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STATE OF NEVADA

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**OFFICE OF THE  
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March 4, 2013

Mr. Rick Combs, Director  
Nevada Legislative Council Bureau  
401 South Carson Street  
Carson City, Nevada 89701

Dear Director Combs:

Pursuant to Nevada Revised Statute 293.4695, the Secretary of State hereby submits the following report on the election process for the 2012 election cycle to the Nevada Legislature.

The report is based on information collected from Nevada's 17 counties as it pertains to the 2012 primary and general elections. This report is composed of an executive summary and the following seven statutory sections:

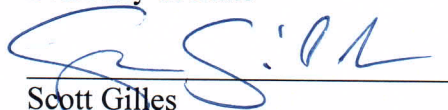
- Ballots not included in the final canvass of votes;
- Mechanical voting system malfunctions;
- Polling places not open during the prescribed time;
- Challenges made to the eligibility of voter;
- Complaints regarding ballots cast by mail or facsimile;
- Results of voting system audits; and
- Provisional ballots cast.

This report provides a detailed summary of the information submitted by each county. Individual county reports are available upon request.

If you should need clarification or have additional questions regarding this report, please do not hesitate to contact my office at (775) 684-5650.

Respectfully,

Ross Miller  
Secretary of State

  
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Scott Gilles  
Deputy Secretary for Elections

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## **2012 Election Cycle Summary**

### **Primary Election**

The June 12, 2012 Primary Election was the second state primary held in June after the passage of SB 162 in 2009. Voter participation in the 2012 primary election was 18 percent which is consistent with participation results of the 2008 presidential primary. With 1,058,808 active voter registrations a total of 199,797 voters turned out to vote. From the votes cast 96,617 were cast during the two weeks of early voting, 81,920 on Election Day, and 21,260 by absentee/mail ballot.

The Secretary of State's website permits online submission of complaints regarding questionable voter registration practices, potential voter fraud, and enforcement of laws regarding voter intimidation. During the Primary Election; 23 complaints were filed regarding campaign and candidate issues and 4 voter issues were received. Full details regarding these reports can be provided upon request.

### **General Election**

The General Election was held November 6, 2012. Of the 1,258,409 active registered voters, a total of 1,016,664 or 80.79 percent turned out to vote. Both the number and percentage of voters exceeded the 2008 general election when 970,019 voters or 80.27 percent turned out to vote. This voter turnout percentage increase of 4.5 percent was the highest in the country. Early voting continued to be a popular option, with 49.21 percent or 619,381 votes. Election Day turnout accounted for 24.76 percent of the votes with 311,613 while absentee/mail ballots accounted for 6.8 percent or 85,670 votes.

Prior to the close of voter registration, the online voter registration system was implemented statewide. In addition to registering to vote, the online voter registration system also allows registered voters to update certain voter registration information such as their political affiliation and contact information. During the 45 days before the close of registration, the online system processed over 34,000 new registrations and 22,000 record updates.

The Secretary of State's election reporting website was also enhanced to improve efficiency and usability. On Election Day, the website received over 31,000 visits and nearly 250,000 page views.

For the duration of the General Election; 71 complaints were filed regarding questionable voter registration practices, potential voter fraud, and enforcement of laws regarding voter intimidation. The office received 19 complaints regarding candidates and campaign issues, 3 county clerk and registrar comments, 10 voting equipment reports, 11 media comments, 8 polling place concerns, 6 voter issues, and 14 miscellaneous submissions. Full details regarding these reports are available upon request.

Lastly, in order to familiarize and prepare the next generation of voters to carry out their civic duty of voting, the Secretary of State partnered with the Department of Education to host the 2012 Nevada Student Mock Election. The program also worked with national student mock election organizations to provide activities and resources to more than 35,000 Nevada students who participated in the 2012 program.

The following Primary and General Election reports provide a detailed summary of the information submitted by each county. Individual county reports are available upon request.



# Nevada Secretary of State

## 2012 General Election Process Report

In accordance with NRS 293.4695 each county election official prepared and submitted the following information to be included in the Secretary of State’s legislative report. Individual county submissions are available upon request by contacting the Secretary of State’s Election Division. Please ask for the HAVA Administrator.

This report is composed of the seven sections for each of the 2012 Primary and General elections: ballots not included in the final canvass of votes, complaints regarding ballots cast by mail or facsimile, voting systems malfunctions, polling places, vote challenges, voting systems audits, and provisional ballots.

### BALLOTS NOT INCLUDED IN THE FINAL CANVASS

There are several reasons a ballot might not be included in the final canvass of votes. These ballots are often excluded because they do not meet specific criteria as required by statute.

County election officials reported a total of 511 ballots that were not included in the final canvass. The following table provides the total number of ballots excluded from the final canvass for each county as well as the total number of ballots by rejection reason.

Excluded Absentee Ballots Report – 2012 General			
County Totals		Total by Rejection Reason	
Carson City	103	Ballot was marked outside designated area	14
Churchill	8	Deceased	19
Clark	251	Absentee/mail ballot envelope not signed	133
Douglas	25	Moved to other jurisdiction	3
Elko	51	No ballot in absentee/mail ballot envelope	8
Esmeralda	0	No county explanation provided	1
Eureka	20	No identification provided	44
Humboldt	23	No official envelope	1
Lander	0	Over vote (unable to determine selection)	1
Lincoln	0	Received after deadline	28
Lyon	15	Returned undeliverable	2
Mineral	1	Signature did not match	155
Nye	4	Spoiled/lost ballot	15
Pershing	1	Voted in person (surrendered absentee/mail ballot)	51
Storey	3	Voter put identifying information on ballot	36
Washoe	6		
White Pine	0		
<b>Total</b>	<b>511</b>	<b>Total</b>	<b>511</b>

### Complaints regarding ballots cast by mail or facsimile

Only one complaint was filed during the 2012 General Election. Humboldt County received a complaint about the layout of candidates on a ballot.

## MECHANICAL VOTING SYSTEM MALFUNCTIONS

Counties are required to track and report the following information regarding mechanical voting system malfunctions experienced during an election.

- (1) Any known reason for the malfunction;
- (2) The length of time during which the mechanical voting system could not be used;
- (3) Any remedy for the malfunction which was used at the time of the malfunction; and
- (4) Any effect the malfunction had on the election process.

The following is a summary of the malfunctions experienced during the 2012 General Election.

### **Voter Card Activators**

The voter card activator is a component of the state voting system and serves as the voter's access to the AVC Edge direct-record electronic touch-screen voting system. After determining a voter's ballot style, a poll worker uses the card activator to program the voter card for the Edge voting unit to be able to display the correct ballot style for each voter.

Twelve voter card activator malfunctions were reported during the 2012 General Election. Malfunctions ranged from failing to start, not activating or ejecting cards, and failing to read a voter card.

Since counties keep backup activators on hand, these malfunctions did not negatively affect the election process.

### **Voter Verified Paper Audit Trail Printers**

A Voter Verified Paper Audit Trail (VVPAT) printer is a device that prints a paper copy of a voter's ballot selections.

More than 7,000 VVPATs were in use during the 2012 general election, 149 malfunctions were reported. The most common descriptions were paper jams, non-responsive and off-line printers.

For malfunctions such as paper jams, jurisdictions were able to correct the problem at the polling location. In instances requiring vendor service the malfunctioning printers were replaced by a backup VVPAT. Because counties keep backup VVPATS on hand, this did not negatively affect the election process.

### **Voting Units**

Voters use the Dominion AVC Edge touchscreen voting unit to cast their ballot. From the more than 6,800 units used in the election, 114 malfunctions were reported. The most common malfunctions were card reader errors (28), touchscreen issues (25), failure of touch-screen to initialize upon startup (24), nonfunctional units (8) and machines that exhibited other issues (29) such as failure to power up, nonfunctional printer ports and machine lockups.

These malfunctions did not negatively affect the election process because backup units were available.

No optical scan paper ballot tabulator malfunctions were reported.

## POLLING PLACES

Pursuant to NRS 293.4695, counties are required to report each polling place not open from 7:00 am to 7:00 pm and an explanation why any polling place was not open as required on Election Day.

All polling places were open from 7:00 am to 7:00 pm on Election Day and none of the counties reported issues with the timely opening of their polling places.

## VOTER CHALLENGES

Counties are required to record and report each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each challenge.

Only one written challenge was reported On Election Day. In Washoe County, a voter registration was challenged on the grounds of residency. The challenge was successful and the registration was cancelled because the registrant no longer resided in Nevada.

## VOTING SYSTEMS AUDITS

### **Tests Conducted Before and After the Official Count of Ballots (Paper Ballots) (NRS 293B.165)**

Counties are required to appoint an accuracy and certification board to conduct and review the tests conducted before the start and after the official count of ballots.

The Optech Insight and the Optech 400-C are optical scan paper ballot tabulators. Clark and Washoe counties use the high-speed Optech 400-C while the remaining counties use the smaller Optech Insight.

Seven Optech 400-C and 26 Optech Insight units were audited with 100 percent accuracy.

### **Postelection certification of Voter Verifiable Paper Audit Trail (NAC 293.255)**

In accordance with NAC 293.255 counties are required to carry out a post-election certification of the Voter Verified Paper Audit Trail (VVPAT) printers used in the election. Counties with a population of 100,000 or more are required to certify at least two percent or no less than 20 devices, whichever is greater, while counties with less than 100,000 are required to certify at least three percent or not less than four devices whichever is greater. Accordingly, counties tested a total of 177 units and reported 100 percent accuracy and no variations.

### **Postelection Audit for Verification of Operating Systems (NAC 293B.120)**

In order to comply with the requirements of NAC 293B.120 counties must verify that the operating system and the election management (voting system tabulation) software version has not been changed or modified since certification. Counties with a population of 100,000 or more are required to certify at least two percent or no less than 20 devices, whichever is greater, while counties with less than 100,000 are required to certify at least three percent or not less than four devices whichever is greater.

### **Voting System Firmware (Operating Systems)**

Each county tested the required number of units. 207 AVC Edge units, 18 Optech Insight, and 7 Optech 400-C units were tested and counties reported 100 percent accuracy and no variations.

### **Election Management System (Computer Software)**

Each county tested and certified their software with 100 percent accuracy and no variations.

### **Maintenance of Audit Trail For Software and Operating Systems (NAC 293B.110)**

In accordance with NAC 293B.110 counties are required to maintain an audit trail documenting each time a

device is accessed. Each county reported maintaining an audit trail and that no chain-of-custody violations occurred.

## PROVISIONAL BALLOTS

Nevada uses provisional ballots in elections with federal offices on the ballot. Voters who do not appear on the voter registration list but may otherwise be eligible to vote are eligible to cast a provisional ballot. Provisional ballots are only counted if a voter's eligibility to vote can be confirmed.

The table below lists all provisional ballots cast in the 2012 General Election as reported by the counties. There were 8,330 provisional ballots cast of which 3,468 were counted while 4,862 ballots were not counted due to various reasons as shown in the following table.

Provisional Ballots				
County	Cast	Counted	NOT Counted	
Carson City	12	1	Already Voted	2
Churchill	0	0	Incorrect Congressional District	605
Clark	6,194	2,451	No Proof of ID/Residence	42
Douglas	35	21	No Signature or Affirmation	55
Elko	23	2	Not Eligible	7
Esmeralda	0	0	Not Registered to Vote	4,089
Eureka	0	0	Other: No explanation provided	60
Humboldt	8	0	Voter cast regular ballot	1
Lander	29	0	<b>Total</b>	<b>4,861</b>
Lincoln	1	1		
Lyon	0	0		
Mineral	14	0		
Nye	8	0		
Pershing	0	0		
Storey	0	0		
Washoe	1,987	990		
White Pine	18	2		
<b>Total</b>	<b>8,329</b>	<b>3,468</b>		



# Nevada Secretary of State

## 2012 Primary Election Process Report

### BALLOTS NOT INCLUDED IN THE FINAL CANVASS

There are several reasons a ballot might not be included in the final canvass of votes. These ballots are often excluded because they do not meet specific criteria as required by statute.

County election officials reported a total of 137 absentee ballots that were not included in the final canvass. The following table provides the total number of ballots not included in the final canvass for each county as well as the total number of ballots by rejection reason.

Excluded Absentee Ballots – 2012 Primary			
County Totals		Total by Rejection Reason	
Carson City	19	Absentee/mail ballot envelope not signed	48
Churchill	3	Deceased	13
Clark	52	Moved to other jurisdiction	10
Douglas	9	No ballot in absentee/mail ballot envelope	4
Elko	3	No identification provided	9
Esmeralda	0	Other	16
Eureka	9	Received after deadline	14
Humboldt	21	Returned undeliverable	8
Lander	5	Signature did not match	13
Lincoln	0	Spoiled/lost ballot	1
Lyon	4	Voted in person	1
Mineral	0	<b>Total</b>	<b>137</b>
Nye	0		
Pershing	1		
Storey	11		
Washoe	0		
White Pine	0		
<b>Total</b>	<b>137</b>		

#### Complaints regarding ballots cast by mail or facsimile

Two counties reported receiving complaints regarding ballots cast by mail or facsimile. Election officials in Clark County reported receiving 15 complaints and Mineral County reported receiving one complaint.

15 voters in Clark County reported that they did not receive their absentee/mail ballot. The county resolved these complaints by voiding the initial ballot record and re-issued an applicable ballot per request.

In Mineral County a mailing precinct voter reported that they did not receive their ballot. The initial ballot record was voided and the voter was issued an absentee ballot which was surrendered by the elector to vote in person during early voting using a voting machine.

## MECHANICAL VOTING SYSTEM MALFUNCTIONS

Counties are required to track and report the following information regarding mechanical voting system malfunctions experienced during the election.

- (1) Any known reason for the malfunction;
- (2) The length of time during which the mechanical voting system could not be used;
- (3) Any remedy for the malfunction which was used at the time of the malfunction; and
- (4) Any effect the malfunction had on the election process.

Nine counties reported a combined total of 91 malfunctions during the 2012 Primary Election. 65 malfunctions involved the AVC Edge touchscreen voting unit and 26 involved the Voter Verified Paper Audit Trail (VVPAT) printer.

Clark County reported 49 malfunctions on the AVC Edge units and 18 VVPAT printers. Eight other counties reported a combined total of 24 malfunctions that involved 16 AVC Edge and eight VVPAT printer units.

### **Voter Verified Paper Audit Trail Printers**

A Voter Verified Paper Audit Trail (VVPAT) printer is a device that prints a paper copy of a voter's ballot selections.

Of the more than 7,000 VVPATs in use during the 2012 primary election, 26 malfunctions were reported. The most common malfunctions were paper jams and off-line printers.

The counties reported that most cases were resolved by replacing the faulty printer with a backup. In a few instances the unit had to be serviced. These counties reported that this did not negatively affect the election as backup units were available.

### **VOTING MACHINES**

The Dominion AVC Edge touchscreen voting unit is the machine used for voters to cast their ballots. From the more than 6,800 units used in the election, 65 malfunctions were reported. The most common malfunctions were nonfunctional card reader errors (7), touchscreen issues (43), and machines that exhibited other issues (15) such as failure to power up, nonfunctional printer ports, and machine lockups.

These malfunctions did not negatively affect the election process because backup units were available.

No optical scan paper ballot tabulator malfunctions were reported.

## POLLING PLACES

Pursuant to NRS 293.4695, counties are required to report each polling place not open from 7:00 am to 7:00 pm and an explanation why any polling place was not open as required on Election Day.

Clark County reported one polling place was delayed ten minutes to finish setting up.

## VOTER CHALLENGES

No challenges made to the eligibility of a voter pursuant to NRS 293.303 were reported during the 2012 Primary Election.

## VOTING SYSTEMS AUDITS

### **Postelection certification of Voter Verifiable Paper Audit Trail (NAC 293.255)**

In accordance with NAC 293.255 counties are required to carry out a post-election certification of the Voter Verified Paper Audit Trail (VVPAT) printers used in the election. Counties with a population of 100,000 or more are required to certify at least two percent or no less than 20 devices, whichever is greater, while counties with less than 100,000 are required to certify at least three percent or not less than four devices whichever is greater.

All counties reported testing and certifying the required number of units for the 2012 Primary Election with 100 percent accuracy and no variations.

## PROVISIONAL BALLOTS

Nevada uses provisional ballots in elections with federal offices on the ballot. Voters who do not appear on the voter registration list but may otherwise be eligible to vote are eligible to cast a provisional ballot. Provisional ballots are only counted if a voter's eligibility to vote can be confirmed.

The table below lists all provisional ballots cast in the 2012 Primary Election as reported by the counties. There were a total of 111 provisional ballots cast of which 84 were counted while 27 were not counted due to various reasons as shown in the following table.

Provisional Ballots				
County	Cast	Counted	NOT Counted	
Carson City	0	0	Incorrect Congressional District	5
Churchill	0	0	Not Registered to Vote	14
Clark	63	46	Wrong Party (Primary Election)	8
Douglas	2	2	<b>Total</b>	<b>27</b>
Elko	0	0		
Esmeralda	0	0		
Eureka	0	0		
Humboldt	0	0		
Lander	0	0		
Lincoln	0	0		
Lyon	0	0		
Mineral	0	0		
Nye	0	0		
Pershing	0	0		
Storey	0	0		
Washoe	46	36		
White Pine	0	0		
<b>Total</b>	<b>111</b>	<b>84</b>		