

**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;~~

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

~~1-(c)~~ **(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.

**ADOPTED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R200-22

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

AUTHORITY: §§ 1, 2, 4 and 6, NRS 293.124 and 293.3677; §§ 3 and 10, NRS 293.124, 293.247, 293.3677 and 293.404, as amended by section 2.7 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page 3306; § 5, NRS 293.124, 293.3677, 298.640 and 298.680; § 7, NRS 293.124, 293.247 and 293.3677; §§ 8, 9 and 11-13, NRS 293.124 and 293C.369.

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

Legislative Counsel’s Digest:

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

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

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

Sections 3 and 10 of this regulation require a county or city clerk who conducts a hand count to submit to the Secretary of State, 90 days before the date of the election, a plan for conducting the hand count, which must include certain procedures for conducting the hand count, plans for the location and necessary equipment and personnel for the hand count, plans ensuring the security of the hand count and contingency plans to meet certain deadlines.

Sections 4 and 11 of this regulation require a county or city clerk conducting a hand count to establish a sufficient number of hand count tally teams, which must consist of at least four election board officers, who must not all be of the same political party. **Sections 4 and 11** further require, to the extent practicable, that at least one election board officer on each hand count tally team be a registered voter whose political affiliation is nonpartisan.

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

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

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

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

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

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

- (a) Be conducted in accordance with the requirements of sections 2 to 6, inclusive, of this regulation;*
- (b) Be completed on or before the seventh day following the election; and*
- (c) Be conducted using the forms prescribed by the Secretary of State for tallying the results of the hand count.*

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

4. The Secretary of State will make available to the county clerk the forms for tallying the results of the hand count not less than 90 days before the date of the election.

Sec. 3. *If a county clerk intends to conduct a hand count pursuant to section 2 of this regulation, the county clerk shall submit to the Secretary of State, not later than 90 days before the date of the election, a plan for conducting the hand count. The plan must include, without limitation:*

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

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

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

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

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

(a) One election board officer, appointed as the reviewing clerk, to review the conduct of the hand count tally team;

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

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

↪ To the extent practicable, at least one election board officer on each hand count tally team must be a registered voter whose political party affiliation is nonpartisan.

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

(a) One election board officer to supervise the overall conduct of the hand count, including, without limitation, tracking the progress of the hand count, ensuring compliance

with the requirements of sections 2 to 6, inclusive, of this regulation and reporting any issues or concerns to the county clerk; and

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

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

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

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

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

4. Each hand count tally team must be positioned around a single workspace and maintain a distance of not less than 10 feet from the center of the table to the center of any other table containing a hand count tally team to reduce the risk of overhearing the other hand count tally team counting the ballots. Hand count tally teams are allowed to talk, but must not read out loud the votes to be tallied or discuss information concerning the tallied number of votes.

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

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

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

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

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

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

(c) The ballots must be divided into separate stacks containing not more than 25 ballots per stack. Each stack must be tallied separately.

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

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

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

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

(3) For every fifth vote for the same candidate or ballot question, place a horizontal hash mark through the previous four perpendicular hash marks.

(e) After tallying each ballot, the tally clerk shall lay the ballot face down on the table to distinguish the counted ballot from the uncounted ballots. After each stack of ballots is counted, the tally clerk shall exchange the stack of tabulated ballots with the other tally clerk on the hand count tally team. Once both tally clerks have counted a stack of ballots, the reviewing clerk shall ensure the ballots are tied with a string or bound with a paper clip, binder clip or rubber band in a stack of not more than 25 ballots.

(f) The verification clerk shall oversee the work of the two tally clerks to ensure that the tally count matches the same stack of ballots. If the count of the tally clerks:

(1) Matches, the tally must continue.

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

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

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

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

(a) Must be uniform in color and style;

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

(c) Must not be pencils.

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

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

1. “Ballot stock” means:

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

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

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

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

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

~~[4.]~~ 5. “Results cartridge” means the cartridge of a mechanical recording device which contains the electronically recorded ballots cast during the election and from which the ballots are tabulated.

~~{5.}~~ 6. “Signature stamp” has the meaning ascribed to it in NRS 427A.755.

~~{6.}~~ 7. “Statewide voter registration list” has the meaning ascribed to it in NRS 293.111.

~~{7.}~~ 8. “Voter verifiable paper audit trail printer” or “VVPAT” means the device attached to a mechanical recording device and the paper it prints to record all votes cast by a voter for any and all candidates and for or against any and all measures, enabling that voter to visually verify that the mechanical voting system has accurately recorded the votes of the voter.

~~{8.}~~ 9. “Voting booth” means any place or compartment used to screen a voter from the observation of others.

~~{9.}~~ 10. “Vote center” means a polling place established by the county or city clerk, as applicable, pursuant to the provisions of NRS 293.3072 to 293.3075, inclusive, or 293C.3032 to 293C.3035, inclusive, as applicable, where any person entitled to vote by personal appearance in the county or city, as applicable, may do so on the day of the election.

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

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

(a) All contests on the ballot;

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

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

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

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

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

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

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

4. The Secretary of State will make available to the city clerk the forms for tallying the results of the hand count not less than 90 days before the date of the city election.

Sec. 10. *If a city clerk intends to conduct a hand count pursuant to section 9 of this regulation, the city clerk shall submit to the Secretary of State, not later than 90 days before the date of the city election, a plan for conducting the hand count. The plan must include, without limitation:*

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

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

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

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

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

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

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

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

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

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

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

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

9. *A contingency plan for:*

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

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

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

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

(a) *One election board officer, appointed as the reviewing clerk, to review the conduct of the hand count tally team;*

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

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

↪ To the extent practicable, at least one election board officer on each hand count tally team must be a registered voter whose political affiliation is nonpartisan.

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

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

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

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

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

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

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

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

hand count tally team counting the ballots. Hand count tally teams are allowed to talk, but must not read out loud the votes to be tallied or discuss information concerning the tallied number of votes.

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

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

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

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

(a) The ballots must be divided into separate stacks containing not more than 25 ballots per stack. Each stack must be tallied separately.

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

(1) Tally the votes on the tally form.

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

(3) For every fifth vote for the same candidate or ballot question, place a horizontal hash mark through the previous four perpendicular hash marks.

(c) After tallying each ballot, the tally clerk shall lay the ballot face down on the table to distinguish the counted ballot from the uncounted ballots. After each stack of ballots is counted, the tally clerk shall exchange the stack of tabulated ballots with the other tally clerk on the hand count tally team. Once both tally clerks have counted a stack of ballots, the reviewing clerk shall ensure the ballots are tied with a string or bound with a paper clip, binder clip or rubber band in a stack of not more than 25 ballots.

(d) The verification clerk shall oversee the work of the two tally clerks to ensure that the tally count matches for same stack of ballots. If the count of the tally clerks:

(1) Matches, the tally must continue.

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

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

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

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

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

**ADOPTED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R008-23

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

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

A REGULATION relating to elections; applying certain regulations relating to ballot stock, contingency plans, testing of electronic rosters and voting equipment to presidential preference primary elections; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Secretary of State to adopt regulations for the conduct of elections in this State, including, without limitation, presidential preference primary elections, primary elections and general elections. (NRS 293.124, 293.247, 298.640) This regulation revises various requirements for the conduct of elections to include presidential preference primary elections.

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

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

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

Existing law sets forth certain requirements relating to ballot drop boxes and retrieval teams. (NRS 293.269921, 298.640) Existing regulations require a county clerk to report to the Secretary of State costs related to ballot drop boxes and retrieval teams 45 days after each general election. (NAC 293.353) **Section 4** of this regulation requires a county clerk to instead report such costs to the Secretary of State 45 days after each election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

resolved.

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

- (a) Must, without limitation, identify alternative counting equipment and facilities; and
- (b) May provide for the transport of ballots across county lines for the purpose of ballot tabulation if the ballots are inventoried and can be safeguarded by election staff and election

board officers in the same manner as the ballots would be protected if the ballots were not transported.

4. Before each election, the county clerk shall:

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

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

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

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

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

(a) That each electronic roster accurately displays:

(1) The date and time;

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

(3) The name of the county;

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

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

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

(7) The signature records of the voters in the county;

(b) For at least one electronic roster assigned to each polling place, the correct functioning of the electronic roster for the following situations:

(1) A registered voter in the county who appears to vote in person who has not voted in the election;

(2) A registered voter in the county who appears to vote in person where the electronic roster shows that a ballot connected to the voter has already been received or voted;

(3) A person who claims to be registered to vote who cannot be located in the electronic roster;

(4) A registered voter who is listed as inactive in the electronic roster;

(5) A registered voter who spoils his or her ballot;

(6) A registered voter who appears to vote in person and brings his or her unvoted mail ballot;

(7) A registered voter who would like to change his or her political party affiliation;

(8) A registered voter who would like to update his or her voter registration information;

and

(9) A registered voter in a county with a precinct split; and

(c) The correct performance of the following functions of the electronic roster:

(1) Printing labels;

(2) Printing activation cards or ballot cards;

(3) That a ballot issued by one electronic roster is indicated as issued on other electronic rosters;

(4) Preparing turnout reports;

(5) Preparing daily totals; and

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

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

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

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

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

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

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

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

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

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

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

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

2. Each county and city clerk shall, not later than the 90th day before ~~the general~~ *any* election, submit to the Secretary of State for approval using the form prescribed by the Secretary of State a plan to ensure the accuracy and security of voting in the county or city, which must, without limitation:

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

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

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

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

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

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

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

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

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

**ADOPTED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R009-23

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

AUTHORITY: §§ 1 and 9, NRS 293.247; § 2, NRS 293.124, 293.247, 293.565 and 298.690; §§ 3-8, NRS 293.124, 293.247, 293.250 and 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, at page 1530; §§ 10 and 11, NRS 293.124 and 293.247; § 12, NRS 293.124, 293.247, 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, at page 1530, NRS 298.250 and 298.259; § 13, NRS 293.124, 293.247 and 293.403.

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

Legislative Counsel’s Digest:

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

Existing law requires the Secretary of State to establish a system of approved electronic transmission through which certain military and overseas voters and electors and registered voters with a disability may register to vote and apply for and cast a ballot using the system of approved electronic transmission. Senate Bill No. 216 of the 2023 Legislative Session authorized electors and registered voters who are tribal members and who reside on an Indian reservation or Indian colony to also use the system of approved electronic transmission. (NRS 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, at page 1530, NRS 293D.200) Existing law further requires the Secretary of State to prescribe the form and content of a declaration for use by a person authorized to use the system of approved electronic transmission to swear or affirm specific representations pertaining to identity, eligibility to vote, status as an elector or registered voter who is authorized to use the system and timely and proper completion of a ballot. (NRS 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, at page 1530) Existing regulations set forth the form and content of the declaration for use by: (1) certain military and overseas voters and electors; and (2) an elector or registered voter with a disability. (NAC 293.207) **Section 3** of this regulation sets forth the form and content of the declaration for use by an elector or registered voter who is a tribal member and who resides on an Indian reservation or Indian colony. **Section 4** of this regulation makes a conforming change to indicate the proper placement of **section 3** in the Nevada Administrative Code.

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

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

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

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

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

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

Sec. 2. *The county clerk shall:*

1. Distribute sample ballots for the presidential preference primary election pursuant to NRS 298.690. If only one major political party has two or more qualified candidates for the presidential preference primary election, the county clerk is only required to distribute a sample ballot for the presidential preference primary election to registered voters who indicated an affiliation with that major political party 20 days or more before the date of the presidential preference primary election.

2. Provide an electronic copy of the sample ballot for the presidential preference primary election prepared pursuant to NRS 293.565 to each candidate who has filed with the Secretary of State a declaration of candidacy and has provided his or her electronic mail address.

3. Provide an electronic copy of each sample ballot for a presidential preference primary election prepared pursuant to NRS 293.565 to the Secretary of State.

4. Post a copy of the sample ballot or a list of candidates in a conspicuous place in the county clerk's office.

Sec. 3. *1. The declaration that is required pursuant to NRS 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, at page 1530, for use by a registered voter who is a tribal member and resides on an Indian reservation or Indian colony and indicates that he or she will return the ballot by approved electronic transmission must be in the following form:*

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

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

I am a citizen of the United States.

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

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

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

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

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

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

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

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

(Signed)

.....

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

2. The declaration that is required pursuant to NRS 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, at page 1530, for use by a registered voter who is a tribal member and who resides on an Indian reservation or Indian colony and indicates that he or she will return the ballot by mail must be in the following form:

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

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

I am a citizen of the United States.

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

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

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

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

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

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

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

(Signed)

.....

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

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

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

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

293.207 1. A registered voter ~~[with a disability]~~ who applies for a ballot pursuant to NRS 293.269951, *as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, at page 1530*, must indicate on the application:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1530, after a mail ballot has been sent to the registered voter pursuant to NRS 293.269911 to 293.269937, inclusive, or NRS 293C.263 to 293C.26337, inclusive, the local elections official must indicate that the mail ballot is cancelled in the mail ballot record.

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

293.211 If a local elections official sends a ballot to a registered voter ~~[with a disability]~~ pursuant to NRS 293.269951, *as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, at page 1530*, the local elections official must:

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

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

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

1. The number of ballots for that election that the local elections official sent to registered voters ~~[with disabilities]~~ pursuant to NRS 293.269951 ~~[;]~~, *as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, at page 1530;*

2. The number of ballots for that election that were returned by registered voters ~~[with disabilities]~~ pursuant to NRS 293.269951 ~~[;]~~, *as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, at page 1530;* and

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

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

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

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

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

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

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

**ADOPTED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R010-23

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

AUTHORITY: § 1, NRS 293.124 and 293.247.

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

Legislative Counsel's Digest:

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

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

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

**ADOPTED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R011-23

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 31, 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; §§ 24-30, NRS 293.124 and 293.675.

A REGULATION relating to elections; requiring each county clerk to report certain information 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 VVPAT's; 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 period for early voting by personal appearance 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 and the 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 by personal appearance 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 31** 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 must 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 a 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 such a registered voter certain instructions, depending on whether the registered voter will return the ballot by mail or by 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 must cause a unique identification number to be included on the ballot. (NAC 293.211) **Section 11** of this regulation eliminates this 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 for each polling place by telephone or electronic mail.

Existing regulations require county clerks to submit to the Secretary of State plans setting forth certain procedures that the county clerk will use, including those for notifying 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 clerk prepare certain election supplies and equipment for each polling place. (NAC 293.220, 293.225) 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 requires that 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 that at least 2 days before any election, every county clerk prepare certain notices or other materials to be posted at each polling place. (NAC 293.225) **Section 15** of this regulation additionally requires that, at least 2 days before any election, every county clerk 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 prohibit any person from entering a voting booth to vote 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 that 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 who 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 mail ballots: (1) that were surrendered; and (2) 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 voter verifiable paper audit trail printers (VVPAT's) 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 select a vote to compare at random.

Existing regulations require the county clerk to transmit the results of the postelection certification audit of VVPAT's to the Secretary of State within 7 working days after the date of the election. (NAC 293.255) **Section 19** requires that the county clerk must instead transmit the result of the 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 mail ballots on the record of mail ballots and place all the returned 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 secrecy 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 requires that if the clerk or Secretary of State assesses such a charge, the clerk or Secretary of State, as applicable, inform the person or group of the amount of the charge.

Existing law requires 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 must ensure that the database is capable of storing preregistration information separately until a person is qualified to register to vote. Each county clerk must 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) **Section 31** repeals the requirement for each county clerk to establish and maintain a computerized database of the registered voters in the county. **Sections 24-30** of this regulation: (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 25** of this regulation requires that when a county clerk electronically enters information to the statewide voter list, the county clerk certify that the information accurately reflects the information provided in the application to preregister or register to vote.

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 place.

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

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 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 ~~{,}~~ *pursuant to NRS 293.269929*, 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}~~ *appointed* 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,}~~ *appointed*, 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. ~~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. ~~2. 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 ~~and~~ *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. ~~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.]~~ 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 ~~and~~;

(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 ~~and~~;

(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 additional 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~~ *working* 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 293.456 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. 25. 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]~~ *enter* the information contained in the ~~[computerized]~~ database established pursuant to ~~[NAC 293.454]~~ *NRS 293.675* to the statewide voter registration list. Each ~~[transfer]~~ *entry* must comply with such technical requirements as may be prescribed by the Secretary of State.

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

(a) The information ~~[is accurate]~~ *accurately reflects the information provided on the application to preregister or register to vote* 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]~~ *entered* 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. 26. 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. 27. 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. 28. 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. 29. 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. 30. 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. 31. NAC 293.311, 293.313, 293.315, 293.317, 293.319, 293.323 and 293.454 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.

293.454 Establishment and maintenance of computerized database of registered voters.

1. Each county clerk shall establish and maintain a computerized 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 by the Secretary of State. 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 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 subsection 3 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 of NRS 293.5235 or subsection 4 of NRS 293.524.

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.

**ADOPTED REGULATION OF THE
SECRETARY OF STATE
LCB File No. R012-23**

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

AUTHORITY: §§ 1-3, NRS 293.124, 293.247 and 293.3677; §§ 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; requiring each county clerk and city clerk to maintain a record of certain information relating to the transportation of ballots, results cartridges and VVPAT's; 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 the procedures to be used: (1) to ensure the security of the ballots; (2) to ensure the security and accuracy of computer programs and tapes used for elections; and (3) 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, voter verifiable paper audit trail printers (VVPAT's), 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) include election media cartridges and memory devices; (2) identify the person who is responsible for transporting the ballots, results cartridges and VVPATs from the polling place to the central counting place; and (3) include the time allotted for travel from the polling place to the central counting place. **Section 5** further requires that each county clerk and city clerk maintain a record of the persons responsible for transporting the ballots, results cartridges and VVPATs 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 elections 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 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 a 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]~~ *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 ~~an~~ *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:~~

(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 ~~fa~~ :

(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) *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;

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

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

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

~~[(e)]~~ (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 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)]~~

~~—(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 ~~[, 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.

**ADOPTED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R013-23

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

AUTHORITY: § 1, NRS 293.247 and 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, at page 1530; §§ 2 and 3, NRS 293.247 and 293D.200.

A REGULATION relating to elections; providing that only the first ballot received by a local elections official may be counted if certain voters who vote by approved electronic transmission inadvertently submit more than one ballot; requiring a local elections official to provide covered voters with instructions relating to the declaration of a covered voter that is required to be submitted with a military-overseas ballot; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to establish a system of approved electronic transmission through which certain military and overseas voters and electors and registered voters with a disability may register to vote and apply for and cast a ballot using the system of approved electronic transmission. (NRS 293.269951, 293D.200) Senate Bill No. 216 of the 2023 Legislative Session authorized electors and registered voters who are tribal members and who reside on an Indian reservation or Indian colony to also use the system of approved electronic transmission. (NRS 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, at page 1530) **Section 1** of this regulation provides that if a registered voter with a disability or a tribal member residing on an Indian reservation or Indian colony who is authorized to cast a ballot by approved electronic transmission attempts to submit a ballot by approved electronic transmission and inadvertently submits more than one ballot, only the first ballot received by the local elections official may be counted.

Existing law requires the Secretary of State to prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. (NRS 293D.200) Existing regulations prescribe the form of such a declaration, which differs depending on whether the covered voter indicates that he or she will return the military-overseas ballot by approved electronic transmission or by mail. (NAC 293D.020) Existing regulations further require the local elections official to provide to a covered voter certain instructions for marking and returning a military-overseas ballot. (NAC 293D.010) **Section 2** of this regulation provides that such instructions must include an explanation that the covered voter must complete and sign the applicable declaration indicating

that he or she will return the military-overseas ballot either by approved electronic transmission or by mail.

Existing regulations require a local elections official to count a military-overseas ballot signed by a covered voter using a digital signature or electronic signature unless the local elections official reasonably believes that someone other than the covered voter signed the ballot. (NAC 293D.050) **Section 3** of this regulation provides that if a covered voter attempts to submit a military-overseas ballot by approved electronic transmission and inadvertently submits more than one military-overseas ballot, only the first military-overseas ballot received by the local elections official may be counted.

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

1. If a registered voter who is authorized to cast a ballot by approved electronic transmission pursuant to NRS 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, at page 1530, attempts to submit a ballot by approved electronic transmission and inadvertently submits more than one ballot, only the first ballot received by the local elections official may be counted.

2. Nothing in this section authorizes:

(a) A registered voter who is authorized to cast a ballot by approved electronic transmission pursuant to NRS 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, at page 1530, to cast more than one ballot; or

(b) A local elections official to count more than one ballot received from a registered voter who is authorized to cast a ballot by approved electronic transmission pursuant to NRS 293.269951, as amended by section 3.5 of Senate Bill No. 216, chapter 244, Statutes of Nevada 2023, at page 1530.

Sec. 2. NAC 293D.010 is hereby amended to read as follows:

293D.010 1. A covered voter who applies for a military-overseas ballot shall indicate on the application:

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

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

2. If a covered voter indicates on the application for a military-overseas ballot that he or she will return the military-overseas ballot by mail, the local elections official must provide to the covered voter a military-overseas ballot and instructions for marking and returning the military-overseas ballot, including, without limitation:

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

(b) How to correct the ballot if the covered voter commits an error in marking the ballot or wants to change the candidate or candidates for whom the covered voter is voting.

(c) An explanation that the completed military-overseas ballot must be inserted into the accompanying privacy envelope or sleeve.

(d) An explanation that the covered voter must insert the privacy envelope or sleeve into the declaration envelope.

(e) An explanation that the covered voter must complete and sign the declaration ~~on the front of the declaration envelope.~~ *set forth in subsection 2 of NAC 293D.020.*

(f) An explanation of the deadline for the registered voter to cast and return the military-overseas ballot and any other necessary voting materials, including, without limitation, the declaration set forth in *subsection 2 of NAC 293D.020*, to the appropriate local elections official.

3. If a covered voter indicates on the application for a military-overseas ballot that he or she will return the military-overseas ballot by approved electronic transmission, the local elections

official must provide to the covered voter a military-overseas ballot and instructions for marking and returning the military-overseas ballot, including, without limitation:

- (a) How to indicate the candidate or candidates for whom the covered voter is voting.
- (b) An explanation that the declaration set forth in *subsection 1 of* NAC 293D.020 must be signed by the covered voter and returned by approved electronic transmission with the military-overseas ballot.
- (c) An explanation of how to return the military-overseas ballot by approved electronic transmission.
- (d) An explanation of the deadline for the registered voter to cast and return the military-overseas ballot and any other necessary voting materials, including, without limitation, the declaration set forth in *subsection 1 of* NAC 293D.020, to the appropriate local elections official.

Sec. 3. NAC 293D.050 is hereby amended to read as follows:

293D.050 *1.* A local elections official shall count a military-overseas ballot signed by a covered voter using a digital signature or electronic signature unless the local elections official reasonably believes that someone other than the covered voter signed the ballot.

2. If a covered voter attempts to submit a military-overseas ballot by approved electronic transmission and inadvertently submits more than one military-overseas ballot, only the first military-overseas ballot received by the local elections official may be counted.

3. Nothing in this section authorizes:

- (a) A covered voter to cast more than one military-overseas ballot; or*
- (b) A local elections official to count more than one ballot received from a covered voter.*

**ADOPTED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R014-23

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

AUTHORITY: §§ 1, 6, 7, 9, 11, 12, 16, 19, 21 and 24, NRS 293.124 and 293.247; § 2, NRS 293.124, 293.176 and 293.247; §§ 3-5 and 20, NRS 293.124, 293.177, 293.247, 293C.145 and 293C.175; § 8, NRS 293.1277, 293.1279 and 295.055; §§ 10 and 22, NRS 293.124, 293.247, 293.269917 and 293C.26316; § 13, NRS 293.124, 293.247 and 294.404; § 14, NRS 237.200, 293.124 and 293.247; §§ 15 and 23, NRS 293.124, 293.247 and 293.2565; § 17, NRS 293.124, 293.247, 293.269911 and 293C.263; §§ 18 and 25, NRS 293.124, 293.247, 293.269927 and 293C.26327; § 26, NRS 293.124, 293.247 and 293D.200.

A REGULATION relating to elections; clarifying requirements relating to when a person may be a candidate of a major political party; establishing requirements relating to filing a declaration of candidacy; clarifying certain prohibitions relating to filing for or holding more than one elective office; establishing requirements relating to certain additional fees which may be charged by a county clerk for filing a declaration of candidacy; authorizing candidate photographs to be submitted to the Secretary of State; clarifying requirements relating to when certain candidates may be declared elected at a primary election; establishing certain requirements relating to signature verification of certain petitions; providing that certain electronic summaries of votes cast in an election are public records; establishing certain requirements relating to mail ballots; clarifying certain requirements relating to the counting of ballots voted; setting forth certain requirements for a person to observe a recount; authorizing an elector who registers to vote in person during certain periods to provide certain types of proof of identity or residency; setting forth certain requirements relating to the name of a candidate printed on a ballot; establishing provisions relating to signature verification of mail ballots; setting forth certain provisions relating to covered voters who request a military-overseas ballot under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from being a candidate of a major political party for partisan office in an election if the person has changed his or her political party affiliation or his or her designation of political party from nonpartisan to a designation of a political party affiliation during the time beginning on December 31 preceding the closing filing date for the election and ending on the date of the election. (NRS 293.176) **Section 2** of this regulation provides that a person is not prohibited from being a candidate of a major political party if: (1)

the person's political party affiliation was changed unintentionally as a result of a transaction with an automatic voter registration agency; or (2) the person had not previously registered to vote in this State and submits an application to register to vote designating an affiliation with a major political party, unless he or she registers to vote in this State during such period and was previously registered in another state with a different political party affiliation or a designation of nonpartisan.

Existing law requires a person to file a declaration of candidacy with the appropriate filing officer before his or her name may be printed on a ballot to be used in an election. (NRS 293.177, 293C.145, 293C.175, 293C.185) **Sections 3 and 20** of this regulation authorize a person to file a declaration of candidacy: (1) by mailing certain notarized documents; (2) in person; or (3) if authorized by the filing officer, virtually using a remote technology system. **Sections 3 and 20** also set forth certain requirements for filing a declaration of candidacy virtually.

Existing law prohibits a person from filing nomination papers for or holding more than one elective office at the same time, except that a person may file nomination papers or hold an elective office of a special district and file nomination papers for or hold an elective office of the State, or a political subdivision or municipal corporation thereof. (NRS 281.055) **Section 4** of this regulation clarifies that a person may not file a declaration of candidacy or nomination papers for or hold more than one elective office of a special district.

Existing law authorizes a county clerk, with certain exceptions, to charge and collect an additional fee for filing and recording a declaration of candidacy for public office. (NRS 19.013) **Section 5** of this regulation provides that if a county clerk charges an additional fee for filing and recording a declaration of candidacy, the county clerk must charge the additional fee for all public offices for which a declaration of candidacy is filed with the county clerk. **Section 5** also requires the county clerk to report certain information relating to any additional fees charged for filing and recording a declaration of candidacy to the Secretary of State.

Section 6 of this regulation authorizes a candidate, the spouse of a candidate or a member of the campaign staff of a candidate to submit a photograph of the candidate to the Office of the Secretary of State to be published on the Internet website of the Secretary of State and establishes certain requirements for submitting such a photograph.

Existing law provides that, in certain circumstances, if one candidate receives a majority of the votes cast in a primary election for certain nonpartisan offices, the candidate must be declared elected and the candidate's name must not be placed on the ballot. (NRS 293.260, 293C.175; Carson City Charter § 5.010; Henderson City Charter § 5.010; Las Vegas City Charter § 5.010; North Las Vegas City Charter § 5.020; Sparks City Charter § 5.020) **Sections 7 and 21** of this regulation provide that for the purposes of determining the majority of the votes cast in a primary election for an office for which voters may select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.

Existing law establishes various requirements for a petition which is required to be verified. (NRS 293.12757-293.1279, 295.055, 306.015) **Section 8** of this regulation provides that a county clerk may reject a signature on a petition if: (1) the person was not registered to vote on the date he or she signed the petition; (2) the person signed for an incorrect petition district; (3) the person subsequently requested to have his or her name removed from the petition; or (4) the signature of the person on the petition does not match any signature in the file of applications to register to vote. **Section 8** prohibits a county clerk from rejecting a signature on a petition: (1) if

the petition is printed double-sided, unless the signature is illegible or impossible to compare to the signatures in the file of applications to register to vote; (2) if the name is printed in the wrong order; or (3) based on the color of ink used for the signature. **Section 8** further provides that if an address on a petition does not match the address in the files of the county clerk, the county clerk must notify the registered voter and may not verify the signature unless the registered voter demonstrates that he or she is a registered voter. Lastly, **section 8** requires a county clerk to allow a person who submits the petition and a public officer who is the subject of a recall petition to witness the verification of the signatures.

Section 9 of this regulation provides that an electronic summary of the votes cast in an election is a public record and subject to inspection upon request.

Existing law requires a voter to whom a mail ballot has been sent who applies to vote in person at a polling place to surrender his or her mail ballot or sign an affirmation under penalty of perjury that he or she has not voted during the election. If the voter surrenders his or her mail ballot, the election board officer must mark the mail ballot cancelled. (NRS 293.269917, 293C.26316) **Sections 10 and 22** of this regulation provide that to mark a mail ballot “cancelled,” an election board officer must: (1) use a rubber stamp to stamp the ballot or stamp both the ballot and the return envelope; or (2) handwrite “cancelled” on the mail ballot or on both the mail ballot and the return envelope.

Existing law requires the county clerk and city clerk to distribute mail ballots not later than 14 days before the election. (NRS 293.269911, 293C.263) Existing regulations provide that if a registered voter updates his or her address after the date the mail ballot is sent but on or before the 14th day before the election, the county or city clerk must mail a second mail ballot to the registered voter and cancel the first mail ballot. (NAC 293.325) **Section 17** of this regulation provides that if a voter who has changed his or her address after the date the mail ballots were sent returns his or her first mail ballot: (1) the first mail ballot shall be deemed to have been legally cast; and (2) if the county or city clerk has already distributed a second mail ballot, the county or city clerk must cancel the second mail ballot or, if the second mail ballot has not been distributed, the county or city clerk must not distribute the second mail ballot.

Section 11 of this regulation provides that if a voter submits a new application to register to vote or updates his or her voter registration information to change his or her name or political party affiliation after the county or city clerk has distributed the mail ballots and returns the mail ballot, the mail ballot shall be deemed to have been legally cast under the previous legal name or political party affiliation of the registered voter.

Existing law requires the counting procedure of the ballots voted by a counting board to be public and continue without adjournment until completed. (NRS 293.363, 293C.362) **Section 12** of this regulation clarifies that the counting board may temporarily recess during the counting procedure and that such a temporary recess is not considered to be a permanent adjournment of the counting procedure. **Sections 12, 13, 16 and 24** of this regulation require the county or city clerk to post in his or her office the times during which the counting board, mail ballot central counting board and recount board are expected to temporarily recess.

Existing law authorizes a candidate defeated at an election or a voter at an election to demand a recount under certain circumstances. (NRS 293.403) Existing law also requires a county or city clerk to allow members of the general public to observe the counting of the ballots at the central counting place if those members do not interfere with the counting of ballots. (NRS 293B.353) **Section 13**: (1) authorizes, with certain limitations, any person to observe a recount; (2) requires that before a person may observe the recount, the person must sign an

acknowledgment that certain behavior is prohibited; (3) authorizes, under certain circumstances, the county or city clerk to limit the number of persons observing the recount; (4) authorizes, under certain circumstances, the county or city clerk to remove a person observing the recount; and (5) requires a person to wear a name tag while observing the recount. **Section 13** also requires the county or city clerk to post a statement in his or her office, not later than 1 day before the recount will begin, to notify the public of the date the recount will begin and the time the recount is expected to begin.

Existing law authorizes an elector to register to vote in person during the period for early voting or on the day of the election. To register, the elector must, among other requirements, present his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles. If his or her driver's license or identification card does not contain his or her current residential address, the elector may present certain documents to establish residency. (NRS 293.5842, 293.5847) Existing law also authorizes a local government which accepts an identification card issued by the Department of Motor Vehicles for any activity or transaction to also accept a tribal identification card. (NRS 237.200) **Section 14** of this regulation requires an election board officer to accept a tribal identification card as proof of identity and residency from an elector who appears in person to register to vote. **Section 14** also provides that an elector may present certain temporary photographic identification cards issued by the Department of Corrections or another agency of this State as proof of residency if his or her driver's license or identification card issued by the Department of Motor Vehicles does not contain his or her current residential address.

Existing law provides that the name of a candidate printed on a ballot may be the given name and surname of the candidate or a contraction or familiar form of his or her given name followed by his or her surname. (NRS 293.2565) **Sections 15 and 23** of this regulation provide that the candidate's surname may be his or her original surname or married surname.

Existing law provides that if a voter fails to affix his or her signature to his or her mail ballot or fails to affix his or her signature in the manner provided by law or if there is any question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the voter must provide a signature or confirmation not later than 5 p.m. on the sixth day following the election. (NRS 293.269927, 293C.26327) **Sections 18 and 25** of this regulation provide that the offices of a county or city clerk may, but are not required to, remain open on weekends or outside of normal working hours to provide signature verification.

Existing law authorizes a covered voter to apply for a military-overseas ballot or to register to vote and apply for a military-overseas ballot by submitting a federal postcard application or the application's electronic equivalent if the application or electronic equivalent of the application is received before the time set for closing the polls on election day. (NRS 293D.300) Existing law also requires the Secretary of State to establish a system of approved electronic transmission through which covered voters may register to vote, apply for a military-overseas ballot and cast a military-overseas ballot. (NRS 293D.200) **Section 26** of this regulation requires, upon receipt of a federal postcard application, a local elections official to timestamp the application. **Section 26** also provides that if a covered voter submits a federal postcard application to apply for a military-overseas ballot or to register and apply less than 14 days before the day of an election: (1) the Secretary of State or local elections official, as practicable, will attempt to contact the covered voter to provide certain information relating to the deadline to cast and return a military-overseas ballot and the option to cast a military-overseas ballot using the system of approved electronic transmission; and (2) the local elections official is required to

contact the covered voter, if practicable, to provide certain information relating to the use of the system of approved electronic transmission.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this regulation.

Sec. 2. *For the purposes of NRS 293.176:*

1. A person may be a candidate of a major political party for partisan office in an election if:

(a) The person's designation of political party or political party affiliation was changed as a result of a transaction with an automatic voter registration agency during the automatic voter registration process and the person did not intentionally change his or her designation of political party or political party affiliation during the transaction; or

(b) The person has not previously registered to vote in this State and submits a new application to register to vote designating a political party affiliation with a major political party before the deadline set forth in NRS 293.177 for filing a declaration of candidacy, unless the designation of his or her affiliation on the application filed in this State is filed during the period set forth in NRS 293.176 and has been changed from the designation of political party or political party affiliation on an application filed in any other state.

2. A person who cancels his or her voter registration and submits a new application to register to vote may not be a candidate of a major political party for partisan office in an election if the person changed his or her designation of political party or political party affiliation when cancelling

his or her voter registration and submitting a new application.

Sec. 3. *1. A person may file a declaration of candidacy pursuant to NRS 293.177:*

(a) By submitting the notarized filing documents by mail;

(b) In person; or

(c) Virtually using a remote technology system if authorized by the appropriate filing officer.

2. If the filing officer provides the option to file a declaration of candidacy virtually using a remote technology system:

(a) The candidate must have paper copies of the documents during the virtual meeting and pay the filing fee required by NRS 293.193 before the virtual meeting.

(b) Each of the filing documents must be filled out and signed by the candidate and then held up to the camera for confirmation by the filing officer.

(c) Upon completion of the virtual meeting, the candidate must mail the original filing documents to the filing officer. The filing date for the candidate is the date on which the filing documents are received by the filing officer, which must not be later than the deadline set forth in NRS 293.177 for filing a declaration of candidacy.

3. A filing officer is not responsible for notifying a person filing a declaration of candidacy of any errors in the filing documents or filing fee. If any errors in the filing documents or filing fee are not corrected by 5 p.m. on the deadline set forth in NRS 293.177 for filing a declaration of candidacy, the name of the person may not be printed on a ballot as a candidate.

Sec. 4. *1. In accordance with NRS 281.055, a person may not file a declaration of candidacy or other nomination papers for more than one elective office of any special district.*

2. The provisions of this section and NRS 281.055 do not prohibit a person from serving in more than one special district in a capacity other than elective office.

Sec. 5. *If a county clerk elects to charge and collect an additional fee for filing and recording a declaration of candidacy for a public office pursuant to NRS 19.013, the county clerk shall:*

1. Charge the additional fee for all public offices for which a declaration of candidacy is filed with the county clerk.

2. Notify the Secretary of State using electronic mail or mail not later than 15 days before the start of the candidate filing period in an election year. The written notification must include, without limitation:

(a) That the additional fee is being charged and collected;

(b) The amount of the additional fee; and

(c) The total filing fee to be collected for each public office.

Sec. 6. *1. In accordance with the provisions of this section, a candidate, the spouse of a candidate or a member of the campaign staff of a candidate may submit a photograph of the candidate to the Office of the Secretary of State to be uploaded to the Internet website of the Secretary of State beginning on the first Monday in March preceding the election and not later than 5 p.m. on the second Friday preceding the day of the election. Any photograph submitted after 5 p.m. on the second Friday preceding the date of the election will be uploaded to the Internet website of the Secretary of State, if practicable.*

2. The Office of the Secretary of State will not contact any candidate who does not submit a photograph to obtain such a photograph.

3. The Office of the Secretary of State will:

(a) Only accept digital photographs; and

(b) Crop each photograph to approximately 2 inches above the head of the candidate and 8 inches below the chin of the candidate.

4. The Office of the Secretary of State may, at the discretion of the Office, reject a photograph of a candidate submitted pursuant to this section for any reason, including, without limitation, if the photograph is offensive, contains nudity, alcohol or drug paraphernalia, contains writing or symbols that indicate allegiance to any group or organization or contains persons or objects other than the candidate.

Sec. 7. For the purposes of determining whether a candidate received a majority of the votes cast in a primary election for a nonpartisan office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.

Sec. 8. 1. A county clerk may reject a signature on a petition if:

(a) Pursuant to NRS 293.12757, the person who signed the petition was not qualified to register to vote or had not properly completed an authorized method of registering to vote on the date on which he or he signed the petition;

(b) Pursuant to subsection 1 of NRS 293.1277, the person signed for an incorrect petition district;

(c) Pursuant to NRS 295.055 or 306.015, the person who signed the petition subsequently requested to have his or her name removed from the petition; or

(d) Pursuant to subsection 5 of NRS 293.1277 and subsection 3 of NRS 293.1279, the signature of the person who signed the petition does not match any signature contained in the county clerk's file of applications to register to vote.

2. A county clerk shall not reject a signature on a petition:

(a) Except as otherwise provided in this paragraph, if the petition form is printed on both sides of the paper. If the petition form is printed on both sides of the paper and the signatures written on opposite sides are rendered illegible or impossible to compare to the signature on record, the county clerk may reject the signature.

(b) Based on the order of the first and last name printed on the petition.

(c) Based on the color of the ink used to sign the petition.

3. If the county clerk determines while verifying signatures on a petition that an address on the petition does not match the address of the registered voter in the file of applications to register to vote, the county clerk:

(a) Shall notify the registered voter of the discrepancy, which may be accomplished by, without limitation, posting notice of the discrepancy on the Internet website of the county clerk. Such notice must include the name of the registered voter and information on how the registered voter may contact the county clerk to resolve the discrepancy.

(b) Shall not verify the signature of any person whom the county clerk has notified of an address discrepancy pursuant to paragraph (a) unless the person demonstrates to the satisfaction of the county clerk that the person is a registered voter of the State, county, district or municipality to which the petition pertains.

4. Pursuant to subsection 9 of NRS 293.1277, a county clerk shall ensure:

(a) A person who submits a petition to the county clerk containing signatures that are required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 may witness the verification of signatures on the petition; and

(b) A public officer who is the subject of a recall petition may witness the verification of signatures on the recall petition.

Sec. 9. *An electronic summary of votes cast in an election which does not contain personally identifiable information is a public record and subject to inspection upon request.*

Sec. 10. 1. *If a voter applies to vote in person at a polling place and surrenders his or her mail ballot pursuant to subsection 3 of NRS 293.269917, the election board officer shall ask the voter to open the envelope so that the mail ballot may be accessed and marked cancelled pursuant to subsection 2. If the voter has already shredded the mail ballot, the shredded mail ballot must be surrendered and placed into a container labeled “Cancelled ballots.”*

2. To mark a mail ballot cancelled the election board officer shall:

(a) Use a rubber stamp to stamp the mail ballot or stamp both the mail ballot and the return envelope; or

(b) Write the word “Cancelled” by hand on the mail ballot or on both the mail ballot and the return envelope.

3. In addition to marking the mail ballot cancelled pursuant to subsection 2, the election board officer may:

(a) Tear a small corner off the mail ballot;

(b) Use a hole punch to put a hole in the mail ballot; or

(c) Otherwise make the mail ballot unreadable when using a mechanical tabulation machine.

4. All surrendered mail ballots and mail ballot return envelopes must be deposited in the vaults of the county clerk and preserved for a period of at least 22 months. After this period, all such surrendered mail ballots and return envelopes must be destroyed immediately.

5. If a voter indicates that he or she elected not to receive a mail ballot pursuant to NRS 293.269911 or did not receive a mail ballot, the voter is not required to surrender a mail ballot or sign an affirmation under penalty of perjury before voting.

Sec. 11. *1. If a registered voter submits a new application to register to vote to change his or her legal name after the date on which his or her mail ballot is sent pursuant to NRS 293.269911 or 293C.263 and returns his or her mail ballot with his or her previous legal name, the mail ballot shall be deemed to have been legally cast under the previous legal name of the registered voter.*

2. If a registered voter updates his or her political party affiliation in the voter registration information after the date on which his or her mail ballot is sent pursuant to NRS 293.269911 for a primary election and returns his or her mail ballot for his or her previous political party affiliation, the mail ballot shall be deemed to have been legally cast under the previous political party affiliation of the registered voter.

3. Nothing in this section authorizes:

(a) A registered voter to cast more than one ballot; or

(b) A county or city clerk to count more than one ballot received by a registered voter.

Sec. 12. *1. The counting board may temporarily recess during the counting procedure. Such a temporary recess is not considered an adjournment of the counting procedures for the purposes of NRS 293.363 and 293C.362.*

2. The county clerk shall post a statement in his or her office that notifies the public of the times during which the counting board is expected to temporarily recess during the counting procedure.

Sec. 13. *1. Not later than 1 day before the start of a recount, the county or city clerk, as applicable, shall post a statement in his or her office that notifies the public of the date the recount board will begin the recount of votes, the time at which the recount board is expected to begin and any times during which the recount board is expected to temporarily recess during the recount of votes.*

2. Subject to the provisions of subsections 3 to 7, inclusive, any person may observe the conduct of a recount of votes.

3. Before observing the conduct of a recount of votes pursuant to subsection 2, a person must sign an acknowledgment in the form prescribed by the Secretary of State stating that the person, during the time the person observes the conduct of a recount of votes:

(a) Acknowledges that he or she is prohibited from:

(1) Using a mobile telephone or computer within the facility in which the recount is occurring;

(2) Advocating for or against a candidate, political party or ballot question;

(3) Arguing for or against or challenging any decisions of county or city election personnel;

(4) Talking to county or city election personnel other than the county or city clerk or a person designated by the county or city clerk to answer questions from any person observing the conduct of a recount of votes pursuant to this section;

(5) Interfering with the conduct of the recount; and

(6) Interfering with county or city election personnel in the performance of any duty of such personnel set forth in title 24 of NRS; and

(b) May be removed from the recount facility by the county or city clerk for violating any provision of title 24 of NRS or any of the provisions of paragraph (a).

4. The county or city clerk may, at his or her discretion:

(a) Limit the number of persons in the recount facility who are observing the conduct of a recount pursuant to this section for reasons of public safety or to maintain order.

(b) Remove from a recount facility a person observing the conduct of a recount pursuant to this section for violating any provision of title 24 of NRS or any of the provisions of paragraph (a) of subsection 3.

5. A person observing the conduct of a recount of votes pursuant to subsection 2 may remain in an area designated by the county or city clerk to observe the recount without interfering with the recount. The designated area must allow for meaningful observation, but must not be located in an area that would allow an observer to infringe on the privacy and confidentiality of the ballot of the voter.

6. A person observing the conduct of a recount of votes pursuant to subsection 2 must wear a name tag denoting the person's full legal name.

7. The county and city clerk shall retain the signed acknowledgment described in subsection 3 for at least 180 days after the recount observed by the person who signed the acknowledgment.

8. As used in this section:

(a) "Advocating" includes, without limitation, speaking, displaying or disseminating written material and wearing identifying clothing, buttons or other paraphernalia.

(b) “Meaningful observation” means the observation of the recount of votes by a person, including, without limitation, the counting and inspection of all ballots, including rejected ballots, pursuant to NRS 293.404. The term does not include a person:

(1) Viewing the personal information of a voter, a voter’s ballot or selections on a voting machine; or

(2) Listening to any conversation between election board officers.

Sec. 14. 1. For the purposes of NRS 293.5842 and 293.5847:

(a) An elector who is registering to vote may provide his or her current and valid tribal identification card as proof of his or her identity and residency.

(b) An elector whose driver’s license or identification card issued by the Department of Motor Vehicles does not contain the current residential address of the elector may, in addition to the documents set forth in subsection 3 of NRS 293.5842 and subsection 3 of NRS 293.5847, present a temporary identification card issued by the Department of Corrections or any other agency of this State, if such an identification card contains a photograph of the elector and his or her current residential address.

2. As used in this section, “tribal identification card” means an identification card issued by an Indian tribe located in whole or in part in this State and which satisfies the requirements of subsection 3 of NRS 237.200.

Sec. 15. NAC 293.081 is hereby amended to read as follows:

293.081 1. *For the purposes of NRS 293.2565, the surname of the candidate printed on a ballot may be his or her original surname or married surname. A candidate may not request that a new modification or combination of his or her original surname and married surname appear on a ballot.*

2. A candidate may change the manner in which his or her name will appear on the ballot by filing a written request to amend his or her declaration of candidacy. The request must be filed by the candidate in person with the filing officer with whom he or she filed the declaration of candidacy not later than 5 p.m. on the last day to file the declaration of candidacy.

~~[2.]~~ This ~~[section]~~ *subsection* does not authorize the amendment of any matter contained in a declaration of candidacy other than the manner in which the name of the candidate appears.

Sec. 16. 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 mail ballots on the record of mail ballots; and

(d) Place all the 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 ~~[-]~~ *and the times during which the mail ballot central counting board is expected to temporarily recess during the counting procedure.*

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.

Sec. 17. NAC 293.325 is hereby amended to read as follows:

293.325 1. If a registered voter updates his or her mailing address in the voter registration information after the date on which his or her mail ballot is sent pursuant to NRS 293.269911 or 293C.263, as applicable, but on or before the 14th day before the election, the county or city clerk, as applicable, must:

(a) On or before the 13th day before the election, send a second mail ballot to the registered voter at the updated mailing address;

(b) Indicate in the roster of mail ballots:

- (1) The name of the registered voter to whom the second mail ballot is issued;
- (2) The date that the second mail ballot is issued;
- (3) The number of the second mail ballot; and
- (4) ~~[-That]~~ *Except as otherwise provided in subsection 2, that* the first mail ballot is cancelled.

2. *If a county or city clerk receives a mail ballot cast by a registered voter who updated his or her his or her mailing address in the voter registration information after the date on which his or her mail ballot is sent pursuant to NRS 293.269911 or 293C.263, as applicable:*

(a) The mail ballot shall be deemed to have been cast before the registered voter updated his or her mailing address; and

(b) If, in accordance with subsection 1, the county or city clerk has:

(1) Sent a second mail ballot to the registered voter at the updated mailing address, the county or city clerk shall cancel the second mail ballot; or

(2) Not yet sent a second mail ballot to the registered voter at the updated mailing address, the county or city clerk shall not send a second mail ballot.

3. *Each county or city clerk shall keep a record of:*

(a) Whether a manual override of the election system was necessary to accept a ballot cast pursuant to subsection 2; and

(b) The total number of ballots cast pursuant to subsections 1 and 2.

4. Nothing in this section authorizes:

(a) A registered voter to cast more than one mail ballot; or

(b) A county or city clerk to count more than one mail ballot received by a registered voter.

Sec. 18. NAC 293.336 is hereby amended to read as follows:

293.336 1. The county clerk or an employee in the office of the county clerk shall check the signature on the return envelope of a mail ballot in accordance with the provisions of NRS 293.269927.

2. The county clerk shall perform periodic audits of each employee in the office of the county clerk whose regular duties include checking signatures on mail ballots. If the county clerk

finds that an employee has an irregular acceptance or rejection rate, the county clerk must retrain the employee or prohibit the employee from checking signatures on mail ballots.

3. If the county clerk uses an electronic device to:

(a) Sort mail ballots, the county clerk must test the electronic device before it is so used to ensure that the electronic device properly sorts mail ballots.

(b) Capture the digital image of a voter's signature on a mail ballot, the county clerk must test the electronic device before it is so used to ensure that the electronic device is able to clearly and accurately capture the digital image of a signature on a mail ballot.

4. For the purposes of any voter who is required to provide a signature or a confirmation to the county clerk not later than 5 p.m. on the sixth day following the election pursuant to subsection 6 of NRS 293.269927, the county clerk is not required to provide signature verification during any weekend or holiday or any other time in which the offices of the county clerk are closed in the 6 days following the election. The county clerk may, in his or her discretion, provide signature verification during additional days or times outside of normal working hours.

Sec. 19. Chapter 293C of NAC is hereby amended by adding thereto the provisions set forth as sections 20, 21 and 22 of this regulation.

Sec. 20. 1. *A person may file a declaration of candidacy pursuant to NRS 293C.145 or 293C.175, as applicable:*

(a) By submitting the notarized filing documents by mail;

(b) In person; or

(c) Virtually using a remote technology system if authorized by the city clerk.

2. If the city clerk offers the option to file a declaration of candidacy virtually using a remote technology system:

(a) The candidate must have paper copies of the documents during the virtual meeting and pay the filing fee established by the governing body of the city before the virtual meeting.

(b) Each of the filing documents must be filled out and signed by the candidate and then held up to the camera for confirmation by the city clerk.

(c) Upon completion of the virtual meeting, the candidate must mail the original filing documents to the city clerk. The filing date for the candidate is the date on which the filing documents are received by the city clerk, which must not be later than the deadlines set forth in NRS 293C.145 or 293C.175, as applicable, for filing a declaration of candidacy.

3. A city clerk is not responsible for notifying a person filing a declaration of candidacy of any errors in the filing documents or filing fee. If any errors in the filing documents or filing fee are not corrected by 5 p.m. on the deadline set forth in NRS 293C.145 or 293C.175, as applicable, for filing a declaration of candidacy, the name of the person may not be printed on a ballot as a candidate.

Sec. 21. *For the purposes of determining whether a candidate received a majority of the votes cast in a primary city election for a nonpartisan office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary city election for that office.*

Sec. 22. *1. If a voter applies to vote in person at a polling place and surrenders his or her mail ballot pursuant to subsection 3 of NRS 293C.26316, the election board officer shall ask the voter to open the envelope so that the mail ballot may be accessed and marked*

cancelled pursuant to subsection 2. If the voter has already shredded the mail ballot, the shredded mail ballot must be surrendered and placed into a container labeled “Cancelled ballots.”

2. To mark a mail ballot cancelled the election board officer shall:

(a) Use a rubber stamp to stamp the mail ballot or stamp both the mail ballot and the return envelope; or

(b) Write the word “Cancelled” by hand on the mail ballot or on both the mail ballot and the return envelope.

3. In addition to marking the mail ballot cancelled pursuant to subsection 2, the election board officer may:

(a) Tear a small corner off the mail ballot;

(b) Use a hole punch to put a hole in the mail ballot; or

(c) Otherwise make the mail ballot unreadable when using a mechanical tabulation machine.

4. All surrendered mail ballots and mail ballot return envelopes must be deposited in the vaults of the city clerk and preserved for a period of at least 22 months. After this period, all such surrendered mail ballots and return envelopes must be destroyed immediately.

5. If a voter indicates that he or she elected not to receive a mail ballot pursuant to NRS 293C.263 or did not receive a mail ballot, the voter is not required to surrender a mail ballot or sign an affirmation under penalty of perjury before voting.

Sec. 23. NAC 293C.080 is hereby amended to read as follows:

293C.080 1. *For the purposes of NRS 293.2565, the surname of the candidate printed on a ballot may be his or her original surname or married surname. A candidate may not*

request that a new modification or combination of his or her original surname and married surname appear on the ballot.

2. A candidate may change the manner in which his or her name will appear on the ballot by filing a written request to amend his or her declaration of candidacy. The request must be filed by the candidate in person with the filing officer with whom the declaration of candidacy was filed not later than 5 p.m. or close of business on the last day to file the declaration of candidacy.

~~[2.]~~ This ~~[section]~~ *subsection* does not authorize the amendment of any matter contained in a declaration of candidacy other than the manner in which the name of the candidate appears.

Sec. 24. NAC 293C.500 is hereby amended to read as follows:

293C.500 1. The city clerk shall, not earlier than 15 days before the day of the election, deliver the mail ballots to the mail ballot central counting board. When the mail ballots are received, the mail ballot central counting board shall, in addition to the requirements of NRS 293C.26331, 293C.26333 and 293C.26335:

(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 mail ballots on the record of mail ballots; and

(d) Place all the mail ballots and the record of mail ballots into the container provided by the city clerk to transport those items to a central counting place and seal the container.

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 city 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 ~~and~~ *and the times during which the mail ballot central counting board is expected to temporarily recess during the counting procedure.*

3. Any mail ballots received by the city 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 293C.26331, must be delivered to the mail ballot central counting board for counting.

4. The city 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.

Sec. 25. NAC 293C.515 is hereby amended to read as follows:

293C.515 1. The city clerk or an employee in the office of the city clerk shall check the signature on the return envelope of a mail ballot in accordance with the provisions of NRS 293C.26327.

2. The city clerk shall perform periodic audits of each employee in the office of the city clerk whose regular duties include checking the signatures on mail ballots. If the city clerk finds that an employee has an irregular acceptance or rejection rate, the city clerk must retrain the employee or prohibit the employee from checking signatures on mail ballots.

3. If the city clerk uses an electronic device to:

(a) Sort mail ballots, the city clerk must test the electronic device before it is so used to ensure that the electronic device properly sorts mail ballots.

(b) Capture the digital image of a voter's signature on a mail ballot, the city clerk must test the electronic device before it is so used to ensure that the electronic device is able to clearly and accurately capture the digital image of a signature on a mail ballot.

4. For the purposes of any voter who is required to provide a signature or a confirmation to the city clerk not later than 5 p.m. on the sixth day following the election pursuant to subsection 6 of NRS 293C.26327, the city clerk is not required to provide signature verification during any weekend or holiday or any other time in which the offices of the city clerk are closed in the 6 days following the election. The city clerk may, in his or her discretion, provide signature verification during additional days or times outside of normal working hours.

Sec. 26. Chapter 293D of NAC is hereby amended by adding thereto a new section to read as follows:

1. Upon receipt of a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2), or the application's electronic equivalent, the local elections official shall:

(a) Affix, mark or otherwise acknowledge receipt of the federal postcard application by means of a time stamp on the application; and

(b) Record the receipt of the federal postcard application and the type of military-overseas ballot requested, which must be reported to the Secretary of State.

2. In addition to the provisions of NAC 293D.010, if a covered voter submits an application for a military-overseas ballot by federal postcard application less than 14 days before the day of an election:

(a) The Office of the Secretary of State or local elections official, as practicable, will attempt to contact the covered voter using the contact information provided by the covered

voter, including, without limitation, by telephone, electronic mail or facsimile transmission, to provide:

(1) An explanation of the deadline for the registered voter to cast and return the military-overseas ballot and any other necessary voting materials, including, without limitation, the declaration set forth in NAC 293D.020, to the appropriate elections official; and

(2) An explanation of how to return the military-overseas ballot using the system of approved electronic transmission established by the Secretary of State pursuant to NRS 293D.200 to ensure the military-overseas ballot is received by the deadline set forth in NRS 293D.400 for the receipt of a military-overseas ballot.

(b) The local elections official shall:

(1) If the covered voter includes an electronic mailing address or facsimile number with his or her application, as practicable, immediately send to the covered voter the informational letter prepared by the Secretary of State titled "Use of EASE for Military and Overseas Citizen Absent Voters," which encourages the covered voter to return the military-overseas ballot using the system of approved electronic transmission established by the Secretary of State pursuant to NRS 293D.200 to ensure the military-overseas ballot is received by the deadline set forth in NRS 293D.400 for the receipt of a military-overseas ballot; and

(2) Send the military-overseas ballot to the covered voter by mail, electronic mail or facsimile transmission, as requested by the covered voter.

**ADOPTED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R015-23

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 ~~it~~:

~~—— (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:

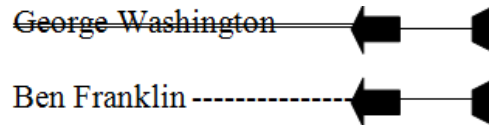
1. Compare the address of the voter's residence in this State which is indicated on the request with the address which is indicated on the voter's application to register to vote.
2. If the county clerk determines that the address indicated on the application to register to vote is different from the 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.