

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB FILE NO. R090-25I

**The following document is the initial draft regulation proposed
by the agency submitted on 11/07/2025**

17 Amendments

Authority: NRS 293.124; NRS 293.247

1. Amend NAC 293.3595 as follows

NAC 293.3595 Reporting requirements after election. ([NRS 293.124](#), [293.247](#)) Not later than 60 days after the date of an election, each county clerk shall report to the Secretary of State, in the form prescribed by the Secretary of State:

1. The number of surrendered mail ballots for that election that were not cast but were dropped off at each ballot drop box or polling place.
2. The number of mail ballots cast that were dropped off at each ballot drop box or polling place.
3. The number of voters who registered to vote in person during the period for early voting by personal appearance and on election day for that election.
4. The number of voters who updated voter registration information during the period for early voting by personal appearance and on election day for that election.
5. The number of voters who registered to vote by computer during the period for early voting by personal appearance and on election day.
6. *Number of mail ballots returned on Election Day that were not tabulated and counted on Election Day.*
7. *Number of mail ballots returned on Election Day that were tabulated and counted on Election Day.*
8. *Records of the number of mail ballots received on each date starting 45 days before Election Day and continuing until 10 days after Election Day.*
9. *Number of mail ballots that were postmarked and received by the 4th day after Election Day and the number of those that were counted.*
10. *Number of mail ballots that were not postmarked but were received by the 3rd day after Election Day, and the number of those that were counted.*
11. *Number of mail ballots that were postmarked and received after the 4th day after Election Day and were not counted.*
12. *Number of mail ballots that were not postmarked and received after the 3rd day after Election Day and were not counted.*

2. Amend NAC 293.338 as such:

NAC 293.338 Electronic device used to verify signatures. ([NRS 293.124](#), [293.247](#), [293.269925](#)) 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.

3. Amend NAC 293B.110:

NAC 293B.110 Certification of software and operating systems before first day of early voting; maintenance of audit trail. (NRS [293.124](#), [293.247](#), [293.3677](#), [293B.105](#))

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

(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 the Election Assistance Commission established pursuant to 52 U.S.C. § 20921.~~ *meet or exceed the standards established by the Elections Assistance Commission.*

2. 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 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.

4. Amend NAC 293.420 as follows:

NAC 293.420 Paper forms for application for registration to vote in person or by mail: Contents; submission; control number; printing. (NRS [293.124](#), [293.247](#), [293.507](#), [293.508](#), [293.5235](#))

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

(a) An application to 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 ~~or will not be at least 18 years of age on or before election day~~, the applicant may not register to vote;

(e) 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 pre-registered to vote and will be automatically registered on their 18th birthday;

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

(fg) 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.

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.

5. Create definition of “clerical errors” in NRS 293 and NRS 293C that must be covered during canvass of vote pursuant to NRS 293.387(2)(a) in NAC 293.010 & pursuant to NRS 293C.387 in NAC 293C:

(NAC 293)

9. “Clerical errors” as used in NRS 293.387(2) means:

(a) tabulation errors that warrant correction prior to the canvass of the returns.

(b) the omission of ballots from tabulation that were identified and tabulated prior to the canvass of the returns.

NAC 293C.010 Definitions. (NRS 293.124, 293.247, 293.3677, 293.675) As used in this chapter, unless the context otherwise requires:

1. “Clerical errors” as used in NRS 293C.387(3) means:

(a) tabulation errors that warrant correction prior to the canvass of the returns.

(b) the omission of ballots from tabulation that were identified and tabulated prior to the canvass of the returns.

6. Amend NAC 294A.043 as such:

NAC 294A.043 Report of contributions made in form of *goods or* services provided in kind. ([NRS 293.124](#), [294A.380](#))

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 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 services.

7. Amend NAC 293.025 as follows:

NAC 293.025 Submission of complaint concerning violation of provision of title 24 of NRS. ([NRS 293.124](#)) 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 the form prescribed by the Secretary of State*; and
 - 2. Sign the complaint.
- ↪ The complaint may include proof of the alleged violation.

8. Amend NAC 293.228 to reflect that our system uses framework configurations that are downloaded from a central server. The testing should confirm that the configuration works and then validate that it downloaded successfully to all devices.

NAC 293.228 Required tests of electronic roster before election. ([NRS 293.124](#), [293.247](#), [293.275](#), [298.640](#), [298.690](#))

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 assigned Polling Place

~~(4)~~ *5*) The number of voter files contained in the electronic roster;

~~(5)~~ *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~~ *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;

(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.

9. Amend NAC 293.225 so that it also applies to Ballot Marking Devices

NAC 293.255 Postelection certification audits of VVPATs and BMDs. ([NRS 293.124](#), [293.247](#))

1. After each election, a county clerk shall conduct a postelection certification audit of VVPATs *or BMDs* randomly selected pursuant to subsection 3 or 4, as applicable, to ensure that the paper record produced by a VVPAT *or BMDs* 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 *or BMDs* 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 *or BMDs*. Such comparison may be

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 *or BMDs* 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 *or BMDs* 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.

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.

AFFIDAVIT OF CIRCULATOR

State of Nevada)
County of _____)

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(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, *according to my best information and belief*, ~~I believe~~ each person who signed was at the time of signing a registered voter in the *State and* 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 _____, _____, by _____

Notary Public or person authorized to administer an oath

11. Amend NAC 295.020's affirmation to this:

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 the number of signatures affixed thereon is _____; and (6) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

Signature of circulator

Subscribed and sworn to (or affirmed)
before me this _____ day of _____, _____.

Notary public or other person licensed
to administer an oath

12. Amend NAC 293.375 to create a deadline

NAC 293.375 Determination and allocation of cost. (NRS
293.124, 293.247, 293.403, 293.405)

1. 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 Office of 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.
2. Except as otherwise provided in subsection 1, the Secretary of State may charge the candidate for actual expenses incurred in organizing and conducting a statewide recount.
3. 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.
- 4. County clerks must submit their cost estimates to conduct a recount requested pursuant to NRS 293.403 not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance for any election.*

13. Amend NAC 294A.120 as such:

NAC 294A.120 Notification of candidate of alleged violation of [chapter 294A](#) of NRS. ([NRS 293.124](#), [294A.380](#)) If the Secretary of State *becomes aware* ~~receives written notice~~ 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.

14. Amend NAC 294A.120 as such:

NAC 293.481 Requirements; selection of races to audit; creation of ballot manifest; use of software and designation of audit methods. ([NRS 293.124](#), [293.247](#), [293.394](#))

1. The provisions of this section apply on and after January 1, 2024.
2. Each county clerk must conduct a risk-limiting audit following each election.
3. A risk-limiting audit conducted pursuant to this section must audit the results of:
 - (a) One race for statewide office, if applicable. The Secretary of State will randomly select one race for statewide office to be audited at the election using a method determined by the Secretary of State in which all races for statewide office on the ballot at the election have an equal chance of being selected. The Secretary of State will notify each county clerk which race for statewide office has been selected for the risk-limiting audit at least 15 days before the date of the election.
 - (b) One race for countywide office, if applicable. Each county clerk shall randomly select one race for countywide office to be audited at the election using a method determined by the county clerk in which all races for countywide office on the ballot at the election have an equal chance of being selected. The county clerk must notify the Secretary of State which race for countywide office has been selected for the risk-limiting audit at least 15 days before the date of the election.
4. Each county clerk that conducts a risk-limiting audit pursuant to this section shall create a ballot manifest using the form provided by the Secretary of State that:
 - (a) Tracks the location of all accepted and tabulated ballots, including, without limitation, mail ballots, provisional ballots and ballots voted using a mechanical recording device; and
 - (b) Allows for the retrieval of any such ballot for purposes of conducting the risk-limiting audit.
5. As soon as possible after the completion of counting ballots for the election, the county clerk must electronically transmit the ballot manifest and record of votes cast in the election to the Secretary of State using a secure file transfer protocol site.
6. For the purposes of conducting a risk-limiting audit pursuant to this section, the county clerk may remove the seals affixed pursuant to subsection 1 of [NRS 293.391](#) to retrieve the ballots used in the audit. After the completion of a risk-limiting audit, the county clerk must return the ballots to the original location and seal the ballots. The county clerk shall maintain a record of the seals affixed to the ballots used in the risk-limiting audit.
7. For the purposes of conducting a risk-limiting audit pursuant to this section, the Secretary of State:
 - (a) Will require the use of risk-limiting audit software with the risk limit set at 5 percent; and
 - (b) May designate one or more of the following types of audit methods:
 - (1) Ballot comparison;
 - (2) Ballot polling; or
 - (3) A hybrid of ballot comparison and ballot polling.
8. As used in this section:
 - (a) "Ballot comparison" means a technique used in a risk-limiting audit in which the results of the ballot polling are compared to the results of the mechanical voting system as set forth in the record of votes cast on the system.
 - (b) "Ballot polling" means a technique used in a risk-limiting audit in which individual paper ballots are randomly selected and the ballot markings are examined and interpreted manually until the sampling of selected paper ballots indicates a sufficient majority for the reported winner of the election.
 - (c) "Countywide office" means an elected county office whose candidates are voted upon in the election by the registered voters of ~~the entire~~ **one** county.

(d) “Statewide office” means an elected *Constitutional or Legislative* state office ~~whose candidates are voted upon in the election by the registered voters of the entire State.~~

15. Amend NAC 295.020 - The petition form has County and Petition District on the top already, so this doesn’t need to be included in each box:

NAC 295.020 Requirements for individual documents of petitions for initiative or referendum. (NRS 293.124, 293.247, 295.055)

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 for an initiative or referendum consists of more than one document, each document must, in addition to any other requirements, contain the full text of the proposed measure and:

(a) Include sequentially numbered spaces for:

(1) The name of each person who signs 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 and the petition district where the person who signs is a registered voter.~~

(5) The date of the signature.

(6) If the petition is a municipal initiative or referendum proposed pursuant to the provisions of NRS 295.195 to 295.220, inclusive, the name of the city in which the person who signs is registered to vote.

16. NAC 293.120 – Amend as such:

NAC 293.120 Sample ballots: All ~~Primary~~ elections. (NRS 293.124, 293.247, 293.565) The county clerk shall:

~~—1. Mail a copy of the sample ballot for the primary election prepared pursuant to NRS 293.565 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 a the candidate upon request.~~

4. Provide an electronic copy of each sample ballot for **any primary** election prepared pursuant to NRS 293.565, to the Secretary of State.

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

17. NAC 293.352 – Amend as such:

NAC 293.352 Establishment and duties of retrieval team to collect and transport mail ballots to receiving center or central counting place. ([NRS 293.124](#), [293.269921](#))

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 or registrar](#), a description of the chain of custody of the mail ballots collected and transported by the retrieval team.