
ASSEMBLY BILL NO. 435—ASSEMBLYMEN PIERCE, OHRENSCHALL;
ARBERRY, HOGAN, KIHUEN, KIRKPATRICK, MORTENSON,
MUNFORD AND SEGERBLOM

MARCH 16, 2009

JOINT SPONSOR: SENATOR PARKS

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Makes various changes to the provisions governing
mechanical voting systems. (BDR 24-463)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 5)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to elections; limiting the use of mechanical voting systems whereby a vote is cast on a device which directly records the vote electronically to use by persons with disabilities; requiring the Secretary of State to adopt regulations to establish a system of auditing the results of votes cast on mechanical voting systems; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes the use of mechanical voting systems. (Chapter 293B
2 of NRS) Under existing law, a mechanical voting system may consist of a system
3 whereby a voter may cast his vote: (1) on a device which mechanically or
4 electronically compiles a total of the number of votes cast for each candidate and
5 for or against each measure voted on; or (2) by marking a paper ballot which is
6 subsequently counted on an electronic tabulator, counting device or computer.
7 (NRS 293B.033)

8 **Section 5** of this bill limits the use of mechanical voting systems whereby a
9 vote is cast on a device which directly records the vote electronically to persons
10 with disabilities. **Section 5** further limits the use of such mechanical voting systems
11 to the provision of only the number of such devices required to meet the standards
12 for accessibility of voting systems to persons with disabilities, as set forth in the



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13 relevant provision of the federal Help America Vote Act (42 U.S.C. §
14 15481(a)(3)(b)), plus additional devices that a county or city clerk may determine
15 are necessary to serve the needs of disabled voters at a particular polling place.
16 **Section 5** also requires that for all other voters, any mechanical voting systems
17 used must be those whereby a voter casts his vote by marking a paper ballot which
18 is subsequently counted electronically or mechanically. **Sections 1-3 and 7-24** of
19 this bill make corresponding changes to effectuate the provisions of **section 5**.
20 **Section 6** of this bill requires the Secretary of State to conduct random audits of
21 the results of votes cast on both types of mechanical voting systems and to adopt
22 regulations relating to such audits.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 293.2696 is hereby amended to read as
2 follows:

3 293.2696 The Secretary of State and each county and city clerk
4 shall ensure that each voting system used in this State:

5 1. Secures to each voter privacy and independence in the act of
6 voting, including, without limitation, confidentiality of the ballot of the
7 voter;

8 2. Allows each voter to verify privately and independently the
9 votes selected by the voter on the ballot before the ballot is cast and
10 counted;

11 3. Provides each voter with the opportunity, in a private and
12 independent manner, to change the ballot and to correct any error
13 before the ballot is cast and counted, including, without limitation,
14 the opportunity to correct an error through the issuance of a
15 replacement ballot if the voter is otherwise unable to change the
16 ballot or correct the error;

17 4. Provides a permanent paper record with a manual audit
18 capacity **[H]**, *which may consist of the paper ballot itself*; and

19 5. Meets or exceeds the standards for voting systems
20 established by the Federal Election Commission, including, without
21 limitation, the error rate standards.

22 **Sec. 2.** NRS 293.3604 is hereby amended to read as follows:

23 293.3604 If ballots which are voted on a mechanical recording
24 device which directly records the votes electronically are used
25 during the period for early voting by personal appearance : ~~[in an
26 election other than a presidential preference primary election:]~~

27 1. At the close of each voting day, the election board shall:

28 (a) Prepare and sign a statement for the polling place. The
29 statement must include:

30 (1) The title of the election;

31 (2) The number of the precinct or voting district;



1 (3) The number which identifies the mechanical recording
2 device and the storage device required pursuant to NRS 293B.084;

3 (4) The number of ballots voted on the mechanical recording
4 device for that day; and

5 (5) The number of signatures in the roster for early voting for
6 that day.

7 (b) Secure:

8 (1) The ballots pursuant to the plan for security required by
9 NRS 293.3594; and

10 (2) Each mechanical voting device in the manner prescribed
11 by the Secretary of State pursuant to NRS 293.3594.

12 2. At the close of the last voting day, the county clerk shall, *in*
13 *addition to the ballots voted on a mechanical system whereby a*
14 *paper ballot is marked and subsequently counted electronically or*
15 *mechanically*, deliver to the ballot board for early voting:

16 (a) The statements for all polling places for early voting;

17 (b) The voting rosters used for early voting;

18 (c) The storage device required pursuant to NRS 293B.084 from
19 each mechanical recording device used during the period for early
20 voting; and

21 (d) Any other items as determined by the county clerk.

22 3. Upon receipt of the items set forth in subsection 2 at the
23 close of the last voting day, the ballot board for early voting shall:

24 (a) Sort the items by precinct or voting district;

25 (b) Count the number of ballots voted by precinct or voting
26 district;

27 (c) Account for all ballots on an official statement of ballots;
28 and

29 (d) Place the items in the container provided to transport those
30 items to the central counting place and seal the container with a
31 numbered seal. The official statement of ballots must accompany
32 the items to the central counting place.

33 **Sec. 3.** NRS 293.404 is hereby amended to read as follows:

34 293.404 1. Where a recount is demanded pursuant to the
35 provisions of NRS 293.403, the:

36 (a) County clerk of each county affected by the recount shall
37 employ a recount board to conduct the recount in the county, and
38 shall act as chairman of the recount board unless the recount is for
39 the office of county clerk, in which case the registrar of voters of the
40 county, if a registrar of voters has been appointed for the county,
41 shall act as chairman of the recount board. If a registrar of voters has
42 not been appointed for the county, the chairman of the board of
43 county commissioners, if he is not a candidate on the ballot, shall
44 act as chairman of the recount board. If the recount is for the office
45 of county clerk, a registrar of voters has not been appointed for the



1 county and the chairman of the board of county commissioners is a
2 candidate on the ballot, the chairman of the board of county
3 commissioners shall appoint another member of the board of county
4 commissioners who is not a candidate on the ballot to act as
5 chairman of the recount board. A member of the board of county
6 commissioners who is a candidate on the ballot may not serve as a
7 member of the recount board.

8 (b) City clerk shall employ a recount board to conduct the
9 recount in the city, and shall act as chairman of the recount board
10 unless the recount is for the office of city clerk, in which case the
11 mayor of the city, if he is not a candidate on the ballot, shall act as
12 chairman of the recount board. If the recount is for the office of city
13 clerk and the mayor of the city is a candidate on the ballot, the
14 mayor of the city shall appoint another member of the city council
15 who is not a candidate on the ballot to act as chairman of the recount
16 board. A member of the city council who is a candidate on the ballot
17 may not serve as a member of the recount board.

18 2. Each candidate for the office affected by the recount and the
19 voter who demanded the recount, if any, may be present in person or
20 by an authorized representative, but may not be a member of the
21 recount board.

22 3. Except in counties or cities using a mechanical voting
23 system, the recount must include a count and inspection of all
24 ballots, including rejected ballots, and must determine whether those
25 ballots are marked as required by law.

26 4. If a recount is demanded in a county or city using a
27 mechanical voting system, the person who demanded the recount
28 shall select the ballots for the office or ballot question affected from
29 5 percent of the precincts, but in no case fewer than three precincts,
30 after notification to each candidate for the office or his authorized
31 representative. The recount board shall examine the selected ballots,
32 including any duplicate or rejected ballots, shall determine whether
33 the ballots have been voted in accordance with this title and shall
34 count the valid ballots by hand. In addition, a recount by computer
35 must be made of all the selected ballots. If the count by hand or the
36 recount by computer of the selected ballots shows a discrepancy
37 equal to or greater than 1 percent or five votes, whichever is greater,
38 for the candidate demanding the recount or the candidate who won
39 the election according to the original canvass of the returns, or in
40 favor of or against a ballot question, according to the original
41 canvass of the returns, the county or city clerk shall order a count by
42 hand of all the ballots for that office or ballot question. Otherwise,
43 the county or city clerk shall order a recount by computer of all the
44 ballots for all candidates for the office or all the ballots for the ballot
45 question. *If a mechanical voting system is used by the county or*



1 *city whereby a voter casts his vote by marking a paper ballot which*
2 *is subsequently counted on an electronic tabulator, counting*
3 *device or computer, the actual paper ballot must be used in*
4 *conducting the recount.*

5 5. The county or city clerk shall unseal and give to the recount
6 board all ballots to be counted.

7 6. In the case of a demand for a recount affecting more than
8 one county, the demand must be made to the Secretary of State, who
9 shall notify the county clerks to proceed with the recount.

10 **Sec. 4.** Chapter 293B of NRS is hereby amended by adding
11 thereto the provisions set forth as sections 5 and 6 of this act.

12 **Sec. 5. 1.** *To meet the standards for accessibility of voting*
13 *systems to persons with disabilities, as set forth in 42 U.S.C. §*
14 *15481(a)(3)(b), the Secretary of State may approve or purchase,*
15 *and a board of county commissioners, city council or other*
16 *governing body of a city may adopt or purchase, a mechanical*
17 *voting system whereby a voter may cast his vote on a device which*
18 *mechanically or electronically compiles a total of the number of*
19 *votes cast for each candidate and for or against each measure*
20 *voted on, for use by persons with disabilities. The county clerk or*
21 *city clerk may provide more than the minimum number of*
22 *mechanical recording devices for such a voting system, as set forth*
23 *in 42 U.S.C. § 15481(a)(3)(b), at a particular polling place if he*
24 *projects that a greater number will be required to accommodate*
25 *the number of persons with disabilities who will vote at that*
26 *polling place.*

27 2. *For a mechanical voting system to be used by all other*
28 *voters, the Secretary of State may only approve or purchase, if*
29 *applicable, and a board of county commissioners, city council or*
30 *other governing body of a city may only adopt or purchase, if*
31 *applicable, a system whereby a voter may cast his vote by marking*
32 *a paper ballot which is subsequently counted on an electronic*
33 *tabulator, counting device or computer.*

34 **Sec. 6. 1.** *The Secretary of State shall conduct random*
35 *audits of the results of votes cast in elections on both types of*
36 *mechanical voting systems defined in NRS 293B.033 to determine*
37 *any occurrence of:*

38 (a) *A failure of ballots to be officially counted toward the*
39 *results of an election;*

40 (b) *Ballots being officially counted toward the results of an*
41 *election more than once;*

42 (c) *A situation where ballots indicate a voter selected more*
43 *candidates than he was entitled to select; and*



1 (d) *Other situations the Secretary of State determines to be*
2 *relevant to improving the performance of mechanical voting*
3 *systems.*

4 2. *The Secretary of State shall adopt regulations to carry out*
5 *the provisions of subsection 1. The regulations adopted pursuant*
6 *to this subsection must set forth a schedule to determine or limit*
7 *the frequency of such audits.*

8 **Sec. 7.** NRS 293B.032 is hereby amended to read as follows:
9 293B.032 “Mechanical recording device” means a device
10 which ~~mechanically~~ :

11 1. *Is provided at each polling place for use by any voter*
12 *with a disability; and*

13 2. *Mechanically* or electronically compiles a total of the
14 number of votes cast for each candidate and for or against each
15 measure voted on.

16 **Sec. 8.** NRS 293B.050 is hereby amended to read as follows:
17 293B.050 ~~At~~ *Except as otherwise provided in section 5 of*
18 *this act, at* all statewide, county, city and district elections of any
19 kind held in this State, ballots or votes may be cast, registered,
20 recorded and counted by means of a mechanical voting system.

21 **Sec. 9.** NRS 293B.105 is hereby amended to read as follows:
22 293B.105 1. ~~The~~ *Except as otherwise provided in section 5*
23 *of this act, the* board of county commissioners of any county or the
24 city council or other governing body of any city may purchase and
25 adopt for use at elections any mechanical voting system and
26 mechanical recording device if the *mechanical voting* system or
27 *mechanical recording* device is:

28 (a) Approved by the Secretary of State pursuant to subsection 2;
29 or

30 (b) Specifically authorized by law.

31 ➔ The *mechanical voting* system or *mechanical recording* device
32 may be used at any or all elections held in the county or city, for
33 voting, registering and counting votes cast.

34 2. A person who owns or has an interest in a mechanical voting
35 system or mechanical recording device may submit an application to
36 the Secretary of State to have the *mechanical voting* system or
37 *mechanical recording* device examined for approval for use during
38 the elections of this State. The Secretary of State shall approve or
39 disapprove the use of such a *mechanical voting* system or
40 *mechanical recording* device not later than 120 days after the
41 application is submitted.

42 3. As a condition to approval, the person shall have the
43 *mechanical voting* system or *mechanical recording* device
44 independently examined by a person approved by the Secretary of
45 State. The examiner shall:



1 (a) Review and analyze any electronic or computerized features
2 of the *mechanical voting* system or *mechanical recording* device;
3 and

4 (b) Prepare a report of the results of the examination for the
5 Secretary of State which includes a statement of his opinion
6 regarding the feasibility of using such a *mechanical voting* system
7 or *mechanical recording* device during the elections of this State
8 with consideration for the safe and proper operation of the
9 *mechanical voting* system or *mechanical recording* device under
10 the conditions prescribed by the applicable election laws.

11 4. Any cost for the independent examination of a *mechanical*
12 *voting* system or *mechanical recording* device must be paid by the
13 person who submits an application to have the *mechanical voting*
14 system or *mechanical recording* device approved by the Secretary
15 of State.

16 5. The Secretary of State shall approve a mechanical voting
17 system or mechanical recording device for use during the elections
18 of this State if:

19 (a) The report prepared pursuant to subsection 3 states that the
20 *mechanical voting* system or *mechanical recording* device can be
21 used safely and properly in this State; and

22 (b) He determines after he independently examines the
23 *mechanical voting* system or *mechanical recording* device that it
24 can be used safely and properly in this State.

25 6. Before a city or county may change or improve a
26 *mechanical voting* system or *mechanical recording* device that has
27 been approved by the Secretary of State, it must obtain approval
28 from the Secretary of State. If any change or improvement does not
29 comply with the requirements of this section, the Secretary of State
30 shall not approve the use or sale of any *mechanical voting* system
31 or *mechanical recording* device that incorporates the change or
32 improvement in this State.

33 7. The Secretary of State may reexamine a *mechanical voting*
34 system or *mechanical recording* device or any part thereof at any
35 time for the purpose of approving a change or improvement or to
36 ensure that the *mechanical voting* system or *mechanical recording*
37 device continues to comply with the election laws of this State.

38 8. The Secretary of State and any examiner of a *mechanical*
39 *voting* system or *mechanical recording* device must not have any
40 pecuniary interest in the *mechanical voting* system or *mechanical*
41 *recording* device examined.

42 9. The Secretary of State may establish regulations to carry out
43 the provisions of this section.



1 **Sec. 10.** NRS 293B.110 is hereby amended to read as follows:
2 293B.110 A mechanical voting system may be adopted for
3 some of the precincts or districts in the same county or city, while
4 the remainder of the precincts or districts in that county or city may
5 be furnished with paper ballots or any other mechanical voting
6 system **[H]**, *subject to the limitations set forth in section 5 of this*
7 *act.*

8 **Sec. 11.** NRS 293B.115 is hereby amended to read as follows:
9 293B.115 The board of county commissioners, city council or
10 other governing body which adopts a mechanical voting system, as
11 soon as practicable after adopting it, shall provide for each polling
12 place one or more mechanical recording devices in complete
13 working order **[H]** *for use by persons with disabilities.* When the
14 *mechanical recording* devices are not in use at an election, the
15 board, council or governing body shall take custody of them and of
16 the furniture and equipment of the polling place.

17 **Sec. 12.** NRS 293B.122 is hereby amended to read as follows:
18 293B.122 1. The Secretary of State may purchase mechanical
19 recording devices *and any other equipment for mechanical voting*
20 *systems, including without limitation, electronic tabulators,*
21 *counting devices or computers,* and lease them to counties, giving
22 priority to those counties still using paper ballots.

23 2. The Secretary of State may pay for such *mechanical*
24 *recording* devices *and equipment* purchased by him out of any
25 money specifically appropriated for that purpose by the Legislature.

26 **Sec. 13.** NRS 293B.175 is hereby amended to read as follows:
27 293B.175 In those districts or precincts in which a mechanical
28 voting system is used **[H]** *whereby votes are directly recorded*
29 *electronically,* the list of offices and candidates and the statements
30 of measures appropriate for use with ~~[that]~~ *the mechanical voting*
31 *system in combination with the mechanical recording* device upon
32 which a vote is registered is an official ballot.

33 **Sec. 14.** NRS 293B.180 is hereby amended to read as follows:
34 293B.180 The laws relating to mechanical voting systems
35 *whereby votes are directly recorded electronically* and *to* paper
36 ballots, *including mechanical voting systems whereby a paper*
37 *ballot is marked and subsequently counted on an electronic*
38 *tabulator, counting device or computer,* generally, so far as
39 applicable, apply respectively to that part voted upon mechanical
40 recording devices and that part voted upon paper.

41 **Sec. 15.** NRS 293B.200 is hereby amended to read as follows:
42 293B.200 The sample ballots must be in full or reduced size
43 and contain suitable illustrated directions for voting on the
44 mechanical recording device **[H]**, *in addition to directions for use*
45 *with a mechanical voting system whereby a paper ballot is marked*



1 *and subsequently counted on an electronic tabulator, counting*
2 *device or computer.*

3 **Sec. 16.** NRS 293B.300 is hereby amended to read as follows:

4 293B.300 1. In a primary election, a member of the election
5 board for a precinct shall issue each partisan voter a ballot which
6 contains a distinctive code associated with the major political party
7 of the voter and on which is clearly printed the name of the party.

8 2. If a mechanical voting system is used in a primary election
9 whereby votes are directly recorded electronically, a member of the
10 election board shall ~~[-if-]~~ :

11 (a) *If the clerk uses voting receipts, in addition to the ballot*
12 *described in subsection 1, issue each partisan voter who uses a*
13 *mechanical recording device* a voting receipt on which is clearly
14 printed the name of the major political party of the voter.

15 ~~[3.—The member of the election board shall direct]~~

16 (b) *If a partisan voter is disabled, direct* the partisan voter to a
17 mechanical recording device containing the list of offices and
18 candidates arranged for the voter's major political party in the
19 manner provided in NRS 293B.190.

20 **Sec. 17.** NRS 293B.305 is hereby amended to read as follows:

21 293B.305 Unless a major political party allows a nonpartisan
22 voter to vote for its candidates:

23 1. In a primary election, a member of the election board for a
24 precinct shall issue each nonpartisan voter a ballot with a distinctive
25 code and printed designation identifying it as a nonpartisan ballot.

26 2. If a mechanical voting system is used in a primary election
27 whereby votes are directly recorded electronically, a member of the
28 election board shall, if the clerk uses voting receipts, in addition to
29 the ballot described in subsection 1, issue ~~[the]~~ a nonpartisan voter
30 *who uses a mechanical recording device* a voting receipt with a
31 printed designation identifying it as a nonpartisan ballot.

32 3. ~~[The]~~ *If a mechanical voting system is used in a primary*
33 *election whereby votes are directly recorded electronically, a*
34 *member of the election board shall ~~[-]~~, if a nonpartisan voter is*
35 *disabled:*

36 (a) Direct the nonpartisan voter to a mechanical recording
37 device containing a list of offices and candidates setting forth only
38 the nonpartisan ballot; or

39 (b) Direct the nonpartisan voter to a mechanical recording
40 device containing a list of offices and candidates arranged for a
41 partisan ballot, instruct the voter to vote only the nonpartisan section
42 of the list and advise the voter that any votes he may cast in the
43 partisan section will not be counted.



1 **Sec. 18.** NRS 293B.315 is hereby amended to read as follows:
2 293B.315 Before each voter enters the voting booth ~~{}~~
3 *containing a mechanical recording device*, a member of the
4 election board shall, so far as possible, inform him how to operate
5 the mechanical recording device and illustrate its operation upon the
6 demonstration model of the *mechanical recording* device. If any
7 voter, after entering the voting booth, asks for information, a
8 member of the election board shall give him the necessary
9 information.

10 **Sec. 19.** NRS 293B.330 is hereby amended to read as follows:
11 293B.330 1. Upon closing of the polls ~~{}~~ *where a*
12 *mechanical voting system is used whereby votes are directly*
13 *recorded electronically*, the election board shall:

14 (a) Secure all mechanical recording devices against further
15 voting.

16 (b) ~~{}~~ *If a mechanical voting system is used whereby votes are*
17 ~~directly recorded electronically:~~

18 ~~(1)}~~ Ensure that each mechanical recording device:

19 ~~{(1)}~~ (1) Provides a record printed on paper of the total
20 number of votes recorded on the *mechanical recording* device for
21 each candidate and for or against each measure; and

22 ~~{(2)}~~ (2) Transfers the ballots voted on ~~{that}~~ *the*
23 *mechanical recording* device to the storage device required
24 pursuant to NRS 293B.084.

25 ~~{(2)}~~ (c) Count the number of ballots voted at the polling
26 place.

27 ~~{(3)}~~ (d) Account for all ballots on the statement of ballots.

28 ~~{(4)}~~ (e) Place all records printed on paper provided by the
29 mechanical recording devices, all storage devices which store the
30 ballots voted on the mechanical recording devices, and any other
31 records, reports and materials as directed by the county clerk into
32 the container provided by him to transport those items to a central
33 counting place and seal the container.

34 ~~{(e)}~~ (f) Record the number of voters on a form provided by the
35 county clerk.

36 2. If a difference exists between the number of voters and the
37 number of ballots voted, the election board shall report the
38 difference and any known reasons for the difference, in writing, to
39 the county clerk.

40 3. After closing the polls, the election board shall:

41 (a) Compare the quantity of the supplies furnished by the county
42 clerk with the inventory of those supplies; and

43 (b) Note any shortages.



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

4 **Sec. 20.** NRS 293B.335 is hereby amended to read as follows:

5 293B.335 1. The chairman and at least one other member of
6 the election board shall deliver the sealed container *and all ballots*
7 *voted on a mechanical voting system whereby a paper ballot is*
8 *marked and subsequently counted on an electronic tabulator,*
9 *counting device or computer* to a receiving center or to the central
10 counting place, as directed by the county clerk. If practicable, the
11 other board member must be of a different political party than the
12 chairman.

13 2. The chairman shall provide for the transportation or other
14 disposition of all other supplies and election materials as directed by
15 the county clerk.

16 3. Any member of the general public may observe the delivery
17 of a sealed container to a receiving center or to the central counting
18 place if he does not interfere with the delivery of the sealed
19 container.

20 **Sec. 21.** NRS 293C.3604 is hereby amended to read as
21 follows:

22 293C.3604 If ballots which are voted on a mechanical
23 recording device which directly records the votes electronically are
24 used during the period for early voting by personal appearance : ~~in~~
25 ~~an election other than a presidential preference primary election:]~~

26 1. At the close of each voting day, the election board shall:

27 (a) Prepare and sign a statement for the polling place. The
28 statement must include:

29 (1) The title of the election;

30 (2) The number of the precinct or voting district;

31 (3) The number which identifies the mechanical recording
32 device and the storage device required pursuant to NRS 293B.084;

33 (4) The number of ballots voted on the mechanical recording
34 device for that day; and

35 (5) The number of signatures in the roster for early voting for
36 that day.

37 (b) Secure:

38 (1) The ballots pursuant to the plan for security required by
39 NRS 293C.3594; and

40 (2) Each mechanical voting device in the manner prescribed
41 by the Secretary of State pursuant to NRS 293C.3594.

42 2. At the close of the last voting day, the city clerk shall , *in*
43 *addition to the ballots voted on a mechanical system whereby a*
44 *paper ballot is marked and subsequently counted on an electronic*



1 *tabulator, counting device or computer*, deliver to the ballot board
2 for early voting:

- 3 (a) The statements for all polling places for early voting;
- 4 (b) The voting rosters used for early voting;
- 5 (c) The storage device required pursuant to NRS 293B.084 from
6 each mechanical recording device used during the period for early
7 voting; and
- 8 (d) Any other items as determined by the city clerk.

9 3. Upon receipt of the items set forth in subsection 2 at the
10 close of the last voting day, the ballot board for early voting shall:

- 11 (a) Sort the items by precinct or voting district;
- 12 (b) Count the number of ballots voted by precinct or voting
13 district;
- 14 (c) Account for all ballots on an official statement of ballots;
15 and
- 16 (d) Place the items in the container provided to transport those
17 items to the central counting place and seal the container with a
18 number seal. The official statement of ballots must accompany the
19 items to the central counting place.

20 **Sec. 22.** NRS 293C.620 is hereby amended to read as follows:

21 293C.620 1. At each election, a member of the election board
22 for a precinct shall issue each voter a ballot.

23 2. If a mechanical voting system is used in a primary city
24 election whereby votes are directly recorded electronically, a
25 member of the election board shall, if the clerk uses voting receipts,
26 in addition to the ballot described in subsection 1, issue the voter a
27 voting receipt.

28 3. ~~{The}~~ *If a mechanical voting system is used whereby votes*
29 *are directly recorded electronically, a* member of the election board
30 shall direct the voter to a mechanical recording device containing a
31 list of offices and candidates.

32 **Sec. 23.** NRS 293C.630 is hereby amended to read as follows:

33 293C.630 1. Upon closing of the polls ~~{}~~ *where a*
34 *mechanical voting system is used whereby votes are directly*
35 *recorded electronically*, the election board shall:

36 (a) Secure all mechanical recording devices against further
37 voting.

38 ~~{If a mechanical voting system is used whereby votes are~~
39 ~~directly recorded electronically:~~

40 ~~(1)}~~ Ensure that each mechanical recording device:

41 ~~{(1)}~~ (1) Provides a record printed on paper of the total
42 number of votes recorded on the *mechanical recording* device for
43 each candidate and for or against each measure; and



1 ~~[(H)]~~ (2) Transfers the ballots voted on ~~that~~ *the*
2 *mechanical recording* device to the storage device required
3 pursuant to NRS 293B.084.

4 ~~[(2)]~~ (c) Count the number of ballots voted at the polling
5 place.

6 ~~[(3)]~~ (d) Account for all ballots on the statement of ballots.

7 ~~[(4)]~~ (e) Place all records printed on paper provided by the
8 mechanical recording devices, all storage devices which store the
9 ballots voted on the mechanical recording devices, and any other
10 records, reports and materials as directed by the city clerk into the
11 container provided by him to transport those items to a central
12 counting place and seal the container.

13 ~~[(e)]~~ (f) Record the number of voters on a form provided by the
14 city clerk.

15 2. If a difference exists between the number of voters and the
16 number of ballots voted, the election board shall report the
17 difference and any known reasons for the difference, in writing, to
18 the city clerk.

19 3. After closing the polls, the election board shall:

20 (a) Compare the quantity of the supplies furnished by the city
21 clerk with the inventory of those supplies; and

22 (b) Note any shortages.

23 4. The city clerk shall allow members of the general public to
24 observe the handling of the ballots pursuant to subsection 1 if those
25 members do not interfere with the handling of the ballots.

26 **Sec. 24.** NRS 293C.635 is hereby amended to read as follows:

27 293C.635 1. The chairman and at least one other member of
28 the election board shall deliver the sealed container *and all ballots*
29 *voted on a mechanical voting system whereby a paper ballot is*
30 *marked and subsequently counted on an electronic tabulator,*
31 *counting device or computer* to a receiving center or to the central
32 counting place, as directed by the city clerk.

33 2. The chairman shall provide for the transportation or other
34 disposition of all other supplies and election materials as directed by
35 the city clerk.

36 3. Any member of the general public may observe the delivery
37 of a sealed container to a receiving center or to the central counting
38 place if he does not interfere with the delivery of the sealed
39 container.

40 **Sec. 25.** The provisions of NRS 354.599 do not apply to any
41 additional expenses of a local government that are related to the
42 provisions of this act.



1 **Sec. 26.** This act becomes effective on:

2 1. On August 1, 2012, for the purposes of enforcement of the
3 requirements concerning the types of mechanical voting systems
4 that must be available for use at all elections.

5 2. On October 1, 2009, for all other purposes, including the
6 adoption of regulations and performance of any other preparatory
7 administrative tasks that are necessary to carry out the provisions of
8 this act.

