

**ADOPTED REGULATION OF
THE SECRETARY OF STATE
LCB File No. R090-25**

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

AUTHORITY: § 1, NRS 293.124, 293.247 and 293.387; §§ 2, 5, 10 and 15, NRS 293.124 and 293.247; §§ 3, 9 and 19, NRS 293.124; §§ 4, 17 and 22, NRS 293.124, 293.247 and 293.565; § 6, NRS 293.124, 293.247, 293.275, 298.640 and 298.690; §§ 7 and 18, NRS 293.124, 293.247, 293.269927, 293C.26327; § 8, NRS 293.124, 293.247 and 293.269925; § 11, NRS 293.124, 293.247 and 293.403; § 12, NRS 293.124, 293.247, 293.4855, 293.507 and 293.5235; § 13, NRS 293.124, 293.247 and 293.394; § 14, NRS 293.124, 293.247 and 293B.1045; § 16, NRS 293.124, 293.247 and 293C.387; §§ 20 and 21, NRS 293.124 and 294A.380.

A REGULATION relating to the Secretary of State; interpreting the term “clerical errors” for the purpose of the canvass of the returns; revising provisions relating to filing a complaint with the Secretary of State; revising requirements governing the provision of sample ballots to candidates; revising requirements for an affidavit of a petition circulator; revising requirements for testing an electronic roster; revising requirements relating to periodic audits of certain employees in the office of the county and city clerk; requiring a retrieval team for collecting and transporting mail ballots to submit certain information to the county or city clerk; requiring a county clerk to include certain information relating to mail ballots in a report to the Secretary of State; requiring each county and city clerk to submit an estimate of the cost of a recount to the Secretary of State; establishing certain requirements for a standard form for use by persons applying to preregister to vote; revising the races that must be audited during a risk-limiting audit of an election; requiring each county clerk to certify that certain software or operating systems meet or exceed certain standards; revising certain requirements relating to postelection audits of certain operating systems; requiring persons who make a contribution in the form of goods or services to certain political entities to provide the entity with a signed statement setting forth the actual cost or fair market value of the goods or services; revising provisions relating to notifying a candidate or public officer of an alleged violation of certain campaign finance laws; repealing certain provisions relating to elections; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the board of county commissioners to meet and canvass the returns of votes in an election and, in making the canvass, to note separately any clerical errors discovered and take account of the changes resulting from the discovery of any such clerical errors. (NRS 293.387, 293C.387) **Sections 1 and 16** of this regulation set forth the interpretation of the Secretary of State with respect to the meaning of “clerical errors” for the purpose of this provision.

Existing regulations require a person who wishes to file a complaint concerning an alleged violation of any provision of existing law relating to elections to submit the complaint in writing to the Secretary of State. (NAC 293.025) **Section 3** of this regulation requires the complaint to be submitted on a form prescribed by the Secretary of State.

Existing law requires, with certain exceptions, the county clerk to distribute a sample ballot to registered voters. (NRS 293.565) Existing regulations require the county and city clerk to mail a copy of the sample ballot for a primary, primary city, general or general city election to each candidate. (NAC 293.120, 293.130, 293C.110, 293C.120) **Sections 4 and 17** of this regulation instead require the county and city clerk to make a copy of the sample ballot for any such election available to a candidate upon request. **Section 22** of this regulation repeals the provisions requiring the sample ballots for a general or general city election to be distributed and posted in the same manner as a primary or primary city election as **sections 4 and 17** set forth the requirements for making such sample ballots available.

Existing law requires a circulator of certain petitions to verify each document of a petition attesting that, according to the best information or knowledge and belief of the circulator, the signers are registered voters of the State, the signatures are genuine and were signed in the presence of the circulator. (NRS 293.128, 293.200, 298.109) Existing regulations require each petition submitted to the county clerk for verification to include an affidavit signed by the person who circulated the document attesting to certain information. (NAC 293.182) **Section 5** of this regulation requires the affidavit to include certain statements attesting that the signatures are genuine and, according to the best information and belief of the circulator, each person who signed was a registered voter in this State and county of his or her residence.

Existing law requires that, if a county clerk uses an electronic roster, the county clerk must conduct tests on the electronic roster. (NRS 293.275) Existing regulations set forth the testing that the county clerk is required to conduct on an electronic roster. (NAC 293.228) **Section 6** of this regulation requires the testing to include confirmation that each electronic roster accurately displays the polling place to which the electronic roster is assigned. Existing regulations require the county clerk to confirm certain functioning of an electronic roster for at least one electronic roster assigned to each polling place. (NAC 293.228) **Section 6** instead requires the county clerk to confirm the functioning for at least one electronic roster that will be used for the election.

Existing regulations require each county and city clerk to perform periodic audits of each employee in the office of the county or city clerk whose regular duties include checking the signatures on mail ballots. (NAC 293.336, 293C.515) **Sections 7 and 18** of this regulation require the county and city clerk to: (1) use a form prescribed by the Secretary of State to perform the periodic audit; and (2) provide the periodic audits to the Secretary of State upon request.

Existing regulations require that an electronic device used to verify signatures on mail ballots only be connected to a computer network for maintenance and support and when connected to the computer network, must be operated on a closed, secure network behind a firewall. (NAC 293.338) **Section 8** of this regulation removes the requirement that the electronic device only be connected to a computer network for maintenance and support.

Existing regulations require a county and city clerk to establish and use a retrieval team to collect and transport mail ballots from the ballot drop boxes to the receiving center or central counting place. Each retrieval team is required, under existing regulations, to submit a description of the chain of custody of the mail ballots collected and transported by the retrieval team to the Secretary of State. (NAC 293.352, 293C.580) **Sections 9 and 19** of this regulation instead require the retrieval team to submit the description of the chain of custody to the county clerk or city clerk, as applicable.

Existing law requires, with certain exceptions, the county or city clerk to send a mail ballot to each active registered voter. (NRS 293.269911, 293.269913, 293C.263, 293C.26312) Existing regulations require each county clerk to report certain information to the Secretary of State after each election. (NAC 293.3595) **Section 10** of this regulation requires each county clerk to include in this report additional information relating to the number of mail ballots received, counted and tabulated before, on and after election day.

Existing law authorizes a candidate to demand and receive a recount of the vote under certain circumstances if the candidate: (1) files the demand in writing with the officer with whom he or she filed a declaration of candidacy; and (2) deposits in advance the estimated cost of the recount with the filing officer. Existing law requires the Secretary of State to adopt regulations defining “costs” for the purposes of this provision. (NRS 293.403) **Section 11** of this regulation requires each county and city clerk to submit to the Secretary of State an estimate of the costs to conduct a recount of the vote for an office on the ballot for the upcoming election by not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance.

Existing law authorizes a person who is 17 years of age or older but less than 18 years of age and who has resided in this State for 30 days or longer to preregister to vote. (NRS 293.4855) Existing law requires the Secretary of State to prescribe standard forms for use by persons who are applying to preregister or register to vote. (NRS 293.507) Existing regulations provide that the Secretary of State will create a standard paper form for a person to apply to register to vote in person or by mail. (NAC 293.420) **Section 12** of this regulation provides that the Secretary of State will also create a standard paper form for use by persons who are applying to preregister to vote and the form will include certain information for a person who is preregistering to vote.

Existing law requires the Secretary of State to adopt regulations for conducting a risk-limiting audit of an election. (NRS 293.394) Existing regulations require each county clerk to conduct a risk-limiting audit following each election which audits the results of one race for statewide office and one race for countywide office, if applicable. (NAC 293.481) **Section 13** of this regulation instead requires each county clerk to conduct a risk-limiting audit of the results of one race for state or federal office and one race for county office, if applicable. **Section 13** defines the terms: (1) “county office” to mean an elected county office whose candidates are voted upon by the registered voters of one county; (2) “federal office” to mean certain elected

federal offices which are established in the United States Constitution; and (3) “state office” to mean certain elected state offices which are established in the Nevada Constitution.

Existing law prohibits a mechanical voting system from being used in this State unless the mechanical voting system meets or exceeds the standards for such voting systems established by the United States Election Assistance Commission and prohibits the Secretary of State from approving a mechanical voting system that does not meet or exceed such requirements. (NRS 293B.063, 293B.104) Existing regulations require each county clerk to certify that the software used to tabulate ballots and the operating systems installed on each mechanical recording device or ballot marking device have been certified by the Voting System Testing and Certification Program of the Election Assistance Commission. (NAC 293B.110) **Section 14** of this regulation instead requires each county clerk to certify that such software or operating systems meet or exceed any standards established by the Election Assistance Commission.

Existing regulations require each county clerk to conduct a postelection audit of randomly selected mechanical recording devices to verify that the operating systems installed on each mechanical recording device used in the election are the operating systems that were certified by the county clerk before the election. (NAC 293B.120) **Section 15** of this regulation instead requires the county clerk to conduct the postelection audit to verify the operating systems by confirming the identity of each component of the operating system matches the identity registered with the National Software Reference Library.

Existing law requires candidates and certain other persons, committees and political organizations to file reports with the Secretary of State disclosing certain contributions, campaign expenses and expenditures. (NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220) Existing regulations require a person who makes a contribution in the form of services provided in kind for which money would have otherwise been paid to a candidate, committee for political action, political party or committee sponsored by a political party, person who makes an independent expenditure or committee for the recall of a public officer to provide the recipient a signed statement setting forth the actual cost of those services or, if that amount cannot be determined, the fair market value of those services, which amount must then be included in certain campaign finance reports. (NAC 294A.043) **Section 20** of this regulation also requires a person who makes a contribution to any such entity in the form of goods to provide the recipient a signed statement setting forth the actual cost of the goods or, if that cannot be determined, the fair market value of the goods, which amount must then be included in certain campaign finance reports.

Existing regulations provide that if the Secretary of State receives written notice that a candidate or public officer has violated a provision of existing law relating to campaign finance, the Secretary of State will notify the candidate or public officer of the alleged violation by certified mail. (NAC 294A.120) **Section 21** of this regulation instead provides that if the Secretary of State becomes aware of an alleged violation, the Secretary of State will notify the candidate or public officer.

Existing regulations require each county clerk to conduct a postelection certification audit of voter verifiable paper audit trail printers (VVPATs). (NAC 293.255) **Section 22** of this regulation repeals this requirement. **Section 2** of this regulation makes a conforming change to remove the definition for VVPATs, as the term is no longer used.

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

As used in NRS 293.387, the Secretary of State will interpret the term “clerical errors” to mean:

- 1. Any error in tabulating the votes cast that occurred before the canvass of the returns pursuant to NRS 293.387; or*
- 2. The omission of a ballot during the initial tabulating of the votes cast if the ballot was subsequently identified and tabulated before the canvass of the returns pursuant to NRS 293.387.*

Sec. 2. NAC 293.010 is hereby amended to read as follows:

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

1. “Ballot stock” means:
 - (a) The paper upon which a ballot is printed on which a voter directly indicates his or her vote; and
 - (b) The materials included with a mail ballot, including, without limitation, the mail ballot, return envelope, envelope or sleeve into which the mail ballot is inserted to ensure its secrecy and voter instructions.
2. “Department” means the Department of Motor Vehicles.
3. “Hand count” means the process of determining the results of an election where the primary method of counting the votes cast for each candidate or ballot question does not involve the use of a mechanical voting system.

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

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

6. “Vote center” means a polling place established by the county or city clerk, as applicable, where any person entitled to vote by personal appearance in the county or city, as applicable, may do so during the period for early voting by personal appearance or on the day of the election.

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

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

Sec. 3. NAC 293.025 is hereby amended to read as follows:

293.025 A person who wishes to file a complaint concerning an alleged violation of any provision of title 24 of NRS must:

1. Submit the complaint in writing to the Secretary of State ~~on a form prescribed by the Secretary of State~~; and

2. Sign the complaint.

↪ The complaint may include proof of the alleged violation.

Sec. 4. NAC 293.120 is hereby amended to read as follows:

293.120 The county clerk shall:

1. ~~{Mail}~~ *Make* a copy of the sample ballot for the primary election *or general election* prepared pursuant to NRS 293.565 *available* to ~~{each candidate who has filed with the county clerk a declaration of candidacy. The copy must be mailed to the mailing address which is stated in the declaration of candidacy.}~~

~~—2. Mail a copy of the sample ballot for the primary election prepared pursuant to NRS 293.565 to each candidate who has been certified to the county clerk by the Secretary of State.~~

~~—3. If a candidate's name appears on more than one type of sample ballot, mail a copy of at least one of the sample ballots to the candidate, but the county clerk shall make a copy of each sample ballot available to the}~~ *a* candidate upon request.

~~{4.}~~ 2. Provide an electronic copy of each sample ballot for a primary election *or general election* prepared pursuant to NRS 293.565, to the Secretary of State.

~~{5.}~~ 3. Post a copy of the sample ballot or a list of candidates in a conspicuous place in the county clerk's office.

Sec. 5. NAC 293.182 is hereby amended to read as follows:

293.182 1. A person who submits a petition that consists of more than one document to the county clerk for verification of the signatures shall sequentially number each page of each document in the petition, beginning with the number 1.

2. If a petition consists of more than one document, each of those documents must, in addition to any other requirements:

(a) Contain sequentially numbered spaces for:

(1) The name of each person signing the petition.

(2) The signature of the person signing the petition.

(3) The street address of the residence where the person signing the petition actually resides, unless a street address has not been assigned. If a street address has not been assigned, the document may contain the mailing address of the person signing the petition.

(4) The name of the county where the person is a registered voter.

(5) The date of the signature.

(b) Have attached to it, when filed, an affidavit signed by the person who circulated the document in substantially the following form:

STATE OF NEVADA

COUNTY OF _____

I, _____ (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures *are genuine and* were affixed in my presence; (5) that ~~I believe~~, *according to my best information and belief*, each person who signed was at the time of signing a registered voter in the *State of Nevada and the* county of his or her residence; and (6) that the number of signatures affixed thereon is _____.

Signature of circulator

Subscribed and sworn to or affirmed

before me this ____ day of ____, ____.

Notary public or other person licensed

to administer an oath

3. Any document of a petition may consist of more than one page. If a document consists of more than one page:

(a) Each page, including a blank signature page, must be numbered sequentially, beginning with the number 1 for each document;

(b) All the pages must be stapled, bound or attached in a similar manner that does not include the use of paper clips, rubber bands or binder clips and must be placed in numerical order; and

(c) The affidavit required by paragraph (b) of subsection 2 must appear on the last pages of the document.

4. As used in this section, “petition” means a petition containing signatures which are required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 298.109, 306.015, 306.035 or 306.110.

Sec. 6. NAC 293.228 is hereby amended to read as follows:

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

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

(a) That each electronic roster accurately displays:

(1) The date and time;

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

(3) The name of the county;

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

(5) *The polling place to which the electronic roster is assigned;*

~~(6)~~ (6) The precinct and number of voters in the precinct, if applicable;

~~(6)~~ (7) The current version of the operating system; and

~~(7)~~ (8) The signature records of the voters in the county;

(b) For at least one electronic roster ~~assigned to each polling place,~~ *that will be used for the election*, the correct functioning of the electronic roster for the following situations:

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

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

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

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

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

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

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

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

and

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

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

(1) Printing labels;

(2) Printing activation cards or ballot cards;

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

(4) Preparing turnout reports;

(5) Preparing daily totals; and

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

Sec. 7. NAC 293.336 is hereby amended to read as follows:

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

2. The county clerk shall ~~perform~~ :

(a) *Perform* periodic audits of each employee in the office of the county clerk whose regular duties include checking signatures on mail ballots ~~and~~ *using a form prescribed by the Secretary of State*;

(b) If the county clerk finds *when performing an audit pursuant to paragraph (a)* that an employee has an irregular acceptance or rejection rate, ~~the county clerk must~~ retrain the employee or prohibit the employee from checking signatures on mail ballots ~~and~~ ; *and*

(c) *Upon request of the Secretary of State, provide the Secretary of State with the periodic audit of the employees in the office of the county clerk performed pursuant to paragraph (a).*

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

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

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

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

Sec. 8. NAC 293.338 is hereby amended to read as follows:

293.338 An electronic device that is used to verify signatures on mail ballots may only be connected to a computer network ~~{for maintenance and support. When connected to the computer network, the electronic device must be operated}~~ on a closed, secure network behind a firewall. The county clerk shall keep maintenance logs documenting:

1. The name of any person who provides maintenance or support to the electronic device;
2. The time and date the electronic device was accessed; and
3. The reason for accessing the electronic device.

Sec. 9. NAC 293.352 is hereby amended to read as follows:

293.352 1. The county clerk shall establish and use a retrieval team to collect and transport mail ballots from the ballot drop boxes established in the county to the receiving center or to the central counting place, as directed by the county clerk. If necessary, the county clerk may use multiple retrieval teams to collect and transport the mail ballots.

2. A retrieval team shall be composed of at least two persons. If a ballot drop box is established within a polling place, the retrieval team must, if practicable, be composed of two members of the election board who are of differing political parties.

3. A retrieval team must frequently collect mail ballots from the ballot drop boxes established in the county beginning on the date that the mail ballots are issued and ending at the close of the polls on election day and as prescribed by subsection 4 or 5.

4. If there is a line of persons waiting to submit a mail ballot to the ballot drop box at the close of the polls on election day, a retrieval team shall:

(a) Hand the last person in line at the close of polls a card prepared by the county clerk that states “Last Person in Line”; and

(b) Refrain from collecting and transporting the mail ballots in the ballot drop box until the time that the person holding the card described in paragraph (a) has submitted the mail ballot.

5. If there is not a line of persons waiting to submit a mail ballot to the ballot drop box at the close of the polls on election day, the retrieval team shall immediately collect and transport the mail ballots.

6. Each retrieval team shall, on a form prescribed by the Secretary of State, submit to the ~~{Secretary of State,}~~ *county clerk* a description of the chain of custody of the mail ballots collected and transported by the retrieval team.

Sec. 10. NAC 293.3595 is hereby amended to read as follows:

293.3595 *1.* Not later than ~~{60}~~ *45* days after the date of an election, each county clerk shall report to the Secretary of State, in the form prescribed by the Secretary of State:

~~{1-}~~ *(a)* The number of surrendered mail ballots for that election that were not cast but were dropped off at each ballot drop box or polling place.

~~{2-}~~ *(b) The number of mail ballots cast for that election that were received by the county clerk, including, without limitation, mail ballots that were dropped off at a ballot drop box or polling place, on each day during the period for voting in the election beginning 45 days before the date of the election and ending 10 days after the date of the election.*

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

~~{3-}~~ *(d) For mail ballots received on election day:*

(1) The total number of mail ballots received on election day;

(2) Of the total number of mail ballots received on election day:

(I) The number of mail ballots that were accepted;

(II) The number of mail ballots that were not accepted; and

(III) The number of mail ballots that that were counted.

(e) For mail ballots received after election day and through the 30th day after the election, as applicable:

(1) The number of mail ballots received on or before 5 p.m. on the fourth day following election day that were postmarked and the number of such mail ballots that were counted;

(2) The number of mail ballots received after 5 p.m. on the fourth day following election day that were postmarked and not counted;

(3) The number of mail ballots received on or before 5 p.m. on the third day following election day that were not postmarked and the number of such mail ballots that were counted; and

(4) The number of mail ballots received after 5 p.m. on the third day following election day that were not postmarked and not counted.

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

~~14.1~~ *(g) The number of voters who updated voter registration information during the period for early voting by personal appearance and on election day for that election.*

~~15.1~~ *(h) The number of voters who registered to vote by computer during the period for early voting by personal appearance and on election day.*

2. For purposes of this section, a mail ballot is “accepted” by the county clerk when the signature on the mail ballot has been verified or cured pursuant to NRS 293.269927.

Sec. 11. NAC 293.375 is hereby amended to read as follows:

293.375 1. *Not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance in any election, each county and city clerk shall submit to the Secretary of State an estimate of the costs to conduct a recount of the vote pursuant to NRS 293.403 for an office on the ballot for that election.*

2. In determining the estimated or actual cost of any recount, the county or city clerk or Secretary of State:

(a) May include the cost of:

(1) Utilities used in a public building which is occupied for a recount before or after the normal hours of business;

(2) Rent for the use of a building not owned by the public;

(3) Salaries for overtime work of regularly employed members of the staff who normally handle elections;

(4) Salaries for other employees engaged for the recount;

(5) Services rendered by the personnel of the *Governor’s Technology* Office ~~to the Chief Information Officer~~ within the Office of the Governor or the agency of the county or city that is charged with the responsibility of administering a telecommunications or computer system for the county or city and the computer time associated with the recount;

(6) Mileage and per diem allowances for county or city clerks who attend meetings at the request of the candidate;

- (7) Extra materials ordered for the particular recount, such as tally books; and
 - (8) Any required support from vendors of equipment or materials used in the recount.
- (b) May not include the cost of:
- (1) Utilities used during the regular hours of business in a public building which is normally used for the purpose of elections;
 - (2) Rent in a public building which is normally used for the purpose of elections;
 - (3) During their normal hours of employment, the salaries of regularly employed members of the staff who normally handle elections; or
 - (4) Payment for overtime work which is not allowed by the county or city to the county or city clerk for conducting the recount.

~~12-1~~ **3.** Except as otherwise provided in subsection ~~11-1~~ **2**, the Secretary of State may charge the candidate for actual expenses incurred in organizing and conducting a statewide recount.

~~13-1~~ **4.** When two or more recounts are ordered in any election district in the State, the recounts must be conducted simultaneously. If all of the candidates who requested the recount fail to prevail at the finish of the recount, the cost of the recount must be divided equally among those candidates.

Sec. 12. NAC 293.420 is hereby amended to read as follows:

293.420 1. The Secretary of State will create a standard paper form for use by persons who are applying to *preregister or* register to vote in person or by mail. The form will include:

- (a) An application to *preregister or* register to vote, which may be submitted in person or by mail to the county clerk of the county in which the applicant resides;
- (b) Instructions to assist the applicant in completing the application;

(c) A notice stating that the application must contain the Nevada driver's license number of the applicant or, if the applicant has no Nevada driver's license, at least the last four digits of the social security number of the applicant or, if the applicant has no social security number, a unique identification number assigned by the county clerk pursuant to NAC 293.411 and subsection 5 of NRS 293.507;

(d) A notice that if the applicant indicates on the application that the applicant is not a citizen of the United States , ~~for will not be at least 18 years of age on or before election day,~~ the applicant may not *preregister or* register to vote;

(e) The option for the applicant to receive a sample ballot in larger type; ~~and~~

(f) ~~Instructions~~ *Except as otherwise provided in paragraph (g), instructions* to the applicant to contact the county clerk if the applicant does not, within 10 days after submitting the application to the county clerk, receive his or her voter registration card indicating that the registration has been accepted ~~H~~ ; and

(g) A notice that if the applicant indicates on the application that the applicant is 17 years of age or older but less than 18 years of age, the applicant will be deemed to be preregistered to vote and, except as otherwise provided in NRS 293.4855, will be deemed to be a registered voter on his or her 18th birthday and receive his or her voter registration card indicating that the registration has been accepted.

2. The Secretary of State will assign a control number to each paper application and will determine the sequence of the control numbers. ~~The control numbers will consist of a two-digit alphabetical code followed by a five-digit numerical code.~~

3. The control number must be printed:

(a) On a receipt of the application; and

(b) On the application to be returned to the county clerk.

4. On paper application forms that do not contain a control number, including, without limitation, the Federal Post Card Application submitted to a county clerk, the county clerk must enter the control number:

(a) On the application and a receipt of the application, if the application is submitted in person; or

(b) On the application, if the application is submitted by mail.

5. Each county clerk shall, after obtaining a series of control numbers from the Secretary of State, cause the paper forms to be printed. The county clerk shall continue to make available a sufficient number of the paper forms to meet the needs of the residents of the county.

Sec. 13. NAC 293.481 is hereby amended to read as follows:

293.481 1. The provisions of this section apply on and after January 1, 2024.

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

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

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

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

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

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

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

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

6. For the purposes of conducting a risk-limiting audit pursuant to this section, the county clerk may remove the seals affixed pursuant to subsection 1 of NRS 293.391 to retrieve the ballots used in the audit. After the completion of a risk-limiting audit, the county clerk must return the ballots to the original location and seal the ballots. The county clerk shall maintain a record of the seals affixed to the ballots used in the risk-limiting audit.

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

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

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

(1) Ballot comparison;

(2) Ballot polling; or

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

8. As used in this section:

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

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

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

(d) ~~“Statewide”~~ *“Federal office” means the elected federal office of President of the United States, Vice President of the United States, United States Senator or Representative in Congress.*

(e) *“State office”* means ~~an~~ *the* elected state office ~~whose candidates are voted upon in the election by the registered voters of the entire State.~~ *of Governor, Lieutenant Governor, State Senator, State Assemblymember, justice of the Supreme Court, judge of the Court of Appeals,*

Attorney General, State Controller, Secretary of State, State Treasurer or a member of the Board of Regents.

Sec. 14. NAC 293B.110 is hereby amended to read as follows:

293B.110 1. Not earlier than 2 weeks before, and not later than 5 p.m. on the day before, the first day of early voting, in accordance with procedures established by the Secretary of State, each county clerk shall certify that:

(a) The software used to tabulate ballots; ~~and~~ *or*

(b) The operating systems, including, without limitation, software and firmware, installed on each mechanical recording device or ballot marking device,

↪ ~~have been certified by the Voting System Testing and Certification Program of~~ *meets or exceeds any standards established by* the Election Assistance Commission . ~~established pursuant to 52 U.S.C. § 20921.~~

2. ~~The~~ *If applicable, the* county clerk shall certify the operating systems, including, without limitation, software and firmware, pursuant to subsection 1 by confirming that each component of such operating systems used pursuant to subsection 1 matches the identity registered with the National Software Reference Library.

3. The date and time that the operating systems of each mechanical recording device and ballot marking device are certified pursuant to subsection 2 , *if applicable*, must be recorded, and, subject to the provisions of subsection 4, an audit trail must be maintained from that date which sets forth each instance that the mechanical recording device or ballot marking device is accessed.

4. The audit trail required pursuant to subsection 3 must include, without limitation:

- (a) The name of the supervisor responsible for accessing the mechanical recording device or ballot marking device;
- (b) The reason for accessing the mechanical recording device or ballot marking device; and
- (c) The date and time that the accessing of the mechanical recording device or ballot marking device was completed.

Sec. 15. NAC 293B.120 is hereby amended to read as follows:

293B.120 1. Not later than 30 days after each election, each county clerk shall conduct a postelection audit of mechanical recording devices randomly selected pursuant to subsection ~~13~~ 2 or ~~14~~ 3 to verify ~~that~~ the operating systems, including, without limitation, software and firmware, installed on each mechanical recording device used in the election ~~are the operating systems that were certified before the election pursuant to NAC 293B.110.~~
~~—2.— The county clerk shall verify operating systems pursuant to subsection 11 by confirming~~ that each component of such operating systems matches the identity registered with the National Software Reference Library.

~~13~~ 2. For the postelection audit conducted pursuant to subsection 1, the county clerk of a county whose population is 100,000 or more shall randomly select a number of mechanical recording devices that is at least 2 percent of the number of mechanical recording devices used in the election, or not less than 20 mechanical recording devices, whichever is greater.

~~14~~ 3. For the postelection audit conducted pursuant to subsection 1, the county clerk of a county whose population is less than 100,000 shall randomly select a number of mechanical recording devices that is at least 3 percent of the number of mechanical recording devices, or not less than four mechanical recording devices, whichever is greater.

Sec. 16. Chapter 293C of NAC is hereby amended by adding thereto a new section to read as follows:

As used in NRS 293C.387, the Secretary of State will interpret the term “clerical errors” to mean:

- 1. Any error in tabulating the votes cast that occurred before the canvass of the returns pursuant to NRS 293C.387; or*
- 2. The omission of a ballot during the initial tabulating of the votes cast if the ballot was subsequently identified and tabulated before the canvass of the returns pursuant to NRS 293C.387.*

Sec. 17. NAC 293C.110 is hereby amended to read as follows:

293C.110 The city clerk shall:

1. ~~{Mail}~~ *Make* a copy of the sample ballot for the primary city election *or general city election* prepared pursuant to NRS ~~{293.565}~~ *293C.530 available* to ~~each candidate.~~
- ~~—2. Mail a copy of the sample ballot for the primary city election prepared pursuant to NRS 293.565 to each candidate who has been certified to him or her by the Secretary of State.~~
- ~~—3. If a candidate’s name appears on more than one type of sample ballot, mail a copy of at least one of the sample ballots to the candidate, but the city clerk shall make a copy of each sample ballot available to the~~ *a* candidate upon request.
- ~~{4.}~~ 2. Provide an electronic copy of each sample ballot for a primary city election *or general city election* prepared pursuant to NRS ~~{293.565}~~ *293C.530* to the Secretary of State.
- ~~{5.}~~ 3. Post a copy of the sample ballot or a list of candidates in a conspicuous place in the city clerk’s office.

Sec. 18. NAC 293C.515 is hereby amended to read as follows:

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

2. The city clerk shall ~~{perform}~~ :

(a) Perform periodic audits of each employee in the office of the city clerk whose regular duties include checking the signatures on mail ballots ~~{}~~ *using a form prescribed by the Secretary of State;*

(b) If the city clerk finds *when performing an audit pursuant to paragraph (a)* that an employee has an irregular acceptance or rejection rate, ~~{the city clerk must}~~ retrain the employee or prohibit the employee from checking signatures on mail ballots ~~{}~~ ; *and*

(c) Upon request of the Secretary of State, provide the Secretary of State with the periodic audit of the employees in the office of the city clerk performed pursuant to paragraph (a).

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

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

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

4. For the purposes of any voter who is required to provide a signature or a confirmation to the city clerk not later than 5 p.m. on the sixth day following the election pursuant to subsection 6 of NRS 293C.26327, the city clerk is not required to provide signature verification during any

weekend or holiday or any other time in which the offices of the city clerk are closed in the 6 days following the election. The city clerk may, in his or her discretion, provide signature verification during additional days or times outside of normal working hours.

Sec. 19. NAC 293C.580 is hereby amended to read as follows:

293C.580 1. The city clerk shall establish and use a retrieval team to collect and transport mail ballots from the ballot drop boxes established in the city to the receiving center or to the central counting place, as directed by the city clerk. If necessary, the city clerk may use multiple retrieval teams to collect and transport the mail ballots.

2. A retrieval team shall be composed of not less than two persons. If a ballot drop box is established within a polling place, the retrieval team must, if practicable, be composed of two members of the election board who are of differing political parties.

3. A retrieval team must frequently collect mail ballots from the ballot drop boxes established in the city beginning on the date that the mail ballots are issued and ending at the close of the polls on election day and as prescribed by subsection 4 or 5.

4. If there is a line of persons waiting to submit a mail ballot to the ballot drop box at the close of the polls on election day, a retrieval team shall:

(a) Hand the last person in line at the close of the polls a card prepared by the city clerk that states "Last Person in Line"; and

(b) Refrain from collecting and transporting the mail ballots in the ballot drop box until the time that the person holding the card described in paragraph (a) has submitted the mail ballot.

5. If there is not a line of persons waiting to submit a mail ballot to the ballot drop box at the close of the polls on election day, the retrieval team shall immediately collect and transport the mail ballots.

6. Each retrieval team shall, on a form prescribed by the Secretary of State, submit to the ~~Secretary of State,~~ *city clerk* a description of the chain of custody of the mail ballots collected and transported by the retrieval team.

Sec. 20. NAC 294A.043 is hereby amended to read as follows:

294A.043 1. A person who makes a contribution in the form of *goods or* services provided in kind for which money would have otherwise been paid to a:

- (a) Candidate;
- (b) Committee for political action, political party or committee sponsored by a political party;
- (c) Person who makes an independent expenditure; or
- (d) Committee for the recall of a public officer,

➡ shall, within 30 days after the time he or she furnishes those *goods or* services, provide to the recipient a statement signed by him or her that sets forth the actual cost of those *goods or* services or, if that amount cannot be determined, the fair market value of those *goods or* services.

2. A candidate, committee, political party or other person shall include the amount set forth in the statement provided pursuant to subsection 1 in the report required to be filed pursuant to the provisions of chapter 294A of NRS, unless the candidate, committee, political party or other person knows or should have known that the amount is not accurate.

3. If a candidate, committee, political party or other person knows or should have known that the amount set forth in the statement provided pursuant to subsection 1 is not accurate, he or she shall include in the appropriate report required to be filed pursuant to the provisions of chapter 294A of NRS the amount that he or she determines is the actual cost of the *goods or* services or, if he or she cannot determine the actual cost, the fair market value of the *goods or* services.

Sec. 21. NAC 294A.120 is hereby amended to read as follows:

294A.120 If the Secretary of State ~~receives written notice~~ *becomes aware* that a candidate or public officer is alleged to have violated a provision of chapter 294A of NRS, the Secretary of State will notify the candidate or public officer of the alleged violation by certified mail.

Sec. 22. NAC 293.130, 293.255 and 293C.120 are hereby repealed.

TEXT OF REPEALED SECTIONS

293.130 Sample ballots: General elections. (NRS 293.124, 293.247, 293.3025, 293.565)
Sample ballots for general elections must be prepared in the same manner, quantity and form as sample ballots for primary elections and must be distributed and posted in the same manner. The county clerk shall prepare a sufficient number of explanations of the questions on the ballot so

that he or she can mail one with each sample ballot, post one in a conspicuous place in his or her office and post at least two in each polling place.

293.255 Postelection certification audits of VVPATs. (NRS 293.124, 293.247)

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

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

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

additional number of mechanical recording devices equal to 2 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than 20 mechanical recording devices, whichever is greater, for the postelection certification audit. From each such mechanical recording device, the county clerk must select a vote to compare at random.

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

5. The county clerk shall transmit the results of the audit to the Secretary of State within 9 days after the date of the election but before the canvass. The results of the audit must include, without limitation, an explanation of any discrepancy discovered by the county clerk during the audit and, if determined, an explanation of what caused the discrepancy to occur.

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

293C.120 Sample ballots: General elections. (NRS 293.124, 293.247, 293.3025, 293.565, 293C.530) Sample ballots for general city elections must be prepared in the same manner, quantity and form as sample ballots for primary city elections and must be distributed and posted in the same manner. The city clerk shall prepare a sufficient number of explanations of the questions on the ballot so that he or she can mail one with each sample ballot, post one in a conspicuous place in the city clerk's office and post at least two in each polling place.