

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

August 11, 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 29th 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 293C of the Nevada Administrative Code contained in the following LCB File Numbers:

NO.	NAC CHAPTERS
R011-23P	293
R012-23P	293B
R015-23P	293, 293C

The workshop will be conducted in-person. The primary 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](#). An alternative physical location is provided in room 4401 of the Grant Sawyer building at 555 E Washington Ave Las Vegas, NV 89101. Persons wishing to comment upon the proposed action of the Secretary of State may address their comments, data, views or arguments, in written form, to:

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

To provide public comment or testimony telephonically, dial 1-888-475-4499 on the date of the meeting. When prompted, provide Meeting ID 886 7819 7051, and then press #. When prompted for a Participant ID, press #.

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

Written submissions must be received by the Secretary of State on or before August 29, 2023.

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

PAUL LAXALT BUILDING
COMMERCIAL RECORDINGS
401 N. Carson Street
Carson City, Nevada 89701

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.

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

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

Distribution and Public Posting

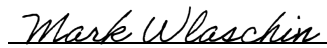
This Notice of has been sent to all persons on the Elections Division's mailing list for administrative regulations and posted at the following locations:

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

Reasonable Accommodations

The Nevada Secretary of State, Elections Division is pleased to make reasonable accommodations for those individuals with disabilities who wish to participate in the meeting. If special arrangements for the meeting are necessary, please notify 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

29th day of August of 2023 at 9 AM

The primary 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](#). An alternative physical location is provided in room 4401 of the Grant Sawyer building at 555 E Washington Ave Las Vegas, NV 89101.

To provide public comment or testimony telephonically, dial 1-888-475-4499 on the date of the meeting. When prompted, provide Meeting ID 886 7819 7051, and then press #. When prompted for a Participant ID, press #.

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

PUBLIC NOTICE

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

This public notice has been posted at the office of the Nevada Secretary of State 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 R011-23P)
5. Public comment on proposed amendments to Nevada Administrative Code Chapters 293 (LCB File Number R011-23P)
6. Workshop regarding proposed amendment (LCB File Number R012-23P)

7. Public comment on proposed amendments to Nevada Administrative Code Chapter 293B (LCB File Number R012-23P)
8. Workshop regarding proposed amendment (LCB File Number R015-23P)
9. Public comment on proposed amendments to Nevada Administrative Code Chapter 293/293C (LCB File Number R015-23P)
10. 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.
11. 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 R011-23P 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 updating and altering regulations that will govern the conduct of the presidential preference primary based on lessons learned 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

The following information is provided regarding the proposed regulations in R012-23P 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 updating and altering regulations that will govern the conduct of the presidential preference primary based on lessons learned 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

The following information is provided regarding the proposed regulations in R015-23P 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 repealing regulations that are no longer applicable due to legislative changes.

(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. R011-23

July 19, 2023

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

AUTHORITY: §§ 1, 2, 4, 5, 8, 9, 13-22 and 32, NRS 293.124 and 293.247; § 3, NRS 293.124, 293.247 and 293.394; § 6, NRS 293.124, 293.247 and 293.250; § 7, NRS 293.124, 293.247 and 293.273; §§ 10 and 11, NRS 293.124, 293.247, 293.250 and 293.269951; § 12, NRS 293.124, 293.247 and 293.3568; § 23, NRS 293.124, 293.247, 293.443 and 293.509; §§ 24-31, NRS 293.124 and 293.675.

A REGULATION relating to elections; requiring each county clerk to report to the Secretary of State after an election; setting forth certain requirements for conducting risk-limiting audits of elections; revising certain definitions relating to elections; revising certain provisions relating to mail ballots and mail ballot central counting boards; revising provisions relating to postelection certification audits of VVPATs; eliminating certain obsolete references to voter preregistration and registration databases maintained by the county clerks; eliminating certain obsolete provisions relating to absent ballots; making various other changes relating to 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. (NRS 293.247) **Section 2** of this regulation requires not later than 60 days after the date of an election, each county clerk to report to the Secretary of State the number of: (1) surrendered mail ballots that were not cast but were dropped off at each ballot drop box or polling place; (2) mail ballots cast for that election that were dropped off at each ballot drop box or polling place; (3) voters who registered to vote in person during the period for early voting by personal appearance and on election day; (4) voters who updated voter registration information during the in person early voting period and on election day; and (5) voters who registered to vote by computer during the period for early voting by personal appearance and on election day.

Existing regulations set forth requirements for any risk-limiting audit conducted of the 2022 Primary Election or 2022 General Election. (NAC 293.480) **Section 3** of this regulation sets forth similar requirements for any risk-limiting audit conducted on or after January 1, 2024.

Existing regulations define the term “vote center” to mean a polling place established by the county or city clerk, 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 election. (NAC 293.010) **Section 4** of this regulation revises the definition of “vote center” to mean a polling place established by the

county or city clerk, as applicable, where any person entitled to vote by personal appearance in the county or city, as applicable, may do so during the period for early voting or on the day of the election.

Existing regulations interpret the term “polling place” for the purpose of certain electioneering statutes to mean a place designated by the county or city clerk for the purpose of voting by personal appearance. (NAC 293.015) **Section 5** of this regulation revises the interpretation of “polling place” to include, without limitation, the location of a ballot drop box.

Existing law sets forth various provisions relating to voting by mail ballot. (NRS 293.269911-293.269937) Assembly Bill No. 321 (A.B. 321) of the 2021 Legislative Session repealed provisions of law governing voting by absent ballot. (Section 91 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at page 1266) Consistent with the changes made by A.B. 321, **sections 7, 8, 21 and 32** of this regulation eliminate obsolete regulations relating to voting by absent ballot.

Existing regulations provide that if a recall or special election is called in any county and will not be held on the same day as certain elections, the Secretary of State will confer with the clerk regarding, if applicable, a plan for the security of ballots for early voting. (NAC 293.203) **Section 9** of this regulation requires such plan to include the security of ballots for early voting and on election day.

Existing law requires the Secretary of State to allow a registered voter with a disability to apply for a ballot using a system of approved electronic transmission. (NRS 293.269951) Existing regulations require a local elections official to provide a registered voter certain instructions depending on whether the registered voter will return the ballot by mail or approved electronic transmission. (NAC 293.207) **Section 10** of this regulation clarifies the instructions relating to returning a ballot by mail.

Existing regulations provide that if a local elections official sends a ballot to a registered voter with a disability, the local elections official is required to cause a unique identification number to be included on the ballot. (NAC 293.211) **Section 11** of this regulation eliminates such requirement.

Existing regulations require, on each voting day during the period for early voting by personal appearance, the county clerk to notify the Secretary of State by facsimile or electronic mail: (1) if the opening or closing of any permanent polling place was delayed; and (2) of the number of persons who cast ballots that day at each permanent polling place. (NAC 293.215) **Section 12** of this regulation instead requires the county clerk to notify the Secretary of State of such information by telephone or electronic mail.

Existing regulations require county clerks to submit to the Secretary of State plans setting forth certain procedures, including the notification of the Secretary of State of the election results. (NAC 293.217) **Section 13** of this regulation clarifies that such election results include the results tabulated during the period for early voting and received on the day of the election.

Existing regulations require that the county or city clerk, as applicable, prepare certain election supplies and equipment for each polling place. If the polling place is a vote center, the election supplies and equipment must include a means to print each sample ballot which pertains to the election upon request. (NAC 293.220) **Section 14** of this regulation instead requires, if the polling place is a vote center, the election supplies and equipment must include a means to electronically provide such sample ballots.

Existing regulations require, at least 2 days before any election, every county and city clerk to prepare certain notices or other materials required to be posted at polling place. (NAC

293.225) **Section 15** of this regulation additionally requires, at least 2 days before any election, every county and city clerk to prepare a notice relating to questions or concerns that a voter may have about a mechanical voting device.

Existing regulations require each member of the election board to not permit any person to enter a voting booth until he or she ascertains that the person understands how to operate the vote recording device. (NAC 293.240) **Section 16** of this regulation eliminates such requirement.

Existing regulations provide that after the close of voting on each day during the period for early voting by personal appearance and after the close of polls on the day of the election, the election board must determine the total number of: (1) persons who applied to vote and voted in person at the polling place; and (2) ballots cast at the polling place. (NAC 293.249, 293.250) **Sections 17 and 18** of this regulation additionally require the election board to determine the total number of: (1) mail ballots that were surrendered; and (2) mail ballots dropped off for processing by a mail ballot central counting board.

Existing regulations set forth the requirements for a county clerk to conduct a postelection certification audit of VVPATs randomly selected to ensure that the paper record produced by a VVPAT accurately records all votes cast by voters on a mechanical recording device. In conducting such an audit, the county clerk is required to randomly select a certain number of mechanical recording devices. (NAC 293.255) **Section 19** of this regulation requires that from each such mechanical recording device, the county clerk must select a vote to compare at random.

Existing regulations require the county clerk to transmit the result of the postelection certification audit of VVPATs to the Secretary of State within 7 working days after the date of the election. **Section 19** provides instead that the county clerk must transmit the result of such audit to the Secretary of State within 9 days after the date of the election but before the canvass.

Existing regulations require the county clerk, or a designee thereof, to inform any person whose name does not appear on a voter registration list as an eligible voter, or who an election official asserts is not eligible to vote, of the ability of the person to cast a provisional ballot. (NAC 293.275) **Section 20** of this regulation additionally requires the county clerk, or a designee thereof, to inform such a person of the ability of the person to register to vote.

Existing regulations establish certain requirements for a mail ballot central counting board, including requiring the board to sort and count mail ballots by precinct. Existing regulations further require, with certain exceptions, the county clerk to allow members of the public to observe the handling of mail ballots. (NAC 293.322) **Section 22** of this regulation: (1) clarifies that the mail ballot central counting board is required to account for all returned ballots on the record of mail ballots and place all the received mail ballots and the record of mail ballots into the container provided by the county clerk; and (2) requires the county clerk to allow members of the public to observe the handling of mail ballots if those members do not compromise the security or security of the mail ballots.

Existing law authorizes a county or city clerk or the Secretary of State to assess a charge, not to exceed the cost of printing, for providing more than 50 applications to register to vote by mail in any 12-month period to a political party or other entity. (NRS 293.443) **Section 23** of this regulation provides that if the clerk or Secretary of State assess such a charge, the clerk or Secretary of State, as applicable, shall inform the person or group of the amount of the charge.

Existing law requires, effective January 1, 2024, the Secretary of State to establish and maintain a centralized, top-down database that collects and stores information related to the preregistration of persons and the registration of electors from all the counties in this State. The

Secretary of State shall ensure that the database is capable of storing preregistration information separately until a person is qualified to register to vote. Each county clerk shall use the database created by the Secretary of State to collect and maintain all records of preregistration and registration to vote. (NRS 293.675) Existing regulations require each county clerk to establish and maintain a computerized database of the registered voters in the county. (NAC 293.454) **Sections 24-31** of this regulation, effective January 1, 2024: (1) eliminate obsolete references to the computerized databases that each county clerk is required to establish and maintain relating to voter preregistration and registration; and (2) require each county clerk to use the database established by the Secretary of State.

Section 6 of this regulation revises an obsolete reference to federal law.

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. *Not later than 60 days after the date of an election, each county clerk shall report to the Secretary of State, in the form prescribed by the Secretary of State:*

1. The number of surrendered mail ballots for that election that were not cast but were dropped off at each ballot drop box or polling location.

2. The number of mail ballots cast that were dropped off at each ballot drop box or polling location.

3. The number of voters who registered to vote in person during the period for early voting by personal appearance and on election day for that election.

4. The number of voters who updated voter registration information during the period for early voting by personal appearance and on election day for that election.

5. The number of voters who registered to vote by computer during the period for early voting by personal appearance and on election day.

Sec. 3. *1. The provisions of this section apply on and after January 1, 2024.*

2. Each county clerk must conduct a risk-limiting audit following each election.

3. A risk-limiting audit conducted pursuant to this section must audit the results of:

(a) One race for statewide office, if applicable. The Secretary of State will randomly select one race for statewide office to be audited at the election using a method determined by the Secretary of State in which all races for statewide office on the ballot at the election have an equal chance of being selected. The Secretary of State will notify each county clerk which race for statewide office has been selected for the risk-limiting audit at least 15 days before the date of the election.

(b) One race for countywide office, if applicable. Each county clerk conducting a risk-limiting audit of an election shall randomly select one race for countywide office to be audited at the election using a method determined by the county clerk in which all races for countywide office on the ballot at the election have an equal chance of being selected. The county clerk must notify the Secretary of State which race for countywide office has been selected for the risk-limiting audit at least 15 days before the date of the election.

4. Each county clerk that conducts a risk-limiting audit pursuant to this section shall create a ballot manifest using the form provided by the Secretary of State that:

(a) Tracks the location of all accepted and tabulated ballots, including, without limitation, mail ballots, provisional ballots and ballots voted using a mechanical recording device; and

(b) Allows for the retrieval of any such ballot for purposes of conducting the risk-limiting audit.

5. As soon as possible after the completion of counting ballots for the election, the county clerk must electronically transmit the ballot manifest and record of votes cast in the election to the Secretary of State using a secure file transfer protocol site.

6. For the purposes of conducting a risk-limiting audit pursuant to this section, the county clerk may remove the seals affixed pursuant to subsection 1 of NRS 293.391 to retrieve

the ballots used in the audit. After the completion of a risk-limiting audit, the county clerk must return the ballots to the original location and seal the ballots. The county clerk shall maintain a record of the seals affixed to the ballots used in the risk-limiting audit.

7. For the purposes of conducting a risk-limiting audit pursuant to this section, the Secretary of State:

(a) Will require the use of risk-limiting audit software with the risk limit set at 5 percent; and

(b) May designate one or more of the following types of audit methods:

(1) Ballot comparison;

(2) Ballot polling; or

(3) A hybrid of ballot comparison and ballot polling.

8. As used in this section:

(a) “Ballot comparison” means a technique used in a risk-limiting audit in which the results of the ballot polling are compared to the results of the mechanical voting system as set forth in the record of votes cast on the system.

(b) “Ballot polling” means a technique used in a risk-limiting audit in which individual paper ballots are randomly selected and the ballot markings are examined and interpreted manually until the sampling of selected paper ballots indicates a sufficient majority for the reported winner of the election.

(c) “Countywide office” means an elected county office whose candidates are voted upon in the election by the registered voters of the entire county.

(d) “Statewide office” means an elected state office whose candidates are voted upon in the election by the registered voters of the entire State.

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

4. “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.

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

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

7. “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.

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

9. “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 *during the period for early voting by personal appearance or* on the day of the election.

Sec. 5. NAC 293.015 is hereby amended to read as follows:

293.015 As used in NRS 293.361 and 293.740, the Secretary of State will interpret the term “polling place” to mean any place that is designated by the county clerk for voting by personal appearance ~~[]~~, *including, without limitation, the location of a ballot drop box.*

Sec. 6. NAC 293.090 is hereby amended to read as follows:

293.090 1. Preceding every statewide question or constitutional amendment to be voted upon must be a number, to be assigned by the Secretary of State, in boldface type.

2. The Secretary of State will prepare statewide ballot questions, the accompanying explanations, arguments and condensations, the forms for applications to register to vote, other statewide forms and election information prescribed by the Secretary of State pursuant to NRS 293.247 in the appropriate minority language to affected jurisdictions pursuant to ~~[section 203 of the Voting Rights Act, 42]~~ **52** U.S.C. § ~~[1973aa-1a]~~ **10503** and provide them to the county clerks for distribution to the public.

3. The county clerks shall prepare all ballot questions other than those described in subsection 2, the accompanying explanations, arguments and condensations, the notice of offices to be filled and other county and local forms and election information in the appropriate minority language to affected jurisdictions pursuant to ~~[section 203 of the Voting Rights Act, 42]~~ **52** U.S.C. § ~~[1973aa-1a]~~ **10503**.

4. If any question is to be submitted to a vote of the people, it must be printed upon the ballot or ballot page assembly in a manner which enables a voter to vote “Yes” or “No” upon the question submitted.

Sec. 7. NAC 293.160 is hereby amended to read as follows:

293.160 1. The chair of the election board shall designate the officer of the election board who is to make the proclamation required pursuant to NRS 293.273. That officer shall make the proclamation at the entrance or inside of the polling place.

2. During the time the polls are open, the members of an election board may take time for meals or personal needs, except that only one member may be absent at any time from a polling place where four or fewer members are employed, and only two members may be absent at any time from a polling place where five or more members are employed.

3. The election board shall, to the extent possible, prevent any person who has given assistance in voting to another from disclosing the nature of the assisted person’s vote.

4. Any election board which receives ~~mailing~~ *mail* ballots from the county clerk shall follow the procedure prescribed for ~~absent~~ *mail* ballots in NRS ~~[293.333 and 293.335.]~~ *293.269911 to 293.269937, inclusive.*

5. When it is time to close the polls, a member of the election board shall proclaim that the polls are closed for voting.

6. After the completion of an election, all ballots and paper records of VVPATs must be returned by the sheriff or representative of the county clerk and placed by him or her in a secure storage area designated and provided by the county clerk.

7. If ~~an absent~~ *a mail* ballot central counting board is appointed, the members of the board shall meet at a place *and time* designated by the county clerk ~~as soon as the polls close. The~~

~~board of county commissioners shall prepare abstracts of votes on a form which was submitted by the county clerk to and approved by the Secretary of State.]~~ *to process mail ballots.*

Sec. 8. NAC 293.173 is hereby amended to read as follows:

293.173 1. If ~~[an absent]~~ *a mail* ballot central counting board has been established pursuant to NRS ~~[293.235.]~~ *293.269929, mail* ballots cast by voters whose eligibility to vote has been successfully challenged solely on the basis of a change of residence within the county must be counted and recorded separately from those cast by other voters in any precinct ~~[.]~~ *pursuant to NRS 293.304.*

2. If ~~[an absent]~~ *a mail* ballot central counting board has not been established, the county clerk shall provide the manner of counting such ballots.

Sec. 9. NAC 293.203 is hereby amended to read as follows:

293.203 If a recall or other special election is called in a county and will not be held on the same day as the primary election or general election:

1. The county clerk must, as soon as practicable, notify the Secretary of State of the election on the form and in the manner prescribed by the Secretary of State; and

2. The Secretary of State will confer with the county clerk regarding, if applicable:

(a) The use of the system of approved electronic transmission established pursuant to NRS 293D.200;

(b) The locations of polling places, including, without limitation, polling places for early voting by personal appearance and vote centers;

(c) The locations of ballot drop boxes for mail ballots;

(d) A plan for the security of ballots for early voting ~~[.]~~ *and on election day;*

(e) A plan for allowing members of the general public to observe the conduct of voting at a polling place; and

(f) A plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.

Sec. 10. 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 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}~~ *ballot and secrecy* sleeve into the ~~{declaration}~~ *return* envelope ~~{;}~~ *and sign the accompanying declaration of a covered voter;*

(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, 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 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, 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. 11. 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, 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.}~~ 2. Maintain the original ballot card in a secured area where access is allowed only with the approval of the local elections official.

Sec. 12. NAC 293.215 is hereby amended to read as follows:

293.215 1. On each voting day during the period for early voting described in NRS 293.3568, the county clerk shall notify the Secretary of State by ~~{faesimile}~~ *telephone* or electronic mail:

(a) If the opening or closing of any ~~{permanent}~~ polling place located within the jurisdiction of the county clerk was delayed. The notification required pursuant to this paragraph must be ~~{sent}~~ *provided* to the Secretary of State as soon as practicable after the delay occurs and must include, without limitation, an explanation of the reason for the delay.

(b) Of the number of persons who cast ballots on that day at each ~~{permanent}~~ polling place located within the jurisdiction of the county clerk. The notification required pursuant to this paragraph must be ~~{sent}~~ *provided* to the Secretary of State as soon as practicable after the close of all permanent polling places located within the jurisdiction of the county clerk.

2. If a county clerk reports a delay of an opening or closing of a polling place pursuant to paragraph (a) of subsection 1, the county clerk shall inform the Secretary of State when the delay has been cured and the polling place has opened or closed, as the case may be. The notification required pursuant to this subsection must be ~~{sent}~~ *provided* to the Secretary of State as soon as practicable after the opening or closing, as the case may be, of the polling place.

3. On the last day of the period for early voting described in NRS 293.3568, the county clerk shall notify the Secretary of State by ~~{faesimile}~~ *telephone* or electronic mail at the time when all polling places within the jurisdiction of the county clerk closed that day. The notification required pursuant to this subsection must be ~~{sent}~~ *provided* to the Secretary of State as soon as practicable after the close of all permanent polling places located within the jurisdiction of the county clerk.

Sec. 13. NAC 293.217 is hereby amended to read as follows:

293.217 1. On election day for each election other than a city election, the county clerk shall notify the Secretary of State by facsimile, electronic mail or other means approved by the Secretary of State:

(a) Except as otherwise provided in paragraph (b), of the time at which each polling place within the jurisdiction of the county clerk opened on election day. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the opening of all polling places within the jurisdiction of the county clerk.

(b) If the opening or closing of any polling place was delayed on that day. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the delay occurs and include, without limitation, an explanation of the reason for the delay.

(c) Of the time at which each polling place within the jurisdiction of the county clerk closed that day and all registered voters waiting to vote at the time the polls closed have voted. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the closing of all polling places within the jurisdiction of the county clerk.

2. If a county clerk reports a delay of an opening or closing of a polling place pursuant to paragraph (b) of subsection 1, the county clerk shall inform the Secretary of State when the delay has been cured and the polling place has opened or closed, as the case may be. The notification required pursuant to this subsection must be sent to the Secretary of State as soon as practicable after the opening or closing, as the case may be, of the polling place.

3. A county clerk shall not report on election day any unofficial results of election returns related to a candidate for statewide or multicounty office or a statewide or multicounty ballot question until the Secretary of State:

(a) Receives the notification required pursuant to paragraph (c) of subsection 1 from every county clerk;

(b) Verifies the unofficial election results received from a county clerk; and

(c) Notifies the county clerk that the county clerk may report such unofficial results.

4. Each county clerk shall submit a plan to the Secretary of State setting forth the procedures that the county clerk will use for:

(a) Opening and closing all polling places within the jurisdiction of the county clerk; and

(b) Notifying the Secretary of State of election results *tabulated during the period for early voting and received* on the day of election.

↪ The procedures required pursuant to this subsection must be submitted to the Secretary of State for his or her approval not later than 90 days before each election.

Sec. 14. NAC 293.220 is hereby amended to read as follows:

293.220 1. At least 2 days before any election, the county clerk shall prepare the following supplies for each polling place:

(a) The roster;

(b) A quantity of mechanical voting devices which assures an efficient flow of voters;

(c) A means for transporting ballots and VVPATs which allows the ballots and VVPATs to be secured with a lock and key, numbered seal or other device which prevents unauthorized entry;

(d) If the polling place:

(1) Is a vote center, a means to ~~print~~ *electronically provide* each sample ballot which pertains to the election upon request; or

(2) Is not a vote center, at least three copies of each sample ballot which pertains to the election;

(e) A procedural checklist for election boards; and

(f) One list of the inventory of the supplies provided to the election board.

2. Each county clerk may prepare for the polling places any additional supplies he or she considers necessary or desirable for carrying out the election.

Sec. 15. NAC 293.225 is hereby amended to read as follows:

293.225 1. At least 2 days before any election, every county clerk shall prepare the following supplies for each polling place:

(a) One flag of the United States.

(b) Any notices or other materials required to be posted at each polling place pursuant to NRS 293.184, 293.2045, 293.2549, 293.2955, 293.301, 293.302, 293.3025, 293.361, 293.740 and 293.780 ~~H~~ and *NAC 293.240*.

(c) If a procedure for multilingual voting is used in the county, the required notices in the appropriate foreign languages.

2. The county clerk may prepare for each polling place any additional supplies he or she considers necessary or desirable for carrying out the election.

3. On or before the day preceding the day of an election, each county clerk may deliver the election supplies to the sheriff of his or her county or a person designated by the clerk for further distribution. The election supplies may be delivered in sealed containers and may include any other accountable items. The sheriff or other designated person shall sign a receipt for all of the items received by him or her. The sheriff or other designated person shall immediately, and in a safe manner, distribute the election supplies to those polling places or to those members of

election boards who are designated by the county clerk to receive and take custody of the supplies.

4. When an election board accepts delivery of election supplies, it shall check the supplies against the list of inventory and immediately notify the county clerk of any shortage. The county clerk shall immediately correct the shortage.

5. At each polling place within the county, the county clerk shall allow voters to vote their ballots conveniently and in a manner that allows their voting to be protected from the view of others.

Sec. 16. NAC 293.240 is hereby amended to read as follows:

293.240 1. After a person is identified as being a registered voter and has signed the roster, a member of the election board:

- (a) May issue the voter a receipt.
- (b) Shall ask the voter if the voter needs assistance in casting a ballot.
- (c) Shall make the following statement to the voter:

If you have any questions or concerns about the mechanical voting device, please stop voting immediately and bring your question or concern to the attention of a member of the election board. Once you have cast your ballot, you will not be able to have your question or concern addressed by the election board.

- (d) Shall direct the voter to a voting booth equipped to handle the voter's ballot.

2. ~~{A member of the election board shall not permit any person to enter a voting booth to vote until he or she ascertains that the person understands how to operate the vote recording device.}~~

~~—3.}~~ If it is obvious to the members of an election board that a voter is trying to delay an election by repeatedly voiding his or her selections and not casting a ballot, a member of the election board must warn the voter that such actions are unlawful and offer assistance if necessary. If the voter continues to try to delay the election, the election board may take any appropriate action to expedite the election, including, without limitation, removing the voter from the polling place if the county clerk has approved the removal.

~~{4.}~~ 3. Before the commencement of voting and periodically throughout the election, members of the election board shall examine the voting booths to ensure that each booth does not contain any campaign cards, political advertising, partisan notes or any other matter which constitutes an unauthorized attempt to influence the voters.

~~{5.}~~ 4. The election board shall ensure that a copy of the statement set forth in paragraph (c) of subsection 1 is prominently displayed at the polling place.

~~{6.}~~ 5. If a member of the election board observes at a polling place any violation of the provisions of title 24 of NRS, he or she shall immediately notify the county clerk.

Sec. 17. NAC 293.249 is hereby amended to read as follows:

293.249 1. After the close of voting on each day during the period for early voting, the election officer in charge of a polling place for early voting must determine the total number of:

(a) Persons who applied to vote and voted in person at the polling place on that day; ~~{and}~~

(b) Ballots cast at the polling place on that day ~~{.}~~;

(c) Mail ballots that were surrendered; and

(d) Mail ballots dropped off for processing by the mail ballot central counting board.

↪ If a difference exists between the numbers determined pursuant to paragraphs (a) and (b), the difference must be reported in writing to the county clerk, together with any known reasons for the difference.

2. The numbers determined pursuant to ~~[paragraphs (a) and (b) of]~~ subsection 1 must be entered by the election board on the forms provided by the county clerk.

Sec. 18. NAC 293.250 is hereby amended to read as follows:

293.250 1. After the close of polls on the day of the election, the election board must determine the total number of:

(a) Persons who applied to vote and voted in person at the polling place; ~~[and]~~

(b) Ballots cast at the polling place ~~[H]~~ ;

(c) Mail ballots that were surrendered; and

(d) Mail ballots dropped off for processing by the mail ballot central counting board.

↪ If a difference exists between the numbers determined pursuant to paragraphs (a) and (b), the difference must be reported in writing to the county clerk, together with any known reasons for the difference.

2. The numbers determined pursuant to ~~[paragraphs (a) and (b) of]~~ subsection 1 must be entered by the election board on the forms provided by the county clerk.

3. The chair of an election board is responsible for the safe delivery of the ballots and VVPATs to the central place designated by the county clerk for the counting of ballots, except that a ballot pick-up board, if established, is responsible for the delivery.

4. After closing the polls, the election board shall compare the quantity of its results cartridges, VVPATs, mechanical recording devices and other essential election supplies which

were furnished by the county clerk with the county clerk's inventory, shall note any shortages and shall immediately notify the county clerk if any shortages are noted. The chair of the election board is responsible for the safe return of all supplies, including all records, equipment pertaining to the election and essential election supplies, in accordance with the directions of the county clerk.

Sec. 19. NAC 293.255 is hereby amended to read as follows:

293.255 1. After each election, a county clerk shall conduct a postelection certification audit of VVPATs randomly selected pursuant to subsection 3 or 4, as applicable, to ensure that the paper record produced by a VVPAT accurately records all votes cast by voters on a mechanical recording device.

2. A county clerk must conduct a postelection certification audit of a VVPAT by comparing each vote cast for each candidate and on each measure which was electronically recorded on the mechanical recording device to each vote cast for each candidate and on each measure which was recorded on the attached VVPAT. Such comparison may be conducted manually or by a mechanical device determined by the Secretary of State to be capable of accurately reading the votes cast and printed and otherwise qualified for use in the State pursuant to applicable state and federal law.

3. The county clerk of a county whose population is 100,000 or more must randomly select a number of mechanical recording devices equal to 2 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than 20 mechanical recording devices, whichever is greater, for the postelection certification audit. *From each such mechanical recording device, the county clerk must select a vote to compare at random.* If a discrepancy of four or more votes is discovered during the postelection certification audit, the

county clerk must immediately notify the Secretary of State and investigate the cause of the discrepancy. If the discrepancy cannot be resolved, the county clerk must randomly select an additional number of mechanical recording devices equal to 2 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than 20 mechanical recording devices, whichever is greater, for the postelection certification audit. *From each such mechanical recording device, the county clerk must select a vote to compare at random.*

4. The county clerk of a county whose population is less than 100,000 must randomly select a number of mechanical recording devices equal to 3 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than four mechanical recording devices, whichever is greater, for the postelection certification audit. *From each such mechanical recording device, the county clerk must select a vote to compare at random.* If a discrepancy of four or more votes is discovered during the postelection certification audit, the county clerk must immediately notify the Secretary of State and investigate the cause of the discrepancy. If the discrepancy cannot be resolved, the county clerk must randomly select an additional number of mechanical recording devices equal to 3 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than four mechanical recording devices, whichever is greater, for the postelection certification audit. *From each such mechanical recording device, the county clerk must select a vote to compare at random.*

5. The county clerk shall transmit the results of the audit to the Secretary of State within ~~7~~ *9* days after the date of the election ~~[.]~~ *but before the canvass.* The results of the audit

must include, without limitation, an explanation of any discrepancy discovered by the county clerk during the audit and, if determined, an explanation of what caused the discrepancy to occur.

6. Any member of the public who observes the postelection certification audit shall not interfere with the conduct of the audit.

Sec. 20. NAC 293.275 is hereby amended to read as follows:

293.275 The county clerk, or a designee thereof, shall inform any person whose name does not appear on a voter registration list as an eligible voter for a polling place, or who an election official asserts is not eligible to vote at the polling place, of the ability of the person to cast a provisional ballot ~~[.]~~ *and the ability of the person to register to vote pursuant to NRS 293.5842.*

Sec. 21. NAC 293.305 is hereby amended to read as follows:

293.305 When a county clerk sends a voter ~~[an absent]~~ *a mail* ballot pursuant to NRS ~~[293.323,]~~ *293.269911*, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the ~~[absent]~~ *mail* ballot is mailed.

Sec. 22. NAC 293.322 is hereby amended to read as follows:

293.322 1. The county clerk shall, not earlier than 15 days before the day of the election, deliver the mail ballots to the mail ballot central counting board for counting. When the mail ballots are received, the mail ballot central counting board shall, in addition to the requirements of NRS 293.269931, 293.269933 and 293.269935:

(a) Sort the mail ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district, unless the system for counting the mail ballots produces an accounting of the mail ballots by precinct or voting district;

(b) Count the number of mail ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district;

- (c) Account for all *returned* mail ballots on the record of mail ballots; and
 - (d) Place all the *returned* mail ballots and the record of mail ballots into the container provided by the county clerk.
2. Not later than 2 days before the date of delivery of the mail ballots to the mail ballot central counting board for counting, the county clerk must post a statement in his or her office that notifies the public that the mail ballot central counting board will begin performing the actions set forth in subsection 1 and the time at which the mail ballot central counting board is expected to begin.
3. Any mail ballots received by the county clerk after he or she delivers the mail ballots pursuant to subsection 1, and until the deadline for the receipt of mail ballots pursuant to NRS 293.269921, must be delivered to the mail ballot central counting board for counting.
4. The county clerk shall allow members of the general public to observe the handling of the mail ballots conducted pursuant to subsection 1 if those members do not interfere with the handling of the mail ballots ~~or~~ *or compromise the security or secrecy of the mail ballots.*

Sec. 23. NAC 293.425 is hereby amended to read as follows:

- 293.425 1. The county clerk shall make the forms to apply to register available to individual candidates, political parties, civic groups, and groups organized for or against questions on a ballot.
2. Except as otherwise provided in subsection 3, an applicant may request such a form from the clerk in person, by telephone, in writing or by electronic facsimile machine. The clerk shall respond to each such request by mailing the requested form within 5 working days.
3. Each request for more than 50 such forms must be made on a request form prescribed by the Secretary of State that requires the person or group requesting such forms to describe a plan

for distribution of the forms, including, without limitation, identification of the county or counties with which the person or group plans to file the completed forms. *If the Secretary of State or clerk assesses a charge pursuant to NRS 293.443, the Secretary of State or clerk, as applicable, shall inform the person or group of the amount of the charge.*

4. The county clerk shall, and the Secretary of State will, record on the completed request form the control numbers assigned to the applications which he or she provided in response to the request. The Secretary of State will provide a copy of the completed request form to each county clerk in the counties identified in the distribution plan provided pursuant to subsection 3. The county clerk shall, and the Secretary of State will, maintain the request for multiple applications with his or her records.

Sec. 24. NAC 293.454 is hereby amended to read as follows:

293.454 1. Each county clerk shall ~~[establish and maintain a computerized]~~ *use the* database ~~[of registered voters in the county that is compatible with the statewide voter registration list and meets such technical requirements as may be prescribed]~~ *established* by the Secretary of State ~~[.]~~ *pursuant to NRS 293.675 to collect and maintain all records of preregistration and registration to vote in the county.* The database must include, without limitation:

(a) Except as otherwise provided in NAC 293.476, the name, residential address and date of birth of each registered voter in the county;

(b) For each registered voter described in paragraph (a):

(1) At least one of the following:

(I) The driver's license number or identification card number of the registered voter;

(II) The last four digits of the social security number of the registered voter; or

(III) An indication that the county clerk received from the registered voter the affidavit described in subsection 5 of NRS 293.507;

(2) A voting history indicating the dates on which and locations at which the registered voter cast a ballot in an election;

(3) Except as otherwise provided in NRS 293.2725, whether the registered voter provided, at the time that he or she registered to vote, official identification as required pursuant to NRS 293.517;

(4) If the county clerk has mailed a written notice to the voter pursuant to NRS 293.530, the date that the notice was mailed and an indication of whether the registered voter responded to the notice;

(5) If the county clerk has designated the registered voter as inactive pursuant to NRS 293.530, the effective date of the designation;

(6) If the county clerk has cancelled the registration of the registered voter, the effective date of the cancellation; and

(7) If the registered voter submitted his or her application to register to vote on or after January 1, 2006, a determination of whether the registered voter has submitted a ballot in a federal election; and

(c) A determination of whether the registered voter submitted to the county clerk an application to register to vote that contains incorrect or incomplete information.

2. The county clerk shall classify the registration of each registered voter in the ~~computerized~~ database established pursuant to ~~subsection 1~~ **NRS 293.675** using the following classifications, as applicable:

(a) “Active,” if the residential address of the registered voter is current.

(b) “Active pending,” if the registered voter:

(1) Has provided all critical eligibility criteria but must have information concerning his or her registration confirmed; or

(2) Is required to provide some type of identification before voting but is otherwise eligible to vote.

(c) “Cancelled,” if the registration of the registered voter is cancelled pursuant to NRS 293.530.

(d) “Fatal pending,” if the registered voter has failed to provide certain critical eligibility criteria and is ineligible to vote until the critical eligibility criteria is provided to the county clerk.

(e) “Inactive,” if the registered voter failed to return a postcard mailed pursuant to *paragraph (c) of* subsection ~~3~~ *1* of NRS 293.530.

(f) “P-17,” if the registered voter was under 18 years of age at the time he or she submitted the application to register to vote but will be 18 years of age or older on or before the day of the election.

(g) “Void,” if the application of the person to register to vote is void pursuant to subsection ~~6~~ *8* of NRS 293.5235 or subsection ~~4~~ *6* of NRS ~~293.524~~ *293.5727*.

3. Each election board officer shall determine the eligibility of a person to vote on the basis of the classification indicated on the statewide voter registration list for the following classifications:

(a) A person whose registration is classified as “active,” “active pending” or “inactive” is eligible to vote.

(b) A person whose registration is classified as “P-17” is eligible to vote if the election takes place on or after the person’s 18th birthday.

(c) A person whose registration is classified as “cancelled,” “fatal pending” or “void” is ineligible to vote, unless the county clerk, deputy clerk or election board officer determines on or before the date of the election that, pursuant to law, the person is eligible to vote.

4. As used in this section, “critical eligibility criteria” includes the signature of the registered voter on his or her application to register to vote, the information described in paragraph (a) of subsection 1 and the information described in subparagraph (1) of paragraph (b) of subsection 1.

Sec. 25. NAC 293.456 is hereby amended to read as follows:

293.456 Each county clerk shall:

1. Electronically enter into the ~~[computerized]~~ database ~~[established pursuant to NAC 293.454]~~ *established pursuant to NRS 293.675* all information relating to voter registration obtained by the county clerk at the time the information is provided to the county clerk; and

2. For each person who is described in subsection 2 of NRS 293.2725, indicate such fact in the statewide voter registration list in the form prescribed by the Secretary of State.

Sec. 26. NAC 293.458 is hereby amended to read as follows:

293.458 1. Each county clerk shall, at least once each business day, electronically transfer the information contained in the ~~[computerized]~~ database established pursuant to ~~[NAC 293.454]~~ *NRS 293.675* to the statewide voter registration list. Each transfer must comply with such technical requirements as may be prescribed by the Secretary of State.

2. When a county clerk electronically transfers information to the statewide voter registration list pursuant to subsection 1, the county clerk must certify that:

(a) The information is accurate and complies with relevant state and federal law; and

(b) The county clerk has complied with such applicable technical requirements for security as may be prescribed by the Secretary of State to ensure the confidentiality of the personally identifiable information transferred pursuant to subsection 1.

3. Each county clerk shall ensure that only authorized personnel may access the ~~[computerized]~~ database established pursuant to ~~[NAC 293.454.]~~ **NRS 293.675.**

Sec. 27. NAC 293.464 is hereby amended to read as follows:

293.464 1. On each business day, the Secretary of State will compare the statewide voter registration list to the vital statistics records maintained by the State Registrar of Vital Statistics.

2. If the Secretary of State determines from the comparison made pursuant to subsection 1 that a registered voter is indicated as deceased in the vital statistics records:

(a) The Secretary of State will notify the county clerk of the county in which the voter is registered to vote.

(b) Upon receipt of the notification described in paragraph (a), the county clerk shall determine whether the registered voter is deceased and, if so, indicate that the registration of the voter is cancelled in the ~~[computerized]~~ database established pursuant to ~~[NAC 293.454]~~ **NRS 293.675** and in the statewide voter registration list.

3. The Secretary of State will determine on a monthly basis whether each county clerk has indicated in the ~~[computerized]~~ database established pursuant to ~~[NAC 293.454]~~ **NRS 293.675** and in the statewide voter registration list that the registration of each voter in the county that is indicated as deceased in the vital statistics records is cancelled. If the Secretary of State determines that a county clerk has not done so:

(a) The Secretary of State will notify the county clerk.

(b) Upon receipt of the notification described in paragraph (a), the county clerk shall determine whether the registered voter is deceased and, if so, indicate that the registration of the voter is cancelled in the ~~[computerized]~~ database established pursuant to ~~[NAC 293.454]~~ **NRS 293.675** and in the statewide voter registration list.

Sec. 28. NAC 293.466 is hereby amended to read as follows:

293.466 1. If a county clerk receives notice from the Secretary of State or another county clerk that the statewide voter registration list contains information that is potentially inaccurate, duplicative or otherwise requiring verification, the county clerk shall, not later than 5 calendar days after receiving such notification, take such action as is necessary to correct the information in the statewide voter registration list and in the ~~[computerized]~~ database established pursuant to ~~[NAC 293.454.]~~ **NRS 293.675.**

2. If the county clerk is unable to obtain the correct information relating to the voter that is described in subsection 1 before the day of an election, the voter must show such identification before any ballot may be cast, except that a voter may cast a provisional ballot pursuant to the provisions of NRS 293.3081 to 293.3086, inclusive.

3. As used in this section, “provisional ballot” has the meaning ascribed to it in NRS 293.3078.

Sec. 29. NAC 293.468 is hereby amended to read as follows:

293.468 If a county clerk is required to cancel the registration of a person , ~~[pursuant to subsection 3 of NRS 293.540,]~~ the county clerk shall ensure that the cancellation is recorded in the ~~[computerized]~~ database established pursuant to ~~[NAC 293.454]~~ **NRS 293.675** and in the statewide voter registration list.

Sec. 30. NAC 293.472 is hereby amended to read as follows:

293.472 1. At the close of business on the 19th calendar day before a particular election, the Secretary of State will make a record, to be used by each county clerk, of the official list of registered voters in this State for that election.

2. The official list of registered voters distributed pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3, must be used to determine voter eligibility and the validity of any provisional ballot cast pursuant to the provisions of NRS 293.3081 to 293.3086, inclusive, in the election; and

(b) May only be amended by the Secretary of State or a county clerk under the following circumstances:

- (1) A court of competent jurisdiction orders such amendment;
- (2) A person registers to vote pursuant to NRS 293.502 after the 19th calendar day before the election;
- (3) Pursuant to the provisions of NAC 293.462 to 293.468, inclusive, or 293.476; or
- (4) The clerk determines that the voter was incorrectly omitted from the list of registered voters.

3. Each county clerk shall prepare registers, rosters and lists used at polling places by using the information contained in the ~~computerized~~ database established pursuant to ~~NAC 293.454~~ **NRS 293.675** if such information is identical to the information contained in the official list of registered voters distributed pursuant to subsection 1.

4. As used in this section, “provisional ballot” has the meaning ascribed to it in NRS 293.3078.

Sec. 31. NAC 293.476 is hereby amended to read as follows:

293.476 1. The Secretary of State will not and the county clerks shall not include in the statewide voter registration list the confidential address of a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive, and who has registered to vote pursuant to NRS 293.5002.

2. If a registered voter submits to a county clerk pursuant to NRS 293.558 a written request to have the voter's address and telephone number withheld from the public, the county clerk shall indicate such fact in the ~~computerized~~ database established pursuant to ~~NAC 293.454~~ **NRS 293.675** and in the statewide voter registration list.

Sec. 32. NAC 293.311, 293.313, 293.315, 293.317, 293.319 and 293.323 are hereby repealed.

TEXT OF REPEALED SECTIONS

293.311 Procedures for handling absent voters' ballots in county with absent ballot central counting board; county clerk required to post public notice; general public authorized to observe handling of absent ballots.

1. In a county in which the county clerk has appointed an absent ballot central counting board and posted a statement pursuant to subsection 2, the county clerk may, not earlier than 4 working days before election day and not later than 5 p.m. on the second working day before

election day, deliver the absent voters' ballots to the absent ballot central counting board. When the ballots are received, the absent ballot central counting board shall:

- (a) Sort the ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district, unless the system for counting the ballots produces an accounting of the ballots by precinct or voting district;
- (b) Count the number of ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district;
- (c) Account for all ballots on the statement of ballots; and
- (d) Place all the ballots and the statement of ballots into the container provided by the county clerk to transport those items to a central counting place and seal the container. The container and seal used must comply with the provisions of NRS 293.462.

2. Not later than 2 working days before the date of delivery of the ballots pursuant to subsection 1, the county clerk must post a statement in his or her office that notifies the public of any actions that will be taken pursuant to subsection 1.

3. Any absent ballots received by the county clerk after he or she delivers the ballots pursuant to subsection 1 must be:

- (a) Stored and secured pursuant to the provisions of NRS 293.325 after those ballots have been returned pursuant to subsection 1; and
- (b) Processed pursuant to the provisions of NRS 293.3625 to 293.397, inclusive.

4. The county clerk shall allow members of the general public to observe the handling of the absent ballots conducted pursuant to subsection 1 if those members do not interfere with the handling of the absent ballots.

293.313 Absent ballot sent by approved electronic transmission: Recording of absent ballot and maintenance of original ballot card. If a county clerk or the authorized representative of a county clerk sends an absent ballot by approved electronic transmission, the county clerk or the county clerk's authorized representative shall:

1. Cause a unique identification number to be included on the absent ballot.
2. Record in the absent ballot record:
 - (a) The name of each voter who requested an absent ballot by approved electronic transmission, the voter's precinct or district, the voter's political affiliation, if any, and the unique identification number of the absent ballot.
 - (b) The method of approved electronic transmission used by the county clerk or the county clerk's authorized representative to send the absent ballot, including, without limitation, the destination of the absent ballot, such as the facsimile transmission number or electronic mailing address, as applicable, to which the county clerk or the county clerk's authorized representative sent the absent ballot.
 - (c) The date and time that the county clerk or the county clerk's authorized representative sent the absent ballot to the voter by approved electronic transmission.
 - (d) The initials of the person who sent the absent ballot to the voter.
3. Maintain the original ballot card in a secured area where access is allowed only with the approval of the county clerk.

293.315 Absent ballot sent by facsimile: Contents and form.

1. An absent ballot sent to a voter by facsimile pursuant to subsection 2 of NRS 293.323 must:
 - (a) Contain instructions for marking the absent ballot.

(b) Contain instructions for returning the absent ballot by facsimile, including, without limitation, the:

(1) Facsimile transmission number that the voter may use to return the absent ballot.

(2) Deadline for returning the absent ballot by facsimile to the county clerk.

(c) Contain the contact information of the county clerk or an authorized representative of the county clerk who will be available during normal business hours to answer questions from the voter concerning the absent ballot. Such information must include, without limitation, the county clerk or authorized representative's name, address, phone number, facsimile transmission number and electronic mail address.

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

(e) Instruct the voter to read and sign a declaration, under penalty of perjury, stating that the voter:

(1) Resides within the precinct in which he or she is voting; and

(2) Is the person who requested the absent ballot.

(f) Contain a statement that failure to sign the declaration required pursuant to paragraph (e) will result in the absent ballot not being counted.

(g) Contain any other information required by the Secretary of State or county clerk.

2. Except as otherwise provided in NRS 293.309, an absent ballot and the information required pursuant to subsection 1 must be written on a form 8 1/2 x 11 inches in size and printed in a size equal to at least 10-point black type on a white background.

293.317 Absent ballot: Receipt; recording; verification of signature.

1. To be counted, an absent ballot must be received by the office of the county clerk by 7 p.m. on the day of the election.

2. The county clerk shall place each rejected absent ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the rejection of the absent ballot.

3. When an absent ballot is returned to the county clerk, the county clerk shall:

(a) Record the receipt of the absent ballot in the absent ballot record; and

(b) If the absent ballot is returned by approved electronic transmission and the voter requests confirmation of receipt of the absent ballot, send a confirmation to the voter using approved electronic transmission.

4. The county clerk shall check the signature on the return envelope, facsimile or other electronic document, as applicable, of the absent ballot against the original signature of the voter on his or her application to register to vote. Each county clerk shall establish a procedure for duplicating absent ballots received pursuant to this section that must be approved by the Secretary of State before it is used by the county clerk.

5. If a voter returns more than one voted absent ballot for the same election and the county clerk receives all such absent ballots before the polls are closed on the day of the election, the county clerk shall count the absent ballot received first.

293.319 Absent ballot: Reporting requirements after election. Not later than 60 days after the date of an election, a county clerk shall report to the Secretary of State, in the form prescribed by the Secretary of State:

1. The number of absent ballots for that election that the county clerk sent using approved electronic transmission.

2. The number of absent ballots for that election that were returned by voters using approved electronic transmission.

3. The number of absent ballots described in subsection 2 which were counted by the county clerk.

293.323 Unique color for return envelopes: Request by clerks; printing.

1. Each county and city clerk must submit to the Secretary of State a request to use a unique color for all return envelopes that are enclosed with mail ballots in the county or city, as applicable. If more than one clerk requests to use the same color for return envelopes, the Secretary of State will determine which clerk is allowed to use that color for return envelopes. The Secretary of State will inform the county or city clerk whether the request is approved.

2. Before January 1, 2024, the return envelope enclosed with each mail ballot sent to a registered voter by a county or city clerk may be printed in the unique color approved by the Secretary of State pursuant to subsection 1 for the county or city.

3. On and after January 1, 2024, the return envelope enclosed with each mail ballot sent to a registered voter by a county or city clerk must be printed in the unique color approved by the Secretary of State pursuant to subsection 1 for the county or city.

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R012-23

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, 293.3677 and 293B.105; §§ 2 and 3, NRS 293.124, 293.247, 293B.360 and 293B.375; §§ 4, 5, 7 and 8, NRS 293.124 and 293.247; § 6, NRS 293.124, 293.247 and 293B.135.

A REGULATION relating to elections; revising certain definitions relating to elections; revising certain duties of a ballot duplicating board created by a county clerk; revising certain security and records requirements for mechanical voting systems, mechanical voting devices and other voting equipment; revising certain requirements for a plan to ensure the security of ballots; providing a deadline for a county clerk to perform a postelection audit of certain mechanical recording devices; 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, which must include regulations prescribing: (1) the procedures to be used to ensure the security of the ballots; (2) the procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections; and (3) the procedures to be used for the testing, use and auditing of a mechanical voting system. (NRS 293.247)

Existing law authorizes a county clerk to create a ballot duplicating board whose duties include receiving damaged ballots and preparing exact copies of damaged ballots that are serially numbered so that the duplicated ballots may later be counted. (NRS 293B.360, 293B.375) Existing regulations require a ballot duplicating board to: (1) duplicate a ballot that is damaged or defective; and (2) log the duplicate ballot and the serial number of the duplicate ballot in the ballot duplication log. (NAC 293B.017) **Section 3** of this regulation additionally requires a ballot duplicating board to: (1) duplicate a ballot that is received through a system of approved electronic transmission; and (2) affix a unique serial number on the duplicate ballot.

Existing regulations require each county clerk and city clerk to maintain a written documentary record for mechanical voting systems, mechanical voting devices and other voting equipment which includes: (1) records of transports of mechanical voting systems, mechanical voting devices and other voting equipment; and (2) chain-of-custody records for mechanical voting systems, mechanical voting devices and other voting equipment. (NAC 293B.022) **Section 4** of this regulation additionally requires each county clerk and city clerk to maintain a written documentary record of the serial numbers of each mechanical voting system, mechanical

voting device and other voting equipment that is repaired or replaced, including, without limitation: (1) the date the mechanical voting system, mechanical voting device or other voting equipment was sent for repairs or replacement; and (2) a description of the repairs or the serial number of the replacement mechanical voting system, mechanical voting device or other voting equipment, as applicable.

Existing regulations require that each county clerk and city clerk, not later than the 90th day before the general election, submit to the Secretary of State for approval a plan 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 records and access controls. (NAC 293B.040) **Section 5** of this regulation eliminates the requirements for the plan to: (1) identify the person who is responsible for transporting the ballots, results cartridges and VVPATs from the polling place to the central counting place; and (2) include the time allotted for travel from the polling place to the central counting place.

Existing regulations define “results cartridge” to mean a cartridge which contains the electronically recorded ballots cast during an election and from which the ballots are tabulated. (NAC 293.010, 293B.010) **Sections 1 and 2** of this regulation revise the definition of “results cartridge” to mean an election media cartridge or memory device which contains the electronically recorded ballots cast during the election and from which the ballots are tabulated.

Existing law requires a copy of each election computer program to be filed with the Secretary of State at least 1 week before an election. (NRS 293B.135) Existing regulations require the copy of each election computer program to be delivered by certified mail to the Secretary of State. (NAC 293B.050) **Section 6** of this regulation: (1) revises the definition of “election computer program” to include firmware; and (2) eliminates the requirement that a copy of each election computer program must be delivered by certified mail.

Existing regulations require a county clerk to randomly select two bar codes for each paper record printed by a VVPAT to audit the paper record printed by the VVPAT, if the county uses bar codes on the paper printed by the VVPAT to verify the ballots on a mechanical recording device. (NAC 293B.100) **Section 7** of this regulation additionally requires the county clerk to randomly select two QR codes for each paper record printed by the VVPAT to audit the paper record printed by the VVPAT, if the county uses QR codes on the paper printed by the VVPAT to verify the ballots on a mechanical recording device.

Existing regulations require each county clerk to conduct a postelection audit of certain mechanical recording devices to verify that the operating systems installed on each mechanical recording device used in the election are the operating systems that were certified before the election. (NAC 293B.120) **Section 8** of this regulation requires each county clerk to perform such postelection audit not later than 30 days after each election.

Section 1. 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. “Mail ballot” has the meaning ascribed to it in NRS 293.0653.

4. “Results cartridge” means ~~the~~ *an elections media* cartridge ~~of a mechanical recording device~~ *or memory device* which contains the electronically recorded ballots cast during the election and from which the ballots are tabulated.

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

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

7. “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.

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

9. “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. 2. NAC 293B.010 is hereby amended to read as follows:

293B.010 As used in this chapter, unless the context otherwise requires:

1. “Ballot marking device” means a device which allows a registered voter to mark a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.
2. “Firmware” means programming instructions that are stored in a read-only memory format within a mechanical recording device rather than being implemented through software.
3. “Mechanical recording device” has the meaning ascribed to it in NRS 293B.032.
4. “Mechanical voting system” has the meaning ascribed to it in NRS 293B.033.
5. “Results cartridge” means ~~ta~~ *an elections media* cartridge *or memory device* which contains the electronically recorded ballots cast during the election and from which the ballots are tabulated.
6. “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 accurately recorded the votes of the voter.

Sec. 3. NAC 293B.017 is hereby amended to read as follows:

- 293B.017 1. The county clerk may create a ballot duplicating board and appoint its members. If practicable, the members must be of different political parties. The same person may be appointed to more than one board or perform additional functions as an election board officer.
2. ~~If a ballot is damaged or defective such that it cannot be read by a mechanical device or other electronic means, the~~ *The* ballot duplicating board must duplicate ~~the~~ *a* ballot and the duplicate ballot must be counted in place of the ~~damaged~~ ballot ~~if~~ *if:*
- (a) The ballot is damaged or defective such that it cannot be read by a mechanical recording device or other electronic means; or*

(b) The ballot is received through the system of approved electronic transmission established pursuant to NRS 293D.200.

3. The ballot duplicating board shall:
- (a) Ensure that the correct precinct and ballot style is used to create the duplicate ballot;
 - (b) Mark the duplicate ballot so that the duplicate is identical to the original ballot;
 - (c) After finishing marking the duplicate ballot, verify that the duplicate ballot is identical to the original ballot, including, without limitation, any overvotes or undervotes;
 - (d) ~~Log~~ *Affix a unique serial number on the ballot and log* the duplicate ballot and the serial number of the duplicate ballot in the ballot duplication log; and
 - (e) If any errors are made while marking the duplicate ballot, mark the duplicate ballot as “SPOILED” and repeat the procedures set forth in paragraphs (a) to (d), inclusive, to create a new duplicate ballot.

4. Each county clerk shall establish a procedure for duplicating ballots that must be approved by the Secretary of State before being used in the county.

5. As used in this section:

- (a) “Duplicate” means the process of preparing a new ballot to replace ~~the~~ :

(1) A ballot received through the system of approved electronic transmission established pursuant to NRS 293D.200; or

(2) A damaged or defective ballot, including, without limitation, ballots that have been torn, bent or mutilated.

(b) “Duplicate ballot” means the ballot prepared by a ballot duplicating board to replace a *ballot received through a system of approved electronic transmission or a* damaged ballot.

Sec. 4. NAC 293B.022 is hereby amended to read as follows:

293B.022 1. For any mechanical voting system, mechanical voting device and other voting equipment in the custody of a county or city, including, without limitation, central counting equipment, precinct scanners, electronic rosters, direct recording equipment, voting machines and ballot marking devices, each county clerk and city clerk shall maintain in permanent ink a written documentary record of:

(a) Any transport of a mechanical voting system, mechanical voting device or other voting equipment between parties, including, without limitation, documentation of seals, chain-of-custody access logs and any other related information; ~~and~~

(b) The uninterrupted chain of custody of each mechanical voting system and mechanical voting device and all other voting equipment in the custody of the county or city, which must span the entire time the mechanical voting system, mechanical voting device or voting equipment has been in the custody of the county or city, as applicable ~~and~~ ; and

(c) The serial numbers of each mechanical voting system, mechanical voting device and other voting equipment that is repaired or replaced, including, without limitation:

(1) The date the mechanical voting system, mechanical voting device or other voting equipment was sent for repairs or replacement; and

(2) A description of the repairs or the serial number of the replacement mechanical voting system, mechanical voting device or other voting equipment, as applicable.

2. All records maintained pursuant to subsection 1 are subject to inspection by the Secretary of State.

3. All mechanical voting systems, mechanical voting devices and other voting equipment must have seals that are tamper-evident and identified by a serial number. The county or city clerk shall record the serial number of each seal on the records of chain of custody required by

subsection 1 for any mechanical voting system, mechanical voting device or other voting equipment that is transported to or from a polling place. The entry of the serial number of the seal in the records of chain of custody required by subsection 1 must be verified by two people who must:

- (a) Confirm that the serial number in the records matches the serial number of the seal; and
- (b) Sign and date the entry in the records.

4. If a seal required by subsection 3 is changed or replaced, the records of chain of custody must include the reason for the replacement, the date of the replacement and the signatures of two persons who have verified that the serial number of the replacement matches the number entered in the record.

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 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; *and*

(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.

Sec. 6. NAC 293B.050 is hereby amended to read as follows:

293B.050 1. As used in NRS 293B.135, “election computer program” means the tape, *firmware*, source code, executable computer code or computer software and the tables created for an election to count correctly votes cast through the use of a mechanical voting system. The source code or executable computer code for an election must remain on file with the Secretary of State until amended.

2. An election computer program or tape must not be copied more than twice and printed out more than once for each election. The original program or tape must be sealed in the manner set forth in NRS 293B.155. A copy of the program or tape must be secured by the county clerk.

3. A copy of the election computer program must be filed with the Secretary of State pursuant to NRS 293B.135. The copy filed with the Secretary of State may serve as a backup in the event that the original election computer program is destroyed or rendered unusable. The copy must be ~~1, without limitation:~~

~~—(a) Delivered by certified mail to the Secretary of State; and~~

~~—(b) Provided~~ *provided* by means of a compact disc, digital versatile disc, USB flash drive or thumb drive or a secure file transfer protocol site, which must be, without limitation, password protected.

4. The county clerk and Secretary of State shall provide for the security of an election computer program or tape in his or her possession.

Sec. 7. NAC 293B.100 is hereby amended to read as follows:

293B.100 If a county uses bar codes *or QR codes* on the paper printed by a VVPAT to verify the ballots on a mechanical recording device, the county clerk shall randomly select two bar codes *or QR codes* for each paper record printed by the VVPAT to audit the paper record printed by the VVPAT.

Sec. 8. NAC 293B.120 is hereby amended to read as follows:

293B.120 1. ~~{After}~~ *Not later than 30 days after* each election, each county clerk shall conduct a postelection audit of mechanical recording devices randomly selected pursuant to subsection 3 or 4 to verify that the operating systems, including, without limitation, software and firmware, installed on each mechanical recording device used in the election are the operating systems that were certified before the election pursuant to NAC 293B.110.

2. The county clerk shall verify operating systems pursuant to subsection 1 by confirming that each component of such operating systems matches the identity registered with the National Software Reference Library.

3. For the postelection audit conducted pursuant to subsection 1, the county clerk of a county whose population is 100,000 or more shall randomly select a number of mechanical recording devices that is at least 2 percent of the number of mechanical recording devices used in the election, or not less than 20 mechanical recording devices, whichever is greater.

4. For the postelection audit conducted pursuant to subsection 1, the county clerk of a county whose population is less than 100,000 shall randomly select a number of mechanical recording devices that is at least 3 percent of the number of mechanical recording devices, or not less than four mechanical recording devices, whichever is greater.

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R015-23

July 17, 2023

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

AUTHORITY: §§ 1 and 2, NRS 293.124 and 293.247.

A REGULATION relating to elections; repealing certain obsolete regulations relating to voting by absent ballot; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth various provisions relating to voting by mail ballot. (NRS 293.269911-293.269937, 293C.263-293C.26337) Assembly Bill No. 321 (A.B. 321) of the 2021 Legislative Session repealed provisions of law governing voting by absent ballot. (Section 91 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at page 1266) Consistent with the changes made by A.B. 321, **sections 1 and 2** of this regulation repeal certain obsolete regulations relating to voting by absent ballot.

Section 1. NAC 293.412 is hereby amended to read as follows:

293.412 1. A county clerk shall:

(a) Maintain a separate list of inactive voters or designate inactive voters as such on regular lists of registered voters and election board registers.

(b) At the request of the Secretary of State, report to the Secretary of State the total number of inactive voters.

2. The name of each inactive voter:

(a) Must be included on any list made available for public inspection pursuant to NRS 293.440 unless the person requesting the list requests the exclusion of those names.

(b) Must not be included on any list made available for public inspection pursuant to NRS 293.557.

3. The signature of an inactive voter shall be deemed to be the signature of a registered voter for all purposes regarding any petition authorized or required pursuant to title 24 of NRS.

4. A city or county clerk:

(a) Is not required to send a sample ballot to an inactive voter.

(b) Is required to send ~~an absent~~ *a military-overseas* ballot to an inactive voter if the inactive voter requests ~~f~~:

~~—— (1) An absent ballot pursuant to the provisions of NRS 293.313 or 293C.310, as applicable; or~~

~~—— (2) A~~ *a* military-overseas ballot pursuant to the provisions of chapter 293D of NRS.

5. An inactive voter may vote in person at a polling place in the same manner as an active voter.

6. As used in this section, “inactive voter” means a voter designated as inactive pursuant to NRS 293.530 whose registration has not been cancelled.

Sec. 2. NAC 293.1827, 293.291, 293.295, 293.307, 293.318, 293C.165, 293C.170 and 293C.197 are hereby repealed.

TEXT OF REPEALED SECTIONS

293.1827 Verification of signatures on certain petitions: Request to remove signature does not necessarily invalidate signature. (NRS 293.124, 293.1277, 295.055) If a person who signs a petition for initiative or referendum that proposes a constitutional amendment or statewide measure requests pursuant to NRS 295.055 that the county clerk remove the person's name from the petition, the county clerk may not consider the person's signature as an invalid signature when verifying the signatures pursuant to subsections 2 and 3 of NRS 293.1277 solely on the basis that the person requested the removal.

293.291 Form to request absent ballot; voting at polling place after receipt. (NRS 293.124, 293.247, 293.250, 293.330)

1. In addition to the requirements set forth in paragraph (a) of subsection 1 of NRS 293.3095, the form to request an absent ballot must:

(a) Include a line for:

- (1) The name of the registered voter requesting the absent ballot;
- (2) The signature of the registered voter requesting the absent ballot; and
- (3) A tracking number that consists of the:

(I) Control number of the application to register to vote assigned to the application by the Secretary of State pursuant to NAC 293.420; or

(II) Voter registration number that is generated by computer and assigned by the county clerk in a county where a computer is used to register voters; and

(b) Include the name and address of the county clerk of the county where the registered voter who requests the ballot resides.

2. A registered voter who receives an absent ballot may vote at a polling place if the registered voter:

- (a) Surrenders the absent ballot to the county clerk or a designee thereof; or
- (b) Complies with the requirements set forth in subsection 3 of NRS 293.330.

293.295 Request for absent ballot: Verification of voter's address; notification. (NRS 293.124, 293.247, 293.525) A county clerk who receives a request for an absent ballot shall:

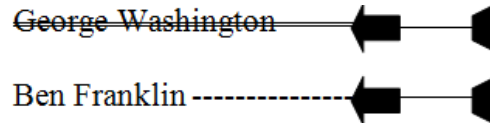
1. Compare the address of the voter's residence in this State which is indicated on the request with the address which is indicated on the voter's application to register to vote.
2. If the county clerk determines that the address indicated on the application to register to vote is different from the address which is indicated on the request for an absent ballot, mail a written notice to the voter. The notice must include:

- (a) A copy and explanation of the provisions set forth in NRS 293.525; and
- (b) A postcard to be returned by the voter to the county clerk which includes verification of the address of the voter's residence in this State. The county clerk shall use a postcard that may not be forwarded to an address of the voter which is different from the address to which the notice is mailed.

293.307 Provision of instructions for correction of absent ballot; duplication of corrected ballot. (NRS 293.124, 293.247, 293.250)

1. Each county clerk or city clerk shall provide, with each absent ballot, instructions that must include the following:

If you make a mistake or change your mind while voting this ballot, **do not use correction fluid or tape**. Simply cross out the name of the candidate you **do not** wish to vote for and connect the arrow of the candidate you **do** wish to vote for. See example below. Call **XXX-XXXX** for assistance if needed.



2. A county clerk or city clerk shall not duplicate any absent ballot which the voter has marked to indicate a correction or on which the voter has used correction tape or fluid unless the clerk determines that no ambiguity exists as to the intent of the voter.

293.318 Absent ballot: Plan for disposition in case of emergency. (NRS 293.124, 293.247)

1. Each county clerk and city clerk shall submit a plan to the Secretary of State setting forth the procedures that the clerk will use for the disposition of absent ballots in case of an emergency. Such plan must be submitted not later than 90 days before each election.

2. In the case of an emergency, the Secretary of State may order one or more polling places to be used to accommodate voters who are unable to vote at their polling places due to the emergency.

3. As used in paragraph (o) of subsection 3 of NRS 293.247, "emergency" means a temporary or permanent situation where one or more polling places located within the

jurisdiction of a county clerk or city clerk does not have a mechanical voting device that is properly recording votes electronically.

293C.165 Absent ballot: Form to request; voting at polling place after receipt. (NRS 293.124, 293.247, 293.250, 293C.330)

1. In addition to the requirements set forth in paragraph (a) of subsection 1 of NRS 293C.306, the form to request an absent ballot must:

(a) Include a line for:

- (1) The name of the registered voter requesting the absent ballot;
- (2) The signature of the registered voter requesting the absent ballot; and
- (3) A tracking number that consists of the:

(I) Control number of the application to register to vote assigned to the application by the Secretary of State pursuant to NAC 293.420; or

(II) Voter registration number that is generated by computer and assigned by the county clerk in a county where a computer is used to register voters; and

(b) Include the name and address of the city clerk of the city where the registered voter requesting the ballot resides.

2. A registered voter who receives an absent ballot may vote at a polling place if the registered voter:

- (a) Surrenders the absent ballot to the city clerk or the designee of the city clerk; or
- (b) Complies with the requirements set forth in subsection 3 of NRS 293C.330.

293C.170 Request for absent ballot: Verification of voter's address; notification. (NRS 293.124, 293.247) A city clerk who receives a request for an absent ballot shall:

1. Compare the address of the voter's residence in this State that is indicated on the request with the address that is indicated on the voter's application to register to vote.

2. If the city clerk determines that the address indicated on the application to register to vote is different from the address that is indicated on the request for an absent ballot, mail a written notice to the voter. The notice must include:

- (a) A copy and explanation of the provisions set forth in NRS 293C.525; and
- (b) A postcard to be returned by the voter to the city clerk that includes verification of the address of the voter's residence in this State. The city clerk shall use a postcard that may not be forwarded to an address of the voter that is different from the address to which the notice is mailed.

293C.197 Absent ballot sent by facsimile: Contents and form. (NRS 293.124, 293.247, 293.250, 293C.315)

1. An absent ballot sent to a voter by facsimile pursuant to subsection 2 of NRS 293C.322 must:

- (a) Contain instructions for marking the absent ballot.
- (b) Contain instructions for returning the absent ballot by facsimile, including, without limitation, the:
 - (1) Facsimile transmission number that the voter may use to return the absent ballot.
 - (2) Deadline for returning the absent ballot by facsimile to the city clerk.
- (c) Contain the contact information of the city clerk or an authorized representative of the city clerk who will be available during normal business hours to answer questions from the voter concerning the absent ballot. Such information must include, without limitation, the city clerk or

authorized representative's name, address, phone number, facsimile transmission number and electronic mail address.

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

(e) Instruct the voter to read and sign a declaration, under penalty of perjury, stating that the voter:

(1) Resides within the precinct in which he or she is voting; and

(2) Is the person who requested the absent ballot.

(f) Contain a statement that failure to sign the declaration required pursuant to paragraph (e) will result in the absent ballot not being counted.

(g) Contain any other information required by the Secretary of State or city clerk.

2. Except as otherwise provided in NRS 293.309, an absent ballot and the information required pursuant to subsection 1 must be written on a form 8 1/2 x 11 inches in size and printed in a size equal to at least 10-point black type on a white background.