

LCB File No. E004-04

**EMERGENCY REGULATION OF THE
SECRETARY OF STATE**

(Effective for 120 days after September 1, 2004)

EXPLANATION – Matter in *italics* is new; matter ~~[so-stricken]~~ is material to be omitted.

AUTHORITY: NRS 293.124; 293.247; 293.2696; 293.330; 293.4685; 293.507; 293.5235.

Section 1. Chapters 293, 293B, and 293C of NAC are hereby amended by adding thereto the provisions set forth as sections 2 to 26, inclusive, of this regulation.

Sec. 2. NAC 293.010 is hereby amended to read as follows:

NAC 293.010 Definitions. As used in this chapter, unless the context otherwise requires:

1. “Ballot stock” means the material upon which:

- (a) A ballot is printed; and
- (b) A voter directly indicates his vote.

2. A “current and valid photo identification of the person” means:

(a) An article which bears a legible photograph of the person presenting it as identification to qualify him as eligible to register to vote or to vote in an election by mail or in person at a polling place and which does not contain any indication that it is invalid or expired, including but not limited to:

- (1) A Nevada driver’s license or identification card issued by the Department;*
- (2) A Nevada identification card issued by the Department;*
- (3) An identification card issued by a branch of the United States armed services;*

(4) An identification card issued by a sheriff of a Nevada county to an employee as a condition of his employment by certain business enterprises;

(5) An identification card issued by an agency of the state of Nevada or political subdivision thereof or the United States, including but not limited to a school, college or university;

(6) A United States passport; and

(7) Any other article, meeting the description set forth in subparagraph (a) of subsection 2 of this section, which the county clerk or registrar of voters determines, in his discretion, to be a reliable indication of the person's true name and identity, including but not limited to a credit card, membership card, or employee identification card of a business or financial institution located within the state of Nevada.

(b) A current and valid photo identification of a person that meets the requirements of this section shall not, solely on the basis that it does not indicate the address where the person actually resides, be deemed to disqualify him from voting at the polls or voting by mail pursuant to section 6 of this regulation or NRS 293.272 and 293.2725.

~~[2.]~~ 3. "Department" means the department of motor vehicles.

4. "Official identification" means:

(a) A current and valid photo identification of the person; or

(b) Except as otherwise provided in paragraph (c) of this subsection, a copy of a current utility bill, bank statement, paycheck, or letter or other document issued by a governmental entity, including, without limitation, a check, a receipt for a rental or lease payment, an income tax statement, or a vehicle registration which indicates the name and address of the person.

(c) “Official identification” does not include a document issued by an election official to a person in the course of administration of voter registration or an election, including but not limited to, a voter registration card, sample ballot or receipt.

~~[3.]~~ 5. “Voting booth” means any place or compartment used to screen a voter from the observation of others.

Sec. 3. NAC 293.090 is hereby amended to read as follows:

NAC 293.090 *Ballot questions; assignment of numbers; printing on ballot; preparation of questions and forms in appropriate minority language.*

1. Preceding every statewide question or constitutional amendment to be voted upon must be a number, to be assigned by the Secretary of State, in boldface type not smaller than 24-point.

2. Ballot questions and the accompanying explanations and arguments, the notice of offices to be filled, the forms for applications to register to vote, and other forms and election information prescribed by the Secretary of State pursuant to NRS 293.247 and provided to clerks for distribution to the public, shall be prepared in the appropriate minority language to affected jurisdictions pursuant to Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a.

~~[2.]~~ 3. If any question is to be submitted to a vote of the people, it must be printed upon the ballot or ballot page assembly in a manner which enables a voter to vote “Yes” or “No” upon the question submitted.

Sec. 4. Chapter 293 of NAC is hereby amended by adding thereto a new section to read as follows:

Designation of facility named after living person as polling site.

A facility named after a living person shall not be designated as a polling site if the person for whom the facility is named is a candidate running for an office in the election whose name will appear on the ballot for one or more of the precincts contained at the polling site.

Sec. 5. NAC 293.120 is hereby amended to read as follows:

NAC 293.120 Sample ballots: Primary elections. The county clerk shall:

1. Mail a copy of the sample ballot for the primary election, as provided in NRS 293.565, to each candidate who has filed with him a declaration of candidacy or an acceptance of candidacy. The copy must be mailed to the mailing address which is stated in the declaration of candidacy or acceptance of candidacy.

2. Mail a copy of the sample ballot for the primary election, as provided in NRS 293.565, to each candidate who has been certified to him by the Secretary of State.

3. If a candidate's name appears on more than one type of sample ballot, mail a copy of at least one of the sample ballots to the candidate, but the county clerk shall make a copy of each sample ballot available to the candidate upon request.

4. Mail a copy of *at least five sample ballots and provide an electronic copy of* each sample ballot for a primary election, as provided in NRS 293.565, to the Secretary of State.

5. Post a copy of the sample ballot or a list of candidates in a conspicuous place in his office.

Sec. 6. NAC 293 is hereby amended by adding thereto a new section to read as follows:

Identification for new voters registering by mail; prerequisites to voting at polling place or voting by mail; exceptions.

1. Except as otherwise provided in this section, a person who registers to vote by mail in a county where he has not been previously registered may, at the first election for which that

registration is valid, vote at a polling place only if the person presents to the election board officer official identification consisting of:

(a) A current and valid photo identification of the person; or

(b) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity other than an election official, including, without limitation, a check, a receipt for a rental or lease payment, an income tax statement, or a vehicle registration which indicates the name and address of the person.

2. Except as otherwise provided in this section, a person who registers to vote by mail in a county where he has not been previously registered may, at the first election for which that registration is valid, vote by mail only if the person provides to the county clerk official identification consisting of:

(a) A copy of a current and valid photo identification of the person; or

(b) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity other than an election official, including, without limitation, a check, a receipt for a rental or lease payment, an income tax statement, or a vehicle registration which indicates the name and address of the person.

3. The requirements of this section do not apply:

(a) To a person who submits with his application to register to vote official identification consisting of:

(1) A copy of a current and valid photo identification of the person;

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity other than an election official, including, without limitation, a check, a

receipt for a rental or lease payment, an income tax statement, or a vehicle registration which indicates the name and address of the person.

(3) A driver's license number or identification card number issued by the Nevada Department of Motor Vehicles or at least the last four digits of his social security number, provided, however, that the county clerk has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in his application to register to vote.

(b) To a person who is entitled to vote a mailing ballot pursuant to NRS 293.343.

(c) To a person who is disabled or is entitled to vote an absent ballot because of illness, disability or absence pursuant to NRS 293.316 or NRS 293.3165.

(d) To a person who submits or has previously submitted a request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath, or requests an absent ballot in person at the office of the county clerk.

(e) To a person entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq., the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. §§ 1973ee et seq., or any other federal law.

(f) To a person casting a provisional ballot pursuant to NRS 293.3081 because the person:

(1) Declares that he is registered to vote in that election at that polling place, but his name does not appear on the voter registration list as a voter eligible to vote in that polling place or an election official asserts he is not eligible to vote there; or

(2) Applied to register to vote but failed to provide a copy of the identification described in subsections 1 and 2 of this section to the county clerk, or failed to present such identification to the election board official at a polling place.

Sec. 7. NAC 293 is hereby amended by adding a section thereto to read as follows:

Voting by provisional ballot for candidates for federal office; written affirmation; entry into the roster; provisional votes cast at wrong polling place but in correct Congressional district; canvass and counting of provisional ballots.

1. A person at a polling place may cast a provisional ballot only for candidates for federal office if he completes a written affirmation in accordance with subsection 1 of NRS 293.3082 and:

(a) Declares that he is registered and eligible to vote in that election in that county, but his name does not appear on the voter registration list as a voter eligible to vote at that polling location or an election official asserts that he is not eligible to vote at that polling location;

(b) Applies by mail to register to vote in a county where he has not previously voted and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of NRS 293.2725, and section 6 of this regulation, to the election board officer at the polling place; or

(c) Declares that he is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for closing the polls pursuant to a laws of this state in effect 10 days before the date of the election.

2. Before a person may cast a provisional ballot for candidates for federal office at a polling place, he must complete a written affirmation containing the information required by subsection 1 of NRS 293.3082, which includes but is not limited to, a statement signed by the person casting the provisional ballot affirming under penalty of perjury that he is a registered voter in that county and entitled to vote in that election. The person must complete the written affirmation on the form provided by an election board officer at the polling place.

3. *After the person completes the written affirmation, the election board officer shall provide the person with a voter card and a document that includes the unique affirmation identification number assigned to him by the election board officer and which explains to the voter how to use the free access system to ascertain whether his vote was counted, and, if his vote was not counted, the reason why it was not counted.*

4. *The voter's name and applicable information must be entered into the roster in a manner which indicates that the voter cast a provisional ballot.*

5. *The county clerk shall treat as a provisional ballot the ballot of a person who applies by mail to register to vote in a county where he has not previously voted, and who fails to provide to the county clerk at the time that he mails his ballot the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2082 and section 6 of this regulation, provided that the person completes the written affirmation required by subsection 1 of NRS 293.3082 on the form provided by the county clerk, which includes but is not limited to, a statement signed by the person casting the provisional ballot affirming under penalty of perjury that he is a registered voter in that county and entitled to vote in that election.*

6. *Following each election, a canvass of the provisional ballots cast in the election must be conducted pursuant to NRS 293.3085.*

7. *The county clerk:*

(a) Shall not include any provisional ballot in the unofficial results reported on election night, or open any envelope containing a provisional ballot before 8 a.m. on the Wednesday following election day.

(b) Shall post and submit to the Secretary of State the totals of provisional votes counted no earlier than 5 p.m. of the Friday immediately following election day. The updated results shall be posted and submitted in the same manner and form as election day results.

8. A provisional ballot to vote only for candidates for federal office must be counted if:

(a) The clerk determines that the person who cast a provisional ballot at a polling place was registered and eligible to vote in that election in that county and was issued the appropriate ballot for the address at which he resides;

(b) A voter who cast a provisional ballot at the polling place because he failed to provide required identification at the polling place provides the required identification to the clerk no later than 5 p.m. on the Friday following election day; or

(c) A voter cast a provisional ballot at a polling place pursuant to subsection 3 of NRS 293.3081 and a court order has not been issued by 5 p.m. on the Friday following election day directing that provisional ballots cast pursuant to such subsection not be counted.

9. The clerk must not count a provisional ballot, or a mailed ballot required to be treated as a provisional ballot pursuant to subsection 5 of this section and NRS 293.3083, if the clerk determines that the ballot cast by the person was the wrong ballot for the address at which he resides.

10. For purposes of counting provisional ballots or ballots required to be treated as provisional ballots pursuant to subsection 5 of this section and NRS 293.3083, the clerk shall determine that the person who cast the ballot was issued the appropriate ballot for the address at which he resides, pursuant to paragraph (a) or (b) of subsection 3 of NRS 293.3085, if the voter cast the appropriate ballot for the district of the United States Representative in Congress for the address at which he resides, but cast his ballot at the wrong precinct.

11. The clerk shall count only the votes for candidates for federal offices on a ballot cast by mail by a person whose ballot is required to be treated by the clerk as a provisional ballot pursuant to subsection 5 of this section and NRS 293.3083.

Sec. 8. NAC 293 is hereby amended by adding a section thereto to read as follows:

Procedures relating to provisional ballots, separation from other ballots until determination of voter's eligibility; informing person whose name does not appear on list as eligible voter for polling place of ability to cast a provisional ballot.

1. The county clerk shall inform any person whose name does appear on a voter registration list as an eligible voter for a polling place, or who an election official asserts is not eligible to vote at the polling place, of the ability of the person to cast a provisional ballot.

2. The county clerk shall keep every provisional ballot cast separate from other ballots until it has been determined whether or not the voter was registered and eligible to vote in that election in that county and for the candidates for federal office on the ballot he was issued.

3. The county clerk shall keep every provisional ballot cast by a person declaring he is entitled to vote after the polling place would normally close as a result of an order extending the time for closing of the polls, pursuant to subsection 3 of NRS 293.3081, separate from all other provisional ballots.

Sec. 9. NAC 293 is hereby amended by adding a section thereto to read as follows:

Free access system to provide information to voter casting provisional ballot; period of availability.

1. A voter who cast a provisional ballot, or a ballot required to be treated as a provisional ballot, may obtain information informing him whether his vote was counted and, if not, the

reason why the vote was not counted, through the free access system established by the Secretary of State in accordance with NRS 293.3086.

2. The free access system shall ensure secrecy of the ballot and protect the confidentiality and integrity of the personal information contained therein. Access to information concerning the person who cast the provisional ballot shall be restricted to the person who cast the ballot.

3. The clerks shall provide to the Secretary of State, in the format he prescribes, all information on whether the ballots cast by each person who voted a provisional ballot were counted and, if not, the reason why a ballot was not counted, so the Secretary of State can add the information to the free access system established by him in accordance with NRS 293.3086 to provide such information to the voters.

4. The free access system shall be available to a person who casts a provisional ballot for the period beginning the eighth day immediately following the date of the election and continuing through at least 30 days after the date of the election in which the person cast the provisional ballot.

Sec. 10. NAC 293.169 is hereby amended to read as follows:

NAC 293.169 Procedures for handling absent voters' ballot boxes by absent ballot central counting board.

1. In a county in which the county clerk has appointed an absent ballot central counting board and posted a statement pursuant to subsection 2, the county clerk may, not earlier than 4 working days before election day and not later than 5 p.m. on the second working day before election day, deliver the absent voters' ballot boxes to the absent ballot central counting board. When the ballot boxes are received, the absent ballot central counting board shall:

(a) Withdraw the ballots and return the ballot boxes to the county clerk;

(b) Sort the ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district, *unless the counting system produces an accounting of the ballots by precinct or voting district*;

(c) Count the number of ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district, *unless the counting system produces an accounting of the ballots by precinct or voting district*;

(d) Account for all ballots on the statement of ballots;

(e) Duplicate any ballots that necessitate duplicating as authorized by and in the manner set forth in NRS 293B.375; and

(f) Place all the ballots, including any ballots produced pursuant to paragraph (e), and the statement of ballots into the container provided by the county clerk to transport those items to a central counting place and seal the container. The container and seal used must comply with the provisions of NRS 293.462.

2. Not later than 2 working days before the date of delivery of the ballot boxes pursuant to subsection 1, the county clerk must post a statement in his office that notifies the public of any actions that will be taken pursuant to subsection 1.

3. Any absent ballots received by the county clerk after he delivers the ballot boxes pursuant to subsection 1 must be:

(a) Deposited into the appropriate absent voters' ballot boxes pursuant to the provisions of NRS 293.309 to 293.340, inclusive, after those ballot boxes have been returned pursuant to subsection 1; and

(b) Processed pursuant to the provisions of NRS 293.3625 to 293.397, inclusive.

4. The county clerk shall allow members of the general public to observe the handling of the absent ballots conducted pursuant to subsection 1 if those members do not interfere with the handling of the absent ballots.

Sec. 11. NAC 293.1785 is hereby amended to read as follows:

NAC 293.1785 Recount of votes: Manner of conducting canvass; *audit of paper trail.*

1. A recount shall be conducted in accordance with NRS 293.400 through 293.405, inclusive, and

(a) Subsections 4 and 5 of this section if the recount concerns a candidate or ballot question that was voted on in more than one county;

(b) Subsections 4 and 6 of this section if the recount concerns a candidate or ballot question that was voted on in one county; or

(c) Subsections 4 and 7 of this section if the recount concerns a candidate or ballot question that was voted on in a city election.

2. To ascertain that the voter verifiable paper audit trail printer will correctly record the votes cast for all offices and on all measures, an audit of the paper trail generated the mechanical recording devices to which voter verifiable paper audit trail printers are attached and used in the election, an audit of the paper trail shall be conducted as provided in this subsection 3 of this section. The audit of the paper trail conducted as provided in this section shall not expand, limit or otherwise modify, in any manner, the process or the outcome of a recount conducted pursuant to NRS 293.400 through 293.405, inclusive, and subsections 1, 4, 5, 6 and 7 of this section.

3. For the conduct of an audit of the paper trail:

(a) The person who demanded the recount shall select, from the list of mechanical recording devices used in the election to which voter verifiable paper audit trail printers are attached, two percent of the number used during the election in the political district for which the recount is demanded, or 20 such mechanical recording devices, whichever is greater, for conduct of the audit.

(b) The audit shall be conducted on the selected mechanical recording devices by comparing the total number of valid votes cast for the candidate, if the demand for the recount is made pursuant to NRS 293.404(1), or for the ballot question, if the demand for the recount is made pursuant to NRS 293.404(2), recorded on the cartridge of the mechanical recording device to the total number of valid votes cast for the candidate or ballot question printed on the attached voter verifiable paper audit trail. Such comparison may be conducted on the paper trail manually or by a mechanical device determined by the Secretary of State to be capable of accurately reading the votes cast and printed thereon and qualified for use in the state under applicable state and federal law.

(c) The results of the audit shall be transmitted to the Secretary of State within the time provided to transmit the abstract in accordance with subsection 5, 6 or 7 of this section.

~~[1.]~~ 4. 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.]~~ 5. 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.]~~ 6. 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.]~~ 7. 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 293.387.

Sec. 12. NAC 293.240 is hereby amended to read as follows:

NAC 293.240 Conduct of voting.

1. After a person is identified as being a registered voter, a member of the election board shall *have the person sign his name on the roster* ~~[give him all appropriate ballot cards and a protective sleeve]~~ and shall record the number of the *receipt issued to the voter* ~~[card or series of the card]~~ in the pollbook opposite the voter's name.

2. *After detaching a portion of the receipt issued to the voter in accordance with subsection 1 of this section and returning the other portion to the voter, the* ~~[The]~~ election board shall *issue a voter card to the person and* direct each voter to a voting booth which contains a vote recording device which is appropriately equipped to handle the voter's ~~[ballot]~~ *voter* card.

3. A member of the election board shall not permit any person to enter a voting booth to vote until he ascertains that the person understands how to operate the vote recording device.

~~[4. To carry out NRS 293B.103, the election board shall:~~

~~—(a) Upon issuing a ballot to a voter, retain the top portion of the ballot card or stub which is stapled to the pack of ballot cards.~~

~~—(b) When the voter returns his voted ballot, give him the detachable portion which is located immediately above the ballot and contains holes for the alignment of the ballot on the recording device.~~

~~—5.]~~ 4. If it is obvious to the members of an election board that a voter is trying to delay an election by repeatedly *voiding his selections and not casting a ballot*, ~~[spoiling his ballot cards,]~~ the election board may take any appropriate action to expedite the election. ~~[The stub on a spoiled ballot must be left attached to the ballot.~~

~~—6.]~~ 5. Before the commencement of voting and periodically throughout the election, members of the election board shall examine the voting booths to ensure that each booth does not contain any campaign cards, political advertising, partisan notes or any other matter which constitutes an unauthorized attempt to influence the voters. ~~[During each examination, a special ballot card used to test the device must be inserted into the vote recording device to verify that the device is functioning properly. If the device uses punchcards, the special ballot card must be punched at random to verify that the device is functioning properly.]~~

Sec. 13. NAC 293.250 is hereby amended to read as follows:

NAC 293.250 Procedures after voting.

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. 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.]~~

Sec. 14. NAC 293.411 is hereby amended to read as follows:

NAC 293.411 Assignment of identification numbers. The Secretary of State will assign to each county a series of numbers that must be used by the county clerk in assigning ~~[an]~~ *a unique* identification number to a person who *does not have a current and valid driver's license issued by the Department or a social security number and* wishes to register to vote pursuant to NRS 293.507. *Before the clerk will issue the person an identification number, the person must sign an affidavit under penalty of perjury pursuant to paragraph 5 of NRS 293.507 stating that he does not have a valid driver's license or a social security number.* ~~[and is unable, or does not wish, to provide the clerk with the number indicated on the identification described in subparagraph (1) of paragraph (a) of subsection 4 of NRS 293.507.]~~

Sec. 15. NAC 293.412 is hereby amended to read as follows:

NAC 293.412 Inactive voters.

1. A county clerk:

(a) May maintain a separate list of inactive voters or designate inactive voters as such on regular lists of registered voters and election board registers.

(b) Shall, at the request of the Secretary of State, report to the Secretary of State the total number of inactive voters.

2. The name of each inactive voter:

(a) Must be included on any list made available for public inspection pursuant to NRS 293.440 unless the person requesting the list requests the exclusion of those names.

(b) Must not be included on any list made available for public inspection pursuant to NRS 293.557.

3. The signature of an inactive voter shall be deemed to be the signature of a registered voter for all purposes regarding any petition authorized or required pursuant to Title 24 of NRS.

4. Except as otherwise provided in this subsection, for the purpose of mailing sample ballots, an inactive voter shall be deemed not to be a registered voter unless he requests the city or county clerk, in person, in writing or by telephone, to provide him with a sample ballot. ~~{A county or city clerk shall mail sample ballots to all inactive voters in a mailing precinct.}~~

5. As used in this section, "inactive voter" means a voter designated as inactive pursuant to NRS 293.530 whose registration has not been canceled.

Sec. 16. NAC 293.414 is hereby amended to read as follows:

NAC 293.414 Information regarding conviction of person of felony; *information regarding restoration of right to vote of person convicted of felony.*

1. The Secretary of State will immediately provide the county clerks with any information he receives from the Attorney General of the United States regarding the conviction of any person of a felony.

2. A county clerk may, for the purpose of making the determination *to cancel the registration of a person* required by subsection 3 of NRS 293.540, rely upon any information he receives from the Secretary of State pursuant to subsection 1 or from the central repository for Nevada records of criminal history regarding the conviction of any person of a felony.

3. The Secretary of State will immediately provide the county clerks with any information he receives regarding persons convicted of a felony who are restored to the right to vote and are currently eligible to register to vote.

4. A county clerk or registrar of voters may, for purposes of determining whether a person convicted of a felony is restored to the right to vote and is currently eligible to register, rely on:

(a) The information he receives from the Secretary of State pursuant to subsection 3 above;

(d) An order of any federal or state court restoring to the applicant his right to vote;

(c) A document issued to the applicant by a penal agency of the state of Nevada or any other state, or of the federal government, verifying that the applicant's right to vote is restored;
or

(d) A document issued by a penal agency of the state of Nevada or any other state, or of the federal government, verifying that, before July 1, 2003, the applicant received a pardon, or was discharged from probation, parole or prison and is therefore, by operation of law, automatically restored to the right to vote as of the date of such release or discharge, regardless of the nature of his crime.

Sec. 17. NAC 293.420 is hereby amended to read as follows:

NAC 293.420 Forms for application to register to vote ~~[by mail]~~: Contents; control number; printing.

1. The Secretary of State will create a standard form for use by persons who are applying to register to vote, *which may be used to register to vote in person or to register to vote* by mail.

The form will include:

(a) An application to register to vote, *which may be submitted in person or* by mail *to the county clerk or registrar of voters of the county in which the applicant resides;*

~~[(b) An explanation of Nevada's laws on closed primary elections;~~

~~—(e)]~~ (b) Instructions to assist the applicant in completing the application;

~~[(d)]~~ (c) A notice stating that the application *must contain the applicant's Nevada driver's license number, at least the last four digits of the applicant's social security number or a unique identification number assigned by the county clerk or registrar of voters pursuant to subsection 5 of NRS 293.507 and NAC 293.411;* ~~[will not be processed unless an identification number is on the application;~~

~~—(e)]~~ (d) A list of the addresses and telephone numbers of county election officers;

~~[(f)]~~ (e) A notice that *if the applicant indicates on the application that he is not a citizen of the United States or will not be at least 18 years of age on or before election day, he may not register to vote;* ~~[the application must be complete before it is effective; and]~~

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

(g) Instructions to the applicant to contact the county clerk if the applicant does not within ~~[20]~~ 10 days after he submits the application to the county clerk receive his voter registration card indicating that his registration has been accepted.

2. The Secretary of State will assign a control number to each application *that the Secretary of State or a county clerk or registrar of voters shall cause to be printed*, and will determine the sequence of the control numbers. The control numbers will consist of a two-digit alphabetical code followed by a five-digit numerical code.

3. *On application forms printed by the Secretary of State or a county clerk or registrar of voters, the* ~~[The]~~ control number must be printed:

- (a) On a ~~[duplicate copy of the application or a]~~ receipt of the application; and
- (b) On the application to be returned to the county clerk.

4. Each county clerk shall, after obtaining a series of control numbers from the Secretary of State, cause the forms to be printed. The county clerk shall continue to make available a sufficient number of the forms to meet the needs of the residents of the county.

5. The provisions of this section neither expand nor limit the use of an application to register to vote provided by the Federal Government.

Sec. 18. NAC 293.425 is hereby amended to read as follows:

NAC 293.425 Forms for application to register to vote ~~[by mail]~~: Availability; dissemination by request; request for multiple applications.

1. The county clerk *and the Secretary of State* shall make the forms available to individual candidates, political parties, civic groups, and groups organized for or against questions on a ballot.

2. Except as otherwise provided in subsection 3, an applicant may request such a form from the clerk *or Secretary of State* in person, by telephone, in writing, or by electronic facsimile machine. The clerk shall respond to each such request by mailing the requested form within 5 working days.

3. Each request for more than 50 such forms must be made on a request form prescribed by the Secretary of State *that requires the person or group requesting such forms to describe a plan for distribution of such forms, including identification of the county or counties that can expect to receive the completed forms and process the applicants' registrations to vote.*

4. The county clerk *or the Secretary of State* shall record on the completed request form the control numbers assigned to the applications which he provided in response to the request. *The Secretary of State shall provide a copy of the completed request form to each of the county clerks or registrars of voters of counties identified in the distribution plan pursuant to subsection 3 above.* The county clerk *and the Secretary of State* shall maintain the request for multiple applications with his records.

Sec. 19. NAC 293.435 is hereby amended to read as follows:

NAC 293.435 *Deadlines for return* ~~[Return]~~ **of application to register to vote** ~~[by mail]~~ **to county clerk; registration in person required during certain period.**

1. Each ~~[such]~~ application *to register to vote that is sent by mail or delivered to* ~~[must be received by]~~ the county clerk *must be postmarked or received by the county clerk no later than the fifth Saturday* before the ~~[close of registration for the]~~ next election in order for the applicant to be registered for that election. ~~[An]~~ *Each such* application *postmarked or* received after the *fifth Saturday before the election* ~~[close of registration]~~ will apply to registration for the next election for which registration remains open.

2. For the period beginning the Sunday following the fifth Saturday before the next election and ending the third Tuesday before the next election, an elector may register to vote only by appearing in person at the office of the county clerk. Each application completed by

appearing in person in the office of the county clerk after the third Tuesday before the next election will apply to registration for the next election for which registration remains open.

~~[2.]~~ 3. The applicant or his assistant, who is acting in accordance with subsection 2 of NAC 293.440, shall pay any postage required to return the application to the county clerk, *unless the application is pre-printed with the address of the county clerk or registrar of voters of the county in which the applicant resides and provides for postage paid return of such application.*

4. *If the application is postage-paid and pre-printed with the address of a county clerk or registrar of a county that is not the county in which the applicant resides, the applicant or his assistant, who is acting in accordance with subsection 2 of NAC 293.440, shall correct the address of the county clerk or registrar and pay any postage required to return the application to the county in which the applicant resides.*

Sec. 20. NAC 293.450 is hereby amended to read as follows:

NAC 293.450 Notice of incomplete application. The notice sent pursuant to NRS 293.5235 to an applicant for registration by mail which informs him that his application is incomplete must: ~~[contain a detachable portion which:]~~

1. *Permit the applicant to provide the information needed to complete his application; or* ~~[May be mailed back to the county clerk; and]~~
2. *If the applicant is required to complete and submit a new application, include an explanation to the applicant of the reasons therefor and a new application form.* ~~[Is designed to allow the applicant to furnish the necessary information.]~~

Sec. 21. NAC 293B.010 is hereby amended to read as follows:

NAC 293B.010 Definitions. ~~[“Mechanical voting system” defined.]~~ As used in this chapter, unless the context otherwise requires~~[,]~~:

1. *“Mechanical recording device” has the meaning ascribed to it in NRS 293B.032.*
2. *“~~[m]~~Mechanical voting system” has the meaning ascribed to it in NRS 293B.033.*
3. *“Voter verifiable paper audit trail printer” means the device attached to a mechanical recording device that prints a paper record of all votes cast by a voter for any and all candidates and for or against any and all measures, enabling the voter to visually verify that the mechanical voting system has accurately recorded the voter’s votes.*

Sec. 22. NAC 293B.040 is hereby amended to read as follows:

NAC 293B.040 Security of ballot cards.

1. A county clerk in a county using a mechanical voting system shall:
 - (a) Store ballot cards upon receipt in a vault or secure area that is accessible only by the county clerk and persons designated by him;
 - (b) Provide for the security and protection of the stored ballot cards;
 - (c) Control access to the stored ballot cards; and
 - (d) Maintain a record of the persons allowed access to the stored ballot cards.
- ~~2. The ballot statement must include the time that ballot boxes are removed from the polling place to be taken to the central counting place.~~

~~—3.]~~ 2. Except as otherwise provided in this subsection, each county clerk shall, not later than the 90th day before the primary election, submit to the Secretary of State for approval a plan to carry out the provisions of paragraph (l) of subsection 2 of NRS 293.247 concerning the procedures to be used to ensure the security of the ballots. If there is no change to the plan submitted in the previous year, the county clerk is not required to submit another plan to the Secretary of State. The county clerk shall notify the Secretary of State, in writing, if there is no change to the plan. The plan must include, without limitation:

(a) The person who is responsible for transporting the ballot box from the polling place to the central counting place;

(b) The time allotted for travel from the polling place to the central counting place; and

(c) The method for verifying the number of marked and unmarked ballots.

Sec. 23. NAC 293B.090 is hereby amended to read as follows:

NAC 293B.090 Use of mechanical recording devices which record votes electronically.

1. Before each election, the county clerk in a county using a mechanical voting system shall ensure that each mechanical recording device which directly records votes electronically, *each voter verifiable paper audit trail printer*, and the automatic tabulating equipment and programs to be used in the election will accurately record the votes cast for all offices and on all measures by completing the tests required pursuant to *this section and* chapter 293B of NRS.

2. A county shall, in the course of performing its other tests of the system, conduct a test to ascertain that the voter verifiable paper audit trail printer will correctly record the votes cast for all offices and on all measures.

(a) The test shall be conducted by:

(1) Processing a group of logic and accuracy test ballots so voted as to record a predetermined number of valid votes for each candidate and on each measure on at least one percent of the mechanical recording devices fitted with a voter verifiable paper audit trail printer, or no less than three such mechanical recording devices, whichever is greater; and

(2) Comparing the report of the total number of valid votes cast for each candidate and on each measure generated by the mechanical recording device to the report of the total number of valid votes cast for each candidate and on each measure printed on the attached voter verifiable paper audit trail printer.

(b) If any error is detected:

(1) It must be immediately reported to the Secretary of State; and

(2) The cause therefor must be ascertained and corrected and an errorless count must be made before the particular mechanical recording device or voter verifiable paper audit trail printer is approved for use in the election.

~~12.1~~ 3. A vote is properly cast on a mechanical recording device which directly records votes electronically when:

- (a) The voter selects his choice;
- (b) The mechanical voting system verifies the selection of the voter;
- (c) The voter submits his selections; and
- (d) The mechanical voting system verifies that the selections have been submitted.

~~13.1~~ 4. Each mechanical recording device which directly records votes electronically must include:

- (a) Instructions for casting a vote;
- (b) A method for a voter to select his vote in each contest;
- (c) A method for a voter to change his selection;
- (d) A visual verification of the selections made by the voter for each contest;
- (e) A visual notice to the voter if the voter has not made a selection in a contest or if the voter has undervoted in a contest in which the voter may select more than one candidate;
- (f) Protection from an overvote;
- (g) A method for the voter to review his selections and make changes before the ballot is cast;
- (h) A notice advising the voter to confirm his selections before casting his ballot and informing him that casting the ballot is irrevocable;

- (i) A verification that the vote has been cast; and
- (j) A digital image of each ballot stored by the mechanical voting system.

~~[4.]~~ 5. A mechanical recording device which directly records votes electronically must create a trail for an audit of the mechanical voting system which substantiates that:

- (a) Only ballots cast by authorized voters have been included in the tally list;
- (b) All ballots have been unmodified since they were cast;
- (c) All ballots cast have been accounted for; and
- (d) The results of the tabulation of the ballots have been correctly accumulated from the

ballots of the authorized voters and are capable of repetition with the same results.

Sec. 24. Chapter 293B of NAC is hereby amended by adding thereto a new section to read as follows:

Procedures for conducting post-election certification audit of voter verifiable paper audit trail printers.

1. Following each election, a county shall conduct a post-election certification audit of the voter verifiable paper audit trail printers used in the election to ensure that that the paper record produced by a voter verifiable paper audit trail printer accurately records all votes cast by voters on a mechanical recording device.

2. The post-election certification audit of the voter verifiable paper audit trail printers shall be conducted by comparing the report of the official results generated by the mechanical recording device at the close of polls showing the total number of valid votes cast for each candidate and on each measure to the report of the official results printed on the attached voter verifiable paper audit trail printer at the close of polls showing the total number of valid votes cast for each candidate and on each measure.

3. A county whose population is 100,000 or more must select, on a random basis, a number of mechanical recording devices equal to two percent of the number of mechanical recording devices with attached voter verifiable paper audit trail printers used in the election, or no less than 20 mechanical recording devices, whichever is greater, for the post-election certification audit set forth in subsection 2 of this section.

4. A county whose population is less than 100,000 must select, on a random basis, a number of mechanical recording devices equal to three percent of the number of mechanical recording devices with attached voter verifiable paper audit trail printers used in the election, or no less than three mechanical recording devices, whichever is greater, for the post-election certification audit set forth in subsection 2 of this section.

Sec. 25. NAC 293C.110 is hereby amended to read as follows:

NAC 293C.110 Sample ballots: Primary elections. The city clerk shall:

1. Mail a copy of the sample ballot for the primary city election, as provided in NRS 293.565, to each candidate.

2. Mail a copy of the sample ballot for the primary city election, as provided in NRS 293.565, to each candidate who has been certified to him by the Secretary of State.

3. If a candidate's name appears on more than one type of sample ballot, mail a copy of at least one of the sample ballots to the candidate, but the city clerk shall make a copy of each sample ballot available to the candidate upon request.

4. Mail a copy of *at least five sample ballots and provide an electronic copy of* each sample ballot for a primary city election, as provided in NRS 293.565, to the Secretary of State.

5. Post a copy of the sample ballot or a list of candidates in a conspicuous place in his office.

Sec. 26. NAC 293C.195 is hereby amended to read as follows:

NAC 293C.195 Procedures for handling absent voters' ballot boxes by absent ballot central counting board.

1. In a city in which an absent ballot central counting board has been appointed and the city clerk has posted a statement pursuant to subsection 2, the city clerk may, not earlier than 4 working days before election day and not later than 5 p.m. on the second working day before election day, deliver the absent voters' ballot boxes to the absent ballot central counting board.

When the ballot boxes are received, the absent ballot central counting board shall:

- (a) Withdraw the ballots and return the ballot boxes to the city clerk;
- (b) Sort the ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district, *unless the counting system produces an accounting of the ballots by precinct or voting district*;
- (c) Count the number of ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district, *unless the counting system produces an accounting of the ballots by precinct or voting district*;
- (d) Account for all ballots on the statement of ballots;
- (e) Duplicate any ballots that necessitate duplicating as authorized by and in the manner set forth in NRS 293C.655; and
- (f) Place all the ballots, including any ballots produced pursuant to paragraph (e), and the statement of ballots into the container provided by the city clerk to transport those items to a central counting place and seal the container. The container and seal used must comply with the provisions of NRS 293C.700.

2. Not later than 2 working days before the date of delivery of the ballot boxes pursuant to subsection 1, the city clerk must post a statement in his office that notifies the public of any actions that will be taken pursuant to subsection 1.

3. Any absent ballots received by the city clerk after he delivers the ballot boxes pursuant to subsection 1 must be:

(a) Deposited into the appropriate absent voters' ballot boxes pursuant to the provisions of NRS 293C.305 to 293C.040, inclusive, after those ballot boxes have been returned pursuant to subsection 1; and

(b) Processed pursuant to the provisions of NRS 293C.3615 to 293C.395, inclusive.

4. The city clerk shall allow members of the general public to observe the handling of the absent ballots conducted pursuant to subsection 1 if those members do not interfere with the handling of the absent ballots.