

**PROPOSED REGULATION OF THE  
SECRETARY OF STATE**

**LCB FILE NO. R003-26I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 01/02/2026**

## **Proposed Regulation**

**Authority: NRS 293.124; NRS 293.247;**

**\*\*\**(NEW)*\*\*\* NAC 294A.XXX Postelection Audits. (NRS 293.124, 293.247,)**

*1. After each election, a county clerk shall conduct a postelection certification audit of ballot tabulators randomly selected pursuant to subsection 3 or 4, as applicable, to ensure that the tabulator accurately records all votes cast by voters on a paper ballot.*

*2. A county clerk must conduct a postelection certification audit of each tabulator identified in subsections 3 or 4 by comparing votes cast for certain candidates and on certain ballot measures which were tabulated to the vote cast for that candidate and on that measure which were recorded on a paper ballot. 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 tabulators equal to 2 percent of the number of tabulators used in the election, or not less than 3 tabulators, whichever is greater, for the postelection certification audit. From each selected tabulator, the county clerk must select a batch equal to 1% of the in-person votes tabulated by that machine to compare at random. The audit must cover 1% of the votes cast during the period for in-person early voting and 1% of the votes cast on election day. The audit must review 1 statewide race or ballot measure, 1 county race or ballot measure, and 1 additional race to be selected 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.*

*4. The county clerk of a county whose population is less than 100,000 must randomly select a number of tabulators equal to 2 percent of the number of tabulators used in the election, or not less than one tabulator, whichever is greater, for the postelection certification audit. From each selected tabulator, the county clerk must select a batch of votes equal to 1% of the in-person votes tabulated by that machine to compare at random. The audit must cover 1% of the votes cast during the period for in-person early voting and 1% of the votes cast on election day. The audit must review 1 statewide race or ballot measure, 1 county race or ballot measure, and 1 additional race to be selected 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.*

*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.*