

Conceptual Amendment to AB 242 Proposed by the Office of the Secretary of State

- Conceptually: Allow for the use of Ballot Marking Devices that are already approved for use by the federal Election Assistance Commission (EAC) and have been certified for use by the Secretary of State. Two counties (Carson City and Lander) are currently using them and others have considered using them as a means to reinforce voter confidence. The suggested amendments are in **orange below**.

Sec. 5. NRS 293.270 is hereby amended to read as follows:

293.270 1. Voting at any election regulated by this title must be **[on printed]** *by mechanical voting system, by mail* ballots or by any other system approved by the Secretary of State or specifically authorized by law.

2. *Except as otherwise provided in subsection 3, all votes cast in person at a polling place at any election must be cast using a mechanical voting system and not by the marking of a paper ballot **by hand**. This includes votes cast by:*

(a) Provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; and

(b) Provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.

3. *The requirements of subsection 2 do not apply to votes cast using a mail ballot, regardless of whether the mail ballot is filled out at a polling place and deposited in a ballot drop box at the polling place or to the use of a mechanical voting system approved for use by the Secretary of State pursuant to NRS 293B.1045 that uses a paper ballot.*

- Conceptually: Require tabulation by mechanical devices only.

NRS 293B.050 Authorization for use of mechanical voting system. At all statewide, county, city and district elections of any kind held in this State, ballots or votes may be cast, registered, **and** recorded **and counted** by means of a mechanical voting system, **but shall be counted by means of a mechanical voting system.**

(Added to NRS by [1975, 1522](#); A [1985, 1099](#))

- Conceptually: Incorporate mail ballots into the description of mechanical voting systems:

NRS 293B.033 “Mechanical voting system” defined. “Mechanical voting system” means a system of voting whereby a voter may cast a vote:

1. On a device which mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on; or

2. By marking a paper ballot *or mail ballot* which is subsequently counted on an electronic tabulator, counting device or computer.

(Added to NRS by [1985, 1098](#); A [1995, 2787](#); [2007, 1167](#), [2605](#))