

**ADOPTED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R092-09

Effective October 27, 2009

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

AUTHORITY: §§1, 4, 10, 11, 13-15, 23, 25, 26, 32-34, 37, 38, 41 and 44, NRS 293.124 and 293.247; §2, NRS 293.124, 293.1277 and 293.247; §3, NRS 293.124, 293.247 and 293.3568; §§5, 6, 8, 17, 27, 28, 30 and 31, NRS 293.124, 293.247 and 293.250; §§7 and 29, NRS 293.124, 293.247, 293.250 and 293.317; §9, NRS 293.124, 293.247 and 293.524; §12, NRS 293.124, 293.247 and 293.469; §16, NRS 293.124, 293.247, 293.3155 and 293.3157; §18, NRS 293.124, 293.247 and 293.393; §19, NRS 293.124, 293.247, 293.387 and 293.395; §20, NRS 293.124, 293.247 and 293.524; §21, NRS 293.124, 293.247, 293.440, 293.530 and 293.557; §22, NRS 293.124, 293.247, 293.540 and 293.543; §24, NRS 293.124, 293.247, 293.3677 and 293B.105; §35, NRS 293.124, 293.247, 293.250 and 293C.330; §36, 293.124, 293.247 and 293C.315; §39, NRS 293.124, 293.247 and 293B.103; §40, NRS 293.124, 293.247 and 293C.369; §§42 and 43, NRS 293.124, 293.247 and 295.055.

A REGULATION relating to elections; making various changes relating to absent ballots; making various changes to provisions relating to petitions proposing a statute, an amendment to a statute or an amendment to the Constitution; making various other changes relating to elections; and providing other matters properly relating thereto.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive of this regulation.

Sec. 2. *In the case of a petition that proposes a statute, an amendment to a statute or an amendment to the Constitution of this State:*

1. If more than 500 names have been signed on the documents submitted to a county clerk and signatures on the petition were gathered from more than one county within the petition district, the Secretary of State will determine the number of signatures that the county

clerk is required to verify pursuant to subsection 2 of NRS 293.1277 based on the percentage of signatures collected in that county for the petition district.

2. If a county comprises more than one petition district, in completing the statistical sampling required pursuant to NRS 293.1277, when a county clerk is determining the number of registered voters who signed the petition for each petition district contained fully or partially within the county, the county clerk shall count the signature of a registered voter regardless of whether the registered voter indicated on the petition the correct petition district in which the registered voter resides.

3. In completing the certificate showing the results of a county clerk's examination of signatures required pursuant to NRS 293.1277, the county clerk shall report to the Secretary of State the number of registered voters who signed the petition for each petition district contained fully or partially within the county regardless of whether the registered voters indicated on the petition the correct petition districts in which they reside. If a petition district comprises more than one county, the Secretary of State will determine based on the certificates submitted by all county clerks of counties contained fully or partially within the petition district the number of registered voters who signed the petition for the petition district.

Sec. 3. 1. *On each voting day during the period for early voting described in NRS 293.3568, the county clerk shall notify the Secretary of State by facsimile or electronic mail:*

(a) If the opening or closing of any permanent polling place located within the jurisdiction of the county clerk was delayed. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the delay occurs and must include, without limitation, an explanation of the reason for the delay.

(b) Of the number of persons who cast ballots on that day at each permanent polling place located within the jurisdiction of the county clerk. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the close of all permanent polling places located within the jurisdiction of the county clerk.

2. If a county clerk reports a delay of an opening or closing of a polling place pursuant to paragraph (a) of subsection 1, the county clerk shall inform the Secretary of State when the delay has been cured and the polling place has opened or closed, as the case may be. The notification required pursuant to this subsection must be sent to the Secretary of State as soon as practicable after the opening or closing, as the case may be, of the polling place.

3. On the last day of the period for early voting described in NRS 293.3568, the county clerk shall notify the Secretary of State by facsimile or electronic mail at the time when all polling places within the jurisdiction of the county clerk closed that day. The notification required pursuant to this subsection must be sent to the Secretary of State as soon as practicable after the close of all permanent polling places located within the jurisdiction of the county clerk.

Sec. 4. 1. *On election day for each election other than a city election, the county clerk shall notify the Secretary of State by facsimile or electronic mail:*

(a) Except as otherwise provided in paragraph (b), of the time at which each polling place within the jurisdiction of the county clerk opened on election day. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the opening of all polling places within the jurisdiction of the county clerk.

(b) If the opening or closing of any polling place was delayed on that day. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as

practicable after the delay occurs and include, without limitation, an explanation of the reason for the delay.

(c) Of the time at which each polling place within the jurisdiction of the county clerk closed that day and all registered voters waiting to vote at the time the polls closed have voted. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the closing of all polling places within the jurisdiction of the county clerk.

2. If a county clerk reports a delay of an opening or closing of a polling place pursuant to paragraph (b) of subsection 1, the county clerk shall inform the Secretary of State when the delay has been cured and the polling place has opened or closed, as the case may be. The notification required pursuant to this subsection must be sent to the Secretary of State as soon as practicable after the opening or closing, as the case may be, of the polling place.

3. A county clerk shall not report on election day any unofficial results of election returns related to a candidate for statewide or multicounty office or a statewide or multicounty ballot question until the Secretary of State:

(a) Receives the notification required pursuant to paragraph (c) of subsection 1 from every county clerk; and

(b) Notifies the county clerk that the county clerk may report such unofficial results.

Sec. 5. If a county clerk or the authorized representative of a county clerk sends an absent ballot by approved electronic transmission, the county clerk or the county clerk's authorized representative shall:

1. Cause a unique identification number to be included on the absent ballot.

2. Record in the absent ballot record:

(a) The name of each voter who requested an absent ballot by approved electronic transmission, the voter's precinct or district, the voter's political affiliation, if any, and the unique identification number of the absent ballot.

(b) The method of approved electronic transmission used by the county clerk or the county clerk's authorized representative to send the absent ballot, including, without limitation, the destination of the absent ballot, such as the facsimile transmission number or electronic mailing address, as applicable, to which the county clerk or the county clerk's authorized representative sent the absent ballot.

(c) The date and time that the county clerk or the county clerk's authorized representative sent the absent ballot to the voter by approved electronic transmission.

(d) The initials of the person who sent the absent ballot to the voter.

3. Maintain the original ballot card in a secured area where access is allowed only with the approval of the county clerk.

Sec. 6. 1. An absent ballot sent to a voter by approved electronic transmission must:

(a) Contain instructions for marking the absent ballot.

(b) Contain instructions for returning the absent ballot by approved electronic transmission, including, without limitation, the:

(1) Facsimile transmission number or electronic mail address, as applicable, that the voter may use to return the absent ballot.

(2) Deadline for returning the absent ballot by approved electronic transmission to the county clerk.

(c) Contain the contact information of the county clerk or an authorized representative of the county clerk who will be available during normal business hours to answer questions from

the voter concerning the absent ballot. Such information must include, without limitation, the county clerk or authorized representative's name, address, phone number, facsimile transmission number and electronic mail address.

(d) Instruct the voter that the absent ballot may not be used by another voter or duplicated.

(e) Instruct the voter to read and sign the oath required pursuant to subsection 3 of NRS 293.3157.

(f) Contain a statement that failure to sign the oath required pursuant to subsection 3 of NRS 293.3157 will result in the absent ballot not being counted.

(g) Contain any other information required by the Secretary of State or county clerk.

2. Except as otherwise provided in NRS 293.309, an absent ballot and the information required pursuant to subsection 1 must be written on a form 8 1/2 x 11 inches in size and printed in a size equal to at least 10-point black type on a white background.

Sec. 7. 1. To be counted, an absent ballot must be received by the office of the county clerk by 7 p.m. on the day of the election.

2. The county clerk shall place each rejected absent ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the rejection of the absent ballot.

3. When an absent ballot is returned to the county clerk, the county clerk shall:

(a) Record the receipt of the absent ballot in the absent ballot record; and

(b) If the absent ballot is returned by approved electronic transmission and the voter requests confirmation of receipt of the absent ballot, send a confirmation to the voter using approved electronic transmission.

4. The county clerk shall check the signature on the return envelope, facsimile or other electronic document, as applicable, of the absent ballot against the original signature of the voter on his or her application to register to vote. Each county clerk shall establish a procedure for duplicating absent ballots received pursuant to this section that must be approved by the Secretary of State before it is used by the county clerk.

5. If a voter returns more than one voted absent ballot for the same election and the county clerk receives all such absent ballots before the polls are closed on the day of the election, the county clerk shall count the absent ballot received first.

Sec. 8. *Not later than 60 days after the date of an election, a county clerk shall report to the Secretary of State, in the form prescribed by the Secretary of State:*

1. The number of absent ballots for that election that the county clerk sent using approved electronic transmission.

2. The number of absent ballots for that election that were returned by voters using approved electronic transmission.

3. The number of absent ballots described in subsection 2 which were counted by the county clerk.

Sec. 9. *1. Each voter registration agency shall designate one employee in each of its offices to be responsible for providing oversight and direction, as necessary, to ensure that the voter registration agency is in compliance with the provisions of 42 U.S.C. §§ 1973gg-1 et. seq.*

2. An employee designated pursuant to subsection 1 shall:

(a) In cooperation with the county clerks and registrars of voters, conduct training programs once every 6 months to familiarize the employees of the voter registration agency with the required procedures for registering voters through the voter registration agency.

(b) Review each completed application to register to vote that is received by the voter registration agency.

(c) Transmit completed applications to register to vote to the county clerk or registrar of voters.

(d) Ensure that the voter registration agency maintains an adequate supply of applications to register to vote and other materials related to voter registration.

3. The Secretary of State will provide:

(a) Annual training to employees designated pursuant to this section on the provisions of 42 U.S.C. §§ 1973gg-1 et seq.

(b) Any materials that are necessary for employees designated pursuant to this section to conduct training programs pursuant to paragraph (a) of subsection 2. The Secretary of State will ensure that any such materials are updated, as necessary.

Sec. 10. NAC 293.040 is hereby amended to read as follows:

293.040 1. The Secretary of State will ~~;~~

~~(a) Not~~ *not* later than November 15 of the year before the year in which a primary election is held, prepare and send to each county clerk a written notice which designates the judicial, *statewide and multicounty district* offices for which candidates are to be nominated at the primary election. ~~;~~ ~~and~~

~~—(b) Not later than March 15 of the year in which a primary election is held, prepare and send to each county clerk a written notice which designates the statewide and multicounty district offices for which candidates are to be nominated at the primary election.]~~

2. Within 10 days after receipt of a notice required to be sent pursuant to subsection 1, the county clerk shall publish once in a newspaper published in his *or her* county that portion of the

notice which applies to his *or her* county. If no newspaper is published in his *or her* county, the publication must be made in any newspaper of general circulation which is published in the nearest county of this State.

Sec. 11. NAC 293.182 is hereby amended to read as follows:

293.182 1. A person who submits a petition that consists of more than one document to the county clerk for verification of the signatures shall sequentially number each page of each document in the petition, beginning with the number 1.

2. If a petition consists of more than one document, each of those documents must, in addition to any other requirements:

(a) Contain sequentially numbered spaces for:

(1) The name of each person signing the petition.

(2) The signature of the person signing the petition.

(3) The street address of the residence where the person signing the petition actually resides, unless a street address has not been assigned. If a street address has not been assigned, the document may contain the mailing address of the person signing the petition.

(4) The name of the county where the person is a registered voter.

(5) The date of the signature.

~~[(6) If the petition is a municipal initiative or referendum proposed pursuant to NRS 295.195 to 295.220, inclusive, the name of the city in which the person signing the petition is registered to vote.]~~

(b) Have attached to it, when filed, an affidavit signed by the person who circulated the document in substantially the following form:

STATE OF NEVADA

COUNTY OF _____

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) ~~that I believe them to be genuine signatures; and~~(6) that I believe each person who signed was at the time of signing a registered voter in the county of his *or her* residence ~~[-]~~ ; *and (6) that the number of signatures affixed thereon is _____.*

Signature of circulator

Subscribed and sworn to or affirmed

before me this ____ day of _____, _____.

Notary public or other person licensed

to administer an oath

3. Any document of a petition may consist of more than one page. If a document consists of more than one page:

(a) Each page, including a blank signature page, must be numbered sequentially, beginning with the number 1 for each document;

(b) All the pages must be ~~permanently~~ stapled, bound or attached *in a similar manner that does not include the use of paper clips, rubber bands or binder clips and must be placed* in numerical order; and

(c) The affidavit required by paragraph (b) of subsection 2 must appear on the last pages of the document.

4. As used in this section, “petition” means a petition containing signatures which are required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, ~~295.056,~~ 298.109, *306.015*, 306.035 or 306.110.

Sec. 12. NAC 293.187 is hereby amended to read as follows:

293.187 An alternative format for the purposes of providing information concerning elections, information concerning how to register to vote and information concerning the manner of voting for use by a person who is elderly or a person with a disability pursuant to NRS 293.469 includes, without limitation:

1. An audio tape;
2. The telephone;
3. A telecommunications device that is accessible to a person who is deaf;
4. An Internet site ; ~~that has been approved by Bobby WorldWide at~~ <http://www.cast.org/bobby/Approval1504.cfm;> or
5. A closed-captioned video.

Sec. 13. NAC 293.200 is hereby amended to read as follows:

293.200 1. The Secretary of State will reimburse the counties for the cost of the basic stock for ballots. Reimbursement will not be made for setup and other costs, including the cost of personalized printing, stitching, binding or numbering of the ballots.

2. Payment will be made after a claim of cost is presented to the Secretary of State. A county clerk shall present the claim :

(a) For the cost of the basic stock for ballots for the primary election not later than June 30 of the year in which the general election is held.

(b) For the cost of the basic stock for ballots for the general election not later than December 31 of ~~the~~ the year in which ~~the~~ the general election is held.

↳ A manufacturer's invoice showing an itemized list of all charges must accompany the claim.

The Secretary of State will not pay claims presented more than 30 days after ~~December 31 of the year in which the general election was held.~~ *the date that the claim is required to be presented pursuant to paragraph (a) or (b).*

Sec. 14. NAC 293.245 is hereby amended to read as follows:

293.245 1. Subject to the provisions of subsections 2 to 6, inclusive, any person may observe the conduct of voting at a polling place.

2. Before observing the conduct of voting at a polling place pursuant to subsection 1, a person must sign a form prescribed by the Secretary of State stating that the person, during the time ~~he~~ *the person* observes the conduct of voting:

(a) May not talk to voters within the polling place;

(b) May not use a mobile telephone *or computer* within the polling place;

(c) May not advocate for or against a candidate, political party or ballot question;

(d) May not argue for or against or challenge any decisions of county or city election personnel;

(e) May not interfere with the conduct of voting; and

(f) May be removed from the polling place by the county or city clerk for violating any provision of title 24 of NRS or any of the provisions of paragraphs (a) to (f), inclusive.

3. The county or city clerk may, at his *or her* discretion, remove from a polling place a person observing the conduct of voting pursuant to this section for violating any provision of title 24 of NRS or any of the provisions of paragraphs (a) to (f), inclusive, of subsection 2.

4. A person observing the conduct of voting at a polling place pursuant to subsection 1 must comply with the same requirements that apply to members of the general public pursuant to NRS 293.274, 293.305 and 293.730.

5. A person observing the conduct of voting at a polling place pursuant to subsection 1 may remain in the designated area in the polling place after the polls close pursuant to NRS 293.273 so as to observe the closing of the polling place. The person shall not interfere with the closing of the polling place.

6. A person observing the conduct of voting at a polling place pursuant to subsection 1 may remain in an area designated by the ~~{chairman}~~ *chair* of the election board to observe the activities conducted at the polling place without interfering with the voting. The designated area must allow for meaningful observation, but must not be located in an area that would allow an observer to infringe on the privacy and confidentiality of the ballot of the voter.

7. As used in this section, “advocate” includes, without limitation, speaking, displaying or disseminating written material and wearing identifying clothing, buttons or other paraphernalia.

Sec. 15. NAC 293.270 is hereby amended to read as follows:

293.270 1. A person who completes the written affirmation required by NRS 293.3082 must be provided with a provisional ballot, regardless of whether the person is at the wrong polling place or precinct.

2. If an election official becomes aware that a person appearing to vote is a registered voter who has appeared to vote in the wrong polling place, the election official must inform the person of the location of the correct polling place for the person. The election official must also inform the person that although a provisional ballot may be cast at the incorrect precinct, the provisional ballot will not be counted unless the *requirements of subsection 3 are satisfied and the* voter casts the provisional ballot at a polling place that is located in the congressional district in which the voter resides.

3. A county clerk shall count a provisional ballot if the county clerk determines that all the following requirements were satisfied by the date of the election for which the provisional ballot was cast:

- (a) The voter was properly registered in the county where the provisional ballot was cast;
- (b) The voter was a citizen of the United States;
- (c) The voter was 18 years of age or older;
- (d) The voter had continuously resided in the county where he *or she* registered to vote for at least 30 days;
- (e) The voter had continuously resided in the precinct for which he *or she* registered to vote for at least 10 days;
- (f) The voter had not been convicted of a felony or, if the voter had been convicted of a felony, the civil rights of the voter had been lawfully restored;
- (g) The voter signed the required affirmation;

(h) If the provisional ballot was cast at a polling place, the voter did not cast any other ballot, including an absent or mail-in ballot;

(i) If the voter did not show proof of residence and identity at the time he *or she* registered to vote, that the voter provided official identification establishing residence and identity by 5 p.m. on the Friday following election day;

(j) The voter cast the provisional ballot at a polling place that was authorized to accept a ballot for the congressional district in which the voter resides; and

(k) The provisional ballot cast listed the correct federal offices for the congressional district in which the voter resides.

4. The county clerk shall, not earlier than 5 p.m. on the Friday immediately following election day, post and submit to the Secretary of State the totals of provisional votes counted. The county clerk shall post and submit the updated results in the same manner and form as election day results.

Sec. 16. NAC 293.301 is hereby amended to read as follows:

293.301 ~~[1.—A registered voter of this State who resides outside the continental United States and who uses a facsimile machine to request an absent ballot must request the absent ballot from the appropriate county clerk before 5 p.m. on the Tuesday preceding the election in which he wishes to vote.~~

~~—2.]~~ A county clerk may use the electronic transmission network that is available through the *Federal* Voting Assistance Program of the United States Department of Defense to send an absent ballot to a registered voter who requests ~~[a]~~ *an absent* ballot ~~[in accordance with subsection 1.~~

~~3.—After receipt of a request for an absent ballot, the county clerk shall confirm that the person requesting the absent ballot is a registered voter in his county. If the person is a registered voter, the county clerk shall:~~

~~—(a) Use a facsimile machine to send the absent voter a ballot card and a cover sheet;~~

~~—(b) Record the number of the ballot card, the name of the absent voter, his precinct or district, and his political affiliation, if any, in the roster for absent ballots;~~

~~—(c) Record the destination of the ballot and the date that the ballot was sent; and~~

~~—(d) Maintain the original ballot card in a secured area where access is allowed only with the approval of the county clerk.~~

~~—4.—The cover sheet must:~~

~~—(a) Contain instructions for marking the ballot;~~

~~—(b) Contain instructions for returning the ballot;~~

~~—(c) Instruct the voter to read and sign the statement required pursuant to subsection 5 and to sign the back of the mailing envelope, if applicable; and~~

~~—(d) Contain a statement that failure to sign the back of the mailing envelope, if applicable, will result in the ballot not being counted.~~

~~—5.—The absent voter must sign and return with his ballot a statement in substantially the following form:~~

~~—I understand that I am receiving this ballot via facsimile machine and that I must return it, either by mail or facsimile machine, to the county clerk or registrar of voters by 7 p.m. on the day of the election. I understand that my marked ballot will be duplicated onto a ballot card so that it can be counted by a computer and that this duplication could violate~~

~~the secrecy of my ballot. I therefore swear or affirm that I am waiving the secrecy of my ballot.~~

~~—6.— The absent ballot must be received by the office of the county clerk by 7 p.m. on the day of the election. An absent ballot received after 7 p.m. must not be counted. The county clerk shall place each rejected absent ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the rejection of the ballot.~~

~~—7.— When an absent ballot is returned by mail or facsimile machine, the county clerk shall make a record in the absent ballot record book. The county clerk shall check the signature on the return envelope or facsimile against the original signature of the voter on his application to register to vote. Each county clerk shall establish a procedure for duplicating absent ballots received pursuant to this section that must be approved by the Secretary of State before it is used by the county clerk.~~

~~—8.— If a voter who is living outside of the United States returns a voted ballot both by mail and by facsimile machine and the county clerk receives both ballots before the polls are closed on the day of the election, the county clerk shall count the ballot received first.]~~ *pursuant to NRS 293.3157.*

Sec. 17. NAC 293.307 is hereby amended to read as follows:

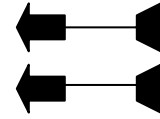
293.307 1. Each county clerk or city clerk shall provide, with each absent ballot, instructions that must include the following:

If you make a mistake or change your mind while voting this ballot, **do not use correction fluid or tape**. Simply cross out the name of the candidate you **do not** wish to vote for and

connect the arrow of the candidate you **do** wish to vote for. See example below. Call **XXX-XXXX** for assistance if needed.

~~George Washington~~

Ben Franklin



2. A county clerk or city clerk shall not duplicate any absent ballot ~~[pursuant to NAC 293.301 or 293C.180]~~ which the voter has marked to indicate a correction or on which the voter has used correction tape or fluid unless the clerk determines that no ambiguity exists as to the intent of the voter.

Sec. 18. NAC 293.335 is hereby amended to read as follows:

293.335 1. A county abstract must contain:

- (a) The name of the county.
- (b) The title of the election.
- (c) The date of the election.
- (d) The information required by NRS 293.387, 293.393 and 293.395.
- (e) The title of the office.
- (f) The name of the candidate as it appeared on the ballot.
- (g) ~~[The candidate's party affiliation or nonpartisan office.~~
- ~~—(h)]~~ The number of registered voters in each precinct.
- ~~[(+)]~~ **(h)** The number of ballots cast in each precinct.
- ~~[(+)]~~ **(i)** The number of votes cast for each candidate in each precinct.

~~(k)~~ (j) The total for all precincts of the items set forth in paragraphs (g), (h) ~~(j)~~ and (i).
~~and (j)~~.

~~(k)~~ (k) The number of each ballot question.

~~(m)~~ (l) The number of “Yes” votes and “No” votes in each precinct for each ballot question.

~~(n)~~ (m) The total number of “Yes” votes and “No” votes for each ballot question in all precincts.

2. When preparing the county abstract, the county clerk may include all precincts containing less than 10 registered voters in one precinct.

Sec. 19. NAC 293.341 is hereby amended to read as follows:

293.341 A mechanized report of an abstract of votes, as required by NRS 293.387 and 293.395, must be transmitted to the Secretary of State. The Secretary of State will, not later than March 1 of each year ~~(j)~~ *in which the general election is held*, notify each county clerk of the specifications for the mechanized report of the abstract of votes required pursuant to this section.

Sec. 20. NAC 293.410 is hereby amended to read as follows:

293.410 1. A voter registration agency shall place in a conspicuous position in each of its offices a sign which indicates that a person may register to vote in that office.

2. A registered voter may change his *or her* name, address or political party affiliation on the application to register to vote.

3. The information required by the application to register to vote must be printed in black or blue ink with a ballpoint pen.

4. A voter registration agency may not accept an application to register to vote which includes any erasure of or line drawn through information provided by the applicant relating to ~~[his]~~ *the* political party affiliation ~~[]~~ *of the applicant.*

5. A voter registration agency shall include with each application to register to vote or group of applications which is transmitted to the county clerk or registrar of voters a transmittal form prescribed and provided by the ~~[agency-]~~ *Secretary of State.*

6. A voter registration agency shall not void an application unless the applicant is present. If the agency voids an application, the agency shall:

- (a) Write or stamp the word “void” on the front of the application;
- (b) Forward the voided application to the county clerk; and
- (c) Maintain a record of the voided application.

7. A voter registration agency shall ascertain whether a file stamp obliterates the portion of the application reserved for the applicant’s signature. If a file stamp does obliterate this portion, the voter registration agency shall issue a new application to the applicant.

8. Before each application completed by an employee of the ~~[Department]~~ *voter registration agency* is forwarded to the county clerk or registrar of voters, it must be reviewed by ~~[a-second]~~ *the* employee of the ~~[Department]~~ *voter registration agency designated pursuant to section 9 of this regulation* who shall determine whether the application is legible. If the employee determines that an application is illegible, he *or she* shall cause a computer-generated copy of the information contained in the records relating to the applicant’s driver’s license or identification card to be attached to the application.

9. ~~[A voter registration agency shall, in cooperation with the county clerks and registrar of voters, conduct training programs once every 6 months to familiarize the employees of the agency with the required procedures for registering voters through the agency.]~~

~~—10.]~~ A voter registration agency shall, *in a form prescribed by the Secretary of State*, maintain a record of the ~~[transmittal of each application to the county clerk or registrar of voters pursuant to the agency's schedule for the retention and disposal of records.]~~ *number of persons who decline to register to vote when applying for or receiving services or assistance from the agency or when submitting an application for recertification, renewal or a change of address related to such services or assistance.*

~~[11.]~~ 10. A voter registration agency shall stamp the original and the voter's ~~[copy of]~~ *receipt from* the completed application with the date ~~[of receipt.]~~ *that the completed application is received by the agency.* Except as otherwise provided in this subsection, the stamp used by the agency must not include the name of the agency. ~~[The stamp used by the Department may include the name of the Department.]~~

Sec. 21. NAC 293.412 is hereby amended to read as follows:

293.412 1. A county clerk ~~[:]~~ *shall:*

(a) ~~[May maintain]~~ *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]~~ *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. A city or county clerk is not required to send a sample ballot to an inactive voter.

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

Sec. 22. NAC 293.414 is hereby amended to read as follows:

293.414 1. The Secretary of State will immediately provide the county clerks with any information ~~he~~ *the Secretary of State* 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~~ *the county clerk* 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~~ *the Secretary of State* receives regarding a person convicted of a felony who has had his *or her* right to vote restored and is currently eligible to register to vote.

4. A county clerk may, for purposes of determining whether a person applying to register to vote who was convicted of a felony has had his *or her* right to vote restored and is currently eligible to register, rely on:

(a) The information received from the Secretary of State pursuant to subsection 3;

- (b) An order of any federal or state court restoring the right to vote to the applicant;
- (c) A document issued to the applicant by a penal agency of the State of Nevada, any other state or the Federal Government verifying that the right to vote of the applicant has been restored; or
- (d) A document issued by a penal agency of the State of Nevada, any other state or the Federal Government verifying that the applicant received a pardon or was discharged from probation, parole or prison before July 1, 2003.

5. If a county clerk has reason to believe that a document described in subsection 4 is invalid or forged, the county clerk shall attempt to verify the document. The county clerk must accept the document as legitimate unless ~~he~~ *the county clerk* can verify that the document is invalid or forged.

6. If a county clerk does not receive a document described in subsection 4 within 15 days after a person who was convicted of a felony applies to register to vote, the county clerk shall reject the application of the person to register to vote. A person whose application to register to vote is rejected pursuant to this subsection may submit a new application to register to vote.

Sec. 23. NAC 293.440 is hereby amended to read as follows:

293.440 1. ~~The~~ *A county clerk, a field registrar, an employee of a voter registration agency, a person assisting an applicant to register to vote or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote* shall not alter or deface a blank application form in any way other than by addressing the form to the applicant and affixing postage.

2. Such an application must not be marked, stamped, or partially or fully completed by anyone other than:

- (a) An applicant who is attempting to register to vote; or
- (b) Another person who is assisting the applicant after being requested by the applicant to do

so.

Sec. 24. NAC 293B.090 is hereby amended to read as follows:

293B.090 1. Before and after each election, as provided in NRS 293B.140 to 293B.170, inclusive, the county clerk in a county using a mechanical voting system shall ensure that each mechanical recording device which directly records votes electronically, each VVPAT 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 clerk shall, in the course of performing ~~his~~ *the* other tests of the system, conduct a test to ascertain that the VVPAT correctly records on the paper record the selection made on the mechanical voting device for all offices and all measures on the ballot. If a county clerk is required to conduct an election in more than one language, the test ballots must be processed in each required language.

3. A county clerk shall conduct the test required pursuant to subsection 2 by:

(a) Processing on a mechanical recording device, during the periods prescribed in NRS 293B.150 and 293B.165, a group of logic and accuracy test ballots voted so as to record:

- (1) A vote for each candidate and a vote for and against each measure on the ballot;
- (2) A vote for “None of these candidates” for all statewide contests;
- (3) “No selection made” for each contest and ballot measure; and

(4) In all contests in which a voter may vote for more than one candidate, each option available to the voter, from “No selection made” to the total number of candidates a voter may select.

(b) Comparing the paper record with the contests and candidate names required to be on the ballot to ensure the paper record is accurately recording and reflecting the selections made on the mechanical recording device.

4. If any error is detected during the test required pursuant to subsection 2, the error must be immediately reported to the Secretary of State. The cause of the error must be ascertained and corrected and an errorless count must be made before the particular mechanical recording device or VVPAT is approved for use in the election or certified for accuracy in the official counting of the ballots.

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

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

6. 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 *or her* vote in each contest;
- (c) A method for a voter to change his *or her* 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 *or her* selections and make changes before the ballot is cast;

(h) A notice advising the voter to confirm his *or her* selections before casting his *or her* ballot and informing ~~him~~ *the voter* that casting the ballot is irrevocable;

(i) A verification that the vote has been cast; ~~and~~

(j) *A paper record of each vote that is cast; and*

(k) *An electronic record of each ballot stored by the mechanical voting system.*

7. 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.

8. Persons authorized to observe the tests conducted pursuant to NRS 293B.150 and 293B.165 must not interfere with the conduct of such tests. The results of the tests conducted pursuant to this section are confidential pursuant to NRS 293B.155.

Sec. 25. NAC 293B.130 is hereby amended to read as follows:

293B.130 1. Subject to the provisions of subsections 2, 3 and 4, any person may observe a test conducted pursuant to NRS 293B.155 in an area designated by the county clerk.

2. Before observing a test pursuant to subsection 1, a person must sign a form stating that the person, during the time he *or she* observes the test:

- (a) May not talk to county election personnel;
- (b) May not take photographs within the designated area;
- (c) May not use a mobile telephone *or computer* within the designated area;
- (d) May not advocate for or against a candidate, political party or ballot question;
- (e) May not argue for or against or challenge any decisions of county election personnel;
- (f) May not interfere with the test being conducted; and
- (g) May be removed from the designated area by the county clerk for violating any provision

of title 24 of NRS or any of the provisions of paragraphs (a) to (f), inclusive.

3. The county clerk may, at his *or her* discretion, remove from the designated area a person observing a test pursuant to this section for violating any provision of title 24 of NRS or any of the provisions of paragraphs (a) to (f), inclusive, of subsection 2.

4. A person observing a test pursuant to this section must comply with the same requirements that apply to members of the general public pursuant to NRS 293.274, 293.305 and 293.730.

5. As used in this section, “advocate” includes, without limitation, speaking, displaying or disseminating written material and wearing identifying clothing, buttons or other paraphernalia.

Sec. 26. Chapter 293C of NAC is hereby amended by adding thereto the provisions set forth as sections 27 to 30, inclusive, of this regulation.

Sec. 27. *If a city clerk or the authorized representative of a city clerk sends an absent ballot by approved electronic transmission, the city clerk or the city clerk’s authorized representative shall:*

1. Cause a unique identification number to be included on the absent ballot.

2. Record in the absent ballot record:

(a) The name of each voter who requested an absent ballot by approved electronic transmission, the voter's precinct or district, the voter's political affiliation, if any, and the unique identification number of the absent ballot.

(b) The method of approved electronic transmission used by the city clerk or the city clerk's authorized representative to send the absent ballot, including, without limitation, the destination of the absent ballot, such as the facsimile transmission number or electronic mailing address, as applicable, to which the city clerk or the city clerk's authorized representative sent the absent ballot.

(c) The date and time that the city clerk or the city clerk's authorized representative sent the absent ballot to the voter by approved electronic transmission.

(d) The initials of the person who sent the absent ballot to the voter.

3. Maintain the original ballot card in a secured area where access is allowed only with the approval of the city clerk.

Sec. 28. 1. An absent ballot sent to a voter by approved electronic transmission must:

(a) Contain instructions for marking the absent ballot.

(b) Contain instructions for returning the absent ballot by approved electronic transmission, including, without limitation, the:

(1) Facsimile transmission number or electronic mail address, as applicable, that the voter may use to return the absent ballot.

(2) Deadline for returning the absent ballot by approved electronic transmission to the city clerk.

(c) Contain the contact information of the city clerk or an authorized representative of the city clerk who will be available during normal business hours to answer questions from the voter concerning the absent ballot. Such information must include, without limitation, the city clerk or authorized representative's name, address, phone number, facsimile transmission number and electronic mail address.

(d) Instruct the voter that the absent ballot may not be used by another voter or duplicated.

(e) Instruct the voter to read and sign the oath required pursuant to subsection 3 of NRS 293.3157.

(f) Contain a statement that failure to sign the oath required pursuant to subsection 3 of NRS 293.3157 will result in the absent ballot not being counted.

(g) Contain any other information required by the Secretary of State or city clerk.

2. Except as otherwise provided in NRS 293.309, an absent ballot and the information required pursuant to subsection 1 must be written on a form 8 1/2 x 11 inches in size and printed in a size equal to at least 10-point black type on a white background.

Sec. 29. 1. To be counted, an absent ballot must be received by the office of the city clerk by 7 p.m. on the day of the election.

2. The city clerk shall place each rejected absent ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the rejection of the absent ballot.

3. When an absent ballot is returned to the city clerk, the city clerk shall:

(a) Record the receipt of the absent ballot in the absent ballot record; and

(b) If the absent ballot is returned by approved electronic transmission and the voter requests confirmation of receipt of the absent ballot, send a confirmation to the voter using approved electronic transmission.

4. The city clerk shall check the signature on the return envelope, facsimile or other electronic document, as applicable, against the original signature of the voter on his or her application to register to vote. Each city clerk shall establish a procedure for duplicating absent ballots received pursuant to this section that must be approved by the Secretary of State before it is used by the city clerk.

5. If a voter returns more than one voted absent ballot for the same election and the city clerk receives all such absent ballots before the polls are closed on the day of the election, the city clerk shall count the absent ballot received first.

Sec. 30. *Not later than 60 days after the date of an election, a city clerk shall report to the election board:*

1. The number of absent ballots for that election that the city clerk sent using approved electronic transmission.

2. The number of absent ballots for that election that were returned by voters using approved electronic transmission.

3. The number of absent ballots described in subsection 2 which were counted by the city clerk.

Sec. 31. NAC 293C.090 is hereby amended to read as follows:

293C.090 1. Preceding every ballot question to be voted upon must be a number, to be assigned by the city clerk, in ~~[type not smaller than 24 point]~~ boldface type.

2. 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 that enables a voter to vote “Yes” or “No” upon the question submitted.

Sec. 32. NAC 293C.100 is hereby amended to read as follows:

293C.100 1. Each city clerk shall prepare for each precinct a quantity of ballots at least equal to the number of registered voters in the precinct.

2. For the purposes of this section, to determine the number of registered voters in a precinct for:

(a) A primary election, the city clerk shall use the number of voters who are registered ~~on June 30~~ *90 days* immediately preceding the date of the primary election.

(b) A general election, the city clerk shall use the number of voters who are registered ~~on August 31~~ *90 days* immediately preceding the date of the general election.

(c) A recall election, the city clerk shall use the number of voters who are registered on the date the call for the recall election is issued pursuant to NRS 306.040.

(d) Any special election other than a recall election, the city clerk shall use the number of voters who are registered 60 days before the date of the special election.

Sec. 33. NAC 293C.140 is hereby amended to read as follows:

293C.140 1. At least 2 days before any election, every city clerk shall prepare the following supplies for each polling place:

(a) One flag of the United States.

(b) ~~Cards for providing:~~

~~(1) The appropriate warning regarding interference with the conduct of the election.~~

~~(2) Notice of the law prohibiting voting more than once.~~

~~—— (3) Notice of the law prohibiting electioneering within 100 feet from the entrance to the voting area or the building or other structure in which a~~ *Any notices or other materials required to be posted at each* polling place ~~[is located, as applicable.]~~ *pursuant to NRS 293.177, 293.2549, 293.2955, 293.301, 293.302, 293.3025, 293.361, 293.740 and 293.780.*

(c) One copy of the statutes and regulations governing elections, or one copy of a compilation of the statutes and regulations governing elections.

(d) If a procedure for bilingual voting is used in the city, the required notices in the appropriate foreign language.

2. The city clerk may prepare for each polling place any additional supplies ~~[he]~~ *the city clerk* considers necessary or desirable for carrying out the election.

3. On or before the day preceding the day of a city election, each city clerk may deliver the election supplies to a person designated by the *city* clerk for further distribution. The election supplies may be delivered in sealed containers and may include any other accountable items. The designated person shall sign a receipt for all of the items received. ~~[by him.]~~ The designated person shall immediately, and in a safe manner, distribute the election supplies to those members of election boards who are designated by the city clerk to receive and take custody of the supplies. The designated person shall obtain a signed receipt from each member of an election board to whom the sealed container or any other accountable item is delivered.

4. When an election board accepts delivery of election supplies, it shall check the supplies against the list of inventory and immediately notify the city clerk of any shortage. The city clerk shall immediately correct the shortage.

5. At each polling place within the city, the city clerk shall provide a quantity of booths that is sufficient to allow voters to vote their ballots conveniently and in a manner that allows their voting to be screened from the view of others.

6. Each of the booths must, during the election, be provided with the necessary supplies for voting ballots, and must be sufficiently lighted to enable voters to read clearly all of the printing on ballots or ballot page assemblies and to enable members of election boards to perform their duties.

7. Before opening the polls, the members of the election board shall carefully inspect the ballot box to ensure that nothing remains in the ballot box from a previous election. The ballot box must be locked after the inspection, and the key to any lock on the ballot box must be delivered to the ~~chairman~~ *chair* of the election board or, if there is no lock, the ballot box must be sealed by a seal approved by the Secretary of State. The ballot box must not be opened during the election except as otherwise provided in NRS 293C.625.

Sec. 34. NAC 293C.150 is hereby amended to read as follows:

293C.150 1. The ~~chairman~~ *chair* 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. *In polling places in which a mechanical voting system is not used:*

(a) The number of replacement ballots that may be issued to a voter who spoils his *or her* ballot may be decided, in good faith, by the election board.

~~{5.}~~

(b) The ~~{chairman}~~ *chair* of the election board shall make a record of the cancelled ballots. The envelope in which cancelled ballots are placed must be marked with the words “cancelled ballots.”

~~{6.}~~ 5. Any election board that receives mailing ballots from the city clerk shall follow the procedure prescribed for absent ballots in NRS 293C.332 and 293C.352.

~~{7.}~~ 6. When it is time to close the polls, a member of the election board shall proclaim that the polls are closed for voting.

~~{8.}~~ 7. After the completion of an election ~~{,all}~~:

(a) *In polling places in which a mechanical voting system is not used*, ballot boxes must be returned by the chief law enforcement officer of the city or representative of the city clerk and placed by him *or her* in a secure storage area designated and provided by the city clerk.

(b) *In polling places in which a mechanical voting system is used, all ballots and paper records of VVPATs must be returned by the chief law enforcement officer of the city or representative of the city clerk and placed by him or her in a secure storage area designated and provided by the city clerk.*

~~{9.}~~ 8. If an absent ballot central counting board is appointed, the members of the board shall meet at a place designated by the city clerk as soon as the polls close. The city council shall prepare abstracts of votes on a form that was submitted by the city clerk to and approved by the Secretary of State.

Sec. 35. NAC 293C.165 is hereby amended to read as follows:

293C.165 1. In addition to the requirements set forth in paragraph (a) of subsection 1 of NRS 293C.306, the form to request an absent ballot must:

(a) ~~Be 8 1/2 inches by 5 1/2 inches in size;~~

~~(b)~~ Include a line for:

- (1) The name of the registered voter requesting the absent ballot;
- (2) The signature of the registered voter requesting the absent ballot; and
- (3) A tracking number that consists of the:

(I) Control number of the application to register to vote assigned to the application by the Secretary of State pursuant to NAC 293.420; or

(II) Voter registration number that is generated by computer and assigned by the county clerk in a county where a computer is used to register voters; *and*

~~(c) Include a notice that sets forth the provisions of subsection 2; and~~

~~(d)~~ (b) Include the name and address of the city clerk of the city where the registered voter requesting the ballot resides.

2. A registered voter who receives an absent ballot may ~~not~~ vote at a polling place ~~unless he surrenders~~ *if the registered voter:*

(a) *Surrenders* the absent ballot to the city clerk or ~~his~~ *the* designee ~~of the city clerk; or~~

(b) *Complies with the requirements set forth in subsection 3 of NRS 293C.330.*

Sec. 36. NAC 293C.180 is hereby amended to read as follows:

293C.180 ~~1.—A registered voter of this State who resides outside the continental United States and who uses a facsimile machine to request an absent ballot must request the absent~~

~~ballot from the appropriate city clerk before 5 p.m. on the Tuesday preceding the election in which he wishes to vote.~~

~~—2.] A city clerk may use the electronic transmission network that is available through the *Federal* Voting Assistance Program of the United States Department of Defense to send an absent ballot to a registered voter who requests a ballot in accordance with ~~[subsection 1.~~~~

~~3.—After receipt of a request for an absent ballot, the city clerk shall confirm that the person requesting the absent ballot is a registered voter in his city. If the person is a registered voter, the city clerk may:~~

~~—(a) Use a facsimile machine to send the absent voter a ballot card and a cover sheet;~~

~~—(b) Record the number of the ballot card, the name of the absent voter and his precinct in the roster for absent ballots;~~

~~—(c) Record the destination of the ballot and the date that the ballot was sent; and~~

~~—(d) Maintain the original ballot card in a secured area where access is allowed only with the approval of the city clerk.~~

~~—4.—The cover sheet must:~~

~~—(a) Contain instructions for marking the ballot;~~

~~—(b) Contain instructions for returning the ballot;~~

~~—(c) Instruct the voter to read and sign the statement required pursuant to subsection 5 and to sign the back of the mailing envelope, if applicable; and~~

~~—(d) Contain a statement that failure to sign the back of the mailing envelope, if applicable, will result in the ballot not being counted.~~

~~—5.—The absent voter must sign and return with his ballot a statement in substantially the following form:~~

~~—I understand that I am receiving this ballot via facsimile machine and that I must return it, either by mail or facsimile machine, to the city clerk by 7 p.m. on the day of the election. I understand that my marked ballot will be duplicated onto a ballot card so that it can be counted by a computer and that this duplication could violate the secrecy of my ballot. I therefore swear or affirm that I am waiving the secrecy of my ballot.~~

~~—6.—The absent ballot must be received by the office of the city clerk by 7 p.m. on the day of the election. An absent ballot received after 7 p.m. must not be counted. The city clerk shall place each rejected absent ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the rejection of the ballot.~~

~~—7.—When an absent ballot is returned by mail or facsimile machine, the clerk shall make a record in the absent ballot record book. The city clerk shall check the signature on the return envelope or facsimile against the original signature of the voter on his application to register to vote. Each city clerk shall establish a procedure for duplicating absent ballots received pursuant to this section that must be approved by the Secretary of State before it is used by the city clerk.~~

~~—8.—The city clerk shall place each absent ballot in a separate envelope and record on the outside of the envelope the precinct number of the voter and that the ballot contained therein is an absent ballot sent to the voter by facsimile machine.~~

~~—9.—If a voter who is living outside of the United States returns a voted ballot both by mail and by facsimile machine and the city clerk receives both ballots before the polls are closed on the date of the election, the city clerk shall count the ballot received first.]~~ **NRS 293C.315.**

Sec. 37. NAC 293C.310 is hereby amended to read as follows:

293C.310 1. At least 2 days before any election, the city clerk shall prepare the following supplies for each precinct:

- (a) The election board register;
- (b) Copies of the roster ~~[and pollbook]~~ in such a quantity and form as the *city* clerk determines appropriate;
- (c) A quantity of mechanical voting devices that ensures an efficient flow of voters;
- (d) A container for transporting ballots that is equipped with a lock and key, numbered seal or other device that prevents unauthorized entry;
- (e) At least three copies of each sample ballot that pertains to the election;
- (f) A procedural checklist for election boards; and
- (g) One list of the inventory of the supplies provided to the election board, including a notation whether the supplies have been inserted into the container for transporting ballots.

2. Each city clerk may prepare for the precincts any additional supplies he *or she* considers necessary or desirable for carrying out the election.

Sec. 38. NAC 293C.320 is hereby amended to read as follows:

293C.320 1. Each member of the election board must be present in the polling place where ~~[he]~~ *the member* is to serve at least 45 minutes before the time the polling place is to open.

2. The election board shall set up the vote recording devices in a manner that creates the most efficient flow of voters.

3. The election board shall, *if applicable*, ensure that the correct ballot page assemblies have been properly inserted into the vote recording devices. As a check, the boards shall

compare a sample ballot for the particular precinct with the official ballot page assemblies being inserted into the recording devices to assure that they contain the same candidates and questions.

Sec. 39. NAC 293C.330 is hereby amended to read as follows:

293C.330 1. After a person is identified as being a registered voter ~~[.]~~ *and has signed the roster*, a member of the election board shall ~~[give him all appropriate ballot cards and a protective sleeve and shall record the number of the card or series of the card in the pollbook opposite the voter's name.~~

~~—2.—~~ ~~The election board shall direct each~~ *direct the* voter to a voting booth ~~[that contains a vote recording device that is appropriately]~~ equipped to handle the voter's ballot. ~~[card.~~

~~—3.]~~ **2.** A member of the election board shall not permit any person to enter a voting booth to vote until he *or she* 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 that is stapled to the pack of ballot cards.~~

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

~~—5.]~~ **3.** If it is obvious to the members of an election board that a voter is trying to delay an election by repeatedly ~~[spoiling his ballot cards,]~~ *voiding his or her selections and not casting a ballot, a member of* the election board *must warn the voter that such actions are unlawful and offer assistance if necessary. If the voter continues to attempt to delay the election, 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.]~~ , including, without limitation, removing the voter from the polling place if the county or city clerk has approved the removal.

4. 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 that constitutes an unauthorized attempt to influence the voters. ~~[During each examination, a special ballot card used to test the vote recording 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. 40. NAC 293C.340 is hereby amended to read as follows:

293C.340 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 city 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 city clerk.

3. The ~~[chairman]~~ *chair* of an election board is responsible for the safe delivery of the ~~[ballot cards]~~ *ballots and VVPATs* to the central place designated by the city 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 *results cartridges, VVPATs, mechanical recording devices and other essential election* supplies that

were furnished by the city clerk with the city clerk's inventory , ~~[and shall]~~ note any shortages ~~[.]~~ *and immediately notify the county and city clerk if any shortages are noted.* The ~~[chairman]~~ *chair* 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 city 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 that is attached to the card at one or two corners.~~

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

~~—(c) 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.]~~

Sec. 41. NAC 293C.390 is hereby amended to read as follows:

293C.390 1. There must be an adequate supply, as determined by the city clerk, of voting booths for each precinct.

2. The city clerk shall, at least 2 days before the day of any election, prepare the following supplies for each precinct:

(a) The election board register;

(b) Copies of the roster ~~and pollbook~~ in such a quantity and form as the *city* clerk determines appropriate;

(c) A container for transporting ballots that is equipped with a lock and key, numbered seal or other device that prevents unauthorized entry;

(d) At least three copies of each sample ballot that pertains to the election; and

(e) Such other supplies as are necessary for conducting the election.

3. The city clerk shall print, in plain type, sets of instructions for voters for obtaining and marking their ballots. On the day of an election, the election board shall post at least one set of instructions in each voting booth and at least three additional sets of instructions at places open to public view in or about the polling place.

4. The ~~chairman~~ *chair* of each election board shall require the members of ~~his~~ *the* board to prepare the ballots and any other supplies or equipment necessary for voting and may assign specific duties to the members of the election board to complete the preparation.

Sec. 42. Chapter 295 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Each document of a petition that proposes a statute, an amendment to a statute or an amendment to the Constitution of this State must bear the name of a county and petition district, and only registered voters of that county may sign the document.

2. If a county comprises more than one petition district, a petition that proposes a statute, an amendment to a statute or an amendment to the Constitution of this State must consist of a separate document for each petition district contained fully or partially within the county.

Sec. 43. NAC 295.020 is hereby amended to read as follows:

295.020 1. A person who submits a petition that consists of more than one document to the county clerk for verification of the signatures shall sequentially number each page of each document in the petition, beginning with the number 1.

2. If a petition for an initiative or referendum consists of more than one document, each document must, in addition to any other requirements, contain the full text of the proposed measure and:

(a) Include sequentially numbered spaces for:

(1) The name of each person who signs the petition.

(2) The signature of the person signing the petition.

(3) The street address of the residence where the person signing the petition actually resides, unless a street address has not been assigned. If a street address has not been assigned, the document may contain the mailing address of the person signing the petition.

(4) The name of the county where the person who signs is a registered voter.

(5) The date of the signature.

(6) If the petition is a municipal initiative or referendum proposed pursuant to the provisions of NRS 295.195 to 295.220, inclusive, the name of the city in which the person who signs is registered to vote.

(b) Have attached to it, when filed, an affidavit signed by the person who circulated the document in substantially the following form:

STATE OF NEVADA

COUNTY OF _____

I, _____ (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe each person who signed was at the time of signing a registered voter in the county of his *or her* residence; (6) that the number of signatures affixed thereon is _____; and (7) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

Signature of circulator

Subscribed and sworn to or affirmed

before me this _____ day of _____, _____.

Notary public or other person licensed

to administer an oath

3. Any document of a petition may consist of more than one page. If a document consists of more than one page:

(a) Each page, including a blank signature page, must be numbered sequentially, beginning with the number 1 for each document;

(b) All the pages must be ~~permanently~~ *stapled, bound or* attached ~~together~~ *in a similar manner that does not include the use of paper clips, rubber bands or binder clips and must be placed* in numerical order; and

(c) The affidavit of the circulator required by NRS 295.095 or 295.205 must appear on the last pages of the document.

4. As used in this section, “petition” means a petition described in Article 19 of the Nevada Constitution or NRS 295.015 or 295.045.

Sec. 44. NAC 293C.160 and 293C.210 are hereby repealed.

TEXT OF REPEALED SECTIONS

293C.160 Observation of polling place by representative of candidate or political party. (NRS 293.124, 293.247)

1. Any registered voter of this State may be appointed to observe the conduct of voting at a polling place as the representative of:

(a) Any candidate whose name appears on a ballot for the election for which the representative is appointed; or

(b) Any political party or committee sponsored by a political party.

2. A representative appointed pursuant to subsection 1:

(a) Shall present a written certificate of his appointment to the chairman of the election board upon his arrival at the polling place. The certificate must contain:

(1) The name and signature of the representative;

(2) The name of the candidate, political party or committee appointing the person as its representative; and

(3) The precinct, polling place and date of the election for which the representative is appointed.

(b) May sit or stand at such a location near the election board as to observe and hear conveniently the activities conducted at the polling place for which he is appointed without interfering with the voting.

3. No person may be appointed pursuant to this section to observe the conduct of voting at more than one polling place.

293C.210 Requirements for multiple documents of petitions; documents consisting of multiple sheets. (NRS 293.124, 293.247)

1. If a petition consists of more than one document, each of those documents must, in addition to any other requirements:

(a) Contain sequentially numbered spaces for:

(1) The name of each person signing the petition, including the person signing the verification required by paragraph (b);

- (2) The signature of the person;
- (3) The residential address of the person;
- (4) The name of the city where the person is a registered voter; and
- (5) The date of the signature.

(b) Have attached to it, when filed, an affidavit signed by the person who circulated the document in substantially the following form:

STATE OF NEVADA

COUNTY OF _____

CITY OF _____

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe them to be genuine signatures; and (6) that I believe each person who signed was at the time of signing a registered voter in the city of his residence.

Signature of circulator

Subscribed and sworn to or affirmed

before me this day of , .

Notary public or other person licensed
to administer an oath

2. Any document of a petition may consist of more than one sheet. If a document consists of more than one sheet:

- (a) Each sheet must be numbered sequentially;
- (b) All the sheets must be permanently attached in numerical order; and
- (c) The affidavit required by paragraph (b) of subsection 1 must appear on the last sheet of the document.

3. As used in this section, “petition” means a petition containing signatures that are required to be verified pursuant to NRS 306.015 and 306.035.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R092-09**

The Secretary of State adopted regulations which pertain to chapters 293, 293B, 293C and 295 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

The following statement is submitted for the adopted regulations pertaining to Nevada Administrative Code chapters 293, 293B, 293C, and 295 in accordance with NRS 233B.066(2).

1. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

These adopted regulations do not have any economic effect on any business. The effect on the public will be to allow overseas voters to vote their ballot by electronic transmission.

2. The estimated cost to the agency for enforcement of the proposed regulation.

No additional cost is anticipated to enforce these adopted regulations. These regulations revise the provisions relating to the manner in which county and city clerks notify the Secretary of State when their respective polls open; provide for electronic transmission of certain absent ballots; change the manner in which Initiatives and Referenda may be fastened; provide annual training to voter registration agencies; change the date within which the county clerks notify the Secretary of State for reimbursement of certain election costs; and repeals NAC 293C.160, and 293C.210..

3. A description of any regulations of the state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The adopted regulations do not duplicate or overlap any other state or government agency regulations.

4. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of those provisions.

The adopted regulations do not include provisions that are more stringent than a federal regulation regulating the same activity.

5. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

The adopted regulations do not establish a new fee or increase an existing fee.

6. The Secretary of State held a public workshop on October 14, 2009, and an adoption hearing on October 15, 2009. One person attended the public workshop and two people attended the Adoption Hearing. .