

**BACKGROUND PAPER 01-5**

**AN OVERVIEW OF ELECTION  
PROVISIONS REGARDING  
RECOUNTS, CONTESTS,  
BALLOTS, VOTING SYSTEMS,  
AND OTHER ELECTION-RELATED  
MATTERS IN NEVADA**

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## I. INTRODUCTION

This background paper broadly highlights Nevada's election laws and procedures regarding recounts, contests, ballots, voting systems, and other election-related matters. The impetus for this broad overview of election procedures in Nevada stems from events that transpired in the State of Florida immediately following the General Election of November 7, 2000. Election procedures in Florida garnered significant media attention during 37 days of post-election activity involving election challenges, recounts, court hearings, and matters relating to mechanical voting systems and ballot styles.

Particular public and media scrutiny focused upon the voting apparatus and technologies employed by the 67 counties in the State of Florida. Florida uses four different types of voting technology—electronic, optical scan, paper, and punchcard—and purchases this technology from seven different vendors.<sup>1</sup> A number of studies of the various voting system technologies used throughout the United States have been released since the 2000 General Election that highlight the effectiveness and accuracy of the various voting systems in use. Despite the increased attention on voting system technology, R. Doug Lewis, Executive Director of The Election Center (an international association of voter registration and election officials), testified before the United States Senate Rules Committee on March 14, 2001, that too much focus has been placed on voting technology as the cause and solution to voting problems and challenges. He noted:

Almost everyone who is not steeped in the administration of elections has incorrectly focused on technology as both the problem and the solution. Let me make this very clear. Had we had the most advanced technology in place in Florida in this election [the 2000 General Election], it too would have been attacked. And there still would have been voter errors. Maybe not the same ones and maybe the proportions of errors would have been somewhat different, but the mistakes would still have been there. The problems in this election have their roots in laws, policies and procedures—or the lack of them—and then the application of technology in effecting those laws, policies, or procedures.<sup>2</sup>

While Mr. Lewis suggests that technology is secondary to the “process,” it still may be valuable for Nevada's legislators to understand the operations of the three types of voting

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<sup>1</sup> See Appendix A to this document for copies of two tables titled “Voting Systems” and “Voting Systems, Certified Voting Systems Used in Florida,” the Division of Elections, Florida Department of State, website: [www.election.dos.state.fl.us/votemeth](http://www.election.dos.state.fl.us/votemeth).

<sup>2</sup> See Appendix B to this document for a complete copy of the testimony regarding election issues from R. Doug Lewis, Executive Director, The Election Center, before the United States Senate Rules Committee, March 14, 2001.

systems employed in this state: direct record electronic, optical scan, and punchcard. Two committees of the 2001 Nevada Legislature, the Senate Committee on Government Affairs and the Assembly Committee on Elections, Procedures, and Ethics, recently held a joint hearing for the purpose of examining and learning about these three voting technologies.<sup>3</sup> Mr. Lewis further declares that the root of election problems stem from the existence or lack of certain policies and procedures. This background paper focuses on the very election procedures and policies (or lack thereof) in Nevada that Mr. Lewis argues were deficient in the State of Florida.

Surely, such heightened attention on the voting process has propelled election reform matters and proposals to the forefront of discussion among many legislators across the country. Nationwide, state lawmakers are examining their respective election procedures and laws to ensure that their states do not encounter similar issues faced in Florida.<sup>4</sup> In fact, the National Conference of State Legislatures (NCSL) has recently formed a task force to address election reform in the wake of the 2000 General Election.<sup>5</sup> Members of the United States (U.S.) Congress have also introduced numerous measures addressing election topics ranging from polling place hours and media coverage of elections to Electoral College reform and standardized voting technology.<sup>6</sup> Nevada lawmakers have been influenced by the events of the 2000 election cycle as evidenced by the introduction of numerous measures regarding recounts, contests, candidate and voter challenges, the counting of ballots, and ballot security during the 2001 Legislative Session.

This background paper responds to numerous inquiries from Nevada legislators requesting summaries and highlights of Nevada's procedures for recounts, contests, ballots, the counting of votes, and mechanical voting systems—all matters heavily discussed in the State of Florida following the 2000 General Election. While this background paper does not delve into the particular procedures and activities that occurred in Florida, it does highlight the processes used in Nevada for many of these scrutinized topics and will serve as a resource for legislators as they examine present and future election reform measures.

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<sup>3</sup> Joint committee meeting held on Tuesday, February 20, 2001. See Appendix C of this document for a copy of the agenda.

<sup>4</sup> See Appendix D of this document for a copy of a slideshow titled "Overview of Election Reform," presented at the National Conference of State Legislatures (NCSL) Assembly on State Issues meeting held in Costa Mesa, California, March 25, 2001.

<sup>5</sup> See Appendix E of this document for a copy of an NCSL press release titled "Election Reforms by State Legislatures to Be Assisted by Special National Task Force," December 15, 2000. Also refer to the NCSL Election Reform Task Force's Web site, <http://www.ncsl.org/programs/legman/elect/taskfc/electtaskfc.htm>, for more information.

<sup>6</sup> See Appendix F of this document for a copy of recently introduced federal legislation regarding election matters.

## **II. RECOUNT PROCEDURES IN NEVADA**

Calls for a complete or partial recount of the vote in Florida have placed increased attention on Nevada's recount procedures, which are set forth in *Nevada Revised Statutes* (NRS) 293.400 through NRS 293.405. Additional recount procedures are provided in *Nevada Administrative Code* (NAC) 293.178 through NAC 293.180. Particular concern in Florida revolved around the apparent lack of uniform procedures for physically recounting ballots, the timeline involved in a typical recount of the ballots, and the circumstances that could trigger an "automatic" recount. While Nevada law does not allow for an automatic recount of the vote, the statutes do set forth, in detail, the steps for the recount procedure.

The Elections Division of Nevada's Office of the Secretary of State has compiled a comprehensive, five-page guide titled "2000 Recount Information, The Statewide Recount Process," which provides details regarding the demand for a recount, time frames, costs, recount procedures, and public observation. A copy of this guide is included in Appendix G of this report.

### **A. Provisions Governing Deadlines for the Canvass of the Vote and Recount**

Nevada law sets forth a specific procedure and timeline for recounts. Pursuant to NRS 293.403, a "demand" for a recount from a defeated candidate must be received by the appropriate filing officer within three working days after the canvass of the vote. Following the general election, the canvass of the vote for statewide offices and ballot questions occurs on the fourth Wednesday of November (NRS 293.395). The canvass for all other offices for the general election as well as for all offices voted on at the primary election (including statewide candidates) must be completed by each county commission no later than five working days following the election (NRS 293.387). According to NRS 293.405, each recount must commence within five days after the demand and must be completed within five days after the recount is begun (including weekends and holidays).

### **B. Timeline for Recounts in Nevada**

The table below sets forth probable timelines for recounts demanded following the primary and general elections of 2002. Recounts following a primary election utilize the same schedule for both local and statewide races. However, the canvass of the vote for local races and ballot questions following a general election occurs earlier than the canvass for statewide races and measures. Therefore, a different recount schedule for local and statewide races is used after a general election.

**Table 1**  
**Timeline for Recounts—2002 Election Cycle**

	<i><b>2002 Primary Election Recount</b></i> <i>(all races)</i>	<i><b>2002 General Election Recount</b></i> <i>(local races and ballot questions)</i>	<i><b>2002 General Election Recount</b></i> <i>(statewide races and ballot questions)</i>
<b>Date of Election</b>	September 3, 2002	November 5, 2002	November 5, 2002
<b>Latest Date to Canvass the Vote</b>	September 10, 2002	November 12, 2002	November 27, 2002 (date set by statute)
<b>Latest Date to Demand a Recount</b>	September 13, 2002	November 15, 2002	December 2, 2002
<b>Latest Date to Begin a Recount</b>	September 18, 2002	November 20, 2002	December 7, 2002
<b>Latest Date to Complete a Recount</b>	September 23, 2002	November 25, 2002	December 12, 2002

As depicted in Table 1, a typical recount in Nevada can last approximately ten days. Following a primary election, the next major deadline for each county election officer to meet is for the preparation of absent ballots for Nevada residents who are outside the state. If possible, such absent ballots must be “prepared and ready for distribution” not later than 40 days before the election (September 26, 2002, for the 2002 election cycle). Following the general election, no major deadlines are typically impacted by a recount. However, if a recount involves the office of President of the United States, the presidential electors must “convene at the seat of government on the 1<sup>st</sup> Monday after the 2<sup>nd</sup> Wednesday in December” to cast their ballots for President (NRS 298.030). In 2000, this date fell on December 18, nine days after the latest date to complete a recount.

### **III. ELECTION CONTESTS IN NEVADA**

Election contests provide an opportunity for candidates to challenge the result of an election. Pursuant to NRS 293.410, an election may be contested upon any of the following grounds:

- The election board or any member thereof was guilty of malfeasance.
- A person who has been declared elected to an office was not, at the time of election, eligible to that office.
- That illegal votes were cast and counted for the defendant, which, if taken from him, will reduce the number of his legal votes below the number necessary to elect him.



- The election board, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.
- The defendant has given, or offered to give, to any person a bribe for the purpose of procuring his election.
- There was a possible malfunction of any voting or counting device.

In Nevada, the procedures governing contests vary slightly depending on the office involved. Candidates for county and local offices must file a “statement of contest” with the clerk of the district court in the proper jurisdiction no later than 5 days after a recount is completed, and no later than 14 days after the election if no recount is demanded. A statement of contest must include the candidate’s name, the defendant’s name, the office to which the defendant was declared elected, the grounds for the contest, and the date the election results were canvassed by the appropriate governing board. Decisions for election contests involving county and local races are made by a district court judge.

If a contest involves a state legislator, the statement of contest must be filed with the Secretary of State under the same time specifications as contests for county and local offices. The Secretary of State must deliver the contest statements to the Legislature on the opening day of the Legislative Session. Until the contest is decided, the candidate who received the highest number of votes for the office in the contested election must be seated as a member of the Legislature. The contestant may withdraw his or her contest before the contest is formally decided; at which point, the Secretary of State shall dismiss the contest. If the contest is not dismissed, it must be heard and decided upon by the Legislature as prescribed by the standing or special rules.

An election contest involving the office of Governor, Lieutenant Governor, or Supreme Court Justice also must be decided by the Legislature (in a joint session). All documents must be filed with the Secretary of State and subsequently delivered to the Speaker of the Assembly on the opening day of the Legislature. A joint session of both houses must be convened as soon possible after receipt of the contest documents to hear and decide the contest.

Copies of NRS 293.407 through 293.435, which address election contests, are included in Appendix K of this report.

#### **IV. REVOTES AND SPOILED BALLOTS**

Many voters in Florida demanded a partial or complete revote in the U.S. Presidential race following the 2000 General Election. A review of Title 24 of the NRS, “Election Laws,” shows that Nevada law is silent on this issue. While no provisions specifically address

revoting, NRS 293.297 does provide a procedure for the replacement of a spoiled ballot at the polling place. In addition, the statutes stipulate that if the voter uses a direct record electronic (DRE) device (similar to the voting system currently used in Clark County, Nevada), he or she must be able to change his or her vote before the DRE device permanently records that vote. This statute reads:

**Replacement and cancellation of spoiled ballot; change of vote on mechanical recording device.**

1. Except as otherwise provided in subsection 2:

(a) Any voter who spoils his ballot may return the spoiled ballot to the election board and receive another in its place.

(b) The election board officers shall indicate in the pollbook that the ballot is spoiled and shall enter the number of the ballot issued in its place.

(c) Each spoiled ballot returned must be canceled by writing the word “Canceled” across the back of the ballot. A spoiled paper ballot must be canceled without unfolding it.

(d) A record must be made of those canceled ballots at the closing of the polls and before counting. The ballots must be placed in a separate envelope and returned to the appropriate county clerk with the election supplies.

2. If ballots which are voted on a mechanical recording device which directly records the votes electronically are used, the voter must be able to change his vote before the mechanical recording device permanently records that vote.

(Added to NRS by 1960, 254; A 1963, 1373; 1967, 848; 1987, 340, 694; 1995, 2776; 1997, 3455)

A spoiled ballot is defined in NRS 293.107 as one that has been “defaced by a voter and exchanged for a new one.” According to NAC 293.160, the election board at a polling place may use its discretion regarding the number of spoiled ballots that may be allowed for each voter.

## **V. REJECTED AND INVALID BALLOTS**

The rejection and invalidation of ballots in Florida also received notable public and media attention. Nevada law and the NAC make a few references to the invalidation of ballots.

Several provisions that reference the rejection of ballots also exist. The following statutes that discuss rejected and invalid ballots are summarized in Table 2 below:

**Table 2**  
***Nevada Revised Statutes That Address Rejected or Invalid Ballots***

<i>Statute</i>	<i>Summary</i>
NRS 293.094	Defines rejected ballot as one that “must not be counted because it is rejected by the election board or counting board for any reason required or authorized” by law.
NRS 293.317	Stipulates that “absent ballots received by the county or city clerk after the polls are closed on the day of the election are invalid.”
NRS 293.335	Declares that empty envelopes and all envelopes containing rejected ballots must be returned and delivered to the county clerk. The cause of the rejection must be noted on the envelope and the envelope must be signed by a majority of the election board officers.
NRS 293.363	Stipulates that if two or more ballots are found folded together to present the appearance of a single ballot and if the ballot board opines that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope. The reason for the rejection must be written on the envelope and signed by the counting board officers.
NRS 293.373	States that all paper and punchcard ballots that are rejected must be filed “on a string” and then enclosed and sealed in an envelope marked “Election returns, rejected ballots” and returned to the clerk or voter registrar.
NRS 293.391	Declares that all ballot materials, including rejected ballots, must “be deposited in the vaults of the county clerk, and preserved for at least 22 months.”
NRS 293.404	Stipulates that if a recount is demanded, the recount board shall count all the selected ballots (from the chosen precinct[s]), including those that have been rejected.

The statute that provides the most detailed information regarding rejected ballots is NRS 293.367. This law explains that the basic factor to be considered by an election board when making a determination of whether a ballot must be rejected is if any mark appears on the ballot that, in the board’s opinion, constitutes an identifying mark. The election board

must believe that the ballot has been tampered with and, as a result, the outcome of the election would be affected.

### **Tracking, Storing, and Destruction of Rejected Ballots and Other Election Materials**

While a comprehensive list of the reasons why ballots at a particular election are rejected is not maintained, both Nevada law and the NAC specifically require that an election board seal each rejected ballot in an envelope and write on the outside of the envelope the reason for the rejection. Like all other election ballots, pollbooks, lists, voting receipts, stubs, and other records used during an election, rejected ballots are deposited in the vaults of the county clerk or voter registrar for a period of 22 months. These materials are destroyed promptly after the holding period following a public notice of the scheduled destruction in a general circulation newspaper.

## **VI. GUIDELINES FOR THE COUNTING OF VOTES**

As observed during the counting of votes in several jurisdictions in Florida, clear statutory guidelines as to when a vote may or may not be counted can help local election officials quickly ascertain the validity of a vote. Several Nevada laws and regulations provide detailed criteria for the counting of votes. These provisions of the NRS and NAC are noted below.

### **A. Provisions of the NRS**

In addition to specifying procedures regarding the rejection of ballots, Nevada law, in NRS 293.367, sets forth specific guidelines as to when a vote can and cannot be counted and declares that regulations of the Secretary of State must also do the same. These guidelines provide that:

- A vote on a paper ballot may not be counted unless indicated by a cross in the appropriate square.
- An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.
- If more choices than permitted by the instructions are marked for any office or question, the vote for that office or question may not be counted.
- If it is impossible to determine a voter's choice for any office or question, his or her vote(s) for that office or question may not be counted.
- A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

- Only devices provided for in Chapters 293 and 293B of NRS may be used in marking ballots.
- It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.
- When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.
- In counties where mechanical voting systems are used whereby a vote is cast by punching a card, a superfluous punch into any card does not constitute grounds for rejection of the ballot unless the election board determines that the condition of the ballot justifies its exclusion pursuant to subsection 1 of NRS 293.367.

## **B. Provisions in Regulation**

The NAC also sets forth, as directed by the NRS, regulations that govern the proper counting of ballots and discusses when a vote may or may not be counted. In particular, NAC 293.250 explains that:

- If any extraneous writing or other mark, such as a cross, check, tear, or scratch, has been placed on a ballot card, the votes on the card must be counted unless the writing or other mark identifies the ballot as being that of the voter. Whether or not such an extraneous writing or other mark identifies the voter, the writing or other mark must not be counted as a vote.
- Votes on a ballot card must not be counted if it is impossible or extremely difficult to determine the voter's intention because he has placed his ballot incorrectly in the vote-recording device.
- If a chip (commonly known as a "chad") on a ballot card is found in any of the following conditions, the chip must be counted as an intended vote:
  1. A chip that is attached to the card at one or two corners;
  2. A chip that is attached to the card at three corners, with the fourth corner obviously disconnected; or
  3. A chip that is attached to the card at three or four corners, with the paper fibers on one or two sides broken in a way that permits unimpeded light to be seen through the ballot. If no unimpeded light is visible on any side of a chip, the vote must not be counted.

Much of the election-related legislation introduced during the 2001 Legislative Session proposes to codify into the NRS several of the provisions already set forth in the NAC regarding the counting of ballots.

## **VII. VOTING SYSTEMS AND OTHER VOTING EQUIPMENT**

The use of punchcard voting systems by Palm Beach County, Florida, and in other jurisdictions raised many questions among election observers about the ability of punchcard voting systems to accurately record the intent of the voter. Nonetheless, during the 1996 Presidential election, some variation of the punchcard system was used by 37.3 percent of registered voters in the United States. Los Angeles County, California, the nation's largest election jurisdiction with 3.8 million registered voters, continues to use punchcard technology.<sup>7</sup>

In Nevada, all 17 counties have the option to purchase and use any voting system that has been certified by the Nevada Secretary of State pursuant to NRS 293B.104 and NRS 293B.105. The Secretary of State must, pursuant to NRS 293B.104, only approve mechanical voting systems that meet or exceed standards for voting systems established by the Federal Elections Commission (FEC). The FEC enhanced the requirements for voting machines in the mid-1990s. As a result, many Nevada counties have since upgraded their election systems. There are currently three types of voting systems used in this state: punchcard, optical scan, and DRE devices.<sup>8</sup>

### **A. Punchcard Systems**

Punchcard voting utilizes a prescored card that is inserted into a ballot frame that aligns with a corresponding office and candidate shown on a preprinted ballot page. The voter uses a stylus to punch through the card to register his vote. Punchcard ballots are transported from each polling place to a central counting location for tabulation. They are then placed through a punchcard reader and tallied using a computerized tabulation system. According to information supplied by Nevada's Office of the Secretary of State, seven counties in Nevada use punchcard systems.

### **B. Optical Scan Systems**

Optical scan systems, sometimes referred to as "marksense" systems, use a paper ballot that displays the candidate's name and office. The voter marks (with pencil or pen) the circle, box, or area next to the candidate's name in order to register his vote. The ballot is

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<sup>7</sup> From the Federal Elections Commission (FEC) description of "Punchcards," [www.fec.gov/pages/punchcard.htm](http://www.fec.gov/pages/punchcard.htm).

<sup>8</sup> See Appendix H of this document for informational material from the FEC regarding mechanical voting systems and voting system standards.

then inserted into a scanner (by the voter or a poll worker) at the polling place, which tabulates the vote and automatically deposits the ballot into a secure ballot container. The scanner units are then taken to a central counting location where the precinct tabulations are combined with other totals by a central computer. In counties with smaller populations, the county election officer may choose to scan the ballots at the central counting location. Nine counties in Nevada used optical scan systems in 2000, and other counties have considered them for purchase in the future.

### **C. Electronic (Direct Record Electronic)**

Direct record voting devices can be operated manually or electronically. Voters in Eastern states are often more familiar with this method of voting where “lever” DRE machines are commonly used. New technology has allowed for such systems to function electronically. The entire ballot face appears before the voter on DRE systems. Such systems allow a voter to cast his or her vote by pushing an electro-mechanical button beside the candidate of choice. The voter then presses a final “vote” button once all his or her selections are made. All votes are counted at the precinct level and are combined with the remaining tabulations at the counting location by a central computer. This system does not use paper ballots at the polls. Instead, data cartridges are retained in the event a recount is needed. Clark County currently uses an electronic DRE voting system for its polling place elections.

Table 3 highlights the type of voting system used in each Nevada county.

**Table 3**  
**Voting Systems Currently Used in Nevada**

<i>County</i>	<i>Manufacturer/Type of Voting System Used</i>
Carson City	Sequoia Pacific (Punchcard)
Churchill	Sequoia Pacific (Punchcard)
Clark	Sequoia Pacific, AVC Advantage (Electronic)
Douglas	Election Systems & Software, Inc. (ES&S) (Punchcard)
Elko	ES&S (Optical Scan)
Esmeralda	ES&S (Optical Scan)
Eureka	ES&S (Optical Scan)
Humboldt	Sequoia Pacific (Punchcard)
Lander	ES&S (Optical Scan)
Lincoln	Computer Election Systems (Punchcard)
Lyon	ES&S (Punchcard)
Mineral	ES&S (Optical Scan)
Nye	ES&S (Optical Scan)
Pershing	ES&S (Optical Scan)

<i>County</i>	<i>Manufacturer/Type of Voting System Used</i>
Storey	Sequoia Pacific (Punchcard)
Washoe	Global Election Systems, Accuvote 2000 (Optical Scan)
White Pine	ES&S (Optical Scan)

#### **D. Mail-In and Absentee Balloting**

In most cases, the methods used by Nevada’s counties for voting in mail-in only precincts or by absentee ballot are compatible with the voting system employed by the county. For example, election officials in counties using punchcard systems provide to voters mail and absentee ballots mounted on foam that are punched with the stylus provided with the ballot. Counties using optical scan systems provide the scanning ballot along with a writing device used to mark the ballot.

The exception to this pattern is Clark County, which uses DRE machines at polling places on election day and for early voting purposes. Currently, Clark County uses punchcard technology for its mail-in precincts and for absentee balloting. According to Larry Lomax, Clark County Registrar of Voters, his office received over 60,000 absentee ballot requests for the 2000 General Election. This, combined with several thousand ballots used in mail-in precincts, represents a higher use of punchcard ballots during an election than Carson City, the largest jurisdiction that solely uses punchcard technology.

### **VIII. “BUTTERFLY” BALLOTS**

Palm Beach County, Florida, garnered media attention by its use of a “butterfly” ballot style for its punchcard voting system. An official definition of “butterfly ballot” does not appear in the NRS or *Black’s Law Dictionary*. However, many understand the butterfly ballot to be a particular layout that is used by county election officials for displaying, on the voting system (usually for punchcard machines), the names of the candidates for political office on opposite facing pages, with a column down the middle of the two pages on which to cast (or punch) the vote. Two depictions of the butterfly ballot as used in Palm Beach County appear in Appendix I of this report.

In Nevada, each county has the discretion to create a physical ballot layout that is suitable for that county’s voters and compatible with the voting system used. No jurisdictions in Nevada used this ballot layout during the 2000 election cycle.



## **IX. VOTER FRAUD AND VOTING IRREGULARITIES**

Many questions regarding voter fraud and irregularities in elections were addressed following the 2000 General Election in Florida. While no specific definition for fraud exists in Nevada's election laws, they do address fraudulent activity in elections and election-related activity. For example, the declaration of candidacy for all candidates contains an affidavit that declares candidates "will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this state." Furthermore, NRS 293.313 stipulates a person may not fraudulently request an absent ballot in the name of another person, while NRS 293.710 states that a person shall not "impede or prevent, by abduction, duress or fraudulent contrivance, the free exercise of the franchise by any voter, or thereby to compel, induce or prevail upon any elector to give or refrain from giving his vote."

The issue of voting irregularity, while not specifically addressed in Nevada's election laws and regulations, is dealt with in several statutes that highlight when a vote can or cannot be counted. For example, a voting irregularity may occur with a punchcard ballot that is not completely punched, leaving the chip attached to the ballot. As noted in Section VI of this report, NAC 293.250 specifically addresses this irregularity. Further, in cases where stray marks appear on a paper ballot, NRS 293.367 stipulates such irregularities do not necessarily invalidate any votes that are properly marked on that ballot.

## **X. CONCLUSION**

This background paper has highlighted election procedures and provided certain information regarding elections that may prove helpful for legislators and the general public in assessing the need for amending, deleting, or reevaluating Nevada's election laws and policies. Many have argued, however, that Nevada's election laws are relatively strong and that only minimal adjustments need to be made to prevent a situation like that in Florida from occurring in Nevada. Alan Glover, Carson City Clerk-Recorder, recently testified before the Senate Committee on Government Affairs that Nevada's election laws are superior to Florida's in many ways and that what transpired in Florida is unlikely to occur in Nevada.<sup>9</sup> In a presentation before the Assembly Committee on Elections, Procedures, and Ethics, Nevada Secretary of State Dean Heller also stipulated that what transpired in Florida would not likely happen in Nevada.<sup>10</sup> He cited the following five reasons:

1. The number of electoral votes in Nevada (four at the 2000 General Election) is small enough so as not to arouse significant public and media attention to any shortcomings that may occur in the election process;

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<sup>9</sup> Testimony before the Senate Committee on Government Affairs on Senate Bill 297, March 28, 2001.

<sup>10</sup> Testimony before the Assembly Committee on Elections, Procedures, and Ethics, February 22, 2001. Please see Appendix J of this document for excerpts of the Secretary of State's presentation.

2. Nevada's recount procedures are "good," whereby specific guidelines are set forth in law to provide for a smooth recount process;
3. Clark County, Nevada, has a modern DRE system to handle the large amount of voters registered in that county;
4. Nevada regulation provides specific standards for determining voter intent for punchcard ballots and when a vote on a punchcard may or may not be counted; and
5. Local jurisdictions in Nevada do not use "butterfly" ballots.

Despite the confidence election officials appear to have in Nevada's existing election procedures, the Secretary of State and others have suggested that an comprehensive overhaul of Nevada's election laws to modernize and strengthen existing requirements may be needed as Nevada embarks on a new century. At the same committee hearing, the Secretary of State explained that outdated punchcard systems, the lack of a statewide voter registration system, and the receipt of voted ballots from military personnel after the close of polls on election day, may contribute to a situation in Nevada, albeit on a small scale, similar to that which occurred in Florida.

Whatever procedural adjustments the Legislature chooses to make in Title 24 of the NRS, it is evident that Nevada has a few distinct advantages over Florida that the Sunshine State is not able to boast. Nevada's relatively small population and few number of counties make it far easier to handle even the largest election crisis that may arise; procedures on how a particular vote may or may not be counted were apparently not clear in Florida law, while Nevada law at least provides some guidelines; and Nevada has yet to earn a spot on the national scene . . . with just four electoral votes (soon to be five following reapportionment), Nevada is simply not a hotspot for campaign and other political attention. While calls for a comprehensive overhaul of Nevada's election laws continue, it appears—at least for the 2001 Legislative Session—that changes in election procedures will come about through more traditional, incremental legislative methods.

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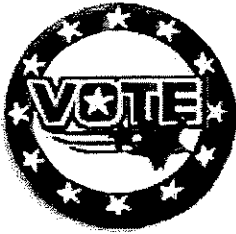


## **APPENDIX A**

Two tables titled “Voting Systems” and “Voting Systems, Certified Voting Systems Used in Florida” from the Division of Elections, Florida Department of State





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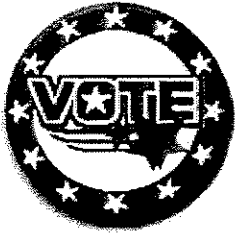
## Voting Systems

Voting Methods Used in Florida ("in Precinct")			
Type	DV	VM	# Counties
Punch Card Ballots	9	15	24
Marksense Ballots			41
Mechanical Voting Machines			1
Manually Tabulated Paper Ballots			1
Total			67

Voting Methods Used in Florida ("Absentee")			
Type	DV	VM	# Counties
Punch Card Ballots	10	15	25
Marksense Ballots			41
Mechanical Voting Machines			
Manually Tabulated Paper Ballots			1
Total			67

Ballot Tabulation Methods Used in Florida	
Type	# Counties
"In Precinct" Tabulation	22
"Central Site" Tabulation	45
Total	67





[Home](#)

Certified Voting Systems  
Used in Florida

[Table of Methods](#)

# Voting Systems

## Certified Voting Systems Used in Florida

### **Election Systems & Software, Inc.**

11208 John Galt Boulevard, Omaha, Nebraska 68137  
Phone (800) AIS-VOTE (402) 593-0101

#### ***The ES&S Model 115 Voting System (release 2.1)***

marksense; central tabulation

6 Counties

Bradford	Hamilton
Franklin	Lafayette
Gulf	Taylor

#### ***The ES&S Model 315 Voting System (release 2.1)***

marksense; central tabulation

9 Counties

Charlotte	Jackson	Liberty
Gadsden	Lake	Okeechobee
Hendry	Levy	Suwannee

#### ***The ES&S OPTECH III-P Eagle & OPTECH IV-C Voting System (release 5)***

marksense; precinct and central tabulation

6 Counties

Bay	Orange
Clay	St. Johns
Escambia	Santa Rosa

#### ***The ES&S OPTECH III-P Eagle Voting System (release 5)***

marksense; precinct and central tabulation

2 Counties

Holmes	Washington
--------	------------

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## **Election Resources Corporation**

635 Plaza West, 415 N. McKinley, Little Rock, Arkansas 72205  
Phone (501) 663-4678

### ***Election Tabulation Network (ETNet) Voting System (version 2.51 or 2.62)***

punch card; Votomatic (VM) type; central tabulation

11 Counties

Broward	Lee	Pasco
Collier	Marion	Pinellas
Highlands	Osceola	Sarasota
Hillsborough	Palm Beach	

---

## **ETNet, Inc.**

635 Plaza West, 415 N. McKinley, Little Rock, Arkansas 72205  
Phone (501) 663-4678

### ***Election Tabulation Workshet and/or ETNet Voting System (release 2.62)***

punch card; Votomatic (VM) type; central tabulation

1 County

Miami-Dade
------------

---

## **Fidlar & Chambers Company**

P.O. Box 6248, Rock Island, Illinois 61204-6248  
Phone (800) 747-4600

### ***Fidlar & Chambers Election Management System (version 1.1B and 4.37MR)***

punch card; Votomatic (VM) or DataVote (DV) type; central tabulation

2 Counties

Duval (VM)	Sumter (VM)
------------	-------------

**Mechanical Voting Machines & Punch Card Ballots  
Fidlar & Chambers Election Management System  
(version 1.1B and 4.3.7MR)**

DataVote (DV) type

1 County

Martin
--------

---

**Global Election Systems, Inc.**

1611 Wilmeth Road, McKinney, Texas 75069

Phone (800) 433-8683

**Election System 2000 AccuVote Voting System  
(release 1.92-14, version 1.94-w, VLR 13.9)**

marksense; precinct and/or central tabulation

17 Counties

Alachua (DV)	Hernando	Seminole
Brevard	Leon	St. Lucie
Calhoun	Manatee	Volusia
Citrus	Monroe	Walton
Columbia	Okaloosa	Polk
Flagler	Putnam	

---

**Sequoia Pacific System, Corporation**

1030 North Anderson Road, Exter, California 93221

Phone (209) 593-8365

**TeamWork Election Management System  
(release 1.1B)**

punch card; DataVote (DV) type; central tabulation

2 Counties

Glades
--------

Nassau
--------

**Optech IIIP Eagle Voting System  
(release 5)**

1 County

Baker

---

## **Triad Governmental Systems, Inc.**

358 South Monroe Street, Xenia, Ohio 45385  
Phone (513) 376-5446

### ***ElecTab Ballot Tabulation System (version 1S)***

punch card; Votomatic (VM) or DataVote (DV) type, central tabulation

8 Counties

DeSoto (DV)	Hardee (DV)	Madison (DV)
Dixie (DV)	Indian River (VM)	Wakulla (DV)
Gilchrist (DV)	Jefferson (DV)	

---

## **Mechanical Voting Machines and Manually Tabulated Paper Ballots**

0 Counties

---

## **Manually Tabulated Paper Ballots**

1 County

Union

---

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## **APPENDIX B**

Testimony of R. Doug Lewis, Executive Director, The Election Center, before the United States Senate Rules Committee regarding election issues, March 14, 2001





## The Election Center

*an international association of voter registration and election officials*

12543 Westella Suite 100 Houston, TX 77079 Phone: 281-293-0101 Fax: 281-293-0453 or 293-8739

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Senators:

I am appreciative of the invitation to appear before you. As the director of a nonpartisan, nonprofit organization that specializes in voter registration and election administration issues, we work with the nation's elections administrators at all levels of government to make democracy work.

Our organization, The Election Center, is the premiere elections training organization in America and we offer seminars annually to train election and registration administrators how to do this process better. We train between 600 and 1,000 elections administrators every year in our sessions.

We have been doing this since 1985 when two former staff members of the Federal Election Commission's Clearinghouse for Elections Administration left the FEC to start The Election Center because they felt that the Federal government was never going to put the resources into training better elections administrators. Thanks to a three-year grant of significant funds from the Ford Foundation in those early years, the Center has been able to establish itself as the principal training organization for the nation's elections administrators.

Additionally, we keep state and local governments informed on new trends in elections, we track federal legislation for them, we track court decisions related to elections and we serve as a resource to state and local governments for research issues related to state election laws and local procedures. We have done surveys for the committees of jurisdiction for the U.S. Congress and have worked closely for many years with the Senate Rules Committee and the House Administration Committee (and its predecessors and subcommittees). We have served as a resource to the U.S. Department of Justice, the General Accounting Office, the U.S. Postal Service, and to the court appointed masters chosen to oversee the Teamsters election. Our work with the U.S. Postal Service resulted in the Postal Service granting a postal logo for identifying Official Elections Mail to the only organization outside of the postal service in its history.

We have trained election officials from other governments throughout the world and, additionally, they have attended conferences and workshops sponsored by us. We also offer a Professional Education Program in conjunction with Auburn University in Alabama where the Auburn master's in public administration faculty teaches most of our 12 core courses which leads to certification of elections professionals with the highest designation that can be earned in our profession: Certified Elections/Registration Administrator (CERA). We started a program six years ago to recognize the best professional practices with our Professional Practices Papers program, a copy of which I have had distributed to you this morning.

And, we serve as the day-to-day management organization (secretariat) for the National Association of State Election Directors (NASED) voting systems program. We work with the voting systems manufacturers and the states to test voting equipment and its software used for tabulating votes and reporting results. We don't do the actual testing, we find and work with Independent Testing Authorities (ITAs) to perform this testing so that voting systems in America meet or exceed the Federal Voting Systems Standards. Hardware and firmware testing are performed by Wyle Laboratories in Huntsville, Alabama. Software testing was performed previously by Nichols Research Labs and when they were purchased by Computer Sciences Corporation, who

determined not to continue the voting software testing, all the people who were performing that service at Nichols Research have since moved to PSINet, also in Huntsville, which is our newest software testing lab although with all the same people who did the work for the last four years.

There is a tendency to want to do too much in this testimony to you.

- There is a need to explain the complexities of the administration of elections;
- there is a need to explain the technologies used in elections;
- there is a need to state unequivocally that elections have to be fair and that ALL qualified voters have a right to participate in this process regardless of their race, their age, their health, their education, or their disabilities
- there is a need to review the news media's coverage of election 2000 and how it differs from what actually happened;
- there is a need to dispel myths that have occurred as a result of this election;
- there is a need to admit that situations occurred that had not been a part of our procedures and awareness in the past and examine some new information that came about as a result of this election;
- there is a need to examine the reasons for errors in the process;
- there is a need to find the appropriate role for each level of government in finding solutions to the problems;
- there is a need to indicate our willingness to assure citizens of both our intent and our practices to make sure this process is fair to all Americans, including African Americans, Hispanic Americans, the disabled, the elderly and our nation's military and overseas citizens
- there is a need to help you understand the barriers that face the nation's elections administrators in conducting elections
- and most importantly, there is a need to reassure Americans that this process has integrity -- that it is administered fairly and responsibly to accurately reflect the public's will in casting and counting ballots.

But the simple fact is that in the time allotted to me to make this presentation, there is not enough time to cover all those issues in sufficient depth so that you can reach good policy decisions related to elections. I will have to hope that the work we have done with your committee staff and, in some cases, with your state staff will begin to show all who are interested that this is a far more complex process than appears to the casual observer.

Elections officials have made this process look simple. In fact, most of you, before this election, had no knowledge of just how complicated and involved it is to make this all come together on election day so that voters can participate. In the past, most people just thought that we opened up the polls on election day, that voters came and voted and that we counted the votes and reported them and then that we had nothing else to do until the next election. Most people have wondered what elections administrators did with the rest of their time. And before this election, almost no one was willing to listen to just how many months of planning, recruiting, training goes into the process of conducting an American election. Not many of you thought very much about how difficult it is to find suitable polling sites that are accessible to voters, easy enough to find, open enough for the disabled and close enough to the voters that they will actually come.

Not many of you ever considered how difficult it is to recruit enough people to work at the polls on election day. Most of you didn't even know the tremendously large numbers of people that we need to make this process work. For instance, how many of you knew that Los Angeles County, California, has to find, recruit, train, supervise and evaluate 27,000 election day workers? Or that Harris County, Houston, Texas, has to involve more than 8,500 people.

How many of you know what it takes to recruit people to work on election day when the average pay for a 14 to 16-hour day is \$5.00 per hour, and that no matter what we do to find and recruit them, that it is never enough? How many of you know that we are STILL looking for poll workers on election day? And some of the proposals from people who really don't understand the process, want us to extend the number of hours we have those folks work. And, some who really don't understand the process blithely suggest that we just keep the polls open for 48 hours without ever really understanding what that means and what complications it brings to the election.

Has anyone considered that it doubles (24 hours) or quadruples (48 hours) our tasks of staffing the polling site? At a time when we find it exceedingly difficult to staff the polls for 12 or 14 hours? Do you know that our poll workers work an hour before the polls open and usually at least one hour after the polls close? And, almost all of them in the U. S. have to be there all day on the theory that if you change the personnel at the polling site that you might have a different interpretation or administration than other voters received. We don't, in most states, allow for 'shift' changes.

Before I spend too much of the allotted time in the details of running elections, I just want to make you aware that not all of this has an easy solution. And to make you aware that casual suggestions of how to make improvements are very neat, plausible but most often wrong.

Almost everyone who is not steeped in the administration of elections has incorrectly focused on technology as both the problem and the solution. Let me make this very clear. Had we had the most advanced technology in place in Florida in this election, it too would have been attacked. And there still would have been voter errors. Maybe not the same ones and maybe the proportions of errors would have been somewhat different, but the mistakes would still have been there. The problems in this election have their roots in laws, policies and procedures – or the lack of them – and then the application of technology in effecting those laws, policies or procedures.

Had Florida had a solid definition of what constitutes a vote by each voting system and then had an established recount procedure that would be followed uniformly throughout the state by all the counties, 90 percent of the problems of this election would have disappeared. Chaos can only happen when the laws, the policies and procedures are not set and in place before you have an election.

Many folks, including some with us today, have blamed the election officials of Florida for the chaos. And I will say to you that such a judgement is patently unfair. Legislative bodies are the only entities that can make sure chaos does not exist. Legislative bodies usually write election law and they usually write it to suit their own elections, not the administrative offices. The legislature of Florida and many other states have no set standards of what an election official is to count as a vote.

How can there be even an appearance of fairness in purely subjective judgement? In Florida we had 67 counties using widely varying standards of what constituted a vote and, in a recount, we had canvassing boards making decisions that election officials under normal circumstances would not define in the same way. But the state legislatures can fix that and it is not as hard as some would believe.

Recount procedures have to be uniform throughout a state according to the type of voting system they use so that the candidates and the election officials know how a recount is to be conducted. Considering the size of some of our jurisdictions, it is absolute insanity to order a hand recount of all ballots in races with many

thousands of ballots. Voting systems in America were created to handle counting of significant numbers of ballots in less time and with far greater accuracy than humans. Use voting equipment to do the first part of the recount for all ballots it can count for each office. Then use humans to count anything the machines cannot read as a vote including *overvotes* (where the voter has cast a vote for too many candidates in a give office) or *undervotes* (where the voter has not voted for enough candidates for a given office) or any *unresolved ballots* that may not fit any other definition.

Again, state legislatures can fix this problem with state legislation. In fact, The Election Center's National Task Force on Election Reform, will make specific recommendations to the states for language they can adapt and adopt as their own based on what some of the states already do.

But even here, I am beginning to talk to a level of specifics that I cannot sustain due to time limitations in this hearing. In future hearings, I hope you will invite some of the elections administrators from our National Task Force (36 elections administrators from state and local levels) to discuss detailed solutions. That task force includes liberals and conservatives; Democrats and Republicans and unaffiliated administrators; is multicultural as to race, age, gender, sexual preference and size of communities and states represented from the very small to the giant size of LA.

Let me approach today's testimony from a different method. I have worked with each and every level of government in this process and there is a role in it for each level including federal, state and local.

The federal government, in 225 years, has never spent one dime in the cost of American elections. Isn't it about time it did so? Why should the cost of elections remain solely at the local level? Why should the townships, cities and counties of America be forced to bear the entire burden of elections?

I am NOT advocating the federal government try to take over the administration of elections because I don't really believe that is in the federal government's interest and would be such a radical departure from our 225 year history that it would not work very well. We want to keep the administration of elections at the local level because that is where most of our elections are held. And because that is where we have the people and staff knowledgeable enough to conduct elections.

The federal government certainly has a role in establishing in law the Federal Voting Systems Standards and the funding of those standards and the continuous update of those standards. The federal government certainly has a role in the establishment and funding of voluntary Election Management Practices Standards that states can adapt and adopt. The federal government should continue the Office of Elections Administration and the functions that it performs whether in the current Federal Elections Commission or in a new Federal Electoral Administration Commission. The federal government needs to be the clearinghouse for information related to voting systems and tracking overvotes, undervotes and system anomalies that can be reported throughout the nation.

Certainly, if we are to modernize the voting systems in place now, the federal government must be responsible for a major portion of the funding of that modernization effort. Local governments simply do not have the resources to do this in any quick timespan.

Certainly, it seems to me, the federal government ought to have the ability to offer states and localities on-going funding beyond the one-time replacement of voting equipment. Shouldn't it be worth \$10 per voter per year to fund the cost of maintaining voter databases; finding and securing accessible polling sites; advertising, staffing, conducting and assuring the integrity of elections; voter education and training; poll worker education and training; and election/registration administrator training? At the very least, these ought to be included as items worth funding on top of voting systems. Without necessary funds for doing these exceedingly important activities, most local jurisdictions simply will ignore these crucial but costly programs.

Shouldn't the federal government want to make elections mailings a priority of keeping in contact with all election age voters and to make it easier for them to stay on our active roles as potential voters? We now have a national Postal Logo for sending out official elections mail. Now all we need is for the Congress to authorize the Postal Service to establish an elections class of mail and then Congress fund a portion of that mail so local jurisdictions can mail official voter registration notices, official voter information, notices of poll sites, notices of official elections, voter registration cards, and all the other things that help to keep voters in this process. This is an appropriate role for the federal government.

State governments also have specific functions that they need to take and without going into all the details of what we will recommend to them, it is important that they equally accept responsibility for improving this process. They must give us clear laws on elections procedures or allow their chief elections officials at the state level set these procedures in administrative rules with the force of law. They have to establish that local governments must let their elections administrators travel out of state to get additional and better training and get exposure to what other states do as solutions to some of the age old problems. As one local administrator said "You don't learn anything new sitting at home talking to yourself".

Local governments and local election administrators will still need to carry the burden of conducting fair, honest and open elections. But they too, have to become more aware of the importance of this function to their citizens and to the process of maintaining a government that has the faith of the people. About one quarter of America's elections offices are funded adequately. The rest have been underfunded for far too long – and some local budget authorities have been negligent to the point of extreme. Part of that comes because few in the budget process even understand the needs and complexities of elections and haven't taken the time to learn. But this election may have been a wakeup call to them and other Americans that this process is too important to ignore. My fear is that complacency will rapidly descend on us and that locales will go back to underfunding and ignoring the elections offices. Education is critical to the continued success of elections: education of voters on how to participate in the system; education of poll workers on having the right attitude of assisting voters; education of election and voter registration administrators to improve their ability to conduct elections and to do so with a fairness to all voters.

Before I make my final statement to you, I want to assure you of this. There were serious problems identified in election 2000 but before we believe the whole process has failed, look around America to see that 98.5% of elections went well in most states and locales. We have been doing this process for 225 years and not all elections administrators suddenly became stupid in one election. Some of the flaws and problems in elections are ones that we have been warning you and local authorities about for more than 20 years and yet our warnings have gone unheeded. As an elections community, we want to work with you to make this process better.

It is always our desire to have voters feel welcome and that we need them in this process. Of all the government officials involved in all the functions of government, I will say to you that my belief is that elections administrators are the most "customer oriented" of all government officials. They work harder and longer at trying to accommodate their constituency than any other office I know. Frankly, they are, as a class of people, far more customer oriented than most American businesses.

And they make elections in this country work despite the lack of funds. With almost no resources, with almost no understanding by the public of what they do, with very little public recognition (except the negative kind when something goes wrong), these people we know as elections officials work hundreds of hours of overtime for which they will never be paid – nor can they even take the compensatory time they earn because if they do so their office would have to close.

The fact of the matter is that we get a much better administration of the elections process than we pay for and maybe even better than we deserve for the neglect that we have given to their profession.

Be cautious in your judgment of these folks. I know of no election administrator in America who wants to deny anyone the opportunity to participate in this process. We want all qualified voters in this process and we will do whatever it takes to make this experience a positive one for the voters. That is our commitment to our profession because we believe it is necessary for the preservation of democracy and even of freedom itself.

We are well aware that if a voter doesn't believe the process is fair and honest, then it is virtually impossible to believe in the resulting government. We will do our part to continue to insure that the process is fair and that it has integrity so that voters can feel that it is an honest process that accurately reflects the public's will.

Let me end with these statements: We want and need your participation in this process. Know that we will do our best to make this process work for you and dignify your participation for the parts of this process that are our responsibility and over which we can have any influence.

And to the nation's voters, know that we take our responsibilities very seriously. We strive to perfection – and even though we may not be able to achieve that level of perfection – we want to assure you that elections are run competently and fairly and they do indeed accurately reflect your votes as you cast them.

Doug Lewis  
Executive Director  
The Election Center

## APPENDIX C

Revised Assembly Agenda for the Joint Meeting of the  
Committee on Elections, Procedures, and Ethics and  
Senate Committee on Government Affairs,  
February 20, 2001





## ASSEMBLY AGENDA

for the

### JOINT MEETING OF THE COMMITTEE ON ELECTIONS, PROCEDURES, AND ETHICS AND SENATE COMMITTEE ON GOVERNMENT AFFAIRS

Day Tuesday      Date February 20, 2001      Time 3:45 p.m.      Room 4100

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*If you cannot attend the meeting, you can listen to it live over the Internet. The address for the legislative website is <http://www.leg.state.nv.us>. For audio broadcasts, click on the link "Listen to LIVE MEETINGS."*

#### REVISED AGENDA

Overview of mechanical voting systems and demonstration of voting system technology.  
Joe Taggard, Regional Sales Vice President, Election Systems and Software, Inc.  
Sheree Noell, Account Executive, Sequoia Voting Systems.  
Dana La Tour, Sales Representative, Global Elections Systems

Overview of reapportionment and redistricting matters in Nevada and Review of *Legislative Council Bureau Bulletin No. 01-5 "Reapportionment and Redistricting"* (S.C.R.1, File No. 95, *Statutes of Nevada 1999*) by Legislative Council Bureau Staff:  
Robert E. Erickson, Research Director.  
Scott G. Wasserman, Chief Deputy Legislative Counsel, Legal Division.  
Vance A. Hughey, Principal Research Analyst.  
Kathy L. Steinle, Geographic Information Systems Specialist (GIS).

Various election machines will be available to be viewed by legislators and the public.

Matters continued from a previous meeting.

Committee introductions.

PLEASE PROVIDE 50 COPIES OF YOUR EXHIBITS AND NOTES.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Assembly Committee on Elections and Procedures at (775) 684-8549.



## **APPENDIX D**

Slideshow titled "Overview of Election Reform"  
presented at the National Conference of State Legislatures  
Assembly on State Issues meeting held in Costa Mesa, California, March 25, 2001





# Overview of Election Reform

**Assembly on State Issues**

**Costa Mesa, California**

**March 25, 2001**



Slide 1 of 23

**“The Election of 2000 threw a glaring spotlight on a simple fact: The American election system, which sits at the very heart of global democracy, is in disrepair.”**

**--Wall Street Journal**



Slide 2 of 23

## 2001 Election Reform Bills

- **1378 bills introduced in all 50 states**
  - 27 have been signed into law
  - 59 await the governor's signature
  - 133 have failed
  - 1084 pending (45 states still in session)
  - doesn't include campaign finance or initiative & referendum bills



## 2001 Election Reform Bills

- **Few sweeping reform bills**
- **Most bills address narrower topics**
  - reflecting problems that were highlighted in the 2000 elections
  - modeled after successful programs in other states
  - proposals for task forces/study commissions in about half the states



## Passed in New Mexico -

- Appropriation to Sec. State to meet budget shortfall in 2000
- Restore voting rights of felons
- Allow early voting *only* on electronic voting machines; extend time period
- Increase salary for precinct board members
- Another 9 bills await the governor's signature

## Passed in Utah -

- Study ways for disabled voters to vote by secret ballot
- Allow political parties to fill vacancies in the office of presidential elector
- Specify postmark requirements for overseas ballots
- Allow counties to implement electronic voting
- Resolution urging Congress to regulate poll hours

## Passed in Georgia -

- **HB 479 (not yet signed by governor)**
  - prohibits Secretary of State from serving fiduciary role in any campaign
  - expands required training for poll workers
  - \$100,000 fine for vendors that sell uncertified voting machines
  - must swear to US citizenship to register

## Passed in Georgia -

- **SB 213 (not yet signed by governor)**
  - requires uniform voting equipment statewide by 2004 at state cost
  - authorizes a pilot project to test electronic voting in the 2001 municipal elections
  - creates the 21st Century Voting Commission to advise on the choice of voting equipment & oversee the pilot project



Slide 8 of 23



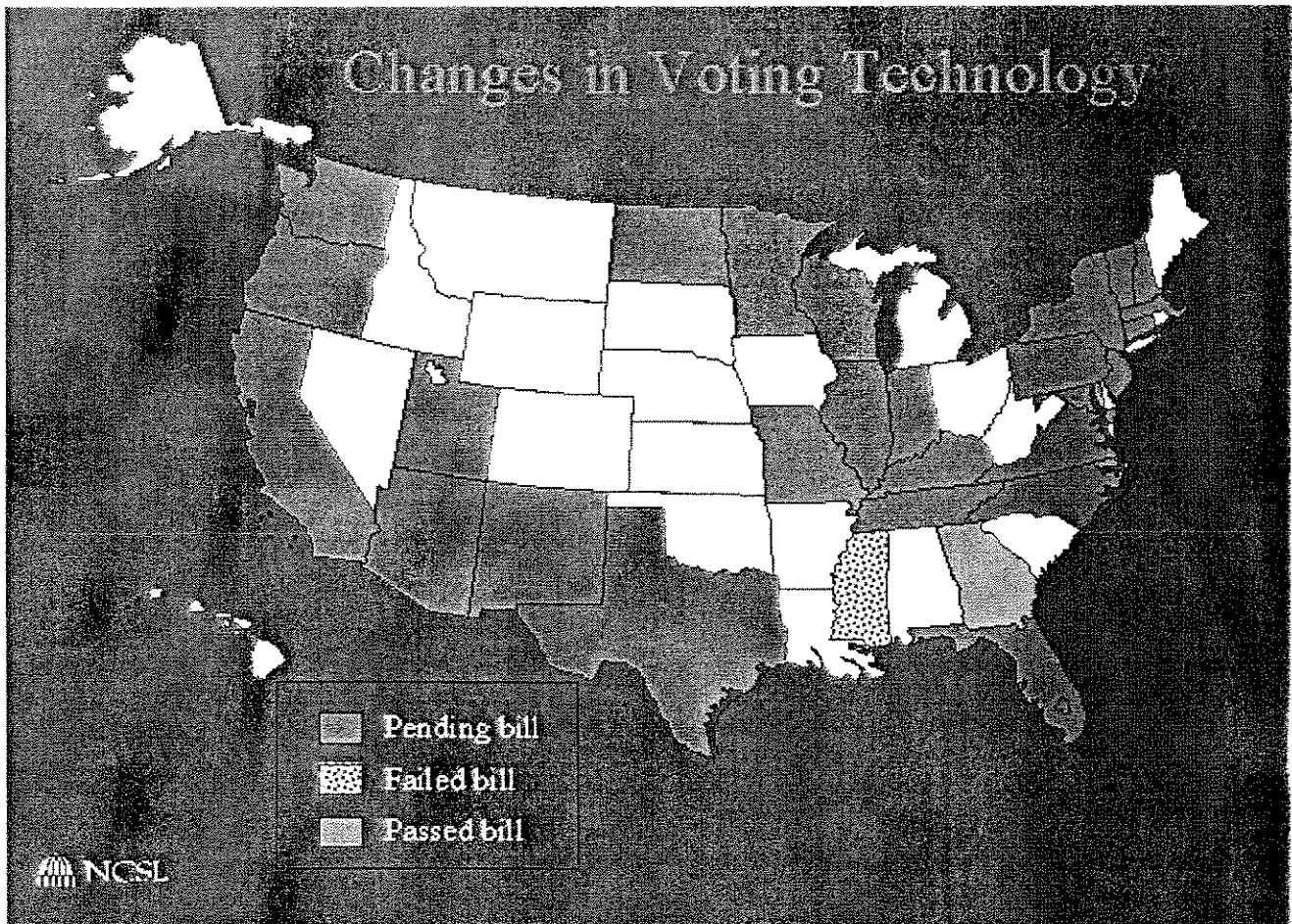
## Types of Voting Technology

<b>Voting Method</b>	<b>Number of Counties</b>	<b>Percentage of Voters Using Method</b>
<i>Paper Ballot</i>	410	1.6%
<i>Lever Machine</i>	480	18.6%
<i>Punch Cards</i>	635	34.3%
<i>Optical Scan</i>	1217	27.3%
<i>Electronic</i>	257	9.1%
<i>Mixed</i>	141	9.1%



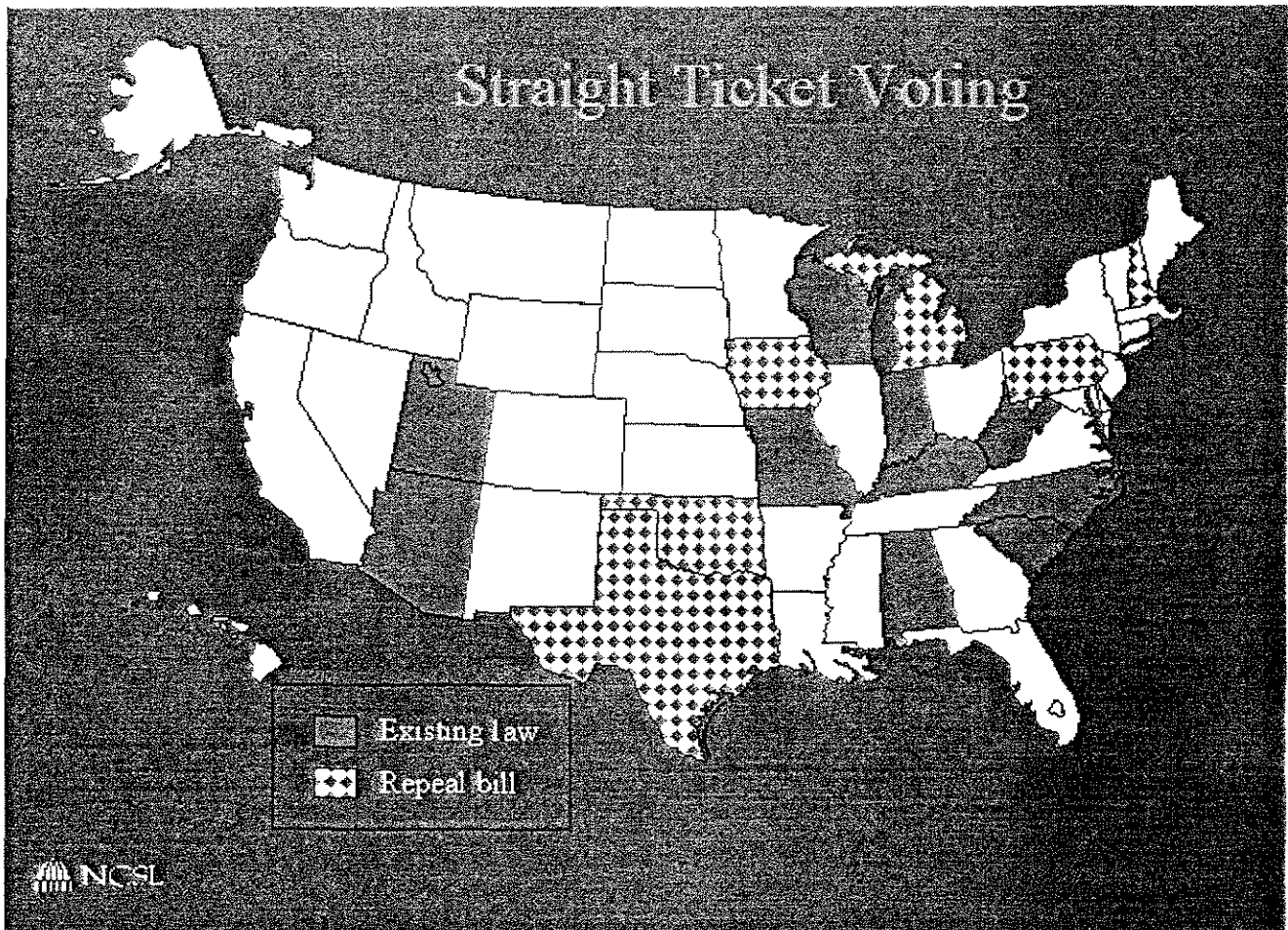
Source: Election Data Services, 1998

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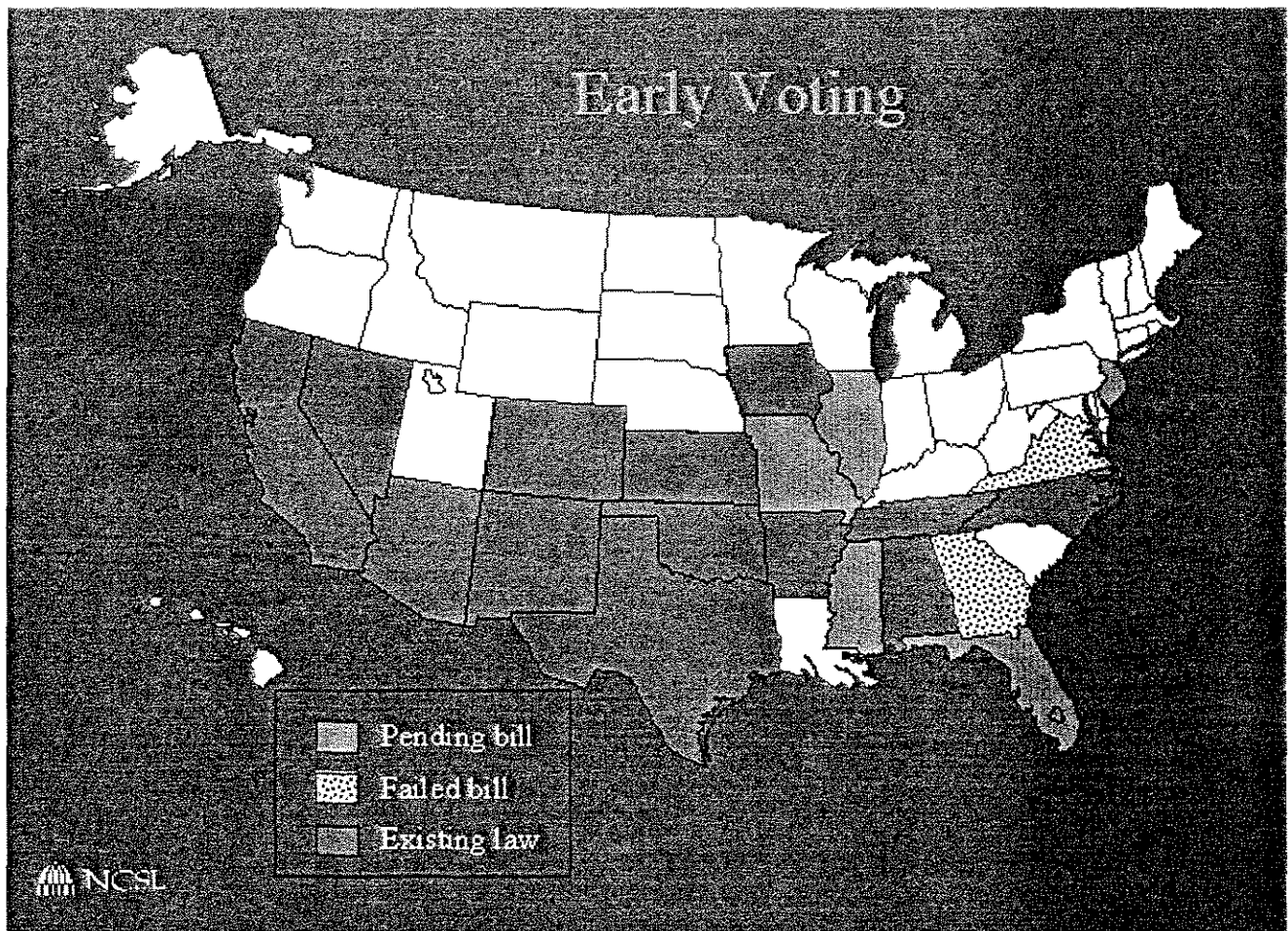
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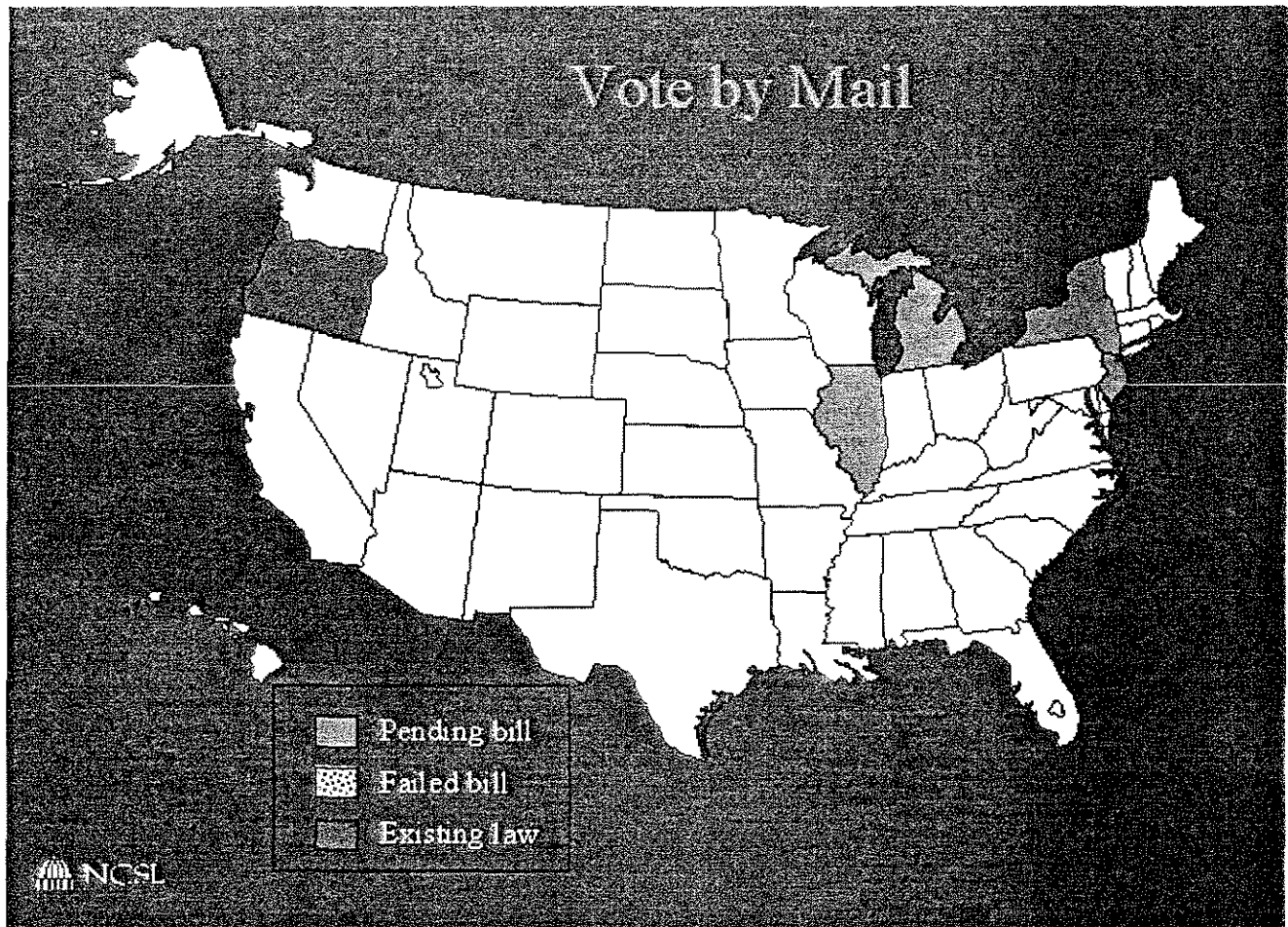


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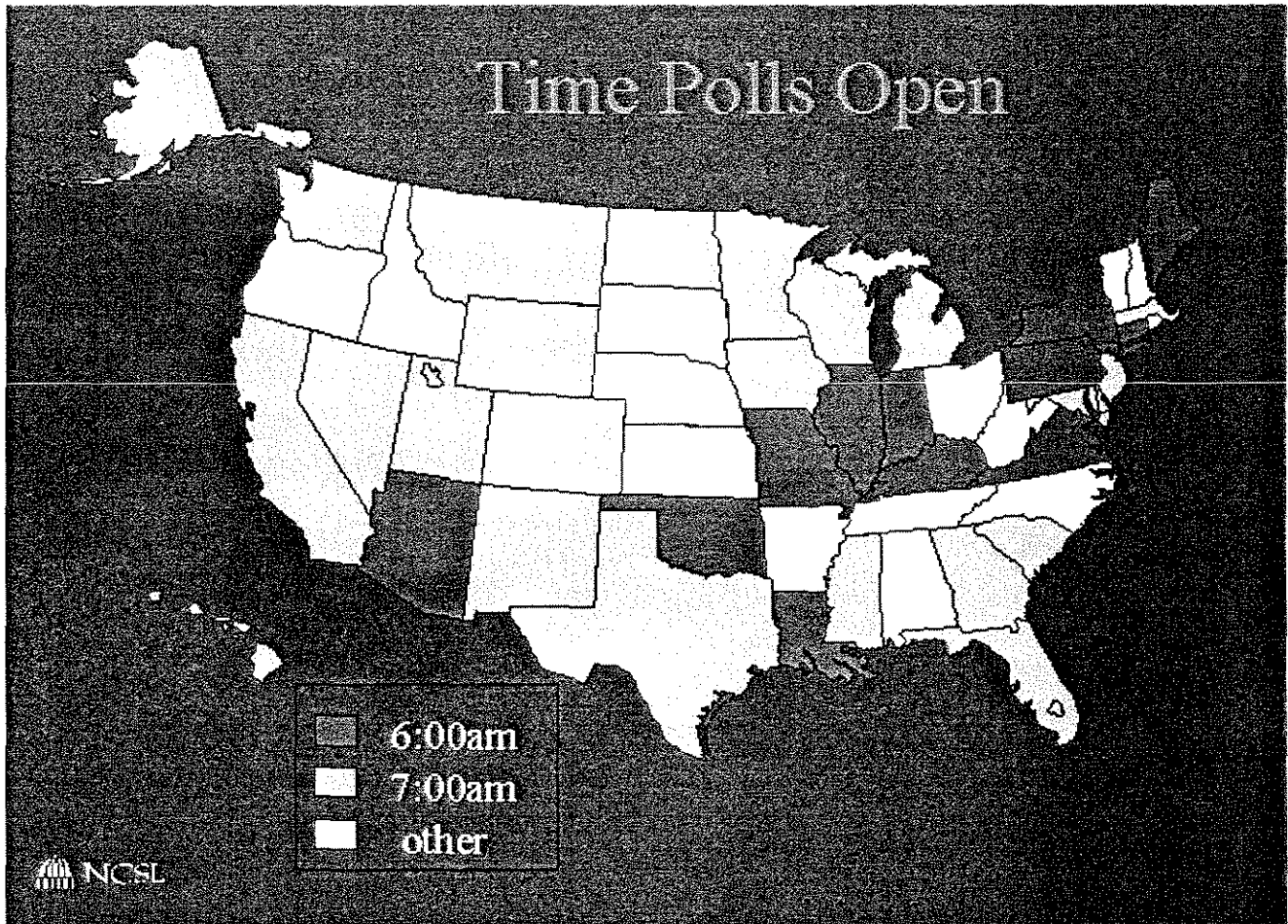




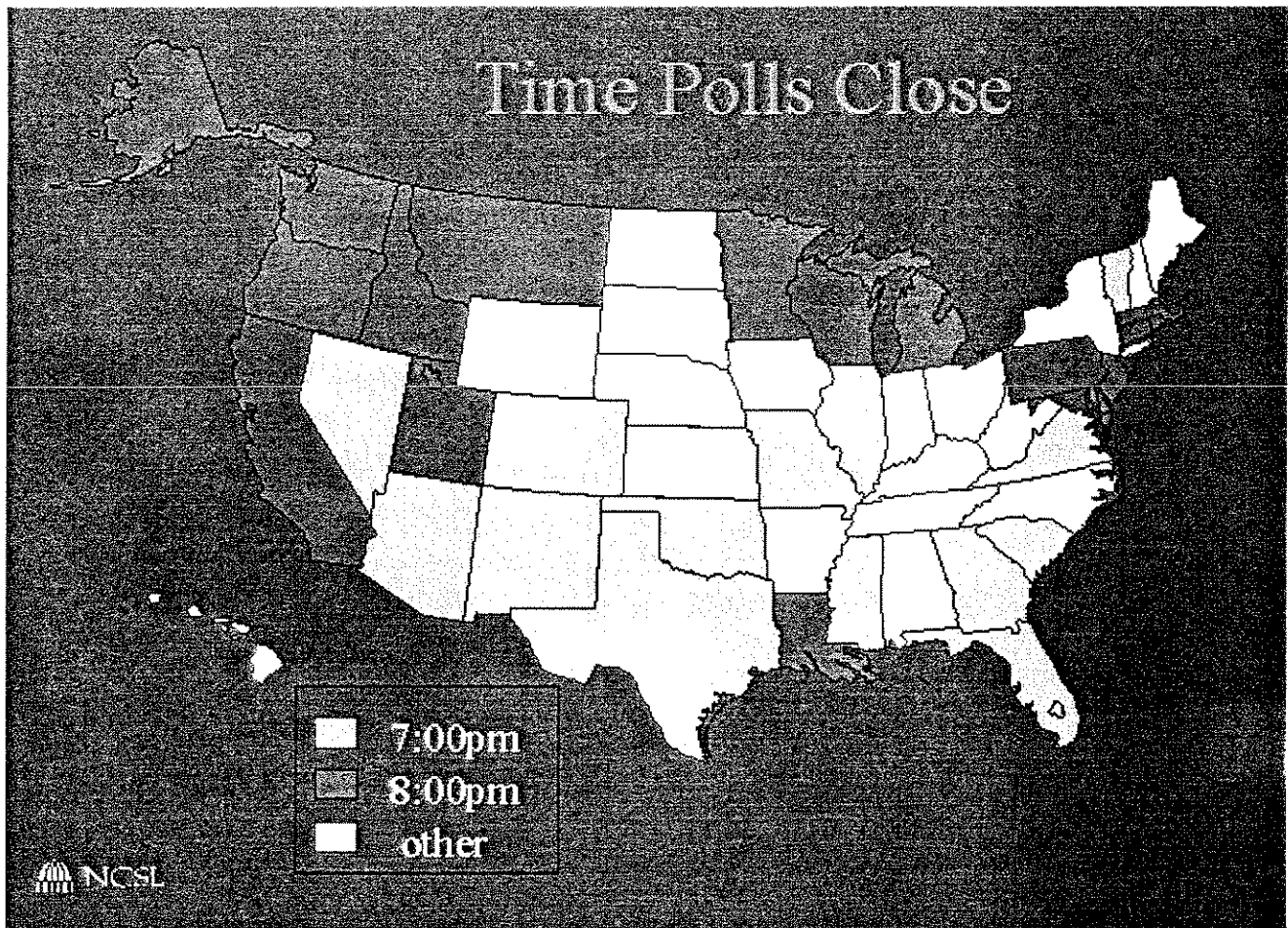
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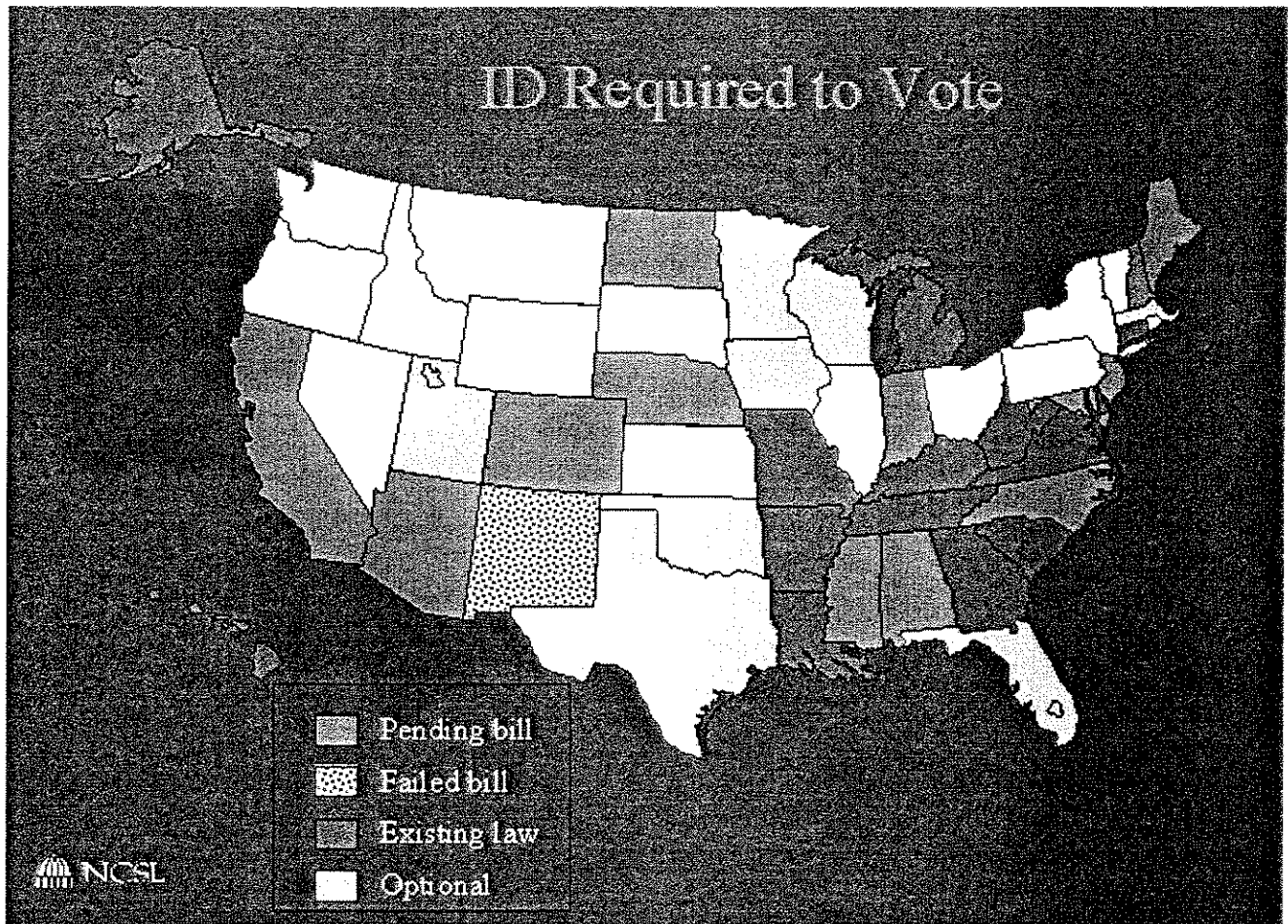
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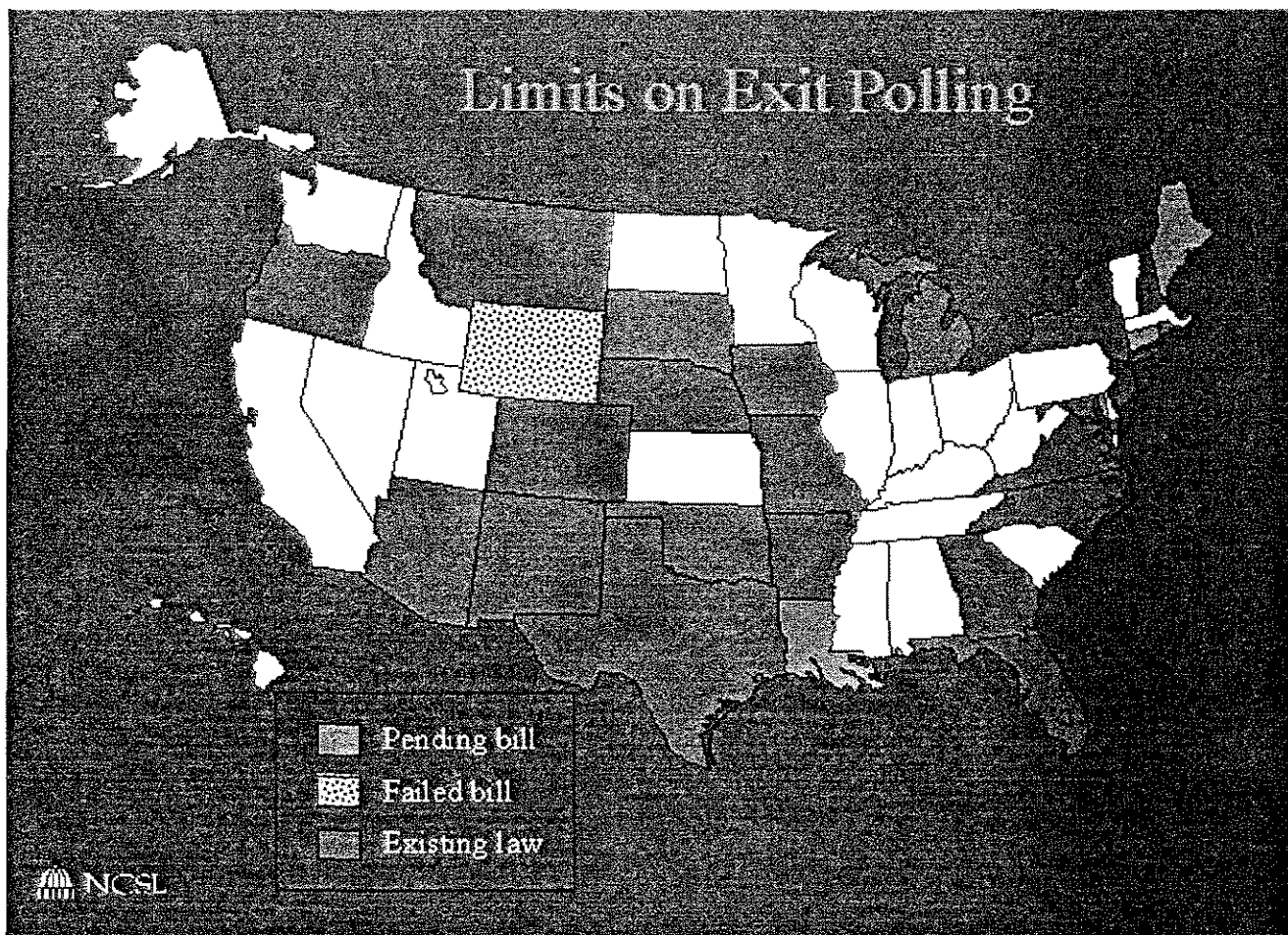


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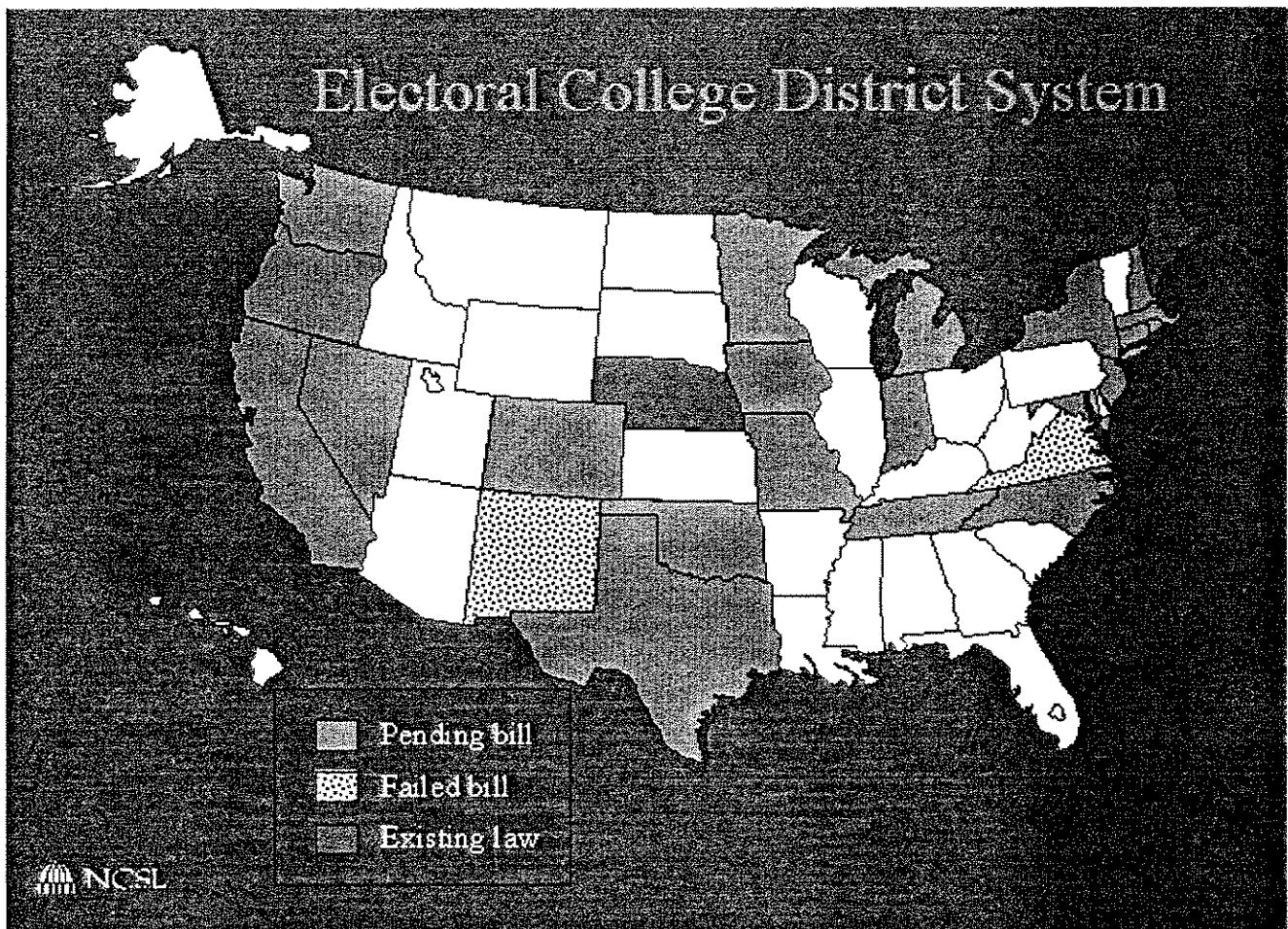


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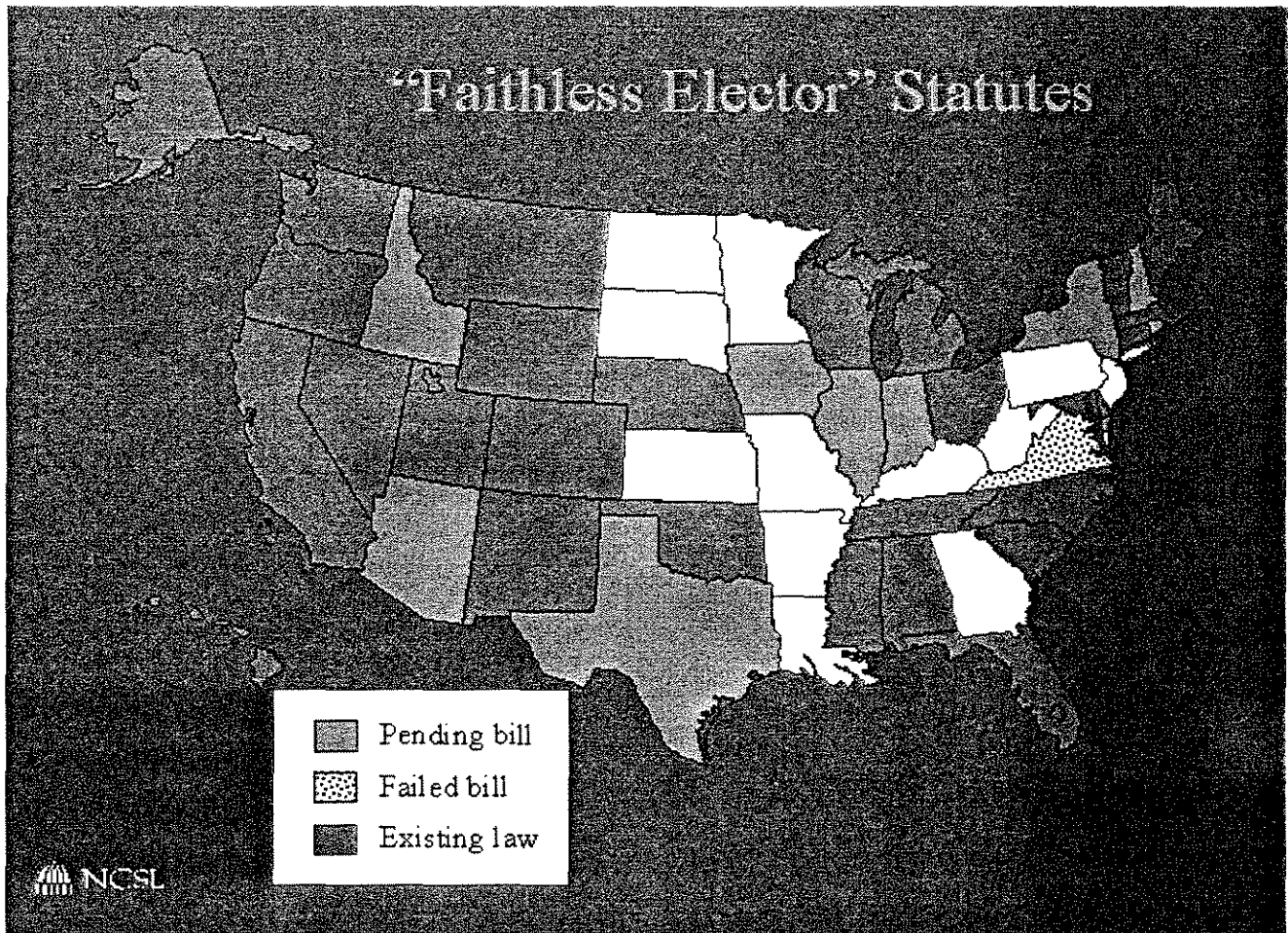




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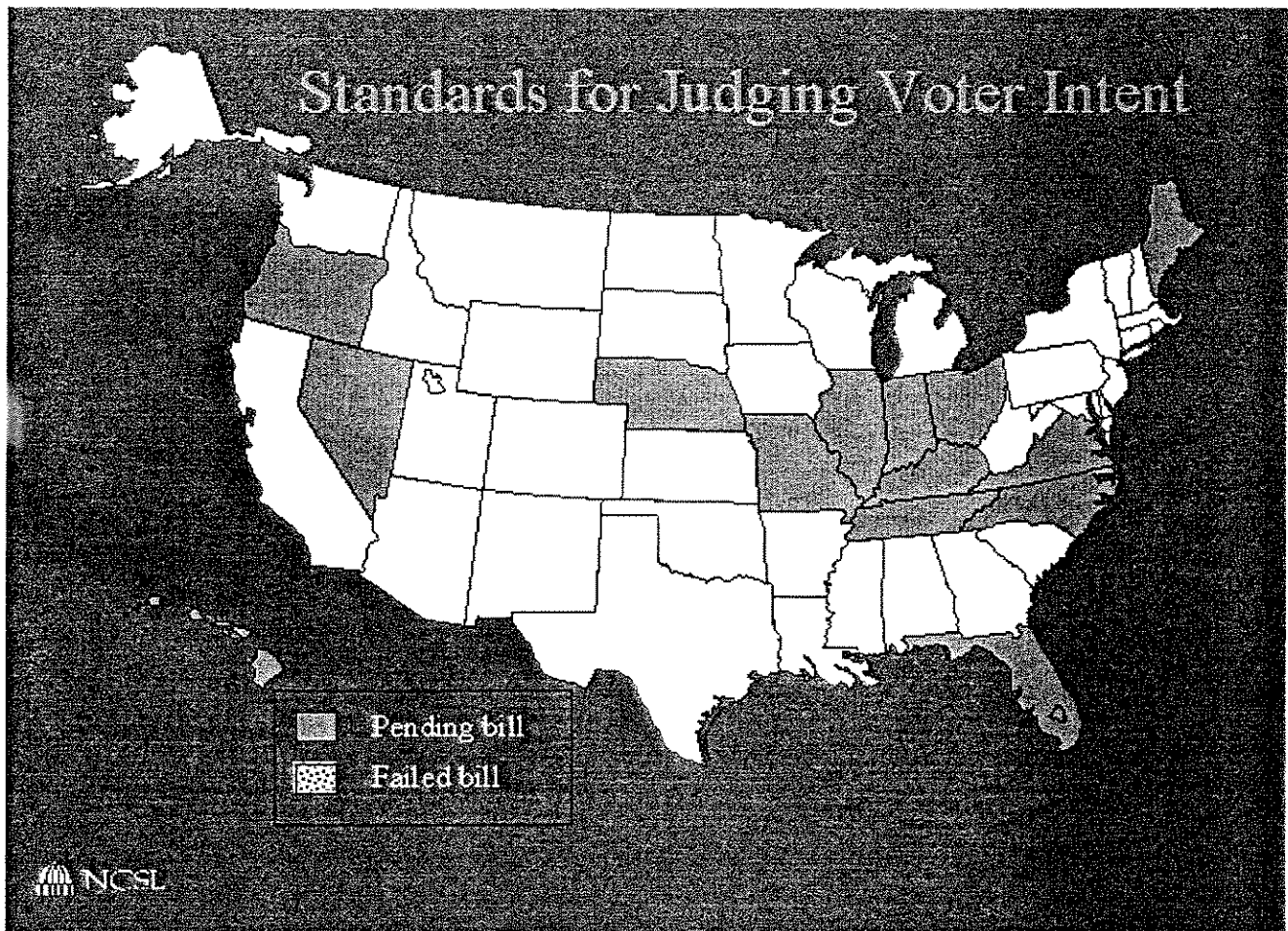


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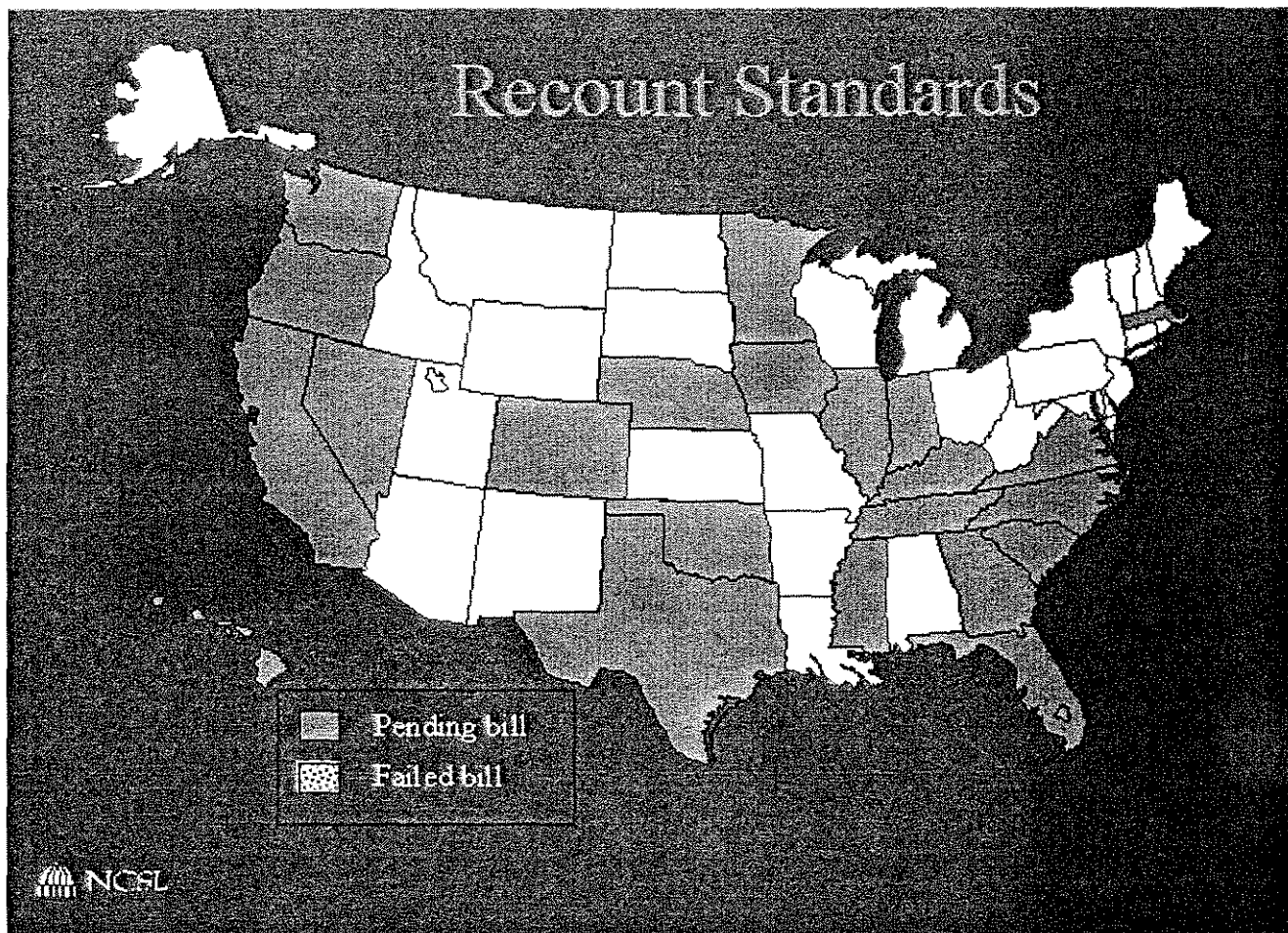


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## Other common subjects

- Voting by convicted felons
- Centralized statewide registration systems
- Primary types - closed/open
- Enhanced training and pay for poll workers
- No-excuse absentee voting
- Restricting on announcing election results
- Absentee voting by military/overseas voters



## **APPENDIX E**

National Conference of State Legislatures press release titled  
“Election Reforms by State Legislatures to Be Assisted by Special National Task Force,”  
December 15, 2001



**Date:** December 15, 2000

**Media Contact:** Gene Rose 303-830-2200 x136 / Bill Wyatt 202-624-8667

## **Election Reforms by State Legislatures to be Assisted by Special National Task Force**

WASHINGTON D.C. - An aggressive national effort to enact voting reforms in the states and restore public faith in the election process was announced today by the National Conference of State Legislatures (NCSL).

NCSL said its special task force on election reforms will provide bipartisan guidance and consulting services to the legislatures of the 50 states and the nation's commonwealths and territories.

"The U.S. Supreme Court decision on December 12 demonstrated a need for states to review their election laws and procedures," said NCSL President Jim Costa, a state senator from California. "We believe this effort is worth committing the resources of our organization to ensure that states have the tools and information they need to undertake this critical effort."

Costa made the announcement today at the close of NCSL's annual winter meeting in Washington, D.C. He said the task force will begin holding public hearings in January.

"Any state reforms in election procedures have to begin with the legislature," said NCSL President-elect Stephen Saland, a state senator from New York. "Due to the organization's outstanding resources and track record of providing bipartisan and unbiased advice, NCSL's new task force will be in a unique position to assist state legislatures in this very important process."

NCSL, a bipartisan organization composed of the nation's 7,424 state legislators, established the special task force after discussions among its officers and members during its meeting this week. NCSL said the task force will have the following responsibilities.

- Assist states in ensuring the integrity of the ballot
- Identify and recommend best practices on election laws
- Study the effect of recent changes in the voting, such as early voting and mail-in ballots
- Provide technical assistance to states on implementing state election reforms

Members of the bipartisan task force will be announced soon, said NCSL Executive Director William Pound.

"The formation of this task force is clearly a sign from our membership that state legislatures realize the importance of the work they have to do on election reform in the months ahead," he said. "We will be making public announcements in the days ahead regarding members of the committee and the schedule of their activities."

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## **APPENDIX F**

Table titled "Election Reform Proposals Introduced in the 107<sup>th</sup> Congress,"  
February 16, 2001



# Election Reform Proposals Introduced in the 107<sup>th</sup> Congress

Updated February 16, 2001

<i>Topic</i>	<i>Bill</i>	<i>Cosponsors</i>	<i>Committee Referral</i>	<i>Description</i>
<b>SENSE OF THE SENATE</b>				
Sense of the Congress that the states should adopt uniform voting procedures	HCR 5 Rep. Sheila Jackson Lee (D-Texas)		House Administration	Specifies that states should establish among themselves uniform voting procedures including voter registration, absentee voting, early voting, and voting hours on the day of the election.
<b>FEDERAL COMMISSION/GRANTS TO STATES</b>				
Federal Election Commission establishes criteria/administers grant program	HR 354 Rep. Asa Hutchinson (R-Arkansas)	Rep. English, Phil (R-PA) Rep. Foley, Mark (R-FL) Rep. Goodlatte, Bob (R-VA) Rep. Green, Gene (D-TX) Rep. Hastings, Alcee (D-FL) Rep. McHugh, John (R-NY) Rep. McIntyre, Mike (D-NC) Rep. Udall, Mark (D-CO)	House Administration	Authorizes the Federal Election Commission's Office of Elections Administration to establish criteria and make grants to states and local governments to improve election administration. Grants are to reflect geographic diversity; not less than one quarter must go to local governments with populations of less than 50,000 either directly or through the state. 25 percent match. Authorization for \$1.5 billion over three years, no more than two percent of which may go to administrative funds. Requirement for grant recipients to make a report every six months.
Bi-partisan Commission/develop standards/administer grant program/technical assistance program	HR 430 Rep. Delahunt (MA)	Rep. Graham (SC) Rep. Larson (CT) Rep. Deal (GA) Rep. Frost (TX) Rep. Greenwood (PA) Rep. Millender-McDonald (CA)	House Administration	Commission of 24 voting members and 2 nonvoting members. 12 appt by congressional leadership, 3 by NASS, 3 by NASED, 2 by Election Center, 2 by IACREAOT, 2 by NACREC. AG and chair of FEC are non-voting members.

<i>Topic</i>	<i>Bill</i>	<i>Cosponsors</i>	<i>Committee Referral</i>	<i>Description</i>
		Rep. Scarborough (FL) Rep. Jones (OH) Rep. Duncan (TN) Rep. Rivers (MI) Rep. Cooksey (LA) Rep. Holden (PA) Rep. McGovern (MA)		Commission to study election procedures (voter registration issues, ballot issues, counting and challenge issues, polling place issues and absentee ballot issues) and report to President, Congress, FEC and the Chief Election official in each state. Based on report, commission to develop standards for the conduct of elections with procedures for review and updating. Commission is also charged with advising Congress of their legislative authority over federal elections per the Constitution. Also do a study on weekend elections and internet voting to be part of a separate report. \$10,000,000 for administration of Commission. FEC to establish grant program to states that conform to standards. Matching funds of 25%, but FEC has authority to waive. FEC can provide technical assistance by establishing training centers for election officials. \$250,000,000 in grants each year for three years.
Independent "blue ribbon" commission	S 216 Sen. Arlen Specter (R-Pennsylvania)	Sen. Chafee, John (-RI) Sen. Biden, Joseph (D-DE) Sen. Harkin, Tom (D-IA) Sen. Jeffords, James (R-VT)	Senate Rules and Administration	Establishes a five-member Commission on the Comprehensive Study of Voting Procedures, appointed by the Congressional leadership; appoints the director of the FEC Office of Election Administration as a nonvoting advisory member. Directed to conduct a one-year study of all issues relating to voting procedures in Federal, State, and local elections and submit a report. Attorney General directed to establish a grant program to state and local governments to implement the recommendations of the

<i>Topic</i>	<i>Bill</i>	<i>Cosponsors</i>	<i>Committee Referral</i>	<i>Description</i>
				commission. Non-federal match of each dollar required.
Independent expert board	S 218 Sen. Mitch McConnell (R-Kentucky)/ HR 263 Rep. Tom Davis (R-Virginia)	Sen. Allard, Wayne (R-CO) Sen. Bennett, Robert (R-UT) Sen. Breaux, John (D-LA) Sen. Burns, Conrad (R-MT) Sen. Feinstein, Dianne (D-CA) Sen. Hutchinson, Tim (R-AR) Sen. Landrieu, Mary (D-LA) Sen. Reid, Harry (D-NV) Sen. Roberts, Pat (R-KS) Sen. Santorum, Rick (R-PA) Sen. Smith, Gordon (R-OR) Sen. Torricelli, Robert (D-NJ) Sen. Warner, John (R-VA) / Rep. Crowley, Joseph (D-NY) Rep. Dreier, David (R-CA) Rep. Filner, Bob (D-CA) Rep. Hastings, Alcee (D-FL) Rep. Kennedy, Patrick (D-RI) Rep. McDermott, Jim (D-WA) Rep. Moran, James (D-VA) Rep. Rivers, Lynn (D-MI) Rep. Rodriguez, Ciro (D-TX) Rep. Rothman, Steven (D-NJ) Rep. Whitfield, Edward (R-KY) Rep. Wilson, Heather (R-NM)	Senate Rules and Administration/ House Administration Judiciary	Removes all election administration-related functions from the FEC; invests them in a new Election Administration Commission. Four members appointed by the president, two Republicans and two Democrats, who shall be chosen on the basis of experience with and knowledge of state and local election administration. 25-member nonvoting advisory board appointed on the basis of experience administering State and local elections. Authorized to conduct ongoing studies of federal, state, and local voting procedures and election administration and provide grants to modernize voting procedures and election administration. Initial recommendations are due in one year; updates are required at least every four years. Also instructed to advise states on compliance with existing federal law and to make available bipartisan panels of election professionals to assist any state election official, upon request, in review of election or vote counting procedures. Instructed to provide a nationwide clearinghouse of information on election results, voter registration and turnout. States and local governments may apply for grants. For the first four years, 51 percent of the funds must go to areas with the lowest quartile of income in the state; match can be waived for these local

<i>Topic</i>	<i>Bill</i>	<i>Cosponsors</i>	<i>Committee Referral</i>	<i>Description</i>
				governments. Authorization for \$500 million in grants for the first year; \$100 million in subsequent years.
Independent "blue ribbon" commission	Sen. Charles Schumer (D-New York) THIS BILL HAS NOT BEEN INTRODUCED YET, LANGUAGE IS STILL IN DRAFT FORM			Establish a commission of 12. 9 voting appointed by congressional leadership, 2 non-voting by election associations and 1 non-voting from the Commission on Civil Rights. Commission to study current and alternative voting procedures and permanent way for Federal government to best provide state and local authorities assistance to improve the administration of Federal elections, which agency and funding needs. Develop recommendations. Final report due 12/31/01, but if appropriate, an interim report should be done for impact on 2002 elections. \$10,000,000 for study and report. Grant program through DOJ Office of Justice Programs. AAG to develop and publish grant program for state and local gov. DOJ and Office of Elections Administration of FEC determine criteria for grant approval. Grants will be tied to implementation of final recommendations from commission. State and local match is 25%. AAG to determine waivers. Recipients of grant must provide report 180 after receipt of grant. \$500,000,000 from 2002-2006.
Independent "blue ribbon" commission	Rep. Steny Hoyer (D-Maryland)			Establishes a buy-out program for punch card voting machines within the General Services Administration. Provides up to \$6,000 for each voting precinct currently using a punch card voting system to

<i>Topic</i>	<i>Bill</i>	<i>Cosponsors</i>	<i>Committee Referral</i>	<i>Description</i>
				<p>purchase new technology by 2002. Also establishes an independent, permanent Election Administration Commission with four members to be selected on the basis of their experience or expertise in election administration, the study of elections, or voting rights issues. Also establishes a 15-member advisory group. Commission with have an Election Administration Office, Grant Administration Office. Grants can be used to improve or replace voting equipment or implement best practices. At least 20% of grant must be used for voter ed and election official training. Private sector can get grants for research and development. Grant eligibility is tied to list management for voter Regis is accurate, compliance with Voting Accessibility for Elderly and Handicapped, and that priority is given to areas with high ballot error and lower per capita income. Matching funds of 25% for State and Local Gov. Matching funds of 50% for private sector. Establishment of an 8 member Model Election Code Task Force who would have two years to develop and submit model election code language. Federal employees get free leave to serve as uncompensated poll worker. Transfer Election Administration Office of FEC to new Election Administration Commission. Responsibilities for UOCAVA to new Election Administration Commission</p>
Hybrid -- Independent "blue ribbon"	S17 Sen. Tom Daschle	Sen. Lieberman, Joseph (D-CT) Sen. Akaka, Daniel (D-HI)	Senate Rules and Administration	Establishes a 12-member commission, half to be appointed by the president and half

<i>Topic</i>	<i>Bill</i>	<i>Cosponsors</i>	<i>Committee Referral</i>	<i>Description</i>
commission/ Grants administered by the Attorney General	(D-South Dakota)  <i>Placeholder Democratic party agenda item; being reworked by the Office of Senator Dodd (D-Connecticut)</i>	Sen. Biden, Joseph (D-DE) Sen. Boxer, Barbara (D-CA) Sen. Clinton, Hillary (D-NY) Sen. Corzine, Jon (D-NJ) Sen. Dodd, Christopher (D-CT) Sen. Dorgan, Byron (D-ND) Sen. Durbin, Richard (D-IL) Sen. Harkin, Tom (D-IA) Sen. Johnson, Tim (D-SD) Sen. Kennedy, Edward (D-MA) Sen. Kerry, John (D-MA) Sen. Leahy, Patrick (D-VT) Sen. Mikulski, Barbara (D-MD) Sen. Rockefeller, John (D-WV) Sen. Sarbanes, Paul (D-MD) Sen. Schumer, Charles (D-NY) Sen. Cleland, Max (D-GA)		by the Congressional opposition party. Members to be selected on the basis of one of experience with, and knowledge of, election law; election technology; federal, state, or local election administration; the United States Constitution; or the history of the United States. Directed to report on a variety of issues including how the federal government can best provide ongoing assistance to improve the administration of "federal elections" and whether an existing or a new agency should provide such assistance. Also directed to establish best practices. Attorney General, in consultation with the FEC, authorized to make grants to states on the basis of submitted state plans. State plans must be consistent with recommendations of the commission and include uniform standards for technology and administration, standards for accuracy and accessibility, and funding for voter education and election personnel training. 20 percent match; may be waived under terms and conditions established by the Attorney General. Annual report to Congress required of the Attorney General; authorization for the Attorney General to require reports from states. Authorization for \$500 million in the first year; unspecified thereafter.
<b>FEDERAL COMMISSION/NO GRANT PROGRAM</b>				
Expert/"blue-ribbon" commission to develop uniform standards for states	HR 60 Rep. Sheila Jackson Lee	Rep.Hinojosa, Ruben (D-TX) Rep.Langevin, Jim (D-RI)	House Administration House Judiciary	Establishes a Commission on the Comprehensive Study of Voting Procedures to conduct a one-year study.



<i>Topic to adopt</i>	<i>Bill (D-Texas)</i>	<i>Cosponsors</i>	<i>Committee Referral</i>	<i>Description</i>
				Five members appointed by the Congressional leadership, three of whom are to be representatives of the National Institute of Standards and Technology, the Department of Justice and the National Academy of Sciences. The commission may include minority views in its final report. The preface indicates that the commission is to develop uniform standards; the bill language simply charges the commission with submitting "a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate".
Expert/"blue ribbon" commission to make recommendations on standardized voting procedures and technology	HR 119 Rep., Rush Holt (D-New Jersey)		House Administration House Judiciary	Establishes a Commission on Elections Procedures to conduct a one-year study of recommendations on the implementation of standardized voting procedures, including standardized technology. Ten members appointed by the Congressional leadership who shall have expertise in election laws, the United States Constitution, and the history of the United States, or other pertinent qualifications or experience. Any member may submit additional findings. Authorization for \$2 million to produce study.
"Blue ribbon" commission to identify problems and make recommendations to improve election	HR 49 Rep. James Clyburn (D-South Carolina)		House Administration House Judiciary	Establishes a United States Commission on Election Law Reform to conduct a one-year study of the election procedures used to carry out federal, state, and local

<i>Topic</i>	<i>Bill</i>	<i>Cosponsors</i>	<i>Committee Referral</i>	<i>Description</i>
administration				government elections in the United States and make recommendations for addressing the problems identified in its report. Ten members appointed by the Congressional leadership and two members of the United States Commission on Civil Rights. Specifies that members shall have expertise on election laws, the constitution, U.S. History, or other pertinent qualifications.
"Blue ribbon" commission to make recommendations on a broad range of election issues	HR 57 Rep. Peter DeFazio (D-Oregon)	Rep.Baldacci, John (D-ME) Rep.Bentsen, Ken (D-TX) Rep.Blumenauer, Earl (D-OR) Rep.Cardin, Benjamin (D-MD) Rep.Clement, Bob (D-TN) Rep.Costello, Jerry (D-IL) Rep.Eshoo, Anna (D-CA) Rep.Evans, Lane (D-IL) Rep.Farr, Sam (D-CA) Rep.Filner, Bob (D-CA) Rep.Frost, Martin (D-TX) Rep.Gillmor, Paul (R-OH) Rep.Hooley, Darlene (D-OR) Rep.Inslee, Jay (D-WA) Rep.Isakson, John (R-GA) Rep.Kucinich, Dennis (D-OH) Rep.LaHood, Ray (R-IL) Rep.Lampson, Nick (D-TX) Rep.Lantos, Tom (D-CA) Rep.Leach, James (R-IA) Rep.Lee, Barbara (D-CA) Rep.Lewis, John (D-GA) Rep.McGovern, James (D-MA) Rep.McKinney, Cynthia (D-GA) Rep.McNulty, Michael (D-NY)	House Administration	Establishes a Federal Elections Review Commission to conduct a one-year study of the nature and consequences of the Federal electoral process and make recommendations to ensure the integrity of, and public confidence in, federal elections. Twelve members appointed by the Congressional leadership shall have expertise in Federal election laws, the United States Constitution, and the history of the United States, or other pertinent qualifications or experience; members should represent regional and political diversity. Topics for study to include the electoral college, voter registration, ballot access, ballot design, election day issues including staffing and closing hours; proportional representation; military voting; presidential debates; and options for paying for elections, such as federal cost-sharing. \$2,000,000 to fund study

<i>Topic</i>	<i>Bill</i>	<i>Cosponsors</i>	<i>Committee Referral</i>	<i>Description</i>
		Rep.Oberstar, James (D-MN) Rep.Olver, John (D-MA) Rep.Pelosi, Nancy (D-CA) Rep.Petri, Thomas (R-WI) Rep.Rivers, Lynn (D-MI) Rep.Sanders, Bernard (I-VT) Rep.Serrano, Jose (D-NY) Rep.Slaughter, Louise (D-NY) Rep.Udall, Mark (D-CO) Rep.Wu, David (D-OR) Rep.Clay, William (D-MO) Rep.Etheridge, Bobby (D-NC) Rep.Green, Gene (D-TX) Rep.Hoeffel, Joseph (D-PA) Rep.Moran, James (D-VA) Rep.Roybal-Allard, Lucille (D-CA) Rep.Udall, Thomas (D-NM) Rep.Upton, Fred (R-MI)		
<b>UNIFORM POLL CLOSING TIME</b>				
	HR 50 Rep. Edward Markey (D-Massachusetts)/ S 50 Sen. Ted Stevens (R-Alaska)	Rep.Barton, Joe (R-TX) Rep.Boehlert, Sherwood (R-NY) Rep.Burr, Richard (R-NC) Rep.Burton, Dan (R-IN) Rep.Clyburn, James (D-SC) Rep.Cox, Christopher (R-CA) Rep.Deal, Nathan (R-GA) Rep.Dingell, John (D-MI) Rep.Eshoo, Anna (D-CA) Rep.Frost, Martin (D-TX) Rep.Hastings, Alcee (D-FL) Rep.Horn, Stephen (R-CA) Rep.Johnson, Eddie (D-TX) Rep.Johnson, Sam (R-TX) Rep.LaTourette, Steve (R-OH)	House Administration House Energy & Commerce/ Senate Rules and Administration	Establishes a uniform poll closing hour of 9:00 p.m. Eastern Standard Time; allows Alaska and Hawaii to open polls on the previous day; extends daylight savings time in the Pacific time zone until the Sunday after election day on presidential election years

<i>Topic</i>	<i>Bill</i>	<i>Cosponsors</i>	<i>Committee Referral</i>	<i>Description</i>
		Rep.McGovern, James (D-MA) Rep.Miller, George (D-CA) Rep.Olver, John (D-MA) Rep.Phelps, David (D-IL) Rep.Riley, Bob (R-AL) Rep.Tauzin, W. (R-LA) Rep.Udall, Mark (D-CO) Rep.Faleomavaega, Eni (D-AS) Rep.Green, Gene (D-TX) Rep.Hoeffel, Joseph (D-PA) Rep.McNulty, Michael (D-NY) Rep.Meek, Carrie (D-FL) / Sen. Inouye, Daniel (D-HI) Sen. Murkowski, Frank (R-AK)		
	S 175 Sen. Kay Bailey Hutchison (R-Texas)		Senate Rules and Administration	Establishes a uniform poll closing hour of 9:00 p.m. Central Standard Time; allows Alaska and Hawaii to open polls on the previous day. Does not extend daylight savings time in the Pacific time zone. Includes provisions requiring uniform treatment in the timing for processing military absentee ballots
<b>OTHER MANDATES</b>				
Set uniform procedural standards, change the federal election day, and other purposes	S 241 Sen. Harry Reid (D-Nevada)		Senate Rules and Administration	FEC to set required uniform national standards regarding procedures for elections for Federal office including types of ballots, vote counting, use of counting machines, accuracy and security of elections, voter registration and maintenance of voter registration rolls. Standards to be based on current practices in the states. Grants made to states to pay

<i>Topic</i>	<i>Bill</i>	<i>Cosponsors</i>	<i>Committee Referral</i>	<i>Description</i>
				for implementation of standards. FEC to run grant program. \$100,000,000 from 2002-2011. Change the general election date to the First Sat & Sun in Nov. States shall provide for same-day voter registration in a general election for Federal office.
Require states to permit on-site voter registration	HR 128 Rep. William Luther (D-Minnesota)		House Administration	Specifies that voter registration applications shall be accepted or denied on-site and transmitted to the appropriate State election official at the time the agency transmits the ballots cast in the election to the official. Amends UOCAVA to make a clear distinction in the absentee process for elections of federal office and elections of state and local office. All these provisions must be in place by 2002 in all states.
Prevent states from deeming overseas military voters to have lost residence	S 28 Rep. Phil Gramm (R-Texas)	Rep. Hutchison, Kay Bailey (R-Texas)	Senate Rules and Administration	Clearly states that absence because of military duty doesn't mean loss of residency in your state. Also requires states to process military voter registrations applications if received at least 30 days in advance of the election
Prohibit states from invalidating military ballots	HR 159 Rep. Bob Riley (R-Alabama)		House Administration	Prohibit a state from determining that a ballot for Federal office submitted by an absent uniformed services voter was improperly or fraudulently cast unless the state finds clear and convincing evidence of fraud. i.e. lack of witness signature, address, or postmark are not in and of themselves grounds for refusal.
	S 122 Sen. Ben Nighthorse Campbell (R-Colorado)		Senate Rules and Administration	Similar to HR 148; also directs the Postal Services to conduct a study of each reason a military ballot was not counted in 2000.

<i>Topic</i>	<i>Bill</i>	<i>Cosponsors</i>	<i>Committee Referral</i>	<i>Description</i>
	HR 311 Rep. David Vitter (R-Louisiana)	Rep. Ballenger, Cass (R-NC) Rep. Chambliss, Saxby (R-GA) Rep. Cooksey, John (R-LA) Rep. Duncan, John (R-TN) Rep. Ehrlich, Robert (R-MD) Rep. Gilman, Benjamin (R-NY) Rep. Greenwood, James (R-PA) Rep. Hefley, Joel (R-CO) Rep. Hilleary, Van (R-TN) Rep. Hooley, Darlene (D-OR) Rep. Isakson, John (R-GA) Rep. King, Peter (R-NY) Rep. Kolbe, Jim (R-AZ) Rep. LaTourette, Steve (R-OH) Rep. Norwood, Charlie (R-GA) Rep. Pitts, Joseph (R-PA) Rep. Putnam, Adam (R-FL) Rep. Reynolds, Thomas (R-NY) Rep. Roukema, Marge (R-NJ) Rep. Schaffer, Bob (R-CO) Rep. Smith, Christopher (R-NJ) Rep. Tancredo, Tom (R-CO)	House Administration	Similar to HR 158; also directs the Secretary of Defense to prepare and submit to Congress a plan by 4/01/02 for establishing a uniform electronic voting system for the use of absent uniformed services voters in elections for federal office
Uniform treatment of of absentee ballots of uniformed and overseas voters	S 154 Sen. Richard Shelby (R-Alabama)		Senate Rules and Administration	Regardless of whether a ballot contains a postmark, accept and count valid from an overseas voter if there is conclusive evidence that such ballot was mailed on or before election day. Count and consider valid ballot from an overseas voter up to 10 days after election day if proof it was mailed before election (postmark, received before election, bears attestation on outside that ballot was mailed before, or other proof the Presidential designee deems appropriate.) Also clarifies several sections of law to make military

<i>Topic</i>	<i>Bill</i>	<i>Cosponsors</i>	<i>Committee Referral</i>	<i>Description</i>
				installations available as polling places; requires advance explanation to make a military installation previously used as a polling place unavailable
<b>REPEAL MOTOR VOTER</b>				
Repeal the Motor Voter Bill	HR 189 Rep. Bob Stump (R-Arizona)		House Administration	Repeal the National Voter Registration Act of 1993.
<b>FEDERAL HOLIDAY FOR ELECTION</b>				
Move Veterans' Day to election day in presidential election years	HR 62 Rep. Sheila Jackson Lee (D-Texas)		House Government Reform	Move the federal holiday of Veterans Day to Election day in Presidential election years. Also contains a sense of the Congress that private employers should give their employees a day off for a presidential election
Move Washington's Birthday to election day in presidential election years	HR 310 Rep. Fred Upton (R-Michigan)		House Government Reform	Move legal public holiday of Washington's Birthday to election day in Presidential election years
<b>ELECTORAL COLLEGE</b>				
Appoint presidential electors based on popular vote in each Congressional district	HJR 1 Rep. James Clyburn (D-South Carolina)		House Judiciary	Amend the Constitution to provide for the appointment by the states of electors for President and Vice President on the basis of the popular vote of each Congressional district of the state and for the appointment of two additional electors on the basis of the total popular vote of the state.
Direct popular election of the President and Vice President	HJR 3 Rep. Gene Green (D-Texas)		House Judiciary	Amend Constitution to abolish electoral college and provide for a direct popular vote. Also delegates authority to Congress to establish procedures for a tie or the death of a candidate.
	HJR 5 Rep. William Delahunt (D-Massachusetts)		House Judiciary	Amend Constitution to abolish electoral college and provide for a direct popular vote. Also delegates authority to Congress to establish procedures for a tie, but not death of a candidate; specifies procedures

<i>Topic</i>	<i>Bill</i>	<i>Cosponsors</i>	<i>Committee Referral</i>	<i>Description</i>
				for counting the popular vote in a joint session of Congress
<b>GRANT PROGRAMS</b>				
	Sen. Max Cleland (GA) STILL IN DRAFT FORM			FEC awards matching grants to states to modernize voting systems and enhance voter participation. Money would be used to upgrade to advanced voting system to ultimately have a single advanced voting system in a state. Not more than 10% of grant can be used to train officials. After voting equipment has been purchased, states can apply for grants for other things. 20% match from states. Allocation of grant money will be done by FEC by the % of systems in a state vs. total systems in country. States would then use same formula for local governments when distributing money. Bill defines systems to be replaced as levers, punch cards and paper ballots. \$1,000,000,000 in grant money. Also Amends UOCAVA to make a clear distinction in the absentee process for elections of federal office and elections of state and local office and that compliance with military orders shall not affect your state of residency.
	Sen. McCain (AZ) and Sen. Hollings (SC) Introduced 2/15/01, but no language available yet. This description taken from press release.			National Institute of Standards and Technology to develop voluntary consensus standards. A grant program will be run through the department of Commerce to purchase new equipment and to strengthen voter education campaigns.



## **APPENDIX G**

Guide titled “2000 Recount Information, The Statewide Recount Process”  
published by the Elections Division of Nevada’s Office of the Secretary of State



# 2000

## Recount Information

The Statewide Recount Process

*State of Nevada*



Prepared by  
Dean Heller  
Secretary of State



November, 2000

## Statewide Recount Information

**Who may request a recount after the canvass conducted by members of the Supreme Court?**

Any candidate defeated for a statewide or multi-county district office may demand and receive a recount of the vote for the office for which he was a candidate. NRS 293.403(1).

**When must the recount demand be made?**

A demand for a recount must be made within three working days of the canvass of the vote. The canvass of the 2000 General Election takes place on Wednesday, November 22; therefore, a demand for a recount must be made by 5:00 p.m., Wednesday, November 29, 2000. NRS 293.403(1).

**May a statewide candidate demand a recount in less than 17 counties?**

No, such a recount must include all 17 counties.

**Is there a time during which the recount must occur?**

NRS 293.405(3) declares that the recount must begin within 5 days after the demand is filed and that the recount must be completed within 5 days after it is begun. The statute further declares that Sundays and holidays are not to be excluded in determining each 5-day period.

Each county may set its own schedule for complying with these time frame requirements.

**How is the demand for a recount to be made?**

The candidate must file the demand for a recount in writing with the Secretary of State. NRS 203.403(1)(a). The Secretary of State will accept a demand for recount in the same manner as he accepts Declarations of Candidacy and Acceptances of Candidacy, that is, in person or by mail.

At the time of filing the demand for a recount, the candidate is to deposit in advance with the Secretary of State the estimated cost of the recount. NRS 293.403(1)(b). The Secretary of State will accept payment in cash, cashier's check or certified check.

### **Who determines what precincts shall be recounted?**

The candidate who demanded the recount shall select 5 percent of the precincts, but in no case fewer than three precincts, within each of the counties after consultation with each candidate for the office or each candidate's authorized representative. NRS 293.404(3).

It is the determination of this office, that the word consultation means notification. Therefore, the candidate who demanded the recount shall notify each of the other candidates for the office of those precincts selected in each county.

As part of the demand for recount the candidate shall include in the demand a list by county of the precincts selected to be recounted.

**NOTE:** Two attachments to this document are provided to facilitate the necessary precinct selections and the necessary notifications. The attachments are as follow:

Attachment Number 1 is a roster of all candidates who filed a Declaration of Candidacy for the 2000 election with the Secretary of State. This list includes each candidate's address and telephone number.

} *this attachment  
not included*

Attachment Number 2 is a compilation of each county's total number of precincts and reflects the number of precincts to be examined at the outset of the recount.

### **How are the County Clerks/Registrars of Voters notified of the demand for the recount and the precincts selected to be recounted?**

The Secretary of State shall notify the County Clerks/Registrars of Voters of the demand for a recount and the precincts to be recounted on the day the demand is filed.

### **How is the cost of a statewide recount determined?**

At the request of the Secretary of State, each County Clerk/Registrar of Voters shall calculate the estimated cost and notify the Secretary of State.

**NOTE:** If the candidate who demanded the recount does not prevail and the cost of the recount is greater than the advance deposit, the candidate shall, upon demand, pay the deficiency to the Secretary of State. If the advance deposit is greater than the cost of the recount, the excess shall be refunded to the candidate.

NRS 293.405(1). If the candidate who demanded the recount prevails, the advance deposit shall be refunded in full to the candidate.

### **What is the actual process of recounting the ballots?**

NRS 203.404 declares the process as follows:

The County Clerk/Registrar of Voters of each county shall employ a Recount Board which shall conduct the recount.

The County Clerk/Registrar of Voters shall act as the Chairman of the Recount Board.

At least one member of the Board of County Commissioners must be present at the recount.

The County Clerk/Registrar of Voters shall unseal and give to the Recount Board all ballots to be recounted.

The Recount Board shall examine all of the ballots, including duplicate or rejected ballots, from the selected precincts to determine whether the ballots were voted in accordance with the election laws, such as if a ballot was properly marked or a ballot was marked for no more than one candidate for the office.

The Recount Board shall hand count the valid ballots indicating how many votes were cast for each candidate for that office.

All the valid ballots shall then be counted by computer indicating how many votes were cast for each candidate for that office.

If there is a discrepancy of 1 percent or more from the original canvass for any candidate in either the hand count or the computer count, the County Clerk/Registrar of Voters shall order a hand count of all the ballots for that office in the respective county. The vote tally shall indicate how many votes were cast for each candidate for that office.

If there is not a discrepancy of 1 percent or more from the original canvass for any candidate, the County Clerk/Registrar of Voters shall not order a hand count, but shall order a recount by computer of all the ballots for the office in the respective county. The vote tally shall indicate how many votes were cast for each candidate for that office.

#### **Who can observe the recount?**

The public, the candidate and/or the candidate's representative may observe the recount. No one may challenge ballots or interfere in any way with the determination of the recount board as to how ballots are counted. Observers are subject to removal if they interfere in the counting procedures. See NRS 293B.353 and Attorney General's Opinion No. 175 (November 25, 1974).

#### **Does the Secretary of State observe the recount?**

A County Clerk/Registrar of Voters may request the Secretary of State or his designated representative to observe the recount.

#### **When will the results of the recount be released to the candidates and the public?**

When the County Clerks/Registrars of Voters complete the recount in their respective counties, the clerks/registrars will notify the Secretary of State of the results of the recount by facsimile on the day the recount is completed. The Secretary of State shall release the results to the candidates and the public as he receives them.

#### **May the candidate who demands a recount withdraw the demand?**

Withdrawal of the demand must be made in writing to the Secretary of State at any time before the completion of the recount.



## DATA FOR STATEWIDE RECOUNT

### COUNTY PRECINCTS

COUNTIES	NUMBER OF PRECINCTS	5% OF TOTAL PRECINCTS BUT NOT LESS THAN 3 PRECINCTS
CARSON COUNTY	31	3
CHURCHILL COUNTY	19	3
CLARK COUNTY	896	45
DOUGLAS COUNTY	33	3
ELKO COUNTY	41	3
ESMERALDA COUNTY	6	3
EUREKA COUNTY	5	3
HUMBOLDT COUNTY	13	3
LANDER COUNTY	9	3
LINCOLN COUNTY	5	3
LYON COUNTY	16	3
MINERAL COUNTY	12	3
NYE COUNTY	29	3
PERSHING COUNTY	7	3
STOREY COUNTY	7	3

COUNTIES	NUMBER OF PRECINCTS	5% OF TOTAL PRECINCTS BUT NOT LESS THAN 3 PRECINCTS
WASHOE COUNTY	288	14
WHITE PINE COUNTY	10	3

## **APPENDIX H**

From the Federal Elections Commission, “Frequently Asked Questions About Voting System Standards” and descriptions of punchcard, optical scan, and direct record electronic voting systems





# ***Frequently Asked Questions About Voting System Standards***

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## **Who establishes voting system standards?**

The development and promulgation of voting system standards is a collaboration headed by the U.S. Federal Election Commission but also involving:

- experts in developing standards
- State technical experts in voting equipment
- Members of the National Association of State Election Directors (NASED)
- Independent testing authorities designated by NASED, and
- The Election Center (in its capacity as secretariat for NASED).

The proposed standards resulting from this joint effort are published for review and comments are sought from election officials, from designers and manufacturers of voting systems, from concerned interest groups, and from interested members of the general public. After appropriate corrections and changes, the standards then must be approved by a majority vote of the Federal Election Commission.

## **What are voting system standards?**

Voting system standards are documented agreements containing technical specifications to be used consistently as guidelines to ensure that punchcard, marksense, and direct recording electronic (DRE) voting systems are accurate and secure.

The standards include functional criteria (things that any voting equipment *must* do) along with technical requirements for: hardware, software, security, quality assurance, and documentation.

The standards also include testing procedures to ensure that voting systems

As of June 1998, the following States have adopted the FEC's voting system standards or the testing of systems against the standards by independent testing authorities (ITAs) designated by the National Association of State Election Directors:

States Adopting the Voting System Standards or ITA Testing		
Alaska	Kansas	Oklahoma
Arizona	Kentucky	Rhode Island
California	Maryland	South Carolina
Colorado	Massachusetts	South Dakota
Connecticut	Michigan	Tennessee
Delaware	Minnesota	Texas
Florida	Missouri	Virginia
Georgia	Nevada	Washington
Hawaii	New Mexico	Wyoming
Indiana	New York	
Iowa	Ohio	

### **Who decides if voting equipment meets the voting system standards?**

The standards call for three levels of tests to be performed on voting systems to ensure that the end product works accurately, reliably, and appropriately:

- Qualification tests to be performed by independent testing authorities (ITAs) designated by the National Association of State Election Directors
- Certification tests to be performed by the State, and
- Acceptance tests to be performed by the end user.

Qualification tests, conducted by an independent testing authority, encompass:

- a selectively in-depth examination of the software

has been successfully tested by an ITA designated by NASED and if it has been certified by the State.

- contact the Election Center which, in its capacity as secretariat to NASED's ITA Committee, maintains records on all systems that have been successfully tested by an ITA. The Election Center may be contacted at:

The Election Center  
12543 Westella St., Ste. 100  
Houston, TX 77077-3929  
Tele: 281/293-0101  
Fax: 281/293-8739

### **Are the national voting system standards up-to-date?**

Not entirely. Standards are not permanent. They must evolve alongside technological advancements. Indeed, it is common practice to review and update technical standards every five years or so. The voting system standards, issued in 1990, are no exception to this rule. Vendors are now using new technology and expanding system functions that are not sufficiently covered by the existing standards. Thus, some revisions are needed to update the standards to cover the newer technology as well as to change standards that currently unduly restrict design.

Still in all, the current standards remain for the most part adequate and useful for the purpose of ensuring the accuracy and reliability of voting systems.

### **Who will update the national voting system standards?**

The Federal Election Commission is scheduled in August to consider a plan for updating the standards. Under the proposed plan, the Office of Election Administration, in conjunction with the National Association of Election Directors, would update and reorganize the voting system standards following a list of agreed upon priorities. During this update process, we anticipate no delays in equipment testing.

July 10, 1998

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***NASED***

**VOTING SYSTEMS/INDEPENDENT TEST AUTHORITY**

**ACCREDITATION BOARD**

Office of the Commissioner of Elections  
Baton Rouge, Louisiana

---

**Donnetta Davidson, Arapaho County Clerk**

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**Ex Officios:**

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281/293-8739





## Punchcards

Punchcard systems employ a card (or cards) and a small clipboard-sized device for recording votes. Voters punch holes in the cards (with a supplied punch device) opposite their candidate or ballot issue choice. After voting, the voter may place the ballot in a ballot box, or the ballot may be fed into a computer vote tabulating device at the precinct.

Two common types of punchcards are the "Votomatic" card and the "Datavote" card. With the Votomatic card, the locations at which holes may be punched to indicate votes are each assigned numbers. The number of the hole is the only information printed on the card. The list of candidates or ballot issue choices and directions for punching the corresponding holes are printed in a separate booklet.

*(Today's*

*"Votomatic" cards are the direct descendents of the original punchcard developed from a concept introduced by political scientist and former government administrator Dr. Joseph P. Harris) With the Datavote card, the name of the candidate or description of the issue choice is printed on the ballot next to the location of the hole to be punched.*

Fulton and De Kalb Counties in Georgia were the first jurisdictions to use punchcards and computer tally machines when they adopted the system for the 1964 primary election. In the November 1964 Presidential election, these two jurisdictions were joined by Lane County, Oregon, and San Joaquin and Monterey Counties in California, who also adopted the punchcard system.

Although many jurisdictions are now switching from punchcard systems to more advanced Marksense or DRE systems, Los Angeles County, the Nation's largest election jurisdiction with 3.8 million registered voters, continues to rely on their punchcard voting system. In the 1996 Presidential election, some variation of the punchcard system was used by 37.3% of registered voters in the United States.



## **Marksense (Optical Scan)**

Marksense systems employ a ballot card on which candidates and issue choices are preprinted next to an empty rectangle, circle, oval, or an incomplete arrow. Voters record their choices by filling in the rectangle, circle or oval, or by completing the arrow. After voting, the voters either place the ballot in a sealed box or feed it into a computer tabulating device at the precinct. The tabulating device reads the votes using "dark mark logic," whereby the computer selects the darkest mark within a given set as the correct choice or vote. Marksense technology has existed for decades and been used extensively in such areas as standardized testing and statewide lotteries.

Although marksense systems are often referred to as "optical scan," marksense technology is only one of several methods for recognizing marks on paper through optical reading techniques.

Marksense systems were used by 24.6% of registered voters in the United States for the 1996 Presidential election, and their use is on the rise.



## Direct Recording Electronic (DRE)

The most recent configuration in the evolution of voting systems are known as direct recording electronic, or DRE's. They are an electronic implementation of the old mechanical lever systems. As with the lever machines, there is no ballot; the possible choices are visible to the voter on the front of the machine. The voter directly enters choices into electronic storage with the use of a touch-screen, push-buttons, or similar device. An alphabetic keyboard is often provided with the entry device to allow for the possibility of write-in votes. The voter's choices are stored in these machines via a memory cartridge, diskette or smart-card and added to the choices of all other voters.

In 1996, 7.7% of the registered voters in the United States used some type of direct recording electronic voting system.



## **APPENDIX I**

Two depictions of the “butterfly” ballot used in Palm Beach County, Florida,  
during the November 7, 2000, General Election



1

OFFICIAL BALLOT, GENERAL ELECTION  
PALM BEACH COUNTY, FLORIDA  
NOVEMBER 7, 2000

<p><b>ELECTORS FOR PRESIDENT AND VICE PRESIDENT</b></p> <p>(A vote for the candidates will actually be a vote for their electors.)</p> <p>(Vote for Group)</p>	<p>(REPUBLICAN)</p> <p>GEORGE W. BUSH - PRESIDENT 3 ➡</p> <p>DICK CHENEY - VICE PRESIDENT</p>
	<p>(DEMOCRATIC)</p> <p>AL GORE - PRESIDENT 5 ➡</p> <p>JOE LIEBERMAN - VICE PRESIDENT</p>
	<p>(LIBERTARIAN)</p> <p>HARRY BROWNE - PRESIDENT 7 ➡</p> <p>ART OLIVIER - VICE PRESIDENT</p>
	<p>(GREEN)</p> <p>RALPH NADER - PRESIDENT 9 ➡</p> <p>WINONA LA DUKE - VICE PRESIDENT</p>
	<p>(SOCIALIST WORKERS)</p> <p>JAMES HARRIS - PRESIDENT 11 ➡</p> <p>MARGARET TROWE - VICE PRESIDENT</p>
	<p>(NATURAL LAW)</p> <p>JOHN HAGELIN - PRESIDENT 13 ➡</p> <p>NAT GOLDHABER - VICE PRESIDENT</p>

1

OFFICIAL BALLOT, GENERAL ELECTION  
PALM BEACH COUNTY, FLORIDA  
NOVEMBER 7, 2000

4 ➡	<p>(REFORM)</p> <p>PAT BUCHANAN - PRESIDENT</p> <p>EZOLA FOSTER - VICE PRESIDENT</p>
6 ➡	<p>(SOCIALIST)</p> <p>DAVID McREYNOLDS - PRESIDENT</p> <p>MARY CAL HOLLIS - VICE PRESIDENT</p>
8 ➡	<p>(CONSTITUTION)</p> <p>HOWARD PHILLIPS - PRESIDENT</p> <p>J. CURTIS FRAZIER - VICE PRESIDENT</p>
10 ➡	<p>(WORKERS WORLD)</p> <p>MONICA MOOREHEAD - PRESIDENT</p> <p>GLORIA La RIVA - VICE PRESIDENT</p>
	<p><b>WRITE-IN CANDIDATE</b></p> <p>To vote for a write-in candidate, follow the directions on the long stub of your ballot card.</p>

TURN PAGE TO CONTINUE VOTING ➡

1  
OFFICIAL BALLOT: GENERAL ELECTION  
PALM BEACH COUNTY, FLORIDA  
NOVEMBER 7, 2000

<p><b>ELECTORS FOR PRESIDENT AND VICE PRESIDENT</b></p> <p>(A vote for the candidates will automatically be a vote for these electors.)</p> <p>(Vote for Group)</p>	<p>(REPUBLICAN)</p> <p>GEORGE W. BUSH: PRESIDENT</p> <p>DICK CHENEY: VICE PRESIDENT</p>	3
	<p>(DEMOCRATIC)</p> <p>AL GORE: PRESIDENT</p> <p>JOE LIEBERMAN: VICE PRESIDENT</p>	5
	<p>(LIBERTARIAN)</p> <p>HARRY BROWNE: PRESIDENT</p> <p>ART OLIVER: VICE PRESIDENT</p>	7
	<p>(GREEN)</p> <p>RALPH NADER: PRESIDENT</p> <p>WINONA LA DUKE: VICE PRESIDENT</p>	9
	<p>(SOCIALIST WORKERS)</p> <p>JAMES HARRIS: PRESIDENT</p> <p>MARGARET TROWE: VICE PRESIDENT</p>	11
	<p>(NATURAL LAW)</p> <p>JOHN HAGELIN: PRESIDENT</p> <p>NAT. GOLDBERGER: VICE PRESIDENT</p>	13

OFFICIAL BALLOT: GENERAL ELECTION  
PALM BEACH COUNTY, FLORIDA  
NOVEMBER 7, 2000

4	<p>(REFORM)</p> <p>FAT BUCHANAN: PRESIDENT</p> <p>EZOLA FOSTER: VICE PRESIDENT</p>
6	<p>(SOCIALIST)</p> <p>DAVID McREYNOLDS: PRESIDENT</p> <p>MARY CAL HOLLIS: VICE PRESIDENT</p>
8	<p>(CONSTITUTION)</p> <p>HOWARD PHILLIPS: PRESIDENT</p> <p>J. CURTIS TRAZIER: VICE PRESIDENT</p>
10	<p>(WORKERS WORLD)</p> <p>MONICA MOOREHEAD: PRESIDENT</p> <p>GLORIA LA RIVA: VICE PRESIDENT</p>
<p><b>WRITE-IN CANDIDATE</b></p> <p>(A vote for a write-in candidate follows the directions on the back side of your ballot card.)</p>	

TURN PAGE TO CONTINUE VOTING



## **APPENDIX J**

Excerpts from the February 22, 2001, presentation by  
Nevada Secretary of State Dean Heller before the Assembly Committee on  
Elections, Procedures, and Ethics, “Can What Happened in Florida Happen in Nevada?”



# **CAN WHAT HAPPENED IN FLORIDA HAPPEN IN NEVADA?**

# **NO !**

- Number of electoral votes
- Recount procedures are good
- Clark county has modern DRE system
- Have standards for determining voter intent for punchcards
- Butterfly ballots are not used

# **CAN WHAT HAPPENED IN FLORIDA HAPPEN IN NEVADA?**

# **YES!**

- Outdated punch card systems still utilized in 8 counties.
- No statewide voter registration system to verify or check voter registration
- Military ballots must be received by close of polls on election day

## **APPENDIX K**

Copies of statutes and regulations referenced in this report



## **NEVADA REVISED STATUTES**

**NRS 293.094 “Rejected ballot” defined.** “Rejected ballot” means a ballot that must not be counted because it is rejected by the election board or counting board for any reason required or authorized by this chapter.

(Added to NRS by 1961, 296; A 1997, 749)

**NRS 293.107 “Spoiled ballot” defined.** “Spoiled ballot” means a ballot defaced by a voter and exchanged for a new one.

(Added to NRS by 1960, 237)

**NRS 293.297 Replacement and cancellation of spoiled ballot; change of vote on mechanical recording device.**

1. Except as otherwise provided in subsection 2:

(a) Any voter who spoils his ballot may return the spoiled ballot to the election board and receive another in its place.

(b) The election board officers shall indicate in the pollbook that the ballot is spoiled and shall enter the number of the ballot issued in its place.

(c) Each spoiled ballot returned must be canceled by writing the word “Canceled” across the back of the ballot. A spoiled paper ballot must be canceled without unfolding it.

(d) A record must be made of those canceled ballots at the closing of the polls and before counting. The ballots must be placed in a separate envelope and returned to the appropriate county clerk with the election supplies.

2. If ballots which are voted on a mechanical recording device which directly records the votes electronically are used, the voter must be able to change his vote before the mechanical recording device permanently records that vote.

(Added to NRS by 1960, 254; A 1963, 1373; 1967, 848; 1987, 340, 694; 1995, 2776; 1997, 3455)

**NRS 293.313 Persons entitled to absent ballot; fraud or coercion in obtaining ballot prohibited; penalty.**

1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter who provides sufficient written notice to the county clerk, may vote an absent ballot as provided in this chapter.

2. A registered voter who:

(a) Is at least 65 years old; or

(b) Has a physical disability or condition which substantially impairs his ability to go to the polling place, may request an absent ballot for all elections held during the year he requests an absent ballot. The registered voter must include in his request a description of his physical disability or condition.

3. As used in this section, “sufficient written notice” means a:

(a) Written request for an absent ballot which is signed by the registered voter and returned to the county clerk in person or by mail;

(b) Form prescribed by the secretary of state which is completed and signed by the registered voter and returned to the county clerk in person or by mail; or

(c) Form provided by the Federal Government.

4. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for both the primary and general elections unless otherwise specified in the request.

5. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

(Added to NRS by 1960, 256; A 1971, 443; 1973, 894; 1975, 527; 1987, 342, 1370; 1991, 2220; 1993, 2184; 1995, 1265; 1997, 230, 3456)

**NRS 293.317 Invalid absent ballots.** Absent ballots received by the county or city clerk after the polls are closed on the day of election are invalid.

(Added to NRS by 1960, 256; A 1987, 343)

**NRS 293.335 Empty envelopes and rejected ballots to be returned to county clerk.** When all absent ballots delivered to precinct or district election boards have been voted or rejected, the empty envelopes and the envelopes containing rejected ballots must be returned to the county clerk. On all envelopes containing rejected ballots the cause of rejection must be noted and the envelope signed by a majority of the election board officers.

(Added to NRS by 1960, 258; A 1987, 345, 713, 740; 1997, 3459)

**NRS 293.363 Preparation by counting board to count paper ballots or ballots voted by punching card.** When the polls are closed, the counting board shall prepare to count the ballots voted that day. The counting procedure must be public and continue without adjournment until completed. If the ballots are paper ballots or ballots which are voted by punching a card, the counting board shall prepare in the following manner:

1. The pollbooks must be compared and errors corrected until the books agree.
2. The ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If, on comparison of the count with the pollbook, a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the ballot box after the count is completed.
3. If the ballots in the box are found to exceed in number the number of names on the pollbooks, the ballots must be replaced in the box, and a counting board officer, with his back turned to the box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.
4. When it has been ascertained that the pollbook and the number of ballots agree with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

(Added to NRS by 1960, 259; A 1961, 290; 1985, 1596; 1987, 346; 1995, 2781; 1997, 3461)

**NRS 293.367 Rejection of ballot; regulations for counting ballots.**

1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.
2. The regulations for counting ballots must include provisions that:
  - (a) A vote on a paper ballot may not be counted unless indicated by a cross in the appropriate square.
  - (b) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.
  - (c) If more choices than permitted by the instructions are marked for any office or question, the vote for that office or question may not be counted.
  - (d) If it is impossible to determine a voter's choice for any office or question, his vote or votes for that office or question may not be counted.
  - (e) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.
  - (f) Only devices provided for in this chapter or chapter 293B of NRS may be used in marking ballots.
  - (g) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.
  - (h) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.
  - (i) In counties where mechanical voting systems are used whereby a vote is cast by punching a card, a superfluous punch into any card does not constitute grounds for rejection of the ballot unless the election board determines that the condition of the ballot justifies its exclusion pursuant to subsection 1.

(Added to NRS by 1960, 260; A 1961, 291; 1967, 849; 1975, 939; 1979, 266; 1985, 1096; 1987, 347; 1995, 2782; 1997, 3461)



**NRS 293.373 Duties of officers of counting board after tally lists completed if paper ballots or ballots voted by punching card used.** If paper ballots or ballots which are voted by punching a card are used:

1. After the tally lists have been completed, the counting board officers shall:

(a) File the voted ballots on a string, enclose and seal them in an envelope marked "Election returns, voted ballots."

(b) File the rejected ballots on a string, enclose and seal them in an envelope marked "Election returns, rejected ballots."

(c) Place one of the tally lists for regular ballots and one of the pollbooks in an envelope marked "Election returns" and seal the envelope.

2. The voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.

3. The other pollbooks, tally lists and election board register must be returned to the county clerk.

(Added to NRS by 1960, 261; A 1961, 292; 1987, 348; 1989, 1788; 1995, 2782; 1997, 3462)

**NRS 293.387 Canvass of returns; abstract of votes.**

1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the fifth working day following the election.

2. In making its canvass, the board shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and

(b) A mechanized report of the abstract in compliance with regulations adopted by the secretary of state, and transmit them to the secretary of state not more than 6 working days after the election.

4. The secretary of state shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. He shall make out and file in his office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which he is nominated.

(Added to NRS by 1960, 261; A 1961, 292; 1963, 1374; 1967, 861; 1969, 786; 1971, 445, 1487; 1977, 245; 1987, 349, 1370; 1989, 1665; 1991, 1106; 1997, 3464; 1999, 3553)

**NRS 293.391 Disposition and inspection of ballots, pollbooks, lists, voting receipts, stubs and records of voted ballots after canvass by county commissioners.**

1. The voted ballots, rejected ballots, spoiled ballots, tally lists, pollbooks, challenge lists, voting receipts, records printed on paper of voted ballots collected pursuant to NRS 293B.400 and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk, and preserved for at least 22 months. All such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

2. The pollbooks containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

3. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1, except the voted ballots.

4. The voted ballots deposited with the county clerk are not subject to the inspection of anyone, except in cases of contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

(Added to NRS by 1961, 297; A 1963, 1375; 1975, 940; 1981, 1740; 1989, 1788; 1993, 2187; 1995, 2783; 1999, 2159)

**NRS 293.395 Transmission of copy of certified abstract of votes and mechanized report to secretary of state; canvass of vote by justices of supreme court; governor to grant certificates of election and issue proclamations.**

1. The board of county commissioners, after making the abstract of votes as provided in NRS 293.393, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and

(b) A mechanized report of that abstract in compliance with regulations adopted by the secretary of state, and forthwith transmit them to the secretary of state.

2. On the fourth Wednesday of November after each general election, the justices of the supreme court, or a majority thereof, shall meet with the secretary of state, and shall open and canvass the vote for the number of presidential electors to which this state may be entitled, United States Senator, Representative in Congress, members of the legislature, state officers who are elected statewide or by district, district judges, or district officers whose districts include area in more than one county and for and against any question submitted.

3. The governor shall issue certificates of election to and commission the persons having the highest number of votes and shall issue proclamations declaring the election of those persons.

(Added to NRS by 1960, 262; A 1965 Special Session, 4; 1969, 65; 1971, 1415; 1987, 1371; 1989, 1666; 1991, 1106; 1997, 3465)

**NRS 293.400 Determination of winner if tie vote; recounts.**

1. If, after the completion of the canvass of the returns of any election, two or more persons receive an equal number of votes, which is sufficient for the election of one or more but fewer than all of them to the office, the person or persons elected must be determined as follows:

(a) In a general election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the legislature shall, by joint vote of both houses, elect one of those persons to fill the office.

(b) In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the secretary of state shall summon the candidates who have received the tie votes to appear before him at a time and place designated by him and he shall determine the tie by lot. If the tie vote is for the office of secretary of state, the governor shall perform these duties.

(c) For any office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie vote, or district which is wholly located within one county, the county clerk shall summon the candidates who have received the tie votes to appear before him at a time and place designated by him and determine the tie by lot. If the tie vote is for the office of county clerk, the board of county commissioners shall perform these duties.

2. The summons mentioned in this section must be mailed to the address of the candidate as it appears upon his declaration of candidacy at least 5 days before the day fixed for the determination of the tie vote and must contain the time and place where the determination will take place.

3. The right to a recount extends to all candidates in case of a tie.

(Added to NRS by 1960, 263; A 1965, 614; 1981, 1740; 1987, 1371; 1995, 2628)

**NRS 293.403 Recount of vote: Demand; advance deposit of costs.**

1. A candidate defeated at any election may demand and receive a recount of the vote for the office for which he is a candidate if within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes:

(a) He files in writing his demand with the officer with whom he filed his declaration of candidacy or acceptance of candidacy; and

(b) He deposits in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes:

(a) He files in writing his demand with:

(1) The secretary of state, if the demand is for a recount of a ballot question affecting more than one county;

or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) He deposits in advance the estimated costs of the recount with the person to whom he made his demand.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the secretary of state defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the supreme court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(Added to NRS by 1960, 263; A 1965, 1255; 1975, 940; 1977, 237; 1981, 1700; 1983, 1288; 1987, 350; 1989, 1591, 2167; 1991, 1107; 1995, 2628; 1997, 3465)

**NRS 293.404 Employment and duties of recount board; persons present; count of ballots; recounts affecting more than one county.**

1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chairman of the recount board unless the recount is for the office of county clerk, in which case the chairman of the board of county commissioners shall act as chairman of the recount board. At least one member of the board of county commissioners must be present at the recount.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chairman of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city shall act as chairman of the recount board. At least one member of the city council must be present at the recount. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

2. Except in counties or cities using a mechanical voting system, the recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether those ballots are marked as required by law.

3. If a recount is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for the office or ballot question affected from 5 percent of the precincts, but in no case fewer than three precincts, after consultation with each candidate for the office or his authorized representative. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this Title and shall count the valid ballots by hand. In addition, a recount by computer must be made of all the selected ballots. If the count by hand or the recount by computer of the selected ballots shows a discrepancy equal to or greater than 1 percent or 5 votes, whichever is greater, for any candidate for the office, or in favor of or against a ballot question, from the original canvass of the returns, the county or city clerk shall order a count by hand of all the ballots for that office. Otherwise, the county or city clerk shall order a recount by computer of all the ballots for the office.

4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.

5. In the case of a demand for a recount affecting more than one county, the demand must be made to the secretary of state, who shall notify the county clerks to proceed with the recount.

(Added to NRS by 1963, 1382; A 1975, 941; 1979, 267; 1985, 1097; 1987, 351; 1989, 1592; 1995, 2629; 1999, 2160)

**NRS 293.405 Costs of recount; commencement and completion of recount; limitation on additional recount.**

1. If the person who demanded the recount does not prevail, and it is found that the sum deposited was less than the cost of the recount, the person shall, upon demand, pay the deficiency to the county clerk, city clerk or secretary of state, as the case may be. If the sum deposited is in excess of the cost, the excess must be refunded to him.

2. If the person who demanded the recount prevails, the sum deposited with the secretary of state, county clerk or city clerk must be refunded to the person and the cost of the recount must be paid as follows:

(a) If the recount concerns an office or ballot question for which voting is not statewide, the cost must be borne by the county or city which conducted the recount.

(b) If the recount concerns an office or ballot question for which voting is statewide, the clerk of each county shall submit a statement of its costs in the recount to the secretary of state for review and approval. The secretary of state shall submit the statements to the state board of examiners, which shall repay the allowable costs from the reserve for statutory contingency account to the respective counties.

3. Each recount must be commenced within 5 days after demand, and must be completed within 5 days after it is begun. Sundays and holidays must not be excluded in determining each 5-day period.

4. After the recount of a precinct is completed, that precinct must not be subject to another recount for the same office or ballot question at the same election.

(Added to NRS by 1960, 263; A 1965, 1255; 1977, 237; 1981, 1700; 1987, 351; 1989, 1592; 1991, 1761)

**NRS 293.407 Filing of written statement of contest with clerk of district court; verification.**

1. A candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.

2. Except where the contest involves the general election for the office of governor, lieutenant governor, assemblyman, state senator or justice of the supreme court, a candidate or voter who wishes to contest an election, including election to the office of presidential elector, must, within the time prescribed in NRS 293.413, file with the clerk of the district court a written statement of contest, setting forth:

(a) The name of the contestant and that he is a registered voter of the political subdivision in which the election to be contested or part of it was held;

(b) The name of the defendant;

(c) The office to which the defendant was declared elected;

(d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and

(e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.

3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.

4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.

(Added to NRS by 1960, 263; A 1965, 1230; 1981, 1741)

**NRS 293.410 Dismissal of statement of contest; grounds for contest.**

1. A statement of contest shall not be dismissed by any court for want of form if the grounds of contest are alleged with sufficient certainty to inform the defendant of the charges he is required to meet.

2. An election may be contested upon any of the following grounds:

(a) That the election board or any member thereof was guilty of malfeasance.

(b) That a person who has been declared elected to an office was not at the time of election eligible to that office.

(c) That illegal votes were cast and counted for the defendant, which, if taken from him, will reduce the number of his legal votes below the number necessary to elect him.

(d) That the election board, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.

(e) That the defendant has given, or offered to give, to any person a bribe for the purpose of procuring his election.

(f) That there was a possible malfunction of any voting or counting device.

(Added to NRS by 1960, 264; A 1961, 293; 1971, 446; 1977, 246)

**NRS 293.413 Time for filing statement of contest; precedence of election contest; referral to special master.**

1. The statement of contest provided for in NRS 293.407 shall be filed with the clerk of the district court no later than 5 days after a recount is completed, and no later than 14 days after the election if no recount is demanded. The parties to a contest shall be denominated contestant and defendant.

2. The court shall set the matter for hearing not less than 5 days nor more than 10 days after the filing of the statement of contest. Election contests shall take precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable.

3. The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.

(Added to NRS by 1960, 264; A 1967, 850)

**NRS 293.415 Depositions in election contests; trial and submission of matter.** Any party to a contest may take the deposition of any witness. The matter shall be tried and submitted so far as may be possible upon depositions and written or oral argument as the court may order.

(Added to NRS by 1960, 264)

**NRS 293.417 Judgment of court in election contest.**

1. If, in any contest, the court finds from the evidence that a person other than the defendant received the greatest number of legal votes, the court, as a part of the judgment, shall declare that person elected or nominated.

2. The person declared nominated or elected by the court is entitled to a certificate of nomination or election. If a certificate has not been issued to him, the county clerk, city clerk or secretary of state shall execute and deliver to that person a certificate of election or a certificate of nomination.

3. If a certificate of election or nomination to the same office has been issued to any person other than the one declared elected by the court, that certificate must be annulled by the judgment of the court.

4. Whenever an election is annulled or set aside by the court, and the court does not declare some candidate elected, the certificate of election or the commission, if any has been issued, is void and the office is vacant.

(Added to NRS by 1960, 264; A 1987, 352)

**NRS 293.420 Court costs.**

1. If a contest proceeding is dismissed for insufficiency of the statement of contest or for want of prosecution, or if the district court confirms the election, judgment shall be rendered for costs in favor of the defendant and against the contestant.

2. If an election is annulled or set aside for errors or malfeasance of any election official in the conduct of the election or in canvassing the returns, the costs shall be a charge against the state or political subdivision in which the election was held.

3. When an election is annulled or set aside on any other ground, judgment for costs shall be given in favor of the contestant and against the defendant.

(Added to NRS by 1960, 265; A 1967, 850)

**NRS 293.423 Recount of ballots at hearing of contest.** At the hearing of any contest, the ballots may be opened and a recount made, in the presence of the parties or their representatives, of the votes cast for the various candidates for the contested office.

(Added to NRS by 1960, 265)

**NRS 293.425 Contest of general election for office of assemblyman or state senator: Filing of documents and other evidence with secretary of state.** If the contest is of the general election for the office of assemblyman or state senator, a statement of contest, prepared as provided in NRS 293.407, and all depositions, ballots and other documents relating to the contest must be filed with the secretary of state within the time provided for the filing of statements of contests with the clerk of the district court.

(Added to NRS by 1960, 265; A 1967, 850; 1971, 450; 1977, 246; 1981, 1742; 1995, 1660)

**NRS 293.427 Contest of general election for office of assemblyman or state senator: Decision by appropriate legislative house; seating of candidate with highest number of votes; withdrawal of contest; certificates of election.**

1. The secretary of state shall deliver the statement of contest filed pursuant to NRS 293.425 and all other documents to the presiding officer of the appropriate house of the legislature on the day of the organization of the legislature.

2. Until the contest has been decided, the candidate who received the highest number of votes for the office in the contested election must be seated as a member of the appropriate house.

3. If, before the contest has been decided, a contestant gives written notice to the secretary of state that he wishes to withdraw his statement of contest, the secretary of state shall dismiss the contest.

4. The contest, if not dismissed, must be heard and decided as prescribed by the standing or special rules of the house in which the contest is to be tried. If after hearing the contest, the house decides to declare the contestant elected, the governor shall execute a certificate of election and deliver it to the contestant. The certificate of election issued to the other candidate is thereafter void.

(Added to NRS by 1960, 265; A 1971, 450; 1981, 1742; 1995, 1661)

**NRS 293.430 Contest of general election for office of governor, lieutenant governor or justice of supreme court: Filing of documents and other evidence with secretary of state; seating of candidate; duties of secretary of state and legislature; withdrawal of contest.**

1. If the contest is of the general election for the office of governor, lieutenant governor or justice of the supreme court, the statement of contest and all depositions, ballots and other documents relating to the contest must be filed with the secretary of state within the time provided for filing statements of contests with the clerk of the district court.

2. Until the contest is decided, the candidate who received the highest number of votes for the office in the contested election must be seated and commence the duties of his office.

3. The secretary of state shall deliver the statement of contest and all other papers and documents to the speaker of the assembly on the day of the organization of the legislature.

4. A joint session of both houses must be convened as soon thereafter as the business of both houses permits, but not later than 10 days after receipt of statement of contest.

5. If, before the contest has been decided, a contestant gives written notice to the secretary of state that he wishes to withdraw his statement of contest, the secretary of state shall dismiss the contest.

(Added to NRS by 1960, 265; A 1961, 293; 1967, 850; 1977, 247; 1981, 1742; 1995, 1661)

**NRS 293.433 Decision of contest for office of governor, lieutenant governor or justice of supreme court by senate and assembly in joint session.**

1. The senate and assembly meeting in joint session shall proceed to decide the contest.

2. The speaker of the assembly shall preside at such joint session, and the session shall be conducted under the joint standing rules or joint special rules adopted for the occasion.

3. The contest shall be decided by a majority vote of the elected membership of both houses not later than 30 days after the contest hearing is begun.

(Added to NRS by 1960, 266)

**NRS 293.435 Certificate of election delivered after decision.**

1. After both houses sitting in joint session have decided an election contest, the secretary of state shall execute and deliver a certificate of election to the person declared elected, unless such a certificate was already issued to him.

2. If a certificate of election to the same office has been issued to any person other than the one declared to have been elected, that certificate is void.

(Added to NRS by 1960, 266; A 1995, 1661)

**NRS 293.710 Intimidation of voters.**

1. It is unlawful for any person, in connection with any election or petition, whether acting himself or through another person in his behalf, to:

(a) Use or threaten to use any force, coercion, violence, restraint or undue influence;

(b) Inflict or threaten to inflict any physical or mental injury, damage, harm or loss upon the person or property of another;

(c) Expose or publish or threaten to expose or publish any fact concerning another in order to induce or compel such other to vote or refrain from voting for any candidate or any question;

(d) Impede or prevent, by abduction, duress or fraudulent contrivance, the free exercise of the franchise by any voter, or thereby to compel, induce or prevail upon any elector to give or refrain from giving his vote; or

(e) Discharge or change the place of employment of any employee with the intent to impede or prevent the free exercise of the franchise by such employee.

2. Unless a greater penalty is provided by law, any violation of this section is a gross misdemeanor.

(Added to NRS by 1960, 268; A 1993, 2669)

**NRS 293B.104 Secretary of state not to approve system that does not meet federal standards.** The secretary of state shall not approve any mechanical voting system which does not meet or exceed the standards for voting systems established by the Federal Election Commission.

(Added to NRS by 1993, 2198)

**NRS 293B.105 Purchase, adoption and use of mechanical voting system and mechanical recording device by local officers; approval of system or device by secretary of state; change or improvement of system device; regulations.**

1. The board of county commissioners of any county or the city council or other governing body of any city may purchase and adopt for use at elections any mechanical voting system and mechanical recording device if the system or device is:

(a) Approved by the secretary of state pursuant to subsection 2; or

(b) Specifically authorized by law.

The system or device may be used at any or all elections held in the county or city, for voting, registering and counting votes cast.

2. A person who owns or has an interest in a mechanical voting system or mechanical recording device may submit an application to the secretary of state to have the system or device examined for approval for use during the elections of this state. The secretary of state shall approve or disapprove the use of such a system or device not later than 120 days after the application is submitted.

3. As a condition to approval, the person shall have the system or device independently examined by a person approved by the secretary of state. The examiner shall:

(a) Review and analyze any electronic or computerized features of the system or device; and

(b) Prepare a report of the results of the examination for the secretary of state which includes a statement of his opinion regarding the feasibility of using such a system or device during the elections of this state with consideration for the safe and proper operation of the system or device under the conditions prescribed by the applicable election laws.

4. Any cost for the independent examination of a system or device must be paid by the person who submits an application to have the system or device approved by the secretary of state.

5. The secretary of state shall approve a mechanical voting system or mechanical recording device for use during the elections of this state if:

(a) The report prepared pursuant to subsection 3 states that the system or device can be used safely and properly in this state; and

(b) He determines after he independently examines the system or device that it can be used safely and properly in this state.

6. Before a city or county may change or improve a system or device that has been approved by the secretary of state, it must obtain approval from the secretary of state. If any change or improvement does not comply with the requirements of this section, the secretary of state shall not approve the use or sale of any system or device that incorporates the change or improvement in this state.

7. The secretary of state may reexamine a system or device or any part thereof at any time for the purpose of approving a change or improvement or to ensure that the system or device continues to comply with the election laws of this state.

8. The secretary of state and any examiner of a system or device must not have any pecuniary interest in the system or device examined.

9. The secretary of state may establish regulations to carry out the provisions of this section.

(Added to NRS by 1975, 1523; A 1985, 1100; 1995, 2787)

**NRS 298.030 Time when presidential electors required to convene at seat of government.** The presidential electors so chosen shall convene at the seat of government on the 1st Monday after the 2nd Wednesday in December next after their election, at 2 p.m., or on such other date as the Congress of the United States may by law hereafter provide.

[Part 6:108:1866; A 1869, 64; 1917, 391; 1937, 186; 1931 NCL § 4770]

## ***NEVADA ADMINISTRATIVE CODE***

### **NAC 293.160 Conduct of voting. (NRS 293.124)**

1. The chairman of the election board shall designate the officer of the election board who is to make the proclamation required pursuant to NRS 293.273. That officer shall make the proclamation at the entrance or inside of the polling place.

2. During the time the polls are open, the members of an election board may take time for meals or personal needs, except that only one member may be absent at any time from a polling place where four or fewer members are employed, and only two members may be absent at any time from a polling place where five or more members are employed.

3. The election board shall, to the extent possible, prevent any person who has given assistance in voting to another from disclosing the nature of the assisted person's vote.

4. The number of replacement ballots which may be issued to a voter who spoils his ballot may be decided, in good faith, by the election board.

5. The chairman of the election board shall make a record of the canceled ballots. The envelope in which canceled ballots are placed must be marked with the words "“canceled ballots.””

6. Any election board which receives mailing ballots from the county clerk shall follow the procedure prescribed for absent ballots in NRS 293.333 and 293.355.

7. When it is time to close the polls, a member of the election board shall proclaim that the polls are closed for voting.

8. After the completion of an election, all ballot boxes must be returned by the sheriff or representative of the county clerk and placed by him in a secure storage area designated and provided by the county clerk.

9. If an absent ballot central counting board is appointed, the members of the board shall meet at a place designated by the county clerk as soon as the polls close. The board of county commissioners shall prepare abstracts of votes on a form which was submitted by the county clerk to and approved by the secretary of state.

[Sec'y of State, Conduct of Elections Reg. §§ A -22 - A -34, eff. 2 -28 -80]——(NAC A 7 -18 -88; 3 -22 -94; R217 -97, 5 -26 -98)

### **NAC 293.178 Recount of votes: Restrictions on membership of recount board.**

1. A recount board employed pursuant to NRS 293.404 must not consist solely of members of the same political party.

2. No member of a recount board employed pursuant to NRS 293.404 may be a candidate for nomination or election to the office for which the recount of votes is demanded, or a relative of such a candidate within the second degree of consanguinity or affinity.

(Added to NAC by Sec'y of State, eff. 3 -15 -96)



**NAC 293.1785 Recount of votes: Manner of conducting canvass. (NRS 293.124, 293.247)**

1. The results of a recount of any election demanded pursuant to NRS 293.403 must be canvassed within 5 working days after the completion of the recount.
2. If the recount concerns a candidate or ballot question that was voted on in more than one county, the board of county commissioners of each county shall conduct the canvass in the manner prescribed in subsections 2, 3 and 4 of NRS 293.393 and subsection 1 of NRS 293.395.
3. If the recount concerns a candidate or ballot question that was voted on in one county, the board of county commissioners shall conduct the canvass in the manner prescribed in subsections 2 and 3 of NRS 293.387.
4. If the recount concerns a candidate or ballot question that was voted on in a city election, the mayor and the governing body of the city shall conduct the canvass in the manner prescribed in subsections 3 to 7, inclusive, of NRS 293C.387.

(Added to NAC by Sec'y of State by R013 -00, eff. 4 -4 -2000)

**NAC 293.179 Recount of votes: Designation of observer by secretary of state; withdrawal of demand.**

1. At the request of the city or county clerk, the secretary of state will designate a representative to observe a recount of votes.
2. A person who demands a recount of votes may withdraw his demand by filing his withdrawal in writing at any time before the completion of the recount. The city or county clerk shall stop the recount as soon as practicable after the person demanding the recount notifies the clerk of his withdrawal of the demand. A person who withdraws his demand for a recount of votes may not request a continuation of the recount or a new recount of those votes.

(Added to NAC by Sec'y of State, eff. 3 -15 -96)

**NAC 293.180 Recount of votes: Determination and allocation of cost. (NRS 293.124, 293.403)**

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 department of information technology 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; and
    - (7) Extra materials ordered for the particular recount, such as tally books.

(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.

[Sec'y of State, Conduct of Elections Reg. §§ A -35, eff. 2 -28 -80]——(NAC A 7 -18 -88; R217 -97, 5 -26 -98)

**NAC 293.250 Procedures after voting. (NRS 293.124)**

1. If a difference exists between the number of persons voting and the number of ballots cast, the difference must be reported in writing to the county clerk, together with any known reasons for the difference.

2. The total number of voters must be entered by the election board on the forms provided by the county clerk.

3. The chairman of an election board is responsible for the safe delivery of the ballot cards to the central place designated by the county clerk for the counting of ballots, except that a ballot pick -up board, if established, is responsible for the delivery.

4. After closing the polls, the election board shall compare the quantity of its supplies which were furnished by the county clerk with the county clerk's inventory and shall note any shortages. The chairman of the election board is responsible for the safe return of all supplies, including all records and equipment pertaining to the election, in accordance with the directions of the county clerk.

5. If any extraneous writing or other mark, such as a cross, check, tear or scratch, has been placed on a ballot card, the votes on the card must be counted unless the writing or other mark identifies the ballot as being that of the voter. Whether or not such an extraneous writing or other mark identifies the voter, the writing or other mark must not be counted as a vote.

6. Votes on a ballot card must not be counted if it is impossible or extremely difficult to determine the voter's intention because he has placed his ballot incorrectly in the vote recording device.

7. If a chip on a ballot card is found in any of the following conditions, the chip must be counted as an intended vote:

(a) A chip which is attached to the card at one or two corners.

(b) A chip which is attached to the card at three corners with the fourth corner obviously disconnected.

(c) A chip which is attached to the card at three or four corners with the paper fibers on one or two sides broken in a way that permits unimpeded light to be seen through the ballot. If no unimpeded light is visible on any side of a chip, the vote must not be counted.

[Sec'y of State, Conduct of Elections Reg. §§ B -13 - B -16, eff. 2 -28 -80; §§ B -17, eff. 10 -15 -81]——(NAC A 7 -18 -88; R217 -97, 5 -26 -98)