

**ADOPTED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R091-23

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

AUTHORITY: § 1, NRS 293.1276 and 293.1277; § 2, NRS 293.1276; § 3, NRS 293.1277; § 4, NRS 295.055; § 5, NRS 306.011 and 306.015.

A REGULATION relating to petitions; establishing certain requirements relating to signatures on certain petitions; setting forth certain requirements relating to requests to remove a name from certain petitions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the county clerk, upon receiving certain petitions containing signatures which are required to be verified, to determine the total number of signatures on the petition, tally the number of signatures for each petition district contained fully or partially within the county and forward that information to the Secretary of State. (NRS 293.1276)

Section 2 of this regulation provides that when the county clerk is determining and tallying the total number of signatures, the county clerk must count each signature on the petition including any signature that has been crossed out.

Existing law requires the county clerk to verify a certain number or percentage of signatures on a petition and provides that the county clerk may use the signatures contained in the file of applications to register to vote to verify signatures. For a person who signed a petition and who registered to vote by computer and signed his or her application to register to vote using a digital or electronic signature, existing law authorizes the Secretary of State to establish other methods for the county clerk to verify such a person's signature. (NRS 293.1277) **Section 3** of this regulation authorizes the county clerk to check the signature of such a person who signed the petition against all other signatures of the person in the records of the county clerk.

Existing law authorizes a person to submit a written request to the county clerk to remove his or her name from a petition for initiative or referendum or a petition to recall a public officer. (NRS 295.055, 306.015) **Sections 4 and 5** of this regulation authorize a county clerk to accept such a written request by electronic mail if the request is submitted on the form prescribed by the Secretary of State.

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. *To determine the total number of signatures affixed to a petition and tally the number of signatures for each petition district contained fully or partially within a county pursuant to NRS 293.1276, a county clerk shall count each signature on the petition, including, without limitation, any signature on the petition that has been crossed out.*

Sec. 3. *When verifying signatures on a petition pursuant to subsection 6 of NRS 293.1277, the county clerk may check the signature of the person who signed the petition against all signatures of the person available in the records of the county clerk.*

Sec. 4. NAC 295.050 is hereby amended to read as follows:

295.050 **1.** A person who requests the county clerk to remove the person's name from a petition for initiative or referendum pursuant to subsection 4 of NRS 295.055 must submit the request in writing to the county clerk. The request:

~~1-1~~ **(a)** Must contain the person's original signature.

~~1-2~~ **(b)** Must not be accepted by the county clerk if:

~~1(a) The request is submitted to the county clerk by electronic mail;~~

~~—(b)~~ **(1)** The county clerk is unable to determine the name of the person requesting the removal; or

~~1(e)~~ **(2)** The original signature of the person on the request does not match the signature or a facsimile thereof on the person's original application to register to vote.

2. *For the purposes of subsection 1, a county clerk may accept a request submitted in writing by electronic mail if the request is submitted on the form prescribed by the Secretary of State.*

Sec. 5. Chapter 306 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A request submitted pursuant to subsection 6 of NRS 306.015 to remove a person's name from a petition to recall a public officer must be submitted in writing. The county clerk must not accept the request if:

(a) The county clerk is unable to determine the name of the person requesting the removal;
or

(b) The signature of the person on the request does not match the signature or a facsimile thereof on the person's original application to register to vote.

2. For the purposes of subsection 1, a county clerk may accept a request submitted in writing by electronic mail if the request is submitted on the form prescribed by the Secretary of State.

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LCB File No. R092-23

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

AUTHORITY: § 1, NRS 293.124, 293.200 and 293.247.

A REGULATION relating to elections; setting forth certain requirements for any statement of principle on a petition of candidacy for an independent candidate for partisan office; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an independent candidate for partisan office to file with the appropriate filing officer a copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. Existing law further provides that such a petition of candidacy may state the principle, if any, which the person represents. (NRS 293.200) This regulation provides that any such statement of principle must be 200 words or less and appear on each signature page of the petition.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto a new section to read as follows:

Any statement of principle included on a petition of candidacy pursuant to subsection 3 of NRS 293.200 must be 200 words or less and appear on each signature page of the petition.

**ADOPTED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R093-23

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

AUTHORITY: § 1, NRS 293.124, 294A.380 and 294A.420.

A REGULATION relating to elections; revising certain provisions relating to the waiver of certain civil penalties for violations of statutes relating to campaign finance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a candidate, person, organization, committee, political party or nonprofit corporation that violates certain provisions of the Nevada Revised Statutes relating to campaign finance is subject to certain civil penalties. Existing law further authorizes the Secretary of State to waive such a civil penalty for good cause shown. (NRS 294A.420) Existing regulations set forth the circumstances that constitute good cause for waiving such a civil penalty. (NAC 294A.097) **Section 1** of this regulation eliminates these provisions from the Nevada Administrative Code.

Existing law provides that if the Secretary of State waives a civil penalty for good cause, the Secretary of State is required to: (1) create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and (2) ensure that such record is available for review by the general public. (NRS 294A.420) **Section 1** requires the Secretary of State to: (1) compile each record into a quarterly report; and (2) post such quarterly report on the Internet website of the Office of the Secretary of State not later than 15 business days after the last day of each calendar quarter.

Section 1. NAC 294A.097 is hereby amended to read as follows:

294A.097 1. The Secretary of State may waive a civil penalty for good cause pursuant to subsection 4 of NRS 294A.420, if the person, committee for political action or entity that is subject to a civil penalty pursuant to NRS 294A.420:

(a) Files a written request for a waiver setting forth the basis for the waiver; *and*

(b) Properly files the appropriate report pursuant to the applicable provisions of chapter 294A of NRS . ~~f;~~ and

~~—(c) Establishes that:~~

~~——(1) Within a reasonable time before or on the date the applicable report was due, the candidate or a member of the family of the candidate, within the second degree of consanguinity or affinity, died, had a serious medical condition or was hospitalized;~~

~~——(2) The candidate is experiencing extreme financial hardship to the extent that payment of the penalty would result directly in the loss or inability of the candidate to obtain the minimal necessities of food, medicine and shelter;~~

~~——(3) The candidate or each officer and representative of the committee for political action or entity is or was a member of the Armed Forces of the United States serving outside of the State or country within a reasonable period of time before or on the date the applicable report was due and the candidate or each officer and representative of the committee for political action or entity executes an affidavit under penalty of perjury attesting to such facts;~~

~~——(4) The candidate has been directly impacted by a natural disaster;~~

~~——(5) The entity is organized as a nonprofit under the laws of the State of Nevada, has no paid employees and is comprised only of volunteers and:~~

~~——(I) The representative of the entity who is responsible for filing the appropriate report on behalf of the entity pursuant to the applicable provisions of chapter 294A of NRS, or a member of the family of such a representative, meets the conditions set forth in subparagraph (1) of paragraph (c); or~~

~~——(II) The representative of the entity who is responsible for filing the appropriate report on behalf of the entity pursuant to the applicable provisions of chapter 294A of NRS has, without~~

~~notice, severed his or her relationship with the entity within a reasonable time before or on the date that the applicable report was due; or~~

~~— (6) The violation was not due to mere inadvertence, mistake or neglect, and circumstances exist of a similarly serious nature as set forth in this subsection to justify a waiver of the civil penalty, including, without limitation, an obligation to report for active military service or to serve in an official capacity in response to a public emergency. }~~

2. The Secretary of State, with the approval of the Attorney General and for good cause, may reduce a civil penalty imposed pursuant to NRS 294A.420 if:

(a) The penalty is being imposed for a failure to properly file a report or form for registration; and

(b) The person, committee for political action or entity that is subject to a civil penalty pursuant to NRS 294A.420 first properly files the appropriate report or form.

3. The Secretary of State will not waive or reduce a civil penalty imposed pursuant to NRS 294A.420 for good cause on the basis that the Secretary of State did not send a reminder notice that a report or form for registration was due before the applicable deadline.

4. If the Secretary of State waives a civil penalty imposed pursuant to subsection 4 of NRS 294A.420, the Secretary of State will:

(a) Compile each record created pursuant to paragraph (a) of subsection 6 of NRS 294A.420 into a quarterly report; and

(b) Post the quarterly report created pursuant to paragraph (a) on the Internet website of the Office of the Secretary of State not later than 15 business days after the last day of each calendar quarter.

**ADOPTED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R094-23

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

AUTHORITY: § 1, NRS 293.124, 293.247 and 293.296.

A REGULATION relating to elections; authorizing a registered voter with a physical disability to use a mobile device to access certain services when casting a vote in an election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any registered voter who is unable to mark a ballot or use a voting device without assistance by reason of a physical disability or an inability to read or write English is entitled to certain assistance which may not be denied or impaired when the need for said assistance is known to the election board or any member thereof. (NRS 293.296) This regulation authorizes a registered voter with a physical disability to use a mobile device to access interpretive services to assist him or her in casting a vote in an election.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto a new section to read as follows:

For purposes of NRS 293.296, a registered voter with a physical disability may use a mobile device to access interpretive services to assist him or her in casting a vote in an election. Such interpretive services may include, without limitation, interpretive services using American Sign Language.

**ADOPTED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R106-23

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

AUTHORITY: § 1, NRS 293.124, 293.247 and 293.2955; §§ 2-6, 9, 10 and 12, NRS 293.124 and 293.247; § 7, NRS 293.124, 293.269921 and 293.2733, as amended by section 1 of Senate Bill No. 327, chapter 419, Statutes of Nevada 2023, at page 2519; § 8, NRS 293.124 and 293.269921; § 11, NRS 293.124, 294.247 and 293C.281; § 13, NRS 293.124, 293C.26321 and 293C.2675, as amended by section 3 of Senate Bill No. 327, chapter 419, Statutes of Nevada 2023, at page 2523; § 14, NRS 293.124 and 293C.26321; §§ 15 and 16, NRS 293.124, 293.247, 293.3677 and 293.404, as amended by section 2.7 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page 3306.

A REGULATION relating to elections; requiring a county and city clerk to confirm that polling places in the county or city will comply with certain accessibility requirements; requiring a county clerk to publish certain information relating to certain offices for which candidates are to be nominated at a primary election; revising certain requirements governing certain plans submitted by a county or city clerk relating to the conduct of an election; extending, under certain circumstances, the deadline for a voter who votes by provisional ballot to provide the required identification; establishing a deadline for the submission by the county or city clerk of a list containing certain information relating to ballot drop boxes; revising provisions relating to a plan for ballot drop boxes that are tampered with or rendered inaccessible; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that, with certain exceptions, each polling place must be accessible to a voter who is elderly or a voter with a disability and must include certain voting booths for use by such voters. (NRS 293.2955, 293C.281) **Sections 1 and 11** of this regulation require a county clerk and city clerk to confirm to the Secretary of State by a certain deadline that the polling places in the county or city will comply with such accessibility requirements.

Existing regulations require the Secretary of State to send each county clerk a notice designating the offices for which candidates are to be nominated at a primary election and require each county clerk to publish the notice in a newspaper in his or her county within 10 days after its receipt. (NAC 293.040) **Section 2** of this regulation requires the county clerk to also publish with such notice any county and municipal offices for which candidates are to be nominated at a primary election.

Existing law and regulations require the county and city clerk to submit various plans to the Secretary of State relating to the conduct of an election. (NRS 293.3594, 293B.354, 293C.3594; NAC 293.202, 293.217, 293.318, 293.321, 293.351, 293B.040, 293C.270, 293C.575, sections 3 and 10 of LCB File No. R200-22) **Sections 3, 4, 6, 8-10, 12 and 14-16** of this regulation: (1) authorize a county or city clerk to resubmit a previous plan if no changes are being made; and (2) require the Secretary of State to review the plan and notify the county or city clerk not later than 15 days after submission whether the plan complies with certain requirements.

Existing law provides that if the last day for filing any paper mentioned in the provisions of the Nevada Revised Statutes relating to elections falls on a legal holiday, the deadline is extended to the following business day at 5 p.m. (NRS 293.1275) Existing law further requires that a voter who voted by provisional ballot who failed to provide the required identification at the polling place or with his or her mail ballot present his or her identification to the county or city clerk not later than 5 p.m. on the Friday following election day. (NRS 293.3082, 293.3085) **Section 5** of this regulation provides that if the Friday following election day is a legal holiday, the deadline is extended until 5 p.m. on the next working day.

Existing regulations require the county and city clerk to submit to the Secretary of State a list containing certain information for each ballot drop box established in the county or city. (NAC 293.348, 293C.565) **Sections 7 and 13** of this regulation require the list to be submitted not later than 45 days before each election.

Existing regulations require the county and city clerk to submit to the Secretary of State a plan relating to ballot drop boxes that are tampered with or rendered inaccessible. (NAC 293.351, 293C.575) **Sections 8 and 14** require the plan to be submitted not later than 90 days before each election.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Not sooner than 45 days before each election and not later than the first day the polls are open during the period of early voting, the county clerk shall submit to the Secretary of the State the form prescribed by the Secretary of State to confirm that the applicable requirements of NRS 293.2955 will be met at each polling place in the county.

2. If the location of any polling place is changed after the date on which the county clerk submits the form required pursuant to subsection 1, the county clerk shall, not more than 5 business days after the location is changed, submit a new form to the Secretary of State confirming that the applicable requirements of NRS 293.2955 will be met at the new polling place location.

Sec. 2. NAC 293.040 is hereby amended to read as follows:

293.040 1. The Secretary of State will, not later than November 15 of the year before the year in which a primary election is held:

(a) Prepare and send to each county clerk a written and electronic notice which designates the judicial, statewide and multicounty district offices for which candidates are to be nominated at the primary election; and

(b) Post a copy of the notice prepared pursuant to paragraph (a) on the Internet website of the Secretary of State.

2. Except as otherwise provided in ~~this subsection,~~ *subsection 3*, within 10 days after receipt of a notice required to be sent pursuant to subsection 1, the county clerk shall publish once in a newspaper published in his or her county and on the Internet website of the county clerk ~~that~~ :

(a) That portion of the notice which applies to his or her county ~~if~~ ; *and*

(b) Any county or municipal offices for which candidates are to be nominated at the primary election.

3. For the purposes of the publication required pursuant to subsection 2, if:

(a) No newspaper is published in ~~this or her~~ *the* county, the publication must be made in any newspaper of general circulation which is published in the nearest county of this State; or

(b) The publication deadline of the newspaper prevents the county clerk from publishing ~~the notice~~ within 10 days, the publication must be made as soon as practicable after receipt of the notice.

Sec. 3. NAC 293.202 is hereby amended to read as follows:

293.202 1. Each county clerk shall, not later than 60 days before the date of any election, submit to the Secretary of State *for approval* a written contingency plan that describes the procedures that will be used in the event that election operations, including, without limitation, mechanical voting systems and any components thereof, are significantly disrupted.

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

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

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

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

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

3. In addition to the written contingency plan required by subsection 1, each county clerk shall submit to the Secretary of State *for approval* a written contingency plan for the tabulation of ballots in the event that the county experiences a loss of the central counting equipment or the use of the central counting place. If the county clerk invokes this contingency plan, the county

clerk must notify the Secretary of State in writing not later than 12 hours after doing so. The plan:

- (a) Must, without limitation, identify alternative counting equipment and facilities; and
- (b) May provide for the transport of ballots across county lines for the purpose of ballot tabulation if the ballots are inventoried and can be safeguarded by election staff and election board officers in the same manner as the ballots would be protected if the ballots were not transported.

4. Before each election, the county clerk shall:

- (a) Review the existing contingency plans required by subsections 1 and 3 , ~~and~~ update the plans as necessary ~~and~~ and , *except as otherwise provided in subsection 5, submit the updated plans to the Secretary of State; and*

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

5. If no changes are being made to the contingency plans required by subsections 1 and 3, the county clerk may resubmit the plans for a subsequent election. If the county clerk resubmits the plans, the county clerk must indicate that fact on a form prescribed by the Secretary of State.

6. The Secretary of State will review each plan submitted pursuant to this section and, not later than 15 days after a plan is submitted, notify the county clerk whether the plan complies with the requirements of this section.

Sec. 4. 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 *for approval* 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~~ *plan* 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. *If no changes are being made to the plan, the county clerk may resubmit the plan for a subsequent election. If the county clerk resubmits the plan, the county clerk must indicate that fact on a form prescribed by the Secretary of State.*

5. The Secretary of State will review each plan submitted pursuant to this section and, not later than 15 days after the plan is submitted, notify the county clerk whether the plan complies with the requirements of this section.

Sec. 5. NAC 293.270 is hereby amended to read as follows:

293.270 1. A person who completes the written affirmation required by NRS 293.3082 must be provided with a provisional ballot, regardless of whether the person is at the wrong polling place or precinct.

2. If an election official becomes aware that a person appearing to vote is a registered voter who has appeared to vote in the wrong polling place, the election official must inform the person

of the location of the correct polling place for the person. The election official must also inform the person that although a provisional ballot may be cast at the incorrect precinct, the provisional ballot will not be counted unless the requirements of subsection ~~3~~ 4 are satisfied and the voter casts the provisional ballot at a polling place that is located in the congressional district in which the voter resides.

3. *If the deadline for a registered voter who casts a provisional ballot pursuant to NRS 293.3081 or 293.3083 and who failed to provide the county or city clerk the required identification is a legal holiday, the deadline is extended until 5 p.m. on the next working day.*

4. A county *or city* clerk shall count a provisional ballot if the county *or city* clerk determines that all the following requirements were satisfied by the date of the election for which the provisional ballot was cast:

- (a) The voter was properly registered in the county where the provisional ballot was cast;
- (b) The voter was a citizen of the United States;
- (c) The voter was 18 years of age or older;
- (d) The voter had continuously resided in the county where he or she registered to vote for at least 30 days;
- (e) The voter had continuously resided in the precinct for which he or she registered to vote for at least 10 days;
- (f) The voter signed the required affirmation;
- (g) If the provisional ballot was cast at a polling place, the voter did not cast any other ballot, including a mail ballot;

(h) If the voter did not show proof of residence and identity at the time he or she registered to vote, that the voter provided official identification establishing residence and identity by 5 p.m. on the Friday following election day;

(i) The voter cast the provisional ballot at a polling place that was authorized to accept a ballot for the congressional district in which the voter resides; and

(j) The provisional ballot cast listed the correct federal offices for the congressional district in which the voter resides.

~~{4.}~~ **5.** The county *or city* clerk shall ~~{, not earlier than 5 p.m. on the Friday immediately following election day,}~~ post and submit ~~{to}~~ :

(a) To the Secretary of State the totals of provisional votes counted ~~{. The county clerk shall post and submit the}~~ :

(1) Except as otherwise provided in subparagraph (2), not earlier than 5 p.m. on the Friday immediately following election day; or

(2) If the Friday immediately following election day is a legal holiday, not earlier than 5 p.m. on the next working day after the Friday immediately following election day; and

(b) The updated results in the same manner and form as election day results.

6. *As used in this section, “legal holiday” means any day declared to be a legal holiday pursuant to NRS 236.015.*

Sec. 6. NAC 293.321 is hereby amended to read as follows:

293.321 1. Each county clerk and city clerk shall submit a plan to the Secretary of State *for approval* setting forth the procedures that the clerk will use for the disposition of mail ballots in case of an emergency. The plan must be submitted not later than 90 days before each election. *If no changes are being made to the plan, the county or city clerk may resubmit the plan for a*

subsequent election. If the county or city clerk resubmits the plan, the county or city clerk must indicate that fact on a form prescribed by the Secretary of State.

2. *The Secretary of State will review each plan submitted pursuant to this section and, not later than 15 days after the plan is submitted, notify the county or city clerk whether the plan complies with the requirements of this section.*

3. 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.

Sec. 7. NAC 293.348 is hereby amended to read as follows:

293.348 1. ~~The~~ *Not later than 45 days before each election, the* county clerk shall submit to the Secretary of State a list containing the following information for each ballot drop box established in the county:

- (a) The unique identifier of the ballot drop box as described in NAC 293.347;
- (b) The location of the ballot drop box; and
- (c) The dates and times during which the ballot drop box will be unlocked and accessible to persons for the submission of mail ballots.

2. If there is a change during an election year to any of the information submitted on the list described in subsection 1, the county clerk must submit to the Secretary of State an explanation for the change and an amended list not later than 24 hours after the change is made.

Sec. 8. NAC 293.351 is hereby amended to read as follows:

293.351 1. ~~The~~ *Not later than 90 days before each election, the* county clerk shall develop and submit a plan to the Secretary of State *for approval* relating to ballot drop boxes

established in the county that are tampered with or rendered inaccessible during early voting or on election day. The plan must, include, without limitation:

- (a) Provision for the replacement of a ballot drop box that is tampered with or rendered inaccessible during early voting or on election day;
- (b) The method that the county clerk will use to notify the public if a ballot drop box is tampered with or rendered inaccessible; and
- (c) The location of the nearest ballot drop box to the ballot drop box that is tampered with or rendered inaccessible.

2. The plan described in subsection 1 must be submitted on a form prescribed by the Secretary of State.

3. For the purposes of subsection 1, if no changes are being made to the plan developed pursuant to subsection 1, the county clerk may resubmit the plan for a subsequent election. If the county clerk resubmits the plan, the county clerk must indicate that fact on a form prescribed by the Secretary of State.

4. The Secretary of State will review each plan submitted pursuant to this section and, not later than 15 days after the plan is submitted, notify the county clerk whether the plan complies with the requirements of this section.

Sec. 9. NAC 293.445 is hereby amended to read as follows:

293.445 1. On or before December 31 of each year, each county clerk shall submit to the Secretary of State for approval a plan for the upcoming year which indicates the public locations at which applications for registration by mail will be made available to the public. The plan must include a description of the method to be used to monitor the supply of forms at each such location.

2. In addition, the plan must establish a procedure to account for each such form by its control number at each public location and a procedure for controlling the bulk distribution of the forms, including:

- (a) The keeping of related records;
- (b) The training of the persons who will be distributing the forms; and
- (c) Plans for the contingent acquisition of forms in the event that the supply becomes depleted.

3. If no change is requested in the plan which was approved for the previous year, the county clerk may ~~indicate that fact to~~ *resubmit the plan for the upcoming year. If the county clerk resubmits the plan, the county clerk must indicate that fact on the form prescribed by* the Secretary of State . ~~instead of submitting a new plan for the upcoming year.~~

4. The Secretary of State will review each plan submitted pursuant to this section and, not later than 15 days after the plan is submitted, notify the county clerk whether the plan complies with the requirements of this section.

Sec. 10. NAC 293B.040 is hereby amended to read as follows:

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

- (a) Maintain a record of the persons who are responsible for transporting the ballots, results cartridges and VVPATs from the polling place to the central counting place;
- (b) 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;
- (c) Provide for the security and protection of the stored ballots, results cartridges and VVPATs;
- (d) Control access to the stored ballots, results cartridges and VVPATs;

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

(f) 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 any election, submit to the Secretary of State for approval using the form prescribed by the Secretary of State a plan to ensure the accuracy and security of voting in the county or city, which must, without limitation:

(a) Include procedures to carry out the provisions of paragraph (e) of subsection 3 of NRS 293.247 concerning the procedures to be used to ensure the security of the ballots, results cartridges, VVPATs, 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.

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~~ *may resubmit the* plan to the Secretary of State ~~[-The]~~ *for a subsequent election. If the county or city clerk resubmits the plan, the* county or city clerk must ~~notify~~ *indicate that fact on a form prescribed by* the Secretary of State ~~. [-in writing, if there is no change to the plan.]~~

4. The Secretary of State will ~~approve or disapprove a~~ *review each* plan submitted pursuant to subsection 2 *and*, not later than 15 days after the plan is submitted ~~[-]~~ *, notify the county or city clerk whether the plan complies with the requirements of this section.*

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. 11. Chapter 293C of NAC is hereby amended by adding thereto a new section to read as follows:

1. Not sooner than 45 days before each election and not later than the first day the polls are open during the period of early voting, the city clerk shall submit to the Secretary of the State the form prescribed by the Secretary of State to confirm that the applicable requirements of NRS 293C.281 will be met at each polling place in the city.

2. If the location of any polling place is changed after the date on which the city clerk submits the form required pursuant to subsection 1, the city clerk shall, not more than 5 business days after the location is changed, submit a new form to the Secretary of State confirming that the applicable requirements of NRS 293C.281 will be met at the new polling place location.

Sec. 12. NAC 293C.270 is hereby amended to read as follows:

293C.270 1. Each city clerk shall, not later than 60 days before the date of the general city election, submit to the Secretary of State *for approval* a written contingency plan that describes the procedures that will be used in the event that election operations, including, without limitation, mechanical voting systems and any components thereof, are significantly disrupted.

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

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

(1) Systemic equipment failures or malfunctions;

- (2) Power outages;
 - (3) Natural disasters or infrastructure failure;
 - (4) Threats of terrorism or other civil disturbances; and
 - (5) Unauthorized access, intrusion or hacking into election facilities or equipment; and
- (b) Explain how the city clerk will ensure continuity in voting if one or more polling places become temporarily or permanently unusable during the period for early voting or on the day of the city election, which may include, without limitation:
- (1) Sending voters to an alternative polling place;
 - (2) Seeking a court order to extend voting hours; or
 - (3) Requesting that voters return to the polling place after the disruption has been resolved.

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

- (a) Must, without limitation, identify alternative counting equipment and facilities; and
- (b) May provide for the transport of ballots across city lines for the purpose of ballot tabulation if the ballots are inventoried and can be safeguarded by election staff and election board officers in the same manner as the ballots would be protected if the ballots were not transported.

4. Before each city election, the city clerk shall:

(a) Review the existing contingency plans required by subsections 1 and 3 , ~~and~~ update the plans as necessary ~~and~~ and , *except as otherwise provided in subsection 5, submit the updated plans to the Secretary of State; and*

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

5. If no changes are being made to the contingency plans required by subsections 1 and 3, the city clerk may resubmit the plans for a subsequent election. If the city clerk resubmits the plans, the city clerk must indicate that fact on a form prescribed by the Secretary of State.

6. The Secretary of State will review each plan submitted pursuant to this section and, not later than 15 days after a plan is submitted, notify the city clerk whether the plan complies with the requirements of this section.

Sec. 13. NAC 293C.565 is hereby amended to read as follows:

293C.565 1. ~~The~~ *Not later than 45 days before each election, the* city clerk shall submit to the Secretary of State a list containing the following information for each ballot drop box established in the city:

- (a) The unique identifier of the ballot drop box as described by NAC 293C.560;
- (b) The location of the ballot drop box; and
- (c) The dates and times during which the ballot drop box will be unlocked and accessible to persons for the submission of mail ballots.

2. If there is a change during an election year to any of the information submitted on the list described in subsection 1, the city clerk must submit to the Secretary of State an explanation for the change and an amended list not later than 24 hours after the change is made.

Sec. 14. NAC 293C.575 is hereby amended to read as follows:

293C.575 1. ~~{The}~~ *Not later than 90 days before each election, the* city clerk shall develop and submit a plan to the Secretary of State *for approval* relating to ballot drop boxes established in the city that are tampered with or rendered inaccessible during early voting or on election day. The plan must include, without limitation:

(a) Provision for the replacement of a ballot drop box that is tampered with or rendered inaccessible during early voting or on election day;

(b) The method that the city clerk will use to notify the public if a ballot drop box is tampered with or rendered inaccessible; and

(c) The location of the nearest ballot drop box to the ballot drop box that is tampered with or rendered inaccessible.

2. The plan described in subsection 1 must be submitted on a form prescribed by the Secretary of State.

3. For the purposes of subsection 1, if no changes are being made to the plan developed pursuant to subsection 1, the city clerk may resubmit the plan for a subsequent election. If the city clerk resubmits the plan, the city clerk must indicate that fact on a form prescribed by the Secretary of State.

4. The Secretary of State will review each plan submitted pursuant to this section and, not later than 15 days after the plan is submitted, notify the city clerk whether the plan complies with the requirements of this section.

Sec. 15. Section 3 of LCB File No. R200-22 is hereby amended to read as follows:

Sec. 3. *1.* If a county clerk intends to conduct a hand count pursuant to section 2 of LCB File No. R200-22, the county clerk shall submit to the Secretary of State, not later

than 90 days before the date of the election, a plan for conducting the hand count. The plan must include, without limitation:

~~11~~ (a) A detailed description of how the hand count will be conducted in order to meet the applicable deadlines set forth in this chapter and title 24 of NRS for counting ballots.

~~12~~ (b) The total number of election board officers and hand count tally teams appointed pursuant to section 4 of LCB File No. R200-22 that will be required to complete the hand count.

~~13~~ (c) The work schedule for the hand count, which must not be more than 16 hours in a 24-hour period. There must not be more than two separate 8-hour shifts.

~~14~~ (d) The physical location where the ballots will be hand counted and a scale diagram depicting the planned setup of the location.

~~15~~ (e) An estimated list of any items necessary to conduct the hand count, which must include, without limitation:

~~1(a)~~ (1) Whether all such items are currently in the possession of the county and, if not, the date by which any such items will be obtained by the county; and

~~1(b)~~ (2) The estimated cost to the county to obtain the necessary items.

~~16~~ (f) Any amendment to the plans for the observation of the hand count by members of the general public in accordance with NRS 293B.353 and NAC 293.356 and the plan submitted pursuant to NRS 293B.354.

~~17~~ (g) A plan for ensuring the security of:

~~1(a)~~ (1) The ballots consistent with the plan submitted pursuant to NAC 293B.040; and

~~1(b)~~ (2) The election board officers who conduct the hand count.

~~1(8)~~ (h) A list of any outside vendors hired or who may be hired to consult or assist in the preparation or operation of the hand count.

~~1(9)~~ (i) A contingency plan for:

~~1(a)~~ (1) Completing the counting of the ballots in the event that the hand count will not be completed by the date required for the canvass of returns pursuant to NRS 293.387;

~~1(b)~~ (2) Conducting any recount in accordance with NRS 293.404, as amended by section 2.7 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page 3306, and section 1.3 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page 3303; and

~~1(c)~~ (3) Completing any recount by the deadline set forth in NRS 293.405, as amended by section 2.8 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page 3307.

2. If no changes are being made to the plan required by this section, the county clerk may resubmit the plan for a subsequent election. If the county clerk resubmits the plan, the county clerk must indicate that fact on a form prescribed by the Secretary of State.

3. The Secretary of State will review each plan submitted pursuant to this section and, not later than 15 days after the plan is submitted, notify the county clerk whether the plan complies with the requirements of this section.

Sec. 16. Section 10 of LCB File No. R200-22 is hereby amended to read as follows:

Sec. 10. **1.** If a city clerk intends to conduct a hand count pursuant to section 9 of LCB File No. 2002, the city clerk shall submit to the Secretary of State, not later than 90 days before the date of the city election, a plan for conducting the hand count. The plan must include, without limitation:

~~11~~ **(a)** A detailed description of how the hand count will be conducted in order to meet the applicable deadlines set forth in this chapter, chapter 293 of NAC and title 24 of NRS for counting ballots.

~~12~~ **(b)** The total number of election board officers and hand count tally teams appointed pursuant to section 11 of LCB File No. R200-22 that will be required to complete the hand count.

~~13~~ **(c)** The work schedule for the hand count, which must not be more than 16 hours in a 24-hour period. There must not be more than two separate 8-hour shifts.

~~14~~ **(d)** The physical location where the ballots will be hand counted and a scale diagram depicting the planned setup of the location.

~~15~~ **(e)** An estimated list of any items necessary to conduct the hand count, which must include, without limitation:

~~16~~ **(1)** Whether all such items are currently in the possession of the city and, if not, the date by which any such items will be obtained by the city; and

~~17~~ **(2)** The estimated cost to the city to obtain the necessary items.

~~18~~ **(f)** Any amendment to the plans for the observation of the hand count by members of the general public in accordance with NRS 293B.353 and NAC 293.356 and the plan submitted pursuant to NRS 293B.354.

~~19~~ **(g)** A plan for ensuring the security of:

~~[(a)]~~ (1) The ballots consistent with the plan submitted pursuant to NAC 293B.040;
and

~~[(b)]~~ (2) The election board officers who conduct the hand count.

~~[(8)]~~ (h) A list of any outside vendors hired or who may be hired to consult or assist in
the preparation or operation of the hand count.

~~[(9)]~~ (i) A contingency plan for:

~~[(a)]~~ (1) Completing the counting of the ballots in the event that the hand count will
not be completed by the date required for the canvass of returns pursuant to NRS
293C.387;

~~[(b)]~~ (2) Conducting any recount in accordance with NRS 293.404, as amended by
section 2.7 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page
3306, and section 1.3 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at
page 3303; and

~~[(c)]~~ (3) Completing any recount by the deadline set forth in NRS 293.405, as
amended by section 2.8 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023,
at page 3307.

*2. If no changes are being made to the plan required by this section, the city clerk
may resubmit the plan for a subsequent election. If the city clerk resubmits the plan,
the city clerk must indicate that fact on a form prescribed by the Secretary of State.*

*3. The Secretary of State will review each plan submitted pursuant to this section
and, not later than 15 days after the plan is submitted, notify the city clerk whether the
plan complies with the requirements of this section.*

**ADOPTED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R107-23

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

AUTHORITY: §§ 1 and 2, NRS 293.124, 293.247 and 306.011.

A REGULATION relating to elections; requiring a county or city clerk to submit certain plans relating to the conduct of an election before a recall election; providing that the Secretary of State will review such plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law require the Secretary of State to adopt regulations related to the conduct of elections and provide that: (1) general election laws, insofar as applicable, must also apply to a recall election: and (2) a recall election must be conducted pursuant to the provisions for primary, primary city, general and general city elections. (NRS 293.124, 293.247, 306.011, 306.120, 306.130)

Existing laws and regulations require a county clerk and city clerk to submit to the Secretary of State, before certain elections, plans relating to the conduct of the election. (NRS 293.3594, 293B.354, 293C.3594; NAC 293.202, 293.217, 293.321, 293.351, 293B.040, 293C.270, 293C.575, sections 3 and 10 of LCB File No. R200-22) **Sections 1 and 2** of this regulation provide that a plan required to be submitted to the Secretary of State before certain elections must also be submitted before a recall election, insofar as applicable, and must be submitted not more than 5 business days after the county or city clerk receives notification from the Secretary of State that the number of signatures on a petition to recall a public officer is sufficient. **Sections 1 and 2** also require the Secretary of State to review each plan and notify the county or city clerk whether the plan complies with the applicable requirements.

Section 1. 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.

3. Any plan required to be submitted to the Secretary of State by a county clerk before an election pursuant to chapter 293 or 293B of NRS and chapter 293 or 293B of NAC, insofar as applicable, including, without limitation, the plans specified in subsection 2, must also be submitted before a recall election. The county clerk must submit each plan not more than 5 business days after receiving the notification from the Secretary of State pursuant to subsection 1 of NRS 306.040. The Secretary of State will review each plan submitted pursuant to this subsection and, not later than 15 days after a plan is submitted, notify the county clerk whether the plan complies with the requirements of chapter 293 or 293B of NRS and chapter 293 or 293B of NAC, as applicable.

Sec. 2. NAC 293C.275 is hereby amended to read as follows:

293C.275 If a recall or other special city election is called in a city and will not be held on the same day as the primary city election or general city election:

1. The city 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 city 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;

(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.

3. Any plan required to be submitted to the Secretary of State by a city clerk before an election pursuant to chapter 293, 293B or 293C of NRS and chapter 293, 293B or 293C of NAC, insofar as applicable, including, without limitation, the plans specified in subsection 2, must also be submitted before a recall election. The city clerk must submit each plan not more than 5 business days after receiving the notification from the Secretary of State pursuant to subsection 1 of NRS 306.040. The Secretary of State will review each plan submitted pursuant to this subsection and, not later than 15 days after a plan is submitted, notify the city clerk

whether the plan complies with the requirements of chapter 293, 293B or 293C of NRS and chapter 293, 293B or 293C of NAC, as applicable.