
CHAPTER 10

ELECTION RESULTS & TABULATION

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ELECTION RESULTS & TABULATION

Tabulation is the processing of totaling of individual votes from various sources, such as in-person and by-mail ballots. Votes are tabulated one of three ways in Nevada. Votes are either recorded electronically in-person on a Direct Recording Electronic voting device or “DRE,” by scanning selections made on paper ballots using an electronic scanner, or hand-counting selections made on paper ballots.

After tabulating ballot selections, all methods and sources are combined using centralized software. For example, each Direct Recording Electronic voting device (DRE) saves totals onto removable media, which the centralized software reads in order to combine the totals for all the DREs. Paper ballots electronically scanned also use removable media to add the ballot selections recorded. Hand-counted paper ballot selection totals must be manually entered into the centralized software. The software combines the ballot selections for each county and provides a common data format for the Secretary of State to combine and report statewide totals, specifically for candidates and ballot questions spanning more than one county.

Voter Intent

Votes in Nevada are cast either electronically or on a paper ballot. Votes cast electronically are recorded during early voting or on Election Day in-person at a polling location or vote center. Votes cast on paper ballots are submitted by-mail or in-person during early voting or on Election Day. Local election officials, in consultation with the County Board of Commissioners, may decide which methods and sources are used in their jurisdiction.

This section provides general guidance to assist in determining what constitutes a vote and how a voter’s intent in Nevada is applied in a consistent and uniform manner according to law, regardless of how or where a ballot is cast.

Federal and state laws mandate uniform standards for counting votes. The Help America Vote Act of 2002 was passed in reaction to the controversy surrounding the 2000 U.S. Presidential Election. The Act established minimum election administration standards, including a mandate for each state to adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote. In 2003, the Nevada Legislature passed related laws, such as the Nevada [Voter’s Bill of Rights](#), which requires a uniform, statewide standard for counting and recounting all votes accurately.

The Nevada Legislature has established the State policy preventing Nevada Election Officials from engaging in a subjective analysis to decipher the intent of a voter. As demonstrated in the 2000 presidential election, such reviews can lead to inconsistent results between jurisdictions and the Nevada Legislature has placed the onus on the voter to correctly mark their ballot. For these reasons, any marking not found within the “designated space” will not be counted as a vote.

What constitutes a valid vote, how to properly mark a vote, and how to properly correct a mistake, as well as additional requirements and how they are applied are addressed below. The first step in determining voter intent is identifying when a ballot requires review.

Ballot Review

A ballot that requires review for voter intent is provided to the appropriate [election board](#). Election boards must not all be of the political party, or a candidate, relative of a candidate or withing the second degree of consanguinity or affinity.

A bipartisan election board will review a ballot for voter intent when either a mechanical recording device or a hand-count identifies a ballot or contest for review. Instances when review of voter intent is required occurs when there are marks in the space designated to be darkened to cast a vote such as a cross or check, there is writing or mark on the ballot not in the designated space to darkened such as cross or check, or a voter casts more votes for an office than the voter is lawfully entitled. Keep in mind a ballot review can take place for issues other voter intent, which this section does not address. Nevada law provides the following standards for counting and rejecting ballots.

NRS and NAC provide basic factors to be considered by an election board when deciding whether a particular ballot must be counted or rejected. [NRS 293.367](#) provides the basic factor to be considered by an election board as follows:

“The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.”

[NRS 293.367](#) specifies the regulations for counting ballots must include the following provisions:

- An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.
- A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.
- Only devices provided for in this chapter or chapter [NRS 293B](#) may be used in marking ballots.
- It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.
- When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

Secretary of State Interpretation of Voter Intent

Question

May a county clerk consider ballot marks, other than those described in [NRS 293.3677\(2\)\(a\)](#), in determining a voter's intent on paper absentee ballots?

Answer

No. Nevada law does not allow elections official to undergo a subjective analysis of ballot marks to decipher the will of a voter. Only those marks described in [NRS 293.3677\(2\)\(a\)](#) and [NRS 293C.369\(2\)\(a\)](#) may legally be counted, as applicable. In determining whether a vote has been cast in a particular race is whether all or a portion of the designated space has been marked.

The Nevada Legislature set forth the public polity of the State of Nevada regarding the counting of votes cast by paper ballot in Federal election years codified in [NRS 293.127](#) and [NRS 293.3677](#).

The conclusion of the Legislature is consistent with the practices of Nevada's county election administrators, and this interpretation serves as a reminder to those officials as well as notice to Nevada's voters casting a paper ballot.

Regulations

[NRS 293.3677\(3\)\(b\)](#) provides the following authority when promulgating regulations:

- The Secretary of State shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Additionally, [NRS 293.3677\(3\)\(a\)](#) provides the Secretary of State with the authority to establish additional standards through regulation in the following language:

- The Secretary of State may adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2.

Standards for Counting Votes

When counting votes, [NRS 293.3677\(1\)](#) establishes the two following standards in addition to the regulations adopted by the Secretary of State. Each standard is further clarified by the subsequent references.

Standard 1:

- If more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

[NRS 293.367\(2\)\(a\)](#): Standards for rejecting ballots for appearance of tampering; regulations for counting ballots. Clarifies Standard 1 by stating the following required provision:

- An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

Standard 2 (subsection 2) states:

A vote is cast by darkening a designated space on the ballot:

- A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and
- Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

Applying Voter Intent Standards

As defined by [NRS 293.3677](#) a vote is cast by darkening a designated space on the ballot. The Interpretation further clarifies the determinative issues as, when determining whether a vote has been cast in a particular race is whether all or a portion of the designated space has been marked. The designated space on the ballot is defined in the instructions to be provided with every ballot.

[NAC 293.307](#) provides the following illustration to properly correct a mistake and make a selection. To change a vote, cross out the name of the candidate you **do not** wish to vote for and fill in the oval of the candidate you **do** wish to vote for.

Other examples of darkening a designated space on the ballot may include an arrow, square, or as described above, an incomplete oval opposite a candidate's name or option. The illustrations below are examples of darkening designated spaces on a ballot.

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 fill in the oval of the candidate you **do** wish to vote for. See example below. Call **(XXX) XXX-XXXX** for assistance if needed.

George Washington —●


Benjamin Franklin ●

Oval before a candidate name or ballot question:

<p>INSTRUCTIONS TO VOTE</p> <p>To vote, fill in the oval to the left of the candidate of your choice, like this ●.</p> <p>To vote for a question, fill in the oval at the bottom of the question response, like this ●.</p>		ELECTED OFFICE	
		Four (4) Year Term	
		VOTE FOR ONE	
	○	Candidate A	DEM
	○	Candidate B	NP
	○	Candidate C	REP
	○	None of these Candidates	

Oval after a candidate name or ballot question:

INSTRUCTIONS TO VOTERS: To vote, completely fill in the oval to the right of your choice. Use only black or blue ink. DO NOT use red ink.



	ELECTED OFFICE	
	Four (4) Year Term	
	VOTE FOR ONE	
n	Candidate A	DEM ○
n	Candidate B	NP ○
n	Candidate C	REP ○
n	None of these Candidates	○

Sample Ballot Markings

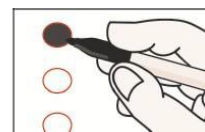
The following illustrations should serve as examples to ensure voter intent is applied consistently and uniformly statewide.

Designated Space

A vote is cast by darkening a designated space on the ballot. As stated in the Interpretation, in determining whether a vote has been cast in a particular race is whether all or a portion of the designated space has been marked.

Instructions, such as the following examples, identify the designated space. A vote is cast by darkening the designated space on the ballot as indicated in the instruction provided with the ballot. The “designated space” is the oval adjacent to a candidate’s name or ballot question that the voter is instructed to fill in to indicate their selection. Examples of the designated space are identified below in the instructions and circled in green on the sample ballot contests.

INSTRUCTIONS TO VOTERS: To vote, completely fill in the oval to the right of your choice. Use only black or blue ink. DO NOT use red ink.



INSTRUCTIONS TO VOTE

To vote, fill in the oval to the left of the candidate of your choice, like this ●.

To vote for a question, fill in the oval at the bottom of the question response, like this ●.

The designated space is identified with a green oval in the following sample ballot contests:

n n n n n n n	ELECTED OFFICE Four (4) Year Term VOTE FOR ONE		
	Candidate A	DEM	
	Candidate B	NP	
	Candidate C	REP	
	None of these		
	Candidates		

	ELECTED OFFICE Four (4) Year Term VOTE FOR ONE		
		Candidate A	DEM
		Candidate B	NP
		Candidate C	REP
		None of these Candidates	

General Rule: Any marks made writing the designated space should be counted as a valid vote as long as the voter did not select more candidates or ballot questions than the maximum number allowed and none of the exceptions below apply. As stated in the Interpretation, in determining whether a vote has been cast in a particular race is whether all or a portion of the designated space has been marked.

Exceptions: Marks made inside the designated space should not be counted as a valid vote if the vote is corrected.

Marks *outside* of the target area should not be counted, even if they form a pattern of similar marks as outlined. [NRS 293.3677](#) (see Standard 2 above) does not provide for writing or other marks on the ballot outside the designated space to be counted as a vote.

A vote is cast by darkening a designated space on the ballot [NRS 293.3677\(2\)](#):

- A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and
- Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

Obvious Stray Marks

If the designated space for any Candidate contains a mark, it must be counted as an overvote. Nevada law is clear any mark in the designated space is to be counted as a selection.

Hesitation Marks

Even though a mark in the designated space may appear to be a hesitation mark, Nevada law requires any mark in a designated space to be counted as a selection.

Pattern of Similar Marks

General Rule: Marks made outside of the designated space should not be counted as valid votes, even if the voter uses a consistent pattern. [NRS 293.3677](#) does not provide for writing or other marks on the ballot outside the designated space to be counted as a vote.

A vote is cast by darkening a designated space on the ballot:

- A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and
- Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

Some vote tabulation equipment, such as optical scanners, are only capable of identifying marks in designated spaces. Allowing ballots with marks outside the designated space to be counted enfranchises some voters while disenfranchising others. Ballots tabulated by a manual hand count will are likely to identify marks outside the designated space and apply voter intent, while some ballot tabulation equipment may not identify such marks for review.

Optical ballot scanners use light sensors to identity breaks in light in a designated space to determine votes. For example, a properly filled in oval will “break” the light detected by the sensors. If the sensors detect a break in light in a designated space, a mark or vote is recorded. If there is no break in the light passed through the paper and detected by the sensor on the other side, no mark or vote is recorded. If more breaks in light are detected that allowed to be case (“Vote for One”) the scanner will identify the ballot for review by the duplication board.

Overvotes and Corrected Votes

An overvote occurs where a voter marks more options that the maximum permitted for a candidate or ballot question.

General Rule: No votes for and overvoted contest or ballot measure should be counted unless the voter has provided a correction. [NRS 293B.085](#) requires voting system to be programmed to not count overvotes. The law also states an overvote does not invalidate the rest of the ballot or other contests that are legally voted.

Furthermore, [NAC 293.307\(2\)](#) only provides for a ballot to be duplicated, with the intended vote, if not ambiguity exists as to the intent of the voter.

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.

[NRS 293.2693](#) requires a voter education program in counties or cities using paper ballots. The education program must include, without limitation, information concerning the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot

Written Instructions

General Rule: The only acceptable method to correct a vote is with a line through the candidate’s name. Written instructions, no matter how clear, may not be used to determine voter intent.

Written Instructions Using Words

The only acceptable method of correction is by crossing out a candidate’s name. No correction that uses words should be accepted.

Rejecting a Ballot with Identifying Marks

General Rule: The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark on the ballot indicates the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected. The election board must make the determination as a whole and have reason to believe the ballot has been tampered with.

A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

Soiled or Defaced Ballot

In the following examples, the ballots show soiling or defacing. In reasonable and good faith, the soiling and defacing appear to be inadvertent. All the valid votes on the ballot should be counted unless the soiling or defacing make it impossible to determine the intent of the voter. The following ballot contains soiling that does not appear to be intentional. Furthermore, the soiling does not hinder the ability to read and interpret the voter's selections, such as the coffee ring covering a designated space that might otherwise be marked. All valid votes that can be identified should be counted.

ALL OFFICES NEVADA TEST COUNTY GENERAL ELECTION	
n n n n n n n	ELECTED OFFICE Four (4) Year Term VOTE FOR ONE
	Candidate A DEM <input checked="" type="radio"/>
	Candidate B NP <input type="radio"/>
	Candidate C REP <input type="radio"/>
	None of these Candidates <input type="radio"/>
n n n n n n n	ELECTED OFFICE Four (4) Year Term VOTE FOR ONE
	Candidate A DEM <input type="radio"/>
	Candidate B NP <input type="radio"/>
	Candidate C REP <input checked="" type="radio"/>
	None of these Candidates <input type="radio"/>

ALL OFFICES NEVADA TEST COUNTY GENERAL ELECTION	
n n n n n n n	ELECTED OFFICE Four (4) Year Term VOTE FOR ONE
	Candidate A DEM <input type="radio"/>
	Candidate B NP <input checked="" type="radio"/>
	Candidate C REP <input type="radio"/>
	None of these Candidates <input type="radio"/>
n n n n n n n	ELECTED OFFICE Four (4) Year Term VOTE FOR ONE
	Candidate A DEM <input type="radio"/>
	Candidate B NP <input type="radio"/>
	Candidate C REP <input type="radio"/>
	None of these Candidates <input checked="" type="radio"/>

Identifying Marks on the Ballot

There are a few types of identifying marks. Three examples are provided below, including unintentional notes, unlikely tampering, and influence.

In the example below, the voter's ballot contains properly marked designated spaces but also contains handwritten marks. Although the marks could be used to potentially identify a voter, the markings appear to be notes and do not appear to be intentional or tampering. All the valid votes marked on the following ballot should be counted. Additionally, the following ballot should be provided to the Ballot Duplication Board to move the valid votes to a ballot without handwritten notes before tabulation.

<i>Groceries to get on the way home</i>		ALL OFFICES		<i>call real estate agent on billboard at (555) 555-5555</i>	
<i>-milk</i>		NEVADA TEST COUNTY			
<i>-eggs</i>		GENERAL ELECTION			
<i>-meat</i>		NOVEMBER OF ELECTION YEAR			
<i>-cake</i>					
n	ELECTED OFFICE	n	ELECTED OFFICE	n	ELECTED OFFICE
n	Four (4) Year Term	n	Four (4) Year Term	n	Four (4) Year Term
n	VOTE FOR ONE	n	VOTE FOR ONE	n	VOTE FOR ONE
n	Candidate A DEM <input type="radio"/>	n	Candidate A DEM <input type="radio"/>	n	Candidate A DEM <input type="radio"/>
n	Candidate B NP <input checked="" type="radio"/>	n	Candidate B NP <input type="radio"/>	n	Candidate B NP <input type="radio"/>
n	Candidate C REP <input type="radio"/>	n	Candidate C REP <input type="radio"/>	n	Candidate C REP <input type="radio"/>
n	None of these <input type="radio"/>	n	None of these <input checked="" type="radio"/>	n	None of these <input checked="" type="radio"/>
n	Candidates	n	Candidates	n	Candidates

The following ballot should be provided to the Ballot Duplication Board to move the valid votes to a ballot without handwritten notes before tabulation.

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In the following example, the ballot is properly marked but the ballot contains handwritten notes in the header that clearly identify the voter. Nevada law requires rejecting any paper ballot that has been marked in a way that identifies the voter. Although clearly unintentional, a reasonable person would be able to identify the voter as a person by the full name “Jamie Jones” but also identifies the voter’s residential address. This ballot must be rejected by the Ballot Inspection Board and no votes may be counted, even if properly marked.

ALL OFFICES

NEVADA TEST COUNTY

GENERAL ELECTION

NOVEMBER OF ELECTION YEAR

Jamie, here is your ballot along with your health insurance card. Vote wisely! I also mailed you a copy of both to your new residential address: Jamie Jones, 101 N. Main, Anytown, Same State, 89000. Love you, Mom

ELECTED OFFICE	
Four (4) Year Term	
VOTE FOR ONE	
Candidate A	DEM <input type="radio"/>
Candidate B	NP <input checked="" type="radio"/>
Candidate C	REP <input type="radio"/>
None of these Candidates	<input type="radio"/>

ELECTED OFFICE	
Four (4) Year Term	
VOTE FOR ONE	
<input type="radio"/> Candidate A	DEM
<input checked="" type="radio"/> Candidate B	NP
<input type="radio"/> Candidate C	REP
<input type="radio"/> None of these Candidates	

Write-In Votes

Nevada does not allow Write-In votes. [NRS 293.270\(2\)](#), requires voting only upon candidates whose names appear upon the ballot, and no person may write in the name of an additional candidate for any office.

Federal Write-in Absentee Ballot (FWAB)

Writing In the Name of a Political Party

In the example below, the voter wrote in the name of a political party in a partisan general election on the Federal Write-In Absentee Ballot or FWAB. This should be counted as a valid vote for the candidate of the written-in political party in the designated contests.

Official Backup Ballot	
Federal Write-In Absentee Ballot (FWAB)	
Print clearly in blue or black ink.	
Instructions	
<ul style="list-style-type: none">• This ballot can be used to vote for federal offices.• DO NOT write your name or any identifying number (SSN, driver's license) on this ballot.• Photocopy this page if you require additional room for candidates or ballot initiatives.• If you are voting in American Samoa, Guam, Puerto Rico, or the U.S. Virgin Islands, you may vote for Delegate or Resident Commissioner, and in presidential primaries.• State laws vary about using the FWAB for other offices like Governor or Mayor. Learn more online at FVAP.gov.	
Federal offices	
President and Vice President	libertarian

Writing the Name of a Political Party in a "Vote for Two" Contest

If the voter can choose more than one candidate in a partisan contest and the voter wrote in the name of a political party on the Federal Write-In Absentee Ballot or FWAB, it should be counted as a valid vote for each candidate printed on the ballot for that race for the written-in political party. In the example below, the vote should be counted as a valid vote for each Democratic candidate qualified to appear on the ballot for State Representative and each Republican candidate qualified to appear on the ballot for Commissioner.

Non-federal offices		
Office	Candidate name	Political party
State Rep. LD 6		Dem.
Corp. Comm.		Rep.



Pattern of Partisan Voting

Voter intent in any single contest should not be determined based on a pattern of partisan voting in other contests on the ballot. For example, the fact that a voter voted exclusively or primarily for candidates of one political party in other contests should not be used to conclude that the voter intended to vote for the candidate of that party in a particular contest where the voter’s intent is otherwise unclear.

Ballot Duplication

Upon determination a vote is properly marked or properly corrected, *and* no ambiguity exists as to the intent of voter, the ballot may be duplicated by the duplication board in order to be submitted for tabulation in the same manner.

The following example illustrates how the removal of the ballot correction via ballot duplication allows the duplicated ballot to be resubmitted for tabulation in the same manner.

Original Ballot			Duplication Board	Duplicated Ballot		
n n n n n n n n	ELECTED OFFICE Four (4) Year Term VOTE FOR ONE		→	ELECTED OFFICE Four (4) Year Term VOTE FOR ONE		n n n n n n n n
	Candidate A	DEM		Candidate A	DEM	
	Candidate B	NP		Candidate B	NP	
	Candidate C	REP		Candidate C	REP	
	None of these Candidates			None of these Candidates		
						

Ballot Tabulation Equipment

Votes in Nevada are cast either electronically or on a paper ballot. Votes cast electronically are recorded during early voting or on Election Day in-person at a polling location or vote center. Votes cast on paper ballots are submitted by-mail or in-person during early voting or on Election Day. Local election officials, in consultation with the County Board of Commissioners, may decide which methods and sources are used in their jurisdiction. For more information about the specific ballot tabulation equipment approved for use and currently in use, see the section about Voting Systems.

Hand Counts

County Hand Counts & Tally Teams

If a county or city clerk opts out of using tabulation equipment during an election or is unable to use the EAC and SOS-certified equipment, they must, conduct a hand count of the ballots voted in the election following the procedures in this section ensuring accuracy and reliability of the results [NAC 293](#).

County clerk's may, in consultation with the board of county commissioners, conduct a hand count of the ballots voted in an election for:

- All contests on the ballot;
- A specified number of contests on the ballot, as determined by the clerk; or
- A specified sample of the precincts in the city or county, as determined by the clerk.

If a hand count is conducted, the hand count must:

- Be completed on or before the seventh day following the election; and
- Be conducted using the forms prescribed by the Secretary of State for tallying the results of the hand count.

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

The clerk shall establish a sufficient number of hand count tally team 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:

- One election board officer, appointed as the reviewing clerk, to review the conduct of the hand count tally team;
- One election board officer, appointed as the verification clerk, to ensure that the ballots are tallied correctly; and
- 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.

In addition to the election board officers appointed to a hand count tally team, the clerk may appoint to a hand count tally team:

- 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 this regulation, and reporting any issues or concerns to the clerk; and
- 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.

An election board officer appointed to a hand count tally team:

- May not work more than 8 hours in a 24-hour period;
- 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
- Must wear gloves at all times while working his or her shift.

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 the votes aloud to be tallied or discuss information concerning the tallied number of votes.

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](#).

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.

A hand count of the ballots must be tallied at least twice by the hand count tally team appointed pursuant to 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.

In addition to the requirements of [NRS 293.367](#) to [NRS 293.370](#), inclusive, each hand count tally team shall process the ballots in the following manner:

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

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:

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

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.

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:

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

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

The writing devices provided by the clerk:

- Must be uniform in color and style;
- Must not write in blue or black ink; and
- Must not be pencils.

City Hand Counts & Tally Teams

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:

- All contests on the ballot;
- A specified number of contests on the ballot, as determined by the city clerk; or
- A specified sample of the precincts in the city, as determined by the city clerk.

If a hand count is conducted it must:

- Be conducted in accordance with the requirements of this regulation;
- Be completed on or before the seventh day following the city election; and
- Be conducted using the forms prescribed by the Secretary of State for tallying the results of the hand count.

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

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:

- One election board officer, appointed as the reviewing clerk, to review the conduct of the hand count tally team;
- One election board officer, appointed as the verification clerk, to ensure that the ballots are tallied correctly; and
- 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.

In addition to the election board officers appointed to a hand count tally team, the city clerk may appoint to a hand count tally team:

- 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 this regulation and reporting any issues or concerns to the city clerk; and
- 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.

An election board officer appointed to a hand count tally team:

- May not work more than 8 hours in a 24-hour period;
- 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
- Must wear gloves at all times while working his or her shift.

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.

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](#).

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.

A hand count of the ballots must be tallied at least twice by the hand count tally team appointed pursuant to 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.

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

- The ballots must be divided into separate stacks containing not more than 25 ballots per stack. Each stack must be tallied separately.
- 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:

- Tally the votes on the tally form;
- 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;
- For every fifth vote for the same candidate or ballot question, place a horizontal hash mark through the previous four perpendicular hash marks.

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.

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:

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

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.

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. The writing devices provided by the city clerk:

- Must be uniform in color and style;
- Must not write in blue or black ink; and
- Must not be pencils.

Tally Lists

When all of the votes have been counted, the counting board officers shall produce a tally list organized by precinct and ballot type indicating the number of votes that each candidate received. The votes for and against any question submitted to the election must be entered in the same manner. Before each counting board adjourns a copy of the voting results shall be posted in a conspicuous place outside the counting location. All results are “unofficial” until signed as certified and official results by the board of county commissioners.

Canvass of Returns

County Canvass/Abstract

As soon as the returns from all the precincts and districts have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the tenth (10) day following the election.

The county clerk/registrar of voters must, as soon as the result is declared and entered upon the records of the canvass board, prepare and transmit a copy of the certified abstract of results and a mechanized report of the abstract to the Secretary of State.

Statewide Canvass/Abstract

The Secretary of State prepares a canvass of the official county abstracts of the vote. The statewide canvass of the vote combines vote totals for state, federal, and other multi-jurisdictional contests, and ballot questions.

The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.

On the fourth Tuesday of November after each general election, the justices of the Supreme Court, or a majority thereof, shall meet with the Secretary of State, and canvass the vote for the number of presidential electors to which this State may be entitled, United States Senator, Representative in Congress, members of the Legislature, state officers who are elected statewide or by district, district judges, or district officers whose districts include area in more than one county and for and against any question submitted.

Certificates of Election for State & Federal Electors

Certificates of Election for Assembly/Senate

Clerks will prepare the list of elected officials requiring a Certificate of Election and forward them to the Governor. The Governor then prepares the Certificates of Election and returns them to the Clerks of the Assembly/Senate, when completed. Once the Elected Officials have been sworn in and the certificates signed, the clerks of the Assembly/Senate will forward the signed Certificates of Election to the Secretary of States office, who maintains the original copies.

Certificates of Election General Information

The Secretary of States office prepares the list of elected officials requiring Certificates of Election and forwards it to the Governor's office. The Governor then prepares the Certificates of Election, and returns them to the SOS, to be sent to the elected official to be sworn in and signed.

Prior to sending the list of names to the Governor, contact each elected official to confirm the names on the Certificate of Election are correct, and ask if they prefer to be sworn by an *Oath* or *Affirmation*.

List to Governor's Office:

- Candidate Name (as it appears on certificate of election)
- Elected Office
- Oath or Affirmation

After the Governor's office prepares and returns the certificate to the Secretary of States office. Mail the Certificate of Election with a *letter of instruction* to the elected official, advising them they need to schedule an appointment with the appropriate authority to be sworn in and sign their Certificate of Election.

One of the original signed Certificates of Election must be returned to the Secretary of State's office, for filing.

Number of Original Certificates of Election Required:

- Federal Offices – three (3) original copies (Washington, elected official & SOS office)
- State/Judicial – two (2) original copies (elected official & SOS office)
- Assembly/Senate – three (3) original copies (Legislature, elected official & SOS office)

Certificate of Election for the U.S. of Representative:

[The Office of the Clerk \(U.S. House of Representatives\) Washington, D.C.](#) will send a letter of instruction to the Secretary of State, regarding submitting the Certificates of Election to them.

Certificate of Election for the U.S. Senate:

[The Office of the Clerk \(United States Senate\) Washington, D.C.](#) will send a letter of instruction to the Secretary of State, regarding submitting the Certificates of Election to them.

Filing Vacancies and their Certificates of Appointment

- Newly elected, vacated seat (example: Dennis Hof was elected to the Assembly in 2018, but passed away before taking office, creating a vacation in his seat)
- A certificate of election is still prepared and delivered to the respective House; however, it is not completed with the swearing in, due to the elected official passing away.
 - [NRS 218A.220](#); [NRS 218A.260](#)
 - The newly appointed replacement will be issued a *Certificate of Appointment* by the respective Board of County Commissioners. The clerk will prepare and send the Certificate to the appointee. Once returned, the County Clerk should then forward the Certificate to the Governor, who will issue a formal *Certificate*, certifying the duly appointed.

Recounts

Presidential Elector Recount Demand

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](#).

A candidate for the office of presidential elector may demand and receive a recount of the vote to determine the number of votes received for the candidate and the number of votes received for the person who won the election if, on or before the 13th day following the election, the candidate who demands the recount [NRS 293.424](#):

- Files a demand of recount in writing with the Secretary of State; and
- Deposits the estimated costs of the recount, with the Secretary of State, as determined by the Secretary of State.

A recount must be commenced within one (1) day after the demand is filed and it must be completed within five (5) days after the recount began.

The following requirements apply:

- A candidate for the office of presidential elector or any registered voter of this State may contest the election of a candidate to the office of presidential elector. To contest the election, the candidate or registered voter, as applicable, must file with the clerk of the district court a written statement of contest not more than 2 working days after the canvass of the returns by the Supreme Court;
- The statement of contest must be prepared in accordance with [NRS 293.407](#);
- The court shall set the matter for a hearing not more than 5 days after the filing of the statement of contest and must determine the results of the contest before the deadline to issue and submit the certificate of ascertainment pursuant to 3 U.S.C. § 5. Election contests take precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable;
- The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.

Recounts for Statewide, Multi-County, County & City Contests

This section contains general information relating to all recounts. The provisions governing recounts are found in Nevada Revised Statutes [NRS 293.400](#) through [NRS 293.423](#) and in Nevada Administrative Code [NAC 293.361](#) through [NRS 293.375](#).

For race specific recount information, please refer to the sections below relating to statewide recounts, multi-county district recounts, single county district recounts and city recounts. For specific information on election contests, see the section below relating to contests.

A recount is a recount of votes cast at an election. If two or more candidates receive an equal number of votes, which is sufficient for the election of one or more but fewer than all of them to the office, the candidate elected must be determined as follows:

In a general election for a United States Senator, Representative in congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Legislature shall, by joint vote of both houses, elect one of those persons to fill the office.

In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Secretary of State shall summon the candidates who have received the tie votes to appear before the Secretary of State at a time and place designated by the Secretary of State and the Secretary of State shall determine the tie by lot. If the tie vote is for the office of Secretary of State, the Governor shall perform these duties.

For any office of a county, township, incorporated city, city organizer under a special charter where the charter is silent as to determination of a tie vote, or district which is wholly located within one county, the county clerk shall summon the candidates who have received the tie votes to appear before the county clerk at a time and place designated by the county clerk and determine the tie by lot. If the tie vote is for the office of county clerk, the board of county commissioners shall perform these duties.

The summons must be mailed to the address of the candidate at least five (5) days before the day fixed for the determination of the tie vote and must contain the time and place where the determination will take place [NRS 293.400](#).

Statewide, multi-county and single county recounts must include a count and inspection of all ballots, including rejected ballots, and must determine whether all ballots are marked as required by law. All ballots must be recounted in the same manner in which the ballots were originally tabulated [NRS 293.404\(3\)](#).

Requesting a Recount or Contest an Election

A candidate at any election or any registered voter may request a recount and/or contest an election. For the offices of State Assembly, State Senator, Governor, Lieutenant Governor or Justice of the Supreme Court, the General Election contest must be filed with the Secretary of State [NRS 293.425\(1\)](#) & [NRS 293.430\(1\)](#). For all other election contests, the election contest is filed with the District Court in the affected county [NRS 293.407\(2\)](#).

An election may be contested upon any of the following grounds:

- That the election board or any member thereof was guilty of malfeasance;
- That a person who has been declared elected to an office was not at the time of election eligible to that office;
- Illegal or improper votes were cast and counted, legal and proper votes were not counted, or a combination of the circumstances occurred in an amount that is equal to or greater than the margin between the contestant and the defendant, or otherwise in an amount sufficient to raise reasonable doubt as to the outcome of the election;
- That the election board, in conducting the election or canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected;
- That the defendant or any person acting, either directly or indirectly, on behalf of the defendant has given, or offered to give, to any person anything of value for the purpose of manipulating or altering the outcome of the election;
- That there was a malfunction of any voting device or electronic tabulator, counting device or computer in a manner sufficient to raise reasonable doubts as to the outcome of the election [NRS 293.410](#).

With the exception of the Assembly, State Senate, Governor, Lieutenant Governor, and Justice of the Supreme Court, the court shall set the contest hearing not less than five (5) days nor more than ten (10) days after the filing of the statement of contest. Election contests shall take precedence over all regular business of the court [NRS 293.413\(2\)](#).

Except where the contest involves the General Election for the office of the Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, Justice of the Supreme Court or Judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including election to the office of presidential elector, must file a statement of contest with the District Court Clerk no later five (5) days after a recount is completed and no later than fourteen (14) days after the election if no recount is demanded.

The written statement must include the following:

- The name of the contestant and that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;
- The name of the defendant;
- The office to which the defendant was declared elected;
- The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and
- The date of the declaration of the result of the election and the body or board which canvassed the returns.

The contestant in a contest of a General Election for an Assemblyman, Senator, Governor Lieutenant Governor or Justice of the Supreme Court must file a written statement with the Secretary of State no later than five (5) days after a recount is completed or no later than fourteen (14) days after the election if no recount is demanded.

The contestant in a contest of a General Election for an Assemblyman or Senator may amend the statement of contest filed by filing an amended statement of contest on or before December 15th of the year immediately preceding a regular legislative session. The Secretary of State shall deliver the statement of contest to the presiding officer of the appropriate house of the Legislature on the day of the organization of the Legislature. The contestant may withdraw his/her statement of contest before the contest has been decided by giving written notice to the Secretary of State, who shall dismiss the contest. The contest, if not dismissed, must be heard and decided by that house of the Legislature. If, after hearing the contest, the house decides to declare the contestant elected, the Governor shall execute a certified of election and deliver it to the contestant. The certificate of election previously issued to the other candidate is void [NRS 293.425](#); [NRS 293.427](#); [NRS 293.413\(1\)](#).

The statement of contest for General Election contests involving the office of the Governor, Lieutenant Governor, or Justice of the Supreme Court will be delivered by the Secretary of State to the Speaker of the Assembly on the day of the organization of the Legislature.

A joint session of both houses must be convened within ten (10) days of receipt of the statement of contest. The contests shall be decided by the majority vote of the elected membership of both houses within thirty (30) days after the contest hearing is begun. If the houses decide to declare the contestant elected, the Secretary of State shall execute and deliver a certificate of election to the contestant. The certificate of election previously issued to the other candidate is void [NRS 293.413\(1\); 293.430; 293.433; 293.435](#).

If the contest is dismissed for insufficiency or for lack of prosecution, or if the court confirms the election, the person who filed the contest is responsible for the court costs. IF the election is annulled or set aside for errors or malfeasance of any election official in the conduct of the election or in canvassing the returns, the costs shall be charged against the state or political subdivision in which the election was held. When an election is annulled or set aside on any other ground, the defendant (for example, the losing candidate or the election officials) is responsible for court costs [NRS 293.420](#).

[Statewide, Multi-County & County Recount Demand](#)

Statewide races are those which are voted upon by all voters of the entire State of Nevada. The filing officer for statewide offices is the Secretary of State [NRS 293.057 & 293.185](#). A recount cannot be demanded prior to the official canvass of the vote. A demand for a recount must be made in writing within three (3) working days after the canvass of the vote and must be filed with the Secretary of State [NRS 293.403\(1\)](#).

A multi-county office or multi-county ballot question is voted upon by all or part of more than one county in Nevada. The demand for a recount in this jurisdiction must be made in writing to the Secretary of State within three (3) working days of the canvass of the vote, and must include all counties which comprise the district [NRS 293.403](#).

Single county races and single county ballot questions are those that are wholly comprised of all or part of one single county. The filing officer for the single county offices is the County Clerk/Registrar of Voters for that county [NRS 293.403\(1\) & 293.185\(2\)](#).

Not later than one (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.

City Recount Demand

City races and city ballot questions are those that are wholly composed of all or part of one city. The filing officer for a single city recount is the City Clerk for that city [NRS 293.403\(1\)](#). Some cities hold their elections to coincide with state elections in even numbered years [NRS 293C.115](#). For these cities, see information under single county recounts for timeframes. Please check with the City Clerk of the appropriate city for additional requirements the city may have.

A demand for a city recount must be made with the City Clerk within three (3) working days after the canvass of the vote. Contact the appropriate City Clerk for the scheduled date of the canvass [NRS 293.403\(1\)](#) & [NRS 293C.387](#).

The demand for a recount must be accompanied by a deposit made in advance with the appropriate City Clerk of the estimated cost of the recount [NRS 293.403\(1\)\(b\)](#). Payment can generally be made in cash, cashier's check, by credit card or certified check, but verify with the City Clerk as to what type of payment they accept.

Recount Board

The County Clerk/Registrar of Voters of each county shall employ a Recount Board, which shall conduct the recount.

The County Clerk/Registrar of Voters shall act as the chairman of the Recount Board (unless the recount is for the office of County Clerk).

The County Clerk/Registrar of Voters shall unseal all ballots to be recounted and provide them to the Recount Board.

The Recount Board shall examine all of the ballots from the selected precincts to determine whether the ballots were voted in accordance with state election laws.

The recount must include a count and inspection of all ballots, including rejected ballots, to determine whether all of the ballots were marked as required by law.

Cost of a Recount

Cost of a Statewide or Multi-County Recount

The written demand must be accompanied by a deposit of the estimated cost of the recount made in advance with the appropriate filing officer. At the request of the Secretary of State, each County Clerk/Registrar of Voters shall calculate the estimated cost for that county and notify the Secretary of State of the cost in writing. The determination of estimated or actual costs of any recount must be made in accordance with [NAC 293.375](#).

If the person who demanded the recount does not prevail and the cost of the recount is greater than the advance deposit, the person shall, upon demand by the Secretary of State, pay the deficiency. If the advance deposit is greater than the cost of the recount, the excess shall be refunded by the Secretary of State. If the person who demanded the recount prevails, the advance deposit shall be refunded in full by the Secretary of State to that person [NRS 293.405\(1\) & \(2\)](#).

Cost of a County Recount

The county in which the recount is sought shall furnish the candidate with the estimated cost of the recount upon request by the person demanding the recount [NRS 293.403\(3\)](#).

The determination of the estimated or actual costs of any recount must be made in accordance with [NAC 293.375](#).

If the person who demanded the recount does not prevail and the cost of the recount is greater than the advance deposit, the person shall, upon demand by the county, pay the deficiency. If the deposit is greater than the cost of the recount, the excess shall be refunded by the county. If the person who demanded the recount prevails, the advance deposit shall be refunded in full by the county to that person [NRS 293.405\(1\) & \(2\)](#).

Cost of a City Recount

The city in which the recount is sought, shall furnish the person demanding the recount with the estimated cost of the recount upon request [NRS 293.403\(3\)](#).

The determination of the estimated or actual costs of any recount must be made in accordance with [NAC 293.375](#).

If the person who demanded the recount does not prevail and the cost of the recount is greater than the advance deposit, the person shall, upon demand by the city, pay the deficiency. If the advance deposit is greater than the cost of the recount, the excess shall be refunded by the city [NRS 293.405\(1\)](#). If the person who demanded the recount prevails, the advance deposit shall be refunded in full by the city to that person.

Observing the Recount

The public and each candidate and/or the candidate's representative may observe the recount, but observers may not challenge ballots or interfere in any way with the determination of the Recount Board as to how ballots are counted. Observers are subject to removal if they interfere in the counting procedures.

Prior to observing the recount of votes, an observer must sign an acknowledgment conduct form for the observation of the recount of votes agreeing to the following:

- Using a mobile telephone or computer within the facility in which the recount is occurring;
- Advocating for or against a candidate, political party or ballot question;
- Arguing for or against or challenging any decisions of county or city election personnel;
- 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;
- Interfering with the conduct of the recount; and
- Interfering with county or city election personnel in the performance of any duty of such personnel set forth in title 24 of NRS; and
 - May be removed from the recount facility by the county or city clerk for violating any provision of Nevada law.

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

- 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;
- Removal from a recount facility, a person observing the conduct of a recount pursuant NRS.

A person observing the conduct of a recount of votes 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.

A person observing the conduct of a recount of votes must wear a name tag denoting the person's full legal name.

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

A County Clerk/Registrar of Voters may request the Secretary of State or his designated representative to observe the recount [NAC 293.371](#).

Results of a Recount

The results of a recount must be canvassed within five (5) working days after completion of the recount [NAC 293.365](#). After the canvass of the recount is completed, the County Clerk/Registrar will notify the Secretary of State of the results. The Secretary of State will release the results to the public when the results from all affected counties are received [NRS 293.387](#).

Recount Withdrawal Request

A withdrawal of a demand for a recount must be made in writing to the appropriate filing officer and can be requested at any time before the completion of the recount. However, a person who withdraws the demand for a recount may not request a new recount or that the recount begin again [NAC 293.371](#). That person will also be responsible for the costs accrued by the county or city up until the recount is stopped.

This section contains information specific to statewide office and statewide ballot question recounts only. Statewide races are those which are voted upon by all voters of the entire state of Nevada. The filing officer for statewide offices is the Secretary of State [NRS 293.057](#) and [NRS 293.185](#).