized to use the system of approved electronic transmission to swear or affirm specific representations pertaining to identity, eligibility to vote, status as an elector or registered voter who is authorized to use such system and timely and proper completion of a ballot. (NRS 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023) Existing regulations set forth the form and content of the declaration for use by: (1) certain military and overseas voters and electors; and (2) an elector or registered voter with a disability. (NAC 293.207) **Section 3** of this regulation sets forth the form and content of the declaration for use by an elector or registered voter who is a tribal member and who resides on an Indian reservation or Indian colony.

Section 4 of this regulation indicates the proper placement of **section 3** in the Nevada Administrative Code.

Sections 5-8 of this regulation make various changes to existing regulations relating to persons with a disability who use the system of approved electronic transmission to register to vote or vote so that such regulations also apply to members of an Indian tribe who reside on an Indian reservation or Indian colony.

Existing law authorizes certain former and new residents of the State of Nevada to vote in an election for President and Vice President of the United States but only for the offices of President and Vice President. Existing law further authorizes the Secretary of State, in a manner consistent with the election laws of this State, to adopt regulations to effectuate these provisions. (NRS 298.250, 298.259) **Section 12** of this regulation authorizes such a former or new resident to use the system of approved electronic transmission to vote for President and Vice President of the United States if he or she: (1) has a disability; (2) is a tribal member and resides on an Indian reservation or Indian colony; or (3) is a covered voter.

Existing law authorizes, under certain circumstances, an elector to file with the filing officer for the office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office. (NRS 293.182) **Section 10** of this regulation provides that the candidacy of any person who filed a declaration of candidacy to be a major political party's nominee for President of the United States may be challenged by filing a written challenge with the Secretary of State.

Existing law authorizes, under certain circumstances, a candidate to submit a withdrawal of candidacy. (NRS 293.202) **Section 11** of this regulation provides that a person who filed a declaration of candidacy to be a major political party's nominee for President of the United States may submit to the Secretary of State a withdrawal of candidacy.

Existing law authorizes, under certain circumstances, a candidate defeated at any election to demand and receive a recount of the vote for the office for which he or she is a candidate. (NRS 293.403) **Section 13** of this regulation provides that a recount of the vote for the presidential preference primary election may be demanded within 3 working days after the Secretary of State certifies the number of votes received by each qualified candidate.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *The county clerk shall:*

- 1. Distribute sample ballots for the presidential preference primary election pursuant to NRS 298.690. If only one major political party has two or more qualified candidates for the presidential preference primary election, the county clerk is only required to distribute a sample ballot for the presidential preference primary election to registered voters who indicated an affiliation with that major political party 20 days or more before the date of the presidential preference primary election.*
- 2. Provide an electronic copy of the sample ballot for the presidential preference primary election prepared pursuant to NRS 293.565 to each candidate who has filed with the Secretary of State a declaration of candidacy.*
- 3. Provide an electronic copy of each sample ballot for a presidential preference primary election prepared pursuant to NRS 293.565 to the Secretary of State.*
- 4. Post a copy of the sample ballot or a list of candidates in a conspicuous place in the county clerk's office.*

Sec. 3. *1. The declaration that is required pursuant to NRS 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, for use by a registered voter who is a tribal member and resides on an Indian reservation or Indian colony and indicates that he or she will return the ballot by approved electronic transmission must be in the following form:*

***DECLARATION OF REGISTERED VOTER WHO IS A TRIBAL MEMBER AND
RESIDES ON AN INDIAN RESERVATION OR INDIAN COLONY***

*I am a registered voter who is a tribal member and resides on an Indian reservation or
Indian colony.*

I am a citizen of the United States.

I will be at least 18 years of age on election day.

*I have not been adjudicated mentally incompetent, or if so, my right to vote has been
restored.*

I am not registered to vote in any other jurisdiction in the United States.

*I have not applied, nor do I intend to apply, for a ballot from any other jurisdiction for
the same election.*

The information on this form is true and complete to the best of my knowledge.

*I acknowledge that if I return my voted ballot by approved electronic transmission, I
have waived my right to have my ballot kept secret. Nevertheless, I understand that
my signature will be permanently separated from my voted ballot to maintain its
secrecy at the outset of the tabulation process and thereafter.*

*I understand that a material misstatement of fact in completing this document may be
grounds for a conviction of perjury under the laws of the United States or this State.*

*I declare under penalty of perjury under the laws of the United States and this State that
the foregoing is true and correct.*

(Signed)

.....

***YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE
DECLARATION AND INCLUDE IT WITH YOUR BALLOT.***

2. The declaration that is required pursuant to NRS 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, for use by a registered voter who is a tribal member and resides on an Indian reservation or Indian colony and indicates that he or she will return the ballot by mail must be in the following form:

***DECLARATION OF REGISTERED VOTER IS A TRIBAL MEMBER AND RESIDES
ON AN INDIAN RESERVATION OR INDIAN COLONY***

***I am a registered voter who is a tribal member and resides on an Indian reservation or
Indian colony.***

I am a citizen of the United States.

I will be at least 18 years of age on election day.

***I have not been adjudicated mentally incompetent, or if so, my right to vote has been
restored.***

I am not registered to vote in any other jurisdiction in the United States.

***I have not applied, nor do I intend to apply, for a ballot from any other jurisdiction for
the same election.***

The information on this form is true and complete to the best of my knowledge.

I understand that a material misstatement of fact in completing this document may be grounds for a conviction of perjury under the laws of the United States or this State.

I declare under penalty of perjury under the laws of the United States and this State that the foregoing is true and correct.

(Signed)

.....

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE

DECLARATION AND INCLUDE IT WITH YOUR BALLOT.

Sec. 4. NAC 293.205 is hereby amended to read as follows:

293.205 As used in NAC 293.205 to 293.212, inclusive, *and section 3 of this regulation*, “local elections official” has the meaning ascribed to it in NRS 293D.040.

Sec. 5. NAC 293.207 is hereby amended to read as follows:

293.207 1. A registered voter ~~{with a disability}~~ who applies for a ballot pursuant to NRS 293.269951 , *as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023*, must indicate on the application:

(a) Whether the local elections official must send the ballot to the registered voter by mail or approved electronic transmission; and

(b) Whether the registered voter will return the ballot to the local elections official by mail or approved electronic transmission.

2. If a registered voter ~~{with a disability}~~ indicates on the application for a ballot that he or she will return the ballot by mail, the local elections official must provide to the registered voter a ballot and instructions for marking and returning the ballot, including, without limitation:

- (a) How to indicate the candidate or candidates for whom the voter is voting;
- (b) How to correct the ballot if the voter commits an error marking the ballot or wants to change the candidate or candidates for whom the voter is voting;
- (c) An explanation that the completed ballot must be inserted into the accompanying privacy sleeve or envelope;
- (d) An explanation that the registered voter must insert the privacy envelope or sleeve into the declaration envelope;
- (e) An explanation that the registered voter must complete and sign the declaration on the front of the declaration envelope; and
- (f) An explanation of the deadline for the registered voter to cast and return the ballot and other necessary voting materials, including, without limitation, the declaration set forth in NAC 293.208 ~~{ }~~ *or section 3 of this regulation, as applicable*, by mail to the appropriate local elections official.

3. If a registered voter ~~{with a disability}~~ indicates on the application for a ballot that he or she will return the ballot by approved electronic transmission, the local elections official must provide to the registered voter a ballot and instructions for marking and returning the ballot, including, without limitation:

- (a) How to indicate the candidate or candidates for whom the registered voter is voting.

(b) An explanation that the declaration set forth in NAC 293.208 *or section 3 of this regulation, as applicable*, must be signed by the registered voter and returned by approved electronic transmission with the ballot.

(c) An explanation of how to return the ballot by approved electronic transmission.

(d) An explanation of the deadline for the registered voter to cast and return the ballot and other necessary voting materials, including, without limitation, the declaration set forth in NAC 293.208 ~~or~~ *or section 3 of this regulation, as applicable*, by approved electronic transmission to the appropriate local elections official.

4. In addition to any applicable requirements set forth in subsections 2 and 3, the local elections official must:

(a) Provide to the registered voter the contact information of the local elections official or an authorized representative of the local elections official who will be available during normal business hours to answer questions from the voter concerning the ballot. Such information must include, without limitation, the local elections official or authorized representative's name, address, phone number, facsimile transmission number and electronic mail address.

(b) Instruct the registered voter that the ballot may not be used by another registered voter or duplicated.

(c) Provide to the registered voter any other information required by the Secretary of State or local elections official.

Sec. 6. NAC 293.209 is hereby amended to read as follows:

293.209 If a local elections official receives a request for a ballot from a registered voter ~~[with a disability]~~ *who is authorized to make such a request* pursuant to NRS 293.269951 , *as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023*, after a

mail ballot has been sent to the registered voter pursuant to NRS 293.269911 to 293.269937, inclusive, or NRS 293C.263 to 293C.26337, inclusive, the local elections official must indicate that the mail ballot is cancelled in the mail ballot record.

Sec. 7. NAC 293.211 is hereby amended to read as follows:

293.211 If a local elections official sends a ballot to a registered voter ~~[with a disability]~~ pursuant to NRS 293.269951, *as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023*, the local elections official must:

1. Cause a unique identification number to be included on the ballot.
2. Record in the ballot record:
 - (a) The name of the voter, the voter's precinct or district, the voter's political affiliation, if any, and the unique identification number of the ballot.
 - (b) The method used by the local elections official to send the ballot to the registered voter. If approved electronic transmission is used by the local elections official to send the ballot, the local elections official must record in the ballot record the destination of the ballot, such as the facsimile transmission number or electronic mailing address, as applicable, to which the local elections official sent the ballot.
 - (c) The date and time that the local elections official sent the ballot to the voter.
 - (d) The initials of the person who sent the ballot to the voter.
3. Maintain the original ballot card in a secured area where access is allowed only with the approval of the local elections official.

Sec. 8. NAC 293.212 is hereby amended to read as follows:

293.212 Not later than 60 days after the date of an election, each local elections official shall report to the Secretary of State, in the form prescribed by the Secretary of State:

1. The number of ballots for that election that the local elections official sent to registered voters ~~with disabilities~~ pursuant to NRS 293.269951 ~~with~~, *as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023;*

2. The number of ballots for that election that were returned by registered voters ~~with disabilities~~ pursuant to NRS 293.269951 ~~with~~, *as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023;* and

3. The number of ballots described in subsection 2 which were counted by the local elections official.

Sec. 9. Chapter 298 of NAC is hereby amended by adding thereto by adding thereto the provisions set forth as sections 10 to 13, inclusive, of this regulation.

Sec. 10. *An elector may file with the Secretary of State pursuant to NRS 293.182 a challenge of any person who files a declaration of candidacy to be a major political party's nominee for President of the United States pursuant to NRS 298.660.*

Sec. 11. *A person who filed a declaration of candidacy to be a major political party's nominee for President of the United States pursuant to NRS 298.660 may submit to the Secretary of State a withdrawal of candidacy pursuant to NRS 293.202.*

Sec. 12. *A former resident of the State of Nevada described in NRS 298.250 or a new resident of the State of Nevada described in NRS 298.259 may use the system of approved electronic transmission established pursuant to NRS 293D.200 to vote for President and Vice President of the United States if he or she:*

- 1. Has a disability as described in NAC 293.206;*
- 2. Is a tribal member and resides on an Indian reservation or Indian colony; or*
- 3. Is a covered voter, as that term is defined in NRS 293D.030.*

Sec. 13. *A recount of the vote for the presidential preference primary election may be demanded pursuant to NRS 293.403 within 3 working days after the Secretary of State certifies the number of votes received by each qualified candidate pursuant to NRS 298.720.*

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R010-23

July 17, 2023

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; requiring each major political party to notify the Secretary of State of its respective candidates for President and Vice President of the United States; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to adopt regulations to execute and enforce all provisions of state and federal law relating to elections in this State, including, without limitation, presidential preference primary elections and presidential elections. (NRS 293.124, 293.247) **Section 1** of this regulation requires each major political party to provide the Secretary of State with the names of the party's respective candidates for President and Vice President of the United States by not later than 5 p.m. on the first business day in September of the year of a presidential election.

Section 1. Chapter 298 of NAC is hereby amended by adding thereto a new section to read as follows:

Each major political party must provide the names of the party's respective candidates for President and Vice President of the United States to the Secretary of State by not later than 5 p.m. on the first business day of September of the year of a presidential election.

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R200-22

July 17, 2023

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

AUTHORITY: §§ 1, 2, 4 and 6, NRS 293.124 and 293.3677; §§ 3 and 10, NRS 293.124, 293.247, 293.3677 and 293.404 as amended by section 2.7 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page ____; § 5, NRS 293.124, 293.3677, 298.640 and 298.680; § 7, NRS 293.124, 293.247 and 293.3677; §§ 8, 9 and 11-13, NRS 293.124 and 293C.369.

A REGULATION relating to elections; establishing requirements for conducting a hand count of ballots; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Secretary of State to adopt regulations establishing uniform, statewide standards for counting a vote cast by certain methods of voting and authorizes the Secretary of State to adopt regulations for counting a vote cast by certain types of mechanical voting systems. (NRS 293.3677, 293C.369) This regulation sets forth various requirements for the hand counting of ballots.

Section 7 of this regulation defines the term “hand count.”

Sections 2 and 9 of this regulation authorize a county or city clerk, in consultation with the governing body of the county or city, to conduct a hand count of the ballots voted in an election.

Sections 3 and 10 of this regulation require a county or city clerk who conducts a hand count to submit to the Secretary of State, 30 days before the date of the election, a plan for the hand count, which must include certain procedures for conducting the hand count, plans for the location and necessary equipment and personnel for the hand count, plans ensuring the security of the hand count and contingency plans to meet certain deadlines.

Sections 4 and 11 of this regulation require a county or city clerk conducting a hand count to establish a sufficient number of hand count tally teams, which must consist of at least four election board officers, who must not all be of the same political party.

Sections 5 and 12 of this regulation set forth the procedures required to tally the votes during a hand count.

Sections 6 and 13 of this regulation: (1) set forth certain requirements for the writing devices used by a hand count tally team; and (2) prohibit members of the hand count tally team from bringing any other writing devices to the physical location where the ballots will be hand counted.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *1. Each county clerk may, in consultation with the board of county commissioners, conduct a hand count of the ballots voted in an election for:*

- (a) All contests on the ballot;*
- (b) A specified number of contests on the ballot, as determined by the county clerk; or*
- (c) A specified sample of the precincts in the county, as determined by the county clerk.*

2. If a hand count is conducted pursuant to subsection 1, the hand count must:

(a) Be conducted in accordance with the requirements of sections 2 to 6, inclusive, of this regulation;

(b) Be completed on or before the seventh day following the election; and

(c) Be conducted using the forms prescribed by the Secretary of State for tallying the results of the hand count.

3. A county clerk may use an electronic tabulator to validate the results of the hand count.

4. The Secretary of State will make available to the county clerk the forms for tallying the results of the hand count not less than 30 days before the date of the election.

Sec. 3. *If a county clerk intends to conduct a hand count pursuant to section 2 of this regulation, the county clerk shall submit to the Secretary of State, not later than 30 days before the date of the election, a plan for conducting the hand count. The plan must include, without limitation:*

1. *A detailed description of how the hand count will be conducted in order to meet the applicable deadlines set forth in this chapter and title 24 of NRS for counting ballots.*
2. *The total number of election board officers and hand count tally teams appointed pursuant to section 4 of this regulation that will be required to complete the hand count.*
3. *The work schedule for the hand count, which must not be more than 16 hours in a 24-hour period. There must not be more than two separate 8-hour shifts.*
4. *The physical location where the ballots will be hand counted and a scale diagram depicting the planned setup of the location.*
5. *An estimated list of any items necessary to conduct the hand count, which must include, without limitation:*
 - (a) *Whether all such items are currently in the possession of the county and, if not, the date by which any such items will be obtained by the county; and*
 - (b) *The estimated cost to the county to obtain the necessary items.*
6. *Any amendment to the plans for the observation of the hand count by members of the general public in accordance with NRS 293B.353 and NAC 293.356 and the plan submitted pursuant to NRS 293B.354.*
7. *A plan for ensuring the security of:*
 - (a) *The ballots consistent with the plan submitted pursuant to NAC 293B.040; and*
 - (b) *The election board officers who conduct the hand count.*
8. *A list of any outside vendors hired or who may be hired to consult or assist in the preparation or operation of the hand count.*
9. *A contingency plan for:*

(a) Completing the counting of the ballots in the event that the hand count will not be completed by the date required for the canvass of returns pursuant to NRS 293.387;

(b) Conducting any recount in accordance with NRS 293.404 as amended by section 2.7 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page ___, and section 1.3 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page ___; and

(c) Completing any recount by the deadline set forth in NRS 293.405, as amended by section 2.8 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page ___.

Sec. 4. 1. *The county clerk shall establish a sufficient number of hand count tally teams to conduct the hand count. Each hand count tally team must consist of at least four election board officers, who must not be of the same political party, as follows:*

(a) One election board officer, appointed as the reading clerk, to read the ballots;

(b) One election board officer, appointed as the verification clerk, to ensure that the ballots are read correctly; and

(c) Two election board officers, known as the tally clerks, to separately record the votes on the appropriate tally form.

2. *In addition to the election board officers appointed to a hand count tally team pursuant to subsection 1, the county clerk may appoint to a hand count tally team:*

(a) One election board officer to supervise the overall conduct of the hand count, including, without limitation, tracking the progress of the hand count, ensuring compliance with the requirements of sections 2 to 6, inclusive, of this regulation and reporting any issues or concerns to the county clerk; and

(b) One election board officer to supervise and ensure compliance with the requirements for observation of the hand count by the general public, including, without limitation,

ensuring that the general public is able to observe the hand count and ensuring that the general public does not distract or interfere with the hand count tally team.

3. An election board officer appointed to a hand count tally team pursuant to subsection 1:

- (a) May not work more than 8 hours in a 24-hour period;*
- (b) Must wear a short-sleeve shirt or a shirt with sleeves rolled above the elbows so that the arms are bare from the elbow down at all times while working his or her shift; and*
- (c) Must wear medical-style gloves at all times while working his or her shift.*

4. Each hand count tally team must be positioned around a single table and maintain a distance of not less than 10 feet from the center of the table to the center of any other table containing a hand count tally team to reduce the risk of overhearing the other hand count tally team counting the ballots.

Sec. 5. *1. Before conducting a hand count of the ballots voted in an election, the election board officers must prepare to count the ballots in accordance with the requirements of NRS 293.363.*

2. After the ballots are prepared for counting, the election board may use an electronic tabulator to calculate the results of the tally of the votes cast in a contest on the ballot.

3. A hand count of the ballots must be tallied at least twice by the hand count tally team appointed pursuant to section 4 of this regulation for each contest on the ballot that will be hand counted. The results of each tally of the ballots for each contest must match exactly. If the results do not match, the hand count must be conducted again until the results match one of the previous tallies.

4. In addition to the requirements of NRS 293.367 to 293.370, inclusive, each hand count tally team shall process the ballots in the following manner:

(a) For a presidential preference primary election, the ballots must be sorted by each major political party to be tallied separately, with a tally form for each candidate listed on the ballot for each respective political party.

(b) For a primary election, the ballots must be sorted by political party and nonpartisan ballots to be tallied separately, with a Republican tally form, a Democrat tally form and a nonpartisan tally form.

(c) The ballots must be divided into separate stacks containing not more than 50 ballots per stack. Each stack must be read and tallied separately.

(d) The reading clerk shall read from each ballot the choice of the voter, as indicated by the writing in the designated space on the ballot that indicates the voter's intent, including, without limitation, a cross or check.

(e) After reading each ballot, the reading clerk shall lay the ballot face down on the table to distinguish the counted ballot from the uncounted ballots. After each stack of ballots is counted, the ballots must be tied with a string or bound with a paper clip or binder clip in a stack of not more than 50 ballots.

(f) The tally clerks shall:

(1) Tally the votes on the appropriate tally form, depending on whether the ballot has been cast in a presidential preference primary, primary or general election. If the election is a presidential preference primary election, the tallied votes should be noted on the form for the applicable candidate for the applicable political party. If the election is a primary election, the

tallied votes should be noted on the tally form for the applicable political party or the nonpartisan tally form.

(2) Place a short perpendicular hash mark on the tally form opposite the name of the candidate or ballot question voted for the first through fourth vote for the same candidate or ballot question.

(3) For every fifth vote for the same candidate or ballot question, place a horizontal hash mark through the previous four perpendicular hash marks. One of the tally clerks shall then clearly announce:

(I) The fifth vote throughout the course of the tally; and

(II) The total number of hash marks made for each candidate or ballot question.

(g) If the tally clerks agree on the total number of hash marks made for each candidate or ballot question after the total has been announced pursuant to paragraph (f), the tally clerks shall make a mark above the five hash marks to indicate that the count of both tally clerks matched.

(h) If the count of the tally clerks:

(1) Matches, the tally must continue.

(2) Does not match, the reason for the discrepancy must be identified and corrected before the hand count tally team may continue tallying.

5. The Office of the Secretary of State may supervise or assist in a hand count of the ballots voted if requested by a county clerk, but the county clerk is the party responsible for the hand count.

Sec. 6. 1. *The county clerk shall provide all writing devices to a hand count tally team conducting a hand count. A member of a hand count tally team may not use or bring any other writing device to the physical location where the ballots will be hand counted.*

2. *The writing devices provided by the county clerk pursuant to subsection 1:*

(a) *Must be uniform in color and style;*

(b) *Must not write in blue or black ink; and*

(c) *Must not be pencils.*

Sec. 7. NAC 293.010 is hereby amended to read as follows:

293.010 As used in this chapter, unless the context otherwise requires:

1. “Ballot stock” means:

(a) The paper upon which a ballot is printed on which a voter directly indicates his or her vote; and

(b) The materials included with a mail ballot, including, without limitation, the mail ballot, return envelope, envelope or sleeve into which the mail ballot is inserted to ensure its secrecy and voter instructions.

2. “Department” means the Department of Motor Vehicles.

3. ***“Hand count” means the process of determining the results of an election where the primary method of counting the votes cast for each candidate or ballot question does not involve the use of a mechanical voting system.***

4. “Mail ballot” has the meaning ascribed to it in NRS 293.0653.

~~14.1~~ 5. “Results cartridge” means the cartridge of a mechanical recording device which contains the electronically recorded ballots cast during the election and from which the ballots are tabulated.

~~15.1~~ 6. “Signature stamp” has the meaning ascribed to it in NRS 427A.755.

~~16.1~~ 7. “Statewide voter registration list” has the meaning ascribed to it in NRS 293.111.

~~17.1~~ 8. “Voter verifiable paper audit trail printer” or “VVPAT” means the device attached to a mechanical recording device and the paper it prints to record all votes cast by a voter for any and all candidates and for or against any and all measures, enabling that voter to visually verify that the mechanical voting system has accurately recorded the votes of the voter.

~~18.1~~ 9. “Voting booth” means any place or compartment used to screen a voter from the observation of others.

~~19.1~~ 10. “Vote center” means a polling place established by the county or city clerk, as applicable, pursuant to the provisions of NRS 293.3072 to 293.3075, inclusive, or 293C.3032 to 293C.3035, inclusive, as applicable, where any person entitled to vote by personal appearance in the county or city, as applicable, may do so on the day of the election.

Sec. 8. Chapter 293C of NAC is hereby amended by adding thereto the provisions set forth as sections 9 to 13, inclusive, of this regulation.

Sec. 9. *1. Each city clerk may, in consultation with the governing body of the city, conduct a hand count of the ballots voted in a city election for:*

(a) All contests on the ballot;

(b) A specified number of contests on the ballot, as determined by the city clerk; or

(c) A specified sample of the precincts in the city, as determined by the city clerk.

2. If a hand count is conducted pursuant to subsection 1, the hand count must:

(a) Be conducted in accordance with the requirements of sections 9 to 13, inclusive, of this regulation;

(b) Be completed on or before the seventh day following the city election; and

(c) Be conducted using the forms prescribed by the Secretary of State for tallying the results of the hand count.

3. A city clerk may use an electronic tabulator to validate the results of the hand count.

4. The Secretary of State will make available to the city clerk the forms for tallying the results of the hand count not less than 30 days before the date of the city election.

Sec. 10. *If a city clerk intends to conduct a hand count pursuant to section 9 of this regulation, the city clerk shall submit to the Secretary of State, not later than 30 days before the date of the city election, a plan for conducting the hand count. The plan must include, without limitation:*

1. A detailed description of how the hand count will be conducted in order to meet the applicable deadlines set forth in this chapter, chapter 293 of NAC and title 24 of NRS for counting ballots.

2. The total number of election board officers and hand count tally teams appointed pursuant to section 11 of this regulation that will be required to complete the hand count.

3. The work schedule for the hand count, which must not be more than 16 hours in a 24-hour period. There must not be more than two separate 8-hour shifts.

4. The physical location where the ballots will be hand counted and a scale diagram depicting the planned setup of the location.

5. An estimated list of any items necessary to conduct the hand count, which must include, without limitation:

(a) Whether all such items are currently in the possession of the city and, if not, the date by which any such items will be obtained by the city; and

(b) The estimated cost to the city to obtain the necessary items.

6. *Any amendment to the plans for the observation of the hand count by members of the general public in accordance with NRS 293B.353 and NAC 293.356 and the plan submitted pursuant to NRS 293B.354.*

7. *A plan for ensuring the security of:*

(a) *The ballots consistent with the plan submitted pursuant to NAC 293B.040; and*

(b) *The election board officers who conduct the hand count.*

8. *A list of any outside vendors hired or who may be hired to consult or assist in the preparation or operation of the hand count.*

9. *A contingency plan for:*

(a) *Completing the counting of the ballots in the event that the hand count will not be completed by the date required for the canvass of returns pursuant to NRS 293C.387;*

(b) *Conducting any recount in accordance with NRS 293.404 as amended by section 2.7 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page ___, and section 1.3 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page ___; and*

(c) *Completing any recount by the deadline set forth in NRS 293.405 as amended by section 2.8 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page ___.*

Sec. 11. 1. *The city clerk shall establish a sufficient number of hand count tally teams to conduct the hand count. Each hand count tally team must consist of at least four election board officers, who must not be of the same political party, as follows:*

(a) *One election board officer, appointed as the reading clerk, to read the ballots;*

(b) *One election board officer, appointed as the verification clerk, to ensure that the ballots are read correctly; and*

(c) Two election board officers, appointed as the tally clerks, to separately record the votes on the appropriate tally form.

2. In addition to the election board officers appointed to a hand count tally team pursuant to subsection 1, the city clerk may appoint to a hand count tally team:

(a) One election board officer to supervise the overall conduct of the hand count, including, without limitation, tracking the progress of the hand count, ensuring compliance with the requirements of sections 9 to 13, inclusive, of this regulation and reporting any issues or concerns to the city clerk; and

(b) One election board officer to supervise and ensure compliance with the requirements for observation of the hand count by the general public, including, without limitation, ensuring that the general public is able to observe the hand count and ensuring that the general public does not distract or interfere with the hand count tally team.

3. An election board officer appointed to a hand count tally team pursuant to subsection 1:

(a) May not work more than 8 hours in a 24-hour period;

(b) Must wear a short-sleeve shirt or a shirt with sleeves rolled above the elbows so that the arms are bare from the elbow down at all times while working his or her shift; and

(c) Must wear medical-style gloves at all times while working his or her shift.

4. Each hand count tally team must be positioned around a single table and maintain a distance of not less than 10 feet from the center of the table to the center of any other table containing a hand count tally team to reduce the risk of overhearing the other hand count tally team counting the ballots.

Sec. 12. 1. *Before conducting a hand count of the ballots voted in a city election, the election board officers must prepare to count the ballots in accordance with the requirements of NRS 293C.362.*

2. *After the ballots are prepared for counting, the election board may use an electronic tabulator to calculate the results of the tally of the votes cast in a contest on the ballot.*

3. *A hand count of the ballots must be tallied at least twice by the hand count tally team appointed pursuant to section 11 of this regulation for each contest on the ballot that will be hand counted. The results of each tally of the ballots for each contest must match exactly. If the results do not match, the hand count must be conducted again until the results match one of the previous tallies.*

4. *In addition to the requirements of NRS 293C.367 to 293C.372, inclusive, each hand count tally team shall process the ballots in the following manner:*

(a) *The ballots must be divided into separate stacks containing not more than 50 ballots per stack. Each stack must be read and tallied separately.*

(b) *The reading clerk shall read from each ballot the choice of the voter, as indicated by the writing in the designated space on the ballot that indicates the voter's intent, including, without limitation, a cross or check.*

(c) *After reading each ballot, the reading clerk shall lay the ballot face down on the table to distinguish the counted ballot from the uncounted ballots. After each stack of ballots is counted, the ballots must be tied with a string or bound with a paper clip or binder clip in a stack of not more than 50 ballots.*

(d) *The tally clerks shall:*

(1) *Tally the votes on the tally form.*

(2) Place a short perpendicular hash mark on the tally form opposite the name of the candidate or ballot question voted for the first through fourth vote for the same candidate or ballot question.

(3) For every fifth vote for the same candidate or ballot question, place a horizontal hash mark through the previous four perpendicular hash marks. One of the tally clerks shall then clearly announce:

(I) The fifth vote throughout the course of the tally; and

(II) The total number of hash marks made for each candidate or ballot question.

(e) If the tally clerks agree on the total number of hash marks made for each candidate or ballot question after the total has been announced pursuant to paragraph (d), the tally clerks shall make a mark above the five hash marks to indicate that the count of both tally clerks matched.

(f) If the count of the tally clerks:

(1) Matches, the tally must continue.

(2) Does not match, the reason for the discrepancy must be identified and corrected before the hand count tally team may continue tallying.

5. The Office of the Secretary of State may supervise or assist in a hand count of the ballots voted if requested by a city clerk, but the city clerk is the party responsible for the hand count.

Sec. 13. 1. *The city clerk shall provide all writing devices to a hand count tally team conducting a hand count. A member of a hand count tally team may not use or bring any other writing device to the physical location where the ballots will be hand counted.*

2. The writing devices provided by the city clerk pursuant to subsection 1:

- (a) Must be uniform in color and style;*
- (b) Must not write in blue or black ink; and*
- (c) Must not be pencils.*