

**PROPOSED REGULATION OF THE  
SECRETARY OF STATE**

**LCB FILE NO. R058-211**

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PROPOSED REGULATIONS OF THE SECRETARY OF STATE

ELECTIONS DIVISION

LCB File No. \_\_\_\_\_

**Section 1.** Chapter 293 of NAC is hereby amended by amending the provisions set forth in Sections 2 to 32, and by adding thereto the provisions set forth in Sections 33 to 42, inclusive of this regulation.

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

**NAC 293.010 Definitions** (NRS 293.124, 293.675, *AB321 (2021)*, *AB432 (2021)*)

As used in this chapter, unless the context otherwise requires:

1. *“Adjudication” means the process of resolving the question of voter intent upon a cast ballot where the voter’s mark cannot be determined by a mechanical process.*
2. *“Ballot stock” means ~~the material upon which~~ the following:*
  - a. *The paper on which a ballot is printed and/or on which a voter directly indicates his or her vote; ~~A ballot is printed; and~~*
  - b. *The entire mail ballot package, including instructions to the voter, the return envelope, the secrecy envelope or sleeve, and an “I Voted” sticker. ~~A voter directly indicates his or her vote.~~*
- ~~2. “Department” means the Department of Motor Vehicles.~~
3. *“Duplication” means the process of creating a new ballot to replace a ballot that cannot be tabulated because it is damaged or unreadable.*
4. *“Electioneering” means when a person knowingly, intentionally, and verbally expresses support for, or opposition to, a candidate or ballot measure on the ballot in that election, or a political party with one or more candidates who appear on the ballot in that election, in order to induce or compel another person to vote in a particular manner or to refrain from voting.*

*“Electioneering” does not include wearing clothing, buttons, or other paraphernalia with political messages.*

5. *“Mail ballot” means a ballot mailed to an active registered voter for an election for which the voter is eligible to vote.*

6. *“Provisional ballot” means a ballot cast by a voter at a polling place or early voting location that cannot be counted until the voter’s voter registration status is confirmed by the clerk.*

7. ~~3.~~ *“Results cartridge” means the cartridge of a mechanical recording device which contains the electronically recorded ballots cast during the election and from which the ballots are tabulated.*

8. *“Same day registration” or “SDR” means the act of registering a person or individual to vote at the same time that individual appears to vote in person. This includes a person or individual who was a previously registered voter who updates their name, address, or political party affiliation when voting in person.*

9. *“SDR conditional ballot” means a ballot cast by an SDR registrant that is not counted until the voter’s registration status is confirmed and it is confirmed that the voter has not already voted in the same election.*

10. ~~4.~~ *“Signature stamp” has the meaning ascribed to it in NRS 427A.755.*

11. ~~5.~~ *“Statewide voter registration list” has the meaning ascribed to it in NRS 293.111.*

12. *“Vote center” means a polling location established pursuant to NRS 293.3072 through 293.3075 where any registered voter in the county (or if applicable, in the city) can vote.*

13. ~~6.~~ *“Voter verifiable paper audit trail printer” or “VVPAT” means the device attached to a mechanical recording device and the paper it prints to record all votes cast by a voter for any and*

all candidates and for or against any and all measures, enabling that voter to visually verify that the mechanical voting system has accurately recoded the votes of the voter.

**14. 7.** “Voting booth” means any place or compartment used to screen a voter from the observance of others.

**Sec. 3. NAC 293.040 is hereby amended to read as follows:**

**NAC 293.040 Notice of judicial, statewide and multicounty district offices to be filled.**

(NRS 293.124, 293.247)

1. The Secretary of State will, 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 in the primary election. *The Secretary of State will send an electronic version of this notice to each clerk by email and will post a copy of the document on the agency website.*

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 publication deadlines prevent the county clerk from doing so, it should be done as soon as practicable.* 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. *The county clerk shall also publish that portion of the notice which applies to his or her county on that county’s website.*

**Sec. 4. NAC 293.060 is hereby amended to read as follows:**

**NAC 293.060 Designation of offices of justice of Supreme Court.** (NRS 293.124, 293.196, 293.247)

1. For purposes of elections only, the offices of justice of the Supreme Court are designated as seats A, B, C, D, E, F and G.

2. The offices which will be filled at the general election of 1980, and each 6 years thereafter, are designated seats A and E. The office which will be filled at the general election of 1982, and each 6 years thereafter, is designated seat C. The offices which will be filled at the general election of 1984, and each 6 years thereafter, are designated seats B and D. The offices which will be filled at the general elections of 1998 and 2000, and each 6 years thereafter, are designated seats F and G. The following illustrates the sequence:

(a) Seat A — ~~1980, 1986, 1992, 1998,~~ 2016, 2022, 2028, 2034, etc.;

(b) Seat B — ~~1984, 1990, 1996, 2002,~~ 2020, 2026, 2032, 2038, etc.;

(c) Seat C — ~~1982, 1988, 1994, 2000,~~ 2018, 2024, 2030, 2036, etc.;

(d) Seat D — ~~1984, 1990, 1996, 2002,~~ 2020, 2026, 2032, 2038, etc.;

(e) Seat E — ~~1980, 1986, 1992, 1998,~~ 2016, 2022, 2028, 2034, etc.;

(f) Seat F — ~~1998, 2000, 2006, 2012,~~ 2018, 2024, 2030, 2036, 2042, 2048, etc.; and

(g) Seat G — ~~1998, 2000, 2006, 2012,~~ 2018, 2024, 2030, 2036, 2042, 2048, etc.

**Sec. 5. NAC 293.081 is hereby amended to read as follows:**

**NAC 293.081 Change of manner in which candidate appears on ballot.** (NRS 293.124, 293.247, *SB123 (2019)*)

1. A candidate may change the manner in which his or her name will appear on the ballot by filing a written request to amend his or her declaration of candidacy ~~or acceptance of candidacy~~. The request must be filed by the candidate in person with the filing officer with whom he or she filed the declaration of candidacy ~~or acceptance of candidacy~~ not later than 5 p.m. on the last day to file the declaration of candidacy ~~or acceptance of candidacy~~.

2. This section does not authorize the amendment of any matter contained in a declaration of candidacy ~~or acceptance of candidacy~~ other than the manner in which the name of the candidate appears.

**Sec. 6. NAC 293.120 is hereby amended to read as follows:**

**NAC 293.120 Sample ballots: Primary elections** (NRS 293.124, 293.247, 293.565, *SB123 (2019)*)

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 the county clerk 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 the county clerk 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~~ *Provide* an electronic copy of each sample ballot for a primary election, as provided in NRS 293.565, to the Secretary of State.

**Sec. 7. NAC 293.1827 is hereby amended to read as follows:**

**NAC 293.1827 Verification of signatures on certain petitions: Request to remove signature does not necessarily invalidate signature.** (NRS 293.124, 293.1277, 295.055)

If a person who signs a petition for initiative or referendum that proposes a constitutional amendment or statewide measure requests pursuant to NRS 295.055 *and prior to completion of*

*the signature verification process* that the county clerk remove the person's name from the petition, the county clerk may not consider the person's signature as an invalid signature when verifying the signatures pursuant to subsections 2 and 3 of NRS 293.1277 solely on the basis that the person requested the removal.

**Sec. 8. NAC 293.190 is hereby amended to read as follows:**

**NAC 293.190 Provision of registration and voting aids; notice of availability of registration aids, voting aids and procedures for voting by *absentee mail* ballot.** (NRS 293.124, 293.247, *AB321 (2021)*)

1. Each county clerk shall provide to persons with disabilities and persons 65 years of age or older registration aids and voting aids, including:

- (a) Instructions which are printed in large type and are conspicuously displayed at each permanent registration facility and at each polling place; and
- (b) Information through telecommunication devices for persons who are deaf.

2. When the county clerk provides public notice of registration and voting, he or she shall also provide notice of the availability of registration aids, voting aids and procedures for voting by *absentee mail* ballot.

**Sec. 9. NAC 293.220 is hereby amended to read as follows:**

**NAC 293.220 Preparation of election supplies and equipment for each precinct.** (NRS 293.124, 293.247)

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

- (a) The election roster;
- (b) A quantity of mechanical voting devices which assures an efficient flow of voters;

(c) A means for transporting ballots and VVPATs which allows the ballots and VVPATs to be secured with a lock and key, numbered seal or other device which prevents unauthorized entry;

(d) At least three copies of each sample ballot which pertains to the election *or, in the case of vote centers, a means for printing a sample ballot;*

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. If it is obvious to the members of an election board that a voter is trying to delay an election by repeatedly 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 try to delay the election, the election board may take any appropriate action to expedite the election, including, without limitation, removing the voter from the polling place if the county 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 which constitutes an unauthorized attempt to influence the voters.

5. The election board shall ensure that a copy of the statement set forth in paragraph (c) of subsection 1 is prominently displayed at the polling place.

6. If a member of the election board observes at a polling place any violation of the provisions of title 24 of NRS, he or she shall immediately notify the county clerk.

**Sec. 10. NAC 293.225 is hereby amended to read as follows:**

**NAC 293.225 Procedures regarding election supplies and manner of voting for each polling place *or vote center*.** (NRS 293.124, 293.247)

1. At least 2 days before any election, every county clerk shall prepare the following supplies for each polling place *or vote center*:

(a) One flag of the United States.

(b) Any notices or other materials required to be posted at each polling place *or vote center* pursuant to NRS ~~293.177~~, **293.184**, **293.2045**, 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.~~

(c) ~~(d)~~ If a procedure for ~~bilingual~~ **multilingual** voting is used in the county, the required notices in the appropriate foreign languages.

2. The county clerk may prepare for each polling place *or vote center* any additional supplies he or she considers necessary or desirable for carrying out the election.

3. On or before the day preceding the day of an election, each county clerk may deliver the election supplies to the sheriff of his or her county or a person designated by the clerk for further distribution. The election supplies may be delivered in sealed containers and may include any other accountable items. The sheriff or other designated person shall sign a receipt for all items received by him or her. The sheriff or other designated person shall immediately, and in a safe manner, distribute the election supplies to those polling places *or vote centers* or to those members of election boards who are designated by the county clerk to receive and take custody of the supplies.

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

5. At each polling place *or vote center* within the county, the county clerk shall allow voters to vote their ballots conveniently and in a manner that allows their voting to be ~~screened~~ *protected* from the view of others.

**Sec. 11. NAC 293.245 is hereby amended to read as follows:**

**NAC. 293.245 Observation of conduct of voting at polling place *or vote center*.** (NRS 293.124, 293.247)

1. Subject to the provisions of subsections 2 to 8, inclusive, any person may observe the conduct of voting at a polling place *or vote center*.

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

(a) Acknowledges that he or she is prohibited from:

(1) Talking to voters within the polling place *or vote center*;

(2) Using a mobile telephone or computer within the polling place *or vote center*;

(3) Advocating for or against a candidate, political party or ballot question;

(4) Arguing for or against or challenging any decisions of county or city election personnel; and

(5) Interfering with the conduct of voting;

(b) May be removed from the polling place *or vote center* by the county or city clerk for violating any provision of title 24 of NRS or any of the provisions of paragraph (a).

3. The county or city clerk may, at his or her discretion, remove from a polling place *or vote center* 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 paragraph (a) of subsection 2.

*4. The county or city clerk may, at his or her discretion, limit the number of observers permitted inside a polling place or vote center for reasons of public safety, to preserve voter privacy, or to maintain order.*

5. ~~4.~~ A person observing the conduct of voting at a polling place *or vote center* 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.

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

7. ~~6.~~ A person observing the conduct of voting at a polling place *or vote center* pursuant to subsection 1 may remain in an area designated by the chair of the election board to observe the activities conducted at the polling place *or vote center* 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.

8. ~~7.~~ A person observing the conduct of voting at a polling place *or vote center* pursuant to subsection 1 must wear a name tag denoting the person's full name.

9. ~~8.~~ The county and city clerk shall retain the signed acknowledgments described in subsection 2 for at least 180 days following the election observed by the person who signed the acknowledgment.

10. ~~9.~~ As used in this section, "advocate" includes, without limitation, speaking, displaying or disseminating written material ~~and wearing identifying clothing, buttons~~ or other paraphernalia.

*11. As used in this section, “meaningful observation” includes having a vantage point to observe the following:*

*(a) the processes of a voter checking in;*

*(b) the processes of a voter being handed a ballot or voting machine card;*

*(c) the voter going to a voting booth;*

*(d) the voter turning in their ballot or voting machine card; and*

*(e) the voter exiting the polling place.*

*12. As used in this section, “meaningful observation” does not mean that the observer can:*

*(a) view personal information regarding a voter;*

*(b) view a voter’s ballot or a voter’s selections on a voting machine; or*

*(b) hear conversations between voters and election board members or among election board members.*

*13. The election board for a polling place or vote center must arrange the facility to reasonably and fairly balance every voter’s ability to vote without interference with the observers’ ability to have meaningful observation.*

*14. As used in this section, “polling place” and “vote center” include locations used for early voting.*

**Sec. 12. NAC 293.250 is hereby amended to read as follows:**

**NAC 293.250 Procedures after voting.** (NRS 293.124, 293.247)

1. If a difference exists between the *total* number of persons voting *in person and applying to vote* 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 chair of an election board is responsible for the safe delivery of the ballots and VVPATs 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 results cartridges, VVPATs, mechanical recording devices or other essential election supplies which were furnished by the county clerk with the county clerk's inventory, shall note any shortages and shall immediately notify the county clerk if any shortages are noted. The chair of the election board is responsible for the safe return of all supplies, including all records, equipment pertaining to the election and essential election supplies, in accordance with the directions of the county clerk.

*5. For every day that an early voting location is open, the early voting election workers must account for the number of applicants and ballots cast as set forth above in subsections 1 and 2.*

**Sec. 13. NAC 293.291 is hereby repealed. (AB321 (2021))**

~~1. In addition to the requirements set forth in paragraph (a) of subsection 1 of NRS 293.3095,~~

~~the form to request an absent ballot must:~~

~~(a) 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~~

~~(H) 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~~

~~(b) Include the name and address of the county clerk of the county where the registered voter who requests the ballot resides.~~

~~2. A registered voter who receives an absent ballot may vote at a polling place if the registered voter:~~

~~(a) Surrenders the absent ballot to the county clerk or a designee thereof; or~~

~~(b) Complies with the requirements set forth in subsection 3 of NRS 293.330.~~

**Sec. 14. NAC 293.295 is hereby repealed. (AB321 (2021))**

~~A county clerk who receives a request for an absent ballot shall:~~

~~1. Compare the address of the voter's residence in this State which is indicated on the request with the address which is indicated on the voter's application to register to vote.~~

~~2. If the county clerk determines that the address indicated on the application to register to vote is different from the address which is indicated on the request for an absent ballot, mail a written notice to the voter. The notice must include:~~

~~(a) A copy and explanation of the provisions set forth in NRS 293.525; and~~

~~(b) a postcard to be returned by the voter to the county clerk which includes verification of the address of the voter's residence in this State. The county clerk shall use a postcard that may not be forwarded to an address of the voter which is different from the address to which the notice is mailed.~~

**Sec. 15. NAC 293.305 is hereby amended to read as follows:**

**NAC 293.305 Delivery of ~~absent~~ ballot by mail.** (NRS 293.124, 293.247, 293.323, *AB321 (2021)*)

1. When a county clerk sends a voter *a mail an ~~absent~~* ballot pursuant to NRS 293.323, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the *mail ~~absent~~* ballot is mailed.

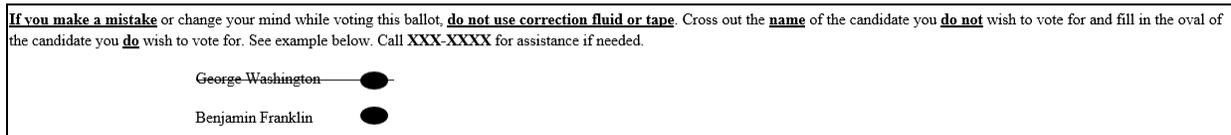
*2. No later than January 1, 2024, the return envelope for each county's ballots must be differentiated from other counties that are adjacent by using different colored paper.*

**Sec. 16. NAC 293.307 is hereby amended to read as follows:**

**NAC 293.307 Provision of instructions for correction of ~~absent~~ *mail* ballot; duplication of corrected ballot.** (NAC 293.123, 293.247, 293.250, *AB321 (2021)*)

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

*[Replace illustration with the one below]*



2. A county clerk or city clerk shall not duplicate any *mail ~~absent~~* ballot which the voter has marked to indicate a correction 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. 17. NAC 293.311 is hereby amended to read as follows:**

**NAC 293.311 Procedures for handling ~~absent voters'~~ *mail* ballots in county with ~~absent~~ *mail* ballot central counting board.** (NAC 293.123, 293.247, *AB321 (2021)*)

1. In a county in which the county clerk has appointed *a mail 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 *mail absent* voters' ballots to the absent ballot central counting board.

When the ballots are received, the *mail absent* ballot central counting board shall:

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

(b) Count the number of ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district;

(c) Account for all ballots on the statement of ballots; and

(d) Place all the ballots 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 ballots pursuant to subsection 1, the county clerk must post a statement in his or her 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 or she delivers the ballots pursuant to subsection 1 must be:

(a) Stored and secured pursuant to the provisions of NRS 293.325 after those ballots 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 *mail absent* ballots conducted to subsection 1 if those members do not interfere with the handling of the *mail absent* ballots.

**Sec. 18. NAC 293.313 is hereby amended to read as follows:**

**NAC 293.313 ~~Absent Mail~~ ballot sent by electronic transmission: Recording of ~~absent mail~~ ballot and maintenance of original ballot card.** (NAC 293.123, 293.247, 293.250, *AB321 (2021)*)

If a county clerk or the authorized representative of a county clerk sends an ~~absent mail~~ 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 mail~~ ballot.
2. Record in the ~~absent mail~~ ballot record:
  - (a) The name of each voter who requested ~~an absent a mail~~ ballot by approved electronic transmission, the voter's precinct or district, the voter's political affiliation, if any, and the unique identification of the ~~absent mail~~ ballot.
  - (b) The method of the approved electronic transmission used by the county clerk or the county clerk's authorized representative to send the ~~absent mail~~ ballot, including, without limitation, the destination of the ~~absent mail~~ 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 mail~~ ballot.
  - (c) The date and time that the county clerk or the county clerk's authorized representative sent the ~~absent mail~~ ballot to the voter by approved electronic transmission.
  - (d) The initials of the person who sent the ~~absent mail~~ 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. 19. NAC 293.315 is hereby amended to read as follows:**

**NAC 293.315 ~~Absent~~ Mail ballot sent by facsimile: Contents and form.** (NAC 293.123, 293.247, 293.250, *AB321 (2021)*)

1. An ~~absent~~ *mail* ballot sent to a voter by facsimile pursuant to subsection 2 of NRS 293.323 must:

(a) Contain instructions for marking the ~~absent~~ *mail* ballot.

(b) Contain instructions for returning the ~~absent~~ *mail* ballot by facsimile, including, without limitation, the:

(1) Facsimile transmission number that the voter may use to return the ~~absent~~ *mail* ballot.

(2) Deadline for returning the ~~absent~~ *mail* ballot by facsimile 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~~ *mail* ballot. Such information must include, without limitation, the county clerk or authorized representative's name, phone number, facsimile transmission number and electronic mail address.

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

Instruct the voter to read and sign a declaration, under penalty of perjury, stating that the voter:

(1) Resides within the precinct in which he or she is voting; and

(2) Is the person who requested the ~~absent~~ *mail* ballot.

(f) Contain a statement that failure to sign the declaration required pursuant to paragraph (e) will result in the ~~absent~~ *mail* 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 a mail~~ 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. 20. NAC 293.317 is hereby amended to read as follows:**

**NAC 293.317 ~~Absent Mail~~ ballot: Receipt; recording; verification of signature.** (NRS 293.124, 293.247, 293.250, 293.317, *AB321 (2021)*)

1. To be counted, ~~an absent a mail~~ 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 mail~~ 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 mail~~ ballot.
3. When ~~an absent a mail~~ ballot is returned to the county clerk, the county clerk shall:
  - (a) Record the receipt of the ~~absent mail~~ ballot in the ~~absent mail~~ ballot record; and
  - (b) If the ~~absent mail~~ ballot is returned by approved electronic transmission and the voter requests confirmation of receipt of the ~~absent mail~~ 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 mail~~ 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 mail~~ 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 mail** ballot for the same election and the county clerk receives all such **absent mail** ballots before the polls are closed on the day of the election, the county clerk shall count the **absent mail** ballot received first.

*6. The county clerk must keep accurate chain-of-custody records of all ballots mailed, reissued, received, rejected, verified, removed for duplication, and tabulated.*

*7. If a county clerk receives mail ballots that belong to a different county, the county clerk must send them to the correct county as soon as practicable. If the ballot is received by the correct county clerk prior to 5:00 pm on the fourth day following election day, it is to be considered timely.*

**Sec. 21. NAC 293.318 is hereby amended to read as follows:**

**NAC 293.318 ~~Absent~~ Mail ballot: Plan for disposition in case of emergency.** (NRS 293.124, 293.247, *AB321 (2021)*)

1. Each county clerk and city clerk shall submit a plan to the Secretary of State setting forth the procedures that the clerk will use for the disposition of **absent mail** ballots in case of an emergency. Such plan must be submitted not later than 90 days before each election.

2. In the case of an emergency, the Secretary of State may order one or more polling places *or vote centers* to be used to accommodate voters who are unable to vote at their polling places due to the emergency.

3. As used in paragraph (o) of subsection 3 of NRS 293.247, “emergency” means a temporary or permanent situation where one or more polling places *or vote centers* located within the jurisdiction of a county clerk or city clerk does not have a mechanical voting device that is properly recording votes electronically.

**Sec. 22. NAC 293.319 is hereby amended to read as follows:**

**NAC 293.319 ~~Absent~~ Mail ballot: Reporting requirements after election.** (NRS 293.124, 293.247, *AB321 (2021)*)

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~~ *mail* ballots for that election that the county clerk sent using approved electronic transmission.
2. The number of ~~absent~~ *mail* ballots for that election that were returned by voters using approved electronic transmission.
3. The number of ~~absent~~ *mail* ballots described in subsection 2 which were counted by the county clerk.

**Sec. 23. NAC 293.371 is hereby amended to read as follows:**

**NAC 293.371 Designation of observer by Secretary of State; withdrawal of demand.** (NRS 293.124, 293.247)

1. At the request of the city or county clerk, the Secretary of State will designate a representative to observe a recount of votes.
2. A person who demands a recount of votes may withdraw the demand by filing a withdrawal in writing at any time before the completion of the recount. The city or county clerk shall stop the recount as soon as practicable after the person demanding the recount notifies the clerk of the withdrawal of the demand. A person who withdraws a demand for a recount of votes may not request a continuation of the recount or a new recount of those votes.
3. *If the person who requested a recount withdraws as set forth in subsection 2, there is no obligation for the Secretary of State, any county clerk, or any city clerk to issue a refund.*

**Sec. 24. NAC 293.395 is hereby amended to read as follows:**

**NAC 293.395 “Official identification” interpreted.** (NRS 293.124, 293.247, 293.517)

For the purposes of NRS 293.517:

1. The Secretary of State interprets “official identification” to mean a government-issued, or otherwise official, article or combination of articles, which establishes both the identity and residence of a person submitting an application to register to vote.
2. The following articles may be used to establish identity:
  - (a) A current and valid Nevada driver’s license;
  - (b) A current and valid identification card issued by the Department *of Motor Vehicles*;
  - (c) A current and valid identification card issued by a branch of the Armed Forces of the United States;
  - (d) A current and valid identification card issued by a sheriff of a Nevada county to an employee as a condition of employment by certain business enterprises;
  - (e) A current and valid identification card issued by an agency of the State of Nevada or political subdivision thereof or the United States, including, without limitation, a public school, college or university;
  - (f) A current and valid student identification card from an accredited private school, college or university;
  - (g) A current and valid United States passport;
  - (h) A current and valid insurance plan identification card which the county clerk determines, in his or her discretion, to be a reliable indication of the true name and identity of the person; or
  - (i) A current and valid tribal identification card.
3. The following articles may be used to establish residency if the current residential address of the applicant, as indicated on the application to register to vote, is displayed on the article:

- (a) Any article set forth in subsection 2;
- (b) A current and valid utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;
- (c) A current and valid bank or credit union statement;
- (d) A current and valid paycheck;
- (e) A current and valid income tax return;
- (f) A current and valid statement concerning the mortgage, rental or lease of a residence;
- (g) A current and valid motor vehicle registration;
- (h) A current and valid document issued by a governmental agency;
- (i) A current and valid property tax statement; or
- (j) Any other official article which the county clerk determines, in his or her discretion, to be a reliable indication of the true residential address of the person.

**Sec. 25. NAC 293.409 is hereby amended to read as follows:**

**NAC 293.409 Registration through Department of Motor Vehicles: Procedures for Department *of Motor Vehicles* to follow if person ineligible to use automatic voter registration system based upon documentation submitted.** (NRS 293.5737, 483.290, 483.850)

1. If an applicant for the issuance or renewal of or a change of address for a driver's license or identification card submits with his or her application to the Department of Motor Vehicles any of the documents set forth in NAC 293.408:

(a) The Department *of Motor Vehicles* will notify the applicant in writing that:

(1) He or she is not an applicant to register to vote using the automatic voter registration system and his or her information will not be transmitted electronically to the Secretary of State and

county clerks through the automatic voter registration system because he or she submitted at least one of the documents set forth in NAC 293.408;

(2) If the applicant meets the qualifications to vote in this State, as provided in NRS 293.485, he or she may submit to the Department *of Motor Vehicles* a paper application to register to vote pursuant to NRS 293.5727; and

(3) He or she may contact the Office of the Secretary of State for questions regarding registering to vote and the automatic voter registration system. The notice required pursuant to this paragraph must include, without limitation, the Internet address of the Office of the Secretary of State.

(b) The Department *of Motor Vehicles* will not submit the applicant's information into the automatic voter registration system.

(c) The Department *of Motor Vehicles* will not give the applicant the paper or electronic affirmation described in paragraph (a) of subsection 1 of NRS 293.5742, the Automatic Voter Registration Initiative.

2. The computer system used by the Department *of Motor Vehicles* to process an application for the issuance or renewal of or a change of address for a driver's license or identification card must determine whether an applicant submitted any of the documents set forth in NAC 293.408 based only on the documents submitted to the Department *of Motor Vehicles* with the applicant's current application.

3. An employee of the Department *of Motor Vehicles* shall not make an individualized determination of the eligibility of any applicant for the issuance or renewal of or a change of address for a driver's license or identification card to apply to register to vote using the automatic voter registration system.

4. The Department *of Motor Vehicles* will:

(a) Develop a standardized form that provides uniform notification of the information set forth in subsection 1; and

(b) Provide the standardized form to all applicants for the issuance or renewal of or a change of address for a driver's license or identification card who submit with an application to the Department *of Motor Vehicles* any of the documents set forth in NAC 293.408.

5. As used in this section:

(a) "Automatic voter registration system" means the automatic voter registration system established pursuant to NRS 293.5732, the Automatic Voter Registration Initiative.

(b) "Driver's license" has the meaning ascribed to it in NAC 293.407.

(c) "Identification card" has the meaning ascribed to it in NAC 293.407.

**Sec. 26. NAC 293.411 is hereby amended to read as follows:**

**NAC 293.411 Assignment of identification numbers to certain persons.** (NRS 293.124, 293.247, 293.507)

The Secretary of State will assign to each county a series of numbers that must be used by the county clerk in assigning a unique identification number to a person who does not have a current and valid driver's license issued by the Department *of Motor Vehicles* or a social security number and wishes to register to vote pursuant to NRS 293.507. Before the clerk may issue the person an identification number, the person must sign an affidavit under penalty of perjury pursuant to subsection 5 of NRS 293.507 stating that he or she does not have a current and valid driver's license or a social security number.

**Sec. 27. NAC 293.414 is hereby amended to read as follows:**

**NAC 293.414 Person convicted of felony.** (NRS 293.124, 293.247, 293.540, 293.543)

1. The Secretary of State will immediately provide the county clerks with any information the Secretary of State receives from the Attorney General of the United States and *the Nevada Department of Corrections* regarding the conviction of any person of a felony *who is sentenced to a term of imprisonment*.

2. A county clerk may, for the purpose of making the determination to cancel the registration of a person required by subsection 2 3 of NRS 293.540, rely upon any information 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. *A person who is no longer incarcerated and who otherwise meets the requirements to register to vote* ~~The Secretary of State will immediately provide the county clerks with any information 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 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 *by any acceptable means, including by a paper registration form, use of the state provided online voter registration portal, same-day voter registration, or by registration through the Department of Motor Vehicles or any other voter registration agency.*

**Sec. 28. NAC 293.416 is hereby amended to read as follows:**

**NAC 293.416 Written challenge; oath or affirmation of challenged person.** (NRS 293.124, 293.247, 293.547)

1. A written challenge authorized by NRS 293.547 must be on a form prescribed by the Secretary of State and contain, in addition to any other required information:

(a) The address and, if readily available, the telephone number of the person whose right to vote is challenged;

(b) The number of the precinct in which the person whose right to vote is challenged is registered to vote;

(c) The name, address and telephone number of the person filing the challenge;

(d) The precinct in which the person filing the challenge is registered to vote;

(e) The date of the challenge;

(f) A statement of the facts upon which each ground for the challenge is based;

(g) A statement that the challenge is based on personal knowledge of the facts upon which each ground for the challenge is based.; *and*

*(h) Have attached all additional supporting documentation and evidence supporting the challenge.*

2. In addition to the requirements set forth in NRS 293.303, the oath or affirmation of a challenged person must be on a form prescribed by the Secretary of State and include, without limitation:

(a) The address and, if readily available, the telephone number of the person whose right to vote is challenged.;

(b) The number of the precinct in which the person whose right to vote is challenged is registered to vote.;

(c) The name, address and telephone number of the person filing the challenge.;

(d) The precinct in which the person filing the challenge is registered to vote.;

(e) The date of the challenge.;

(f) A statement of the facts upon which each ground for the challenge is based.;

(g) A statement that the challenge is based on personal knowledge of the facts upon which each ground for the challenge is based.; *and*

*(h) Have attached all additional supporting documentation and evidence supporting the challenge.*

3. As used in this section, “personal knowledge” means that the person who files the challenge has firsthand knowledge through experience or observation of the facts upon each ground that the challenge is based *or through a personal, familial, medical, or professional relationship with the person.*

**Sec. 29. NAC 293.458 is hereby amended to read as follows:**

**NAC 293.458 Electronic transfer of information to Secretary of State; certification; authorized access.** (NRS 293.124, 293.675)

1. Each county clerk shall, at least once each business day, electronically transfer the information contained in the computerized database established pursuant to NAC 293.454 to the statewide voter registration list. Each transfer must comply with such technical requirements as may be prescribed by the Secretary of State.

2. When a county clerk electronically transfers information to the statewide voter registration list pursuant to subsection 1, the county clerk must certify that:

(a) The information is accurate and complies with relevant state and federal law; and

(b) The county clerk has complied with such applicable technical requirements for security as may be prescribed by the Secretary of State to ensure the confidentiality of the *personal identifiable* information transferred pursuant to subsection 1.

*3. From the 45<sup>th</sup> day before an election until the 14<sup>th</sup> day after the election, the daily electronic transfer described in subsection 1 must contain information that indicates every voter who has been mailed a ballot, whose mail ballot has been received, whose ballot has been accepted through signature verification, and whose ballot has been tabulated.*

~~4.~~ Each county clerk shall ensure that only authorized personnel may access the computerized database established pursuant to NAC 293.454.

**Sec. 30. NAC 293.464 is hereby amended to read as follows:**

**NAC 293.464 Comparison to vital statistics records to identify voters indicated as deceased.** (NRS 293.124, 293.675)

1. On each business day, the Secretary of State will compare the statewide voter registration list to the vital statistics records maintained by the State Registrar of Vital Statistics.

*2. On an annual basis, the Secretary of State will compare the statewide voter registration list to the entire list of vital statistics records maintained by the State Registrar of Vital Statistics for the previous calendar year. This additional comparison shall be completed no later than the first day of February of each calendar year.*

**23.** If the Secretary of State determines from the comparison made pursuant to subsection 1 *and subsection 2* that a registered voter is indicated as deceased in the vital statistics records:

(a) The Secretary of State will notify the county clerk of the county in which the voter is registered to vote.

(b) Upon receipt of the notification described in paragraph (a), the county clerk shall determine whether the registered voter is deceased and, if so, indicate that the registration of the voter is cancelled in the computerized database established pursuant to NAC 293.454 and in the statewide voter registration list.

**Sec. 31. NAC 293.474 is hereby amended to read as follows:**

**NAC 293.474 Voting history: Formats and contents.** (NRS 293.124, 293.675)

Each county clerk shall submit to the Secretary of State, not later than 45 business days after each ~~primary or general~~ election, a voting history for each voter in the county who cast a ballot in the election. The voting history must be in the format prescribed by the Secretary of State and must indicate the dates on which and locations at which each registered voter cast a ballot.

**Sec. 32. NAC 293.515 is hereby amended to read as follows:**

**NAC 293.515 Filing; form; delivery of copy to respondents.** (NRS 293.124, 293.247, 293.4685)

1. A person who believes that a violation of Title III of the Help America Vote Act of 2002, Public Law 107-252, 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to occur may file a complaint with the Office of the Secretary of State.

2. A complaint filed pursuant to subsection 1 must:

(a) Be in writing, notarized and signed and sworn by the complainant. If the Secretary of State prescribes a form for the complaint, the complaint must be filed on that form.

(b) Provide the name of each respondent and a concise statement of the facts of the alleged violation of 42 U.S.C. §§ 15481 to 15502, inclusive.

(c) Be filed in the Office of the Secretary of State ~~in Carson City~~:

(1) Not later than 60 days after the occurrence of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, is about to occur; or

(2) Not later than 60 days after the complainant knew or, with the exercise of reasonable diligence, should have known of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, is about to occur, whichever is later.

3. The complainant shall mail or deliver a copy of the complaint to each respondent not later than the date on which the complaint is filed.

### **Sec. 33.**

*NAC 293.\_\_\_\_ Election Security Procedures. (NRS 293.124, 293.247)*

*1. Each county must establish written procedures to ensure the accuracy and security of voting in the political subdivision and submit the procedures to the Secretary of State for review. The county must submit its election security plan on the form prescribed by the*

*Secretary of State not less than 60 days before the first election in which the procedures will be used. The Secretary of State shall notify the county clerk of approval or disapproval of the procedures no later than fifteen days after the Secretary of State receives the submission.*

*2. The county clerk may not install any software on any component of the voting system unless directed to, or approved by, the Secretary of State.*

*3. General requirements concerning security documentation:*

*(a) The county clerk must maintain on file all documentation of seals, chain-of-custody, access logs, and other document related to the transfer of equipment between parties. These documents are subject to inspection by the Secretary of State. All written entries must be completed in permanent ink.*

*(b) The county clerk must maintain and document uninterrupted chain-of-custody for each voting machine from the successful completion of acceptance testing through the present, throughout the county's ownership or leasing of the device. This includes any central count tabulation equipment, precinct scanners, electronic pollbooks, Direct Recording Equipment (DRE) voting machines, and ballot marking devices.*

*c. Only election officials and poll workers sworn under oath are allowed to handle ballots, which include VVPAT records.*

*d. The county clerk must submit sample copies of all referenced forms, schedules, logs, and checklists with the security plan.*

*4. Ballot security. The county clerk must develop a written plan that details the security of paper ballots, mail ballots, VVPAT rolls, election media cartridges and/or memory devices, and blank ballot stock, including chain-of custody and access controls. This plan must be submitted to the Secretary of State as part of the plan described in subsection 1.*

*5. Secure storage. All voting system equipment must be secured in a facility with controlled access when not in use. Only personnel authorized by name, in writing, and for a specific period of time by the county clerk may access the areas in which voting systems are stored. In the event unauthorized personnel gain access to a secure area, the Secretary of State must be notified in writing within 24 hours.*

*(a) The county clerk must maintain a log of each person who enters the areas in which voting system components are stored. The access log must list the person's name, signature, and date and time of entry. If access to the specified areas is controlled by use of a key card or similar door access system that is capable of producing a printed paper log including the person's name and date and time of entry, the log must meet the requirements of this subsection.*

*(b) Tamper-evident seals must be used on all voting machines and tabulation equipment to ensure that no unauthorized access has occurred. All seals must be logged as described in subsection 6. In the event that a tamper-proof seal is removed in an unauthorized manner or is discovered to have been tampered with, the Secretary of State must be notified in writing within 24 hours.*

*6. Physical locking mechanisms and seals. The county clerk must record the serial number of every seal on the appropriate chain-of-custody log for all equipment that is transported to or from a polling place or early voting location. Two individuals must verify, and indicate by signing and dating the log, that the seal serial numbers match the logged serial numbers. If any seals need to be replaced, the chain-of-custody log must note the reason, the date replaced, and signatures of the two individuals verifying the replacement.*

*7. Access to secure areas. The county clerk must review access lists for authorized personnel on a quarterly basis to ensure that only personnel authorized by name, in writing, and for a specific period of time by the county clerk have access.*

*8. Contingency plan. The county clerk must develop a written contingency plan in case election operations, including the use of voting systems and any component thereof, are significantly interrupted.*

*(a) The contingency plan should consider all potential sources of disruption, including, but not limited to:*

*(1) Systemic equipment failures or malfunctions;*

*(2) Power outages;*

*(3) Natural disasters or infrastructure failure;*

*(4) Terror threats or other civil disturbances; and*

*(5) Unauthorized access, intrusion, or hacking into election facilities or equipment.*

*(b) The contingency plan must outline how the county clerk would ensure continuity in voting in case one or more voting locations becomes temporarily or permanently unusable on Election Day or during early voting, which may include:*

*(1) Sending voters to an alternative voting location (whether new or existing);*

*(2) Seeking a court order to extend voting hours; and/or*

*(3) Requesting voters return to the voting location after the problem has been resolved.*

*c. In advance of each election, the county clerk must review and, as necessary, update the contingency plan and ensure that key staff members and other county personnel, as necessary, have been briefed on the plan.*

*d. The county clerk must submit to the Secretary of State a tabulation contingency plan that identifies alternative voting equipment or facilities in case the county experiences a complete loss of its central count equipment or use of its central counting place. The plan may include the transport of ballots across county lines, provided that ballots are inventories and safeguarded by the originating county's employees in the same manner as if the ballots had not been transported. The county clerk must notify the Secretary of State in writing within 12 hours if a tabulation contingency plan is invoked.*

*e. Election Program Contingency Plan. Any jurisdiction that conducts an election must produce a backup copy of its election program as defined by NRS 293B.135 and NAC 293B.050 that is in a machine-readable format. This copy may serve as a backup in case the original program is destroyed or rendered unusable. The backup copy must be transmitted to the Secretary of State for safekeeping via a password-protected CD, DVD, USB memory stick or STFP site. This backup copy must be produced and secured immediately upon the completion of ballot programming for an election. If any subsequent changes are made to the election program, the county clerk must create a new backup copy within 48 hours of the change.*

**Sec. 34.**

*NAC 293.\_\_\_\_. Notification of Off-Cycle Elections (NRS 293.124, 293.247)*

*If a county or city clerk schedules an election for a date other than the primary or general election dates, the clerk must notify the Secretary of State as soon as practicable using the form created by the Secretary of State, and confer regarding the following:*

- 1. Deadlines for sending, receiving, and verifying mail ballots;*
- 2. Use of the system established by NRS293D.200, if applicable;*

- 3. Polling places, vote centers, ballot drop boxes, and early voting locations;*
- 4. Observation plans for polling places and central count facility; and*
- 5. Any other information that may need to be communicated to eligible voters.*

**Sec. 35.**

*NAC 293.\_\_\_\_ Annual Forensic Signature Verification Training (NRS 293.124, 293.247, AB321 (2021))*

- 1. No later than October 1 of each odd-numbered year, the Secretary of State will publish a list of approved courses on forensic signature verification. Each approved course must include a written test and an established basis for determining a passing score.*
- 2. No later than April 1 of each year, all county and city clerks and members of their staff whose duties include handling mail ballots must complete a course from the list published in accordance with subsection 1. Any staff who have not taken the approved course may not perform duties that include accepting or rejecting signatures for mail ballots or in-person voting or training temporary workers in those duties. The county or city clerk is responsible for identifying all staff members for which this requirement applies and must collect and submit completion certificates to the Secretary of State by April 1 of each year.*
- 3. The county or city clerk who is conducting an election must include signature verification training in their poll worker training for temporary staff who work in the areas of in-person early voting, election day voting, and processing mail ballots.*
- 4. If a county or city clerk hires new staff prior to an election and it is not possible for the new staff to comply with the training deadline in order to work for an upcoming election, the county or city clerk must provide hands-on supervision and training for a minimum of 8 hours*

*from another staff member who has completed the required training before the new staff person may perform signature verification job duties without direct supervision.*

*5. Staff who have attended training courses from the list published in accordance with subsection 1 in two consecutive years, who have received passing scores in each of those years, and who have been directly involved in signature verification procedures as part of their regular job duties, may take a shorter refresher training course for the each of the next two consecutive years. The county clerk must provide a list of staff members who meet this criteria on an annual basis and provide certification that these staff members have attended and passed the refresher training course.*

**Sec. 36.**

*NAC 293.\_\_\_\_ Voter Preference for Receiving or Not Receiving a Mail Ballot. (NRS 293.124, 293.247, AB321 (2021))*

*1. A voter who wishes to opt out of receiving a mail ballot for each election for which the voter is eligible may submit a written request on the form created by the county clerk, on a form created by the Secretary of State, or by submitting a request online through the application created by the Secretary of State.*

*2. If a voter who has submitted a written request to opt out of receiving a mail ballot later decides to request a mail ballot, the voter may submit a written request for mail ballot on a form created by the county clerk or Secretary of State or by submitting a request online using the application created by the Secretary of State.*

*3. If a voter indicates a change in preference to receive or not receive a mail ballot and that request is received by the county clerk's office later than sixty days before the election, the request will be not effective for that election, but for subsequent elections.*

*4. For a voter who registers to vote or updates their mailing address after the date that the county clerk or the county clerk's mail ballot vendor sends out mail ballots to that county's registered voters, the county clerk will make every effort to mail a ballot by the close of business on the fourteenth (14<sup>th</sup>) day before election day. For purposes of this subsection, "mail" means that the county clerk or the county clerk's vendor delivers a mail ballot to the post office for further handling by close of business on the 14<sup>th</sup> day before election day. If the county clerk has already mailed a ballot to a specific voter at a previous address, the county clerk must indicate in the voter registration database that a second ballot has been issued. The county clerk must spoil the first ballot in the voter registration database.*

**Sec. 37.**

*NAC 293.\_\_\_\_ Logic and Accuracy Testing for Electronic Pollbooks (NRS 293.124, 293.247, 293.275)*

*If a county uses electronic pollbooks (EPBs), the county clerk must perform logic and accuracy testing on their EPBs and certify to the Secretary of State that testing was completed by no later than the close of business on the last day before early voting. This testing must meet the following minimum requirements:*

*1. This testing must confirm that each EPB displays:*

*(a) the correct date and time;*

*(b) the election date and name of election (primary, general, special);*

*(c) the county's name;*

*(d) the number of voter files;*

*(e) if the county is using a traditional polling place model instead of a vote center model, the precinct assignment and the number of voters in that precinct;*

*(f) the correct version of the operating system; and*

*(g) voters' signature records for comparison.*

*2. The testing must confirm the EPB prompts and workflows for each of the following scenarios for at least one EPB assigned to each vote center or polling place:*

*(a) For a registered voter in the county wants to vote in person and has not already voted;*

*(b) For a registered voter in the county wants to vote in person but the system shows that a ballot has already been received or voted;*

*(c) For a voter who claims to be registered cannot be located in the system;*

*(d) For a voter who is indicated as being 'inactive' in the system;*

*(e) For a voter who spoils their ballot;*

*(f) For a voter who submits their unvoted mail ballot;*

*(g) If the county has any precinct splits, the system identifies the correct ballot for a voter;*

*(h) For a voter wants to change their political party designation; and*

*(i) For a voter who wants to update their name or address.*

*3. The EPBs must be tested to confirm the following functionalities if applicable:*

*(a) printing labels;*

*(b) printing activation cards or ballot cards;*

*(c) issuing a ballot on one EPB in a locality or jurisdiction is reflected on other EPBs;*

*(d) turnout reports;*

*(e) daily totals; and*

*(f) the EPBs upload correctly to the county clerk's office.*

*4. The county clerk must certify to the Secretary of State that the required number of EPBs have been tested in compliance with this section.*

**Sec. 38.**

*NAC 293.\_\_\_\_ Ballot Drop Boxes; Electioneering (NRS 293.124, 293.247, AB321 Section 8.4 & 9 (2021); AB126 Section 8 (2021))*

*1. Electioneering is prohibited within 100 feet from a ballot drop box during from the time the county clerk’s vendor has mailed ballots until the close of polls on election day. The county clerk may use signage, barriers, stanchions, or other methods to designate the area surrounding a ballot drop box as an area in which electioneering is prohibited.*

*2. Ballot drop boxes must be identified with serial numbers with the county’s two-letter abbreviation and then a unique number and affixed with the county’s seal or some other design to indicate that it is an official county ballot drop box. The county’s two-letter abbreviations for ballot drop boxes only are listed below:*

*a. CC – Carson City*

*b. CH – Churchill*

*c. CL – Clark*

*d. DO – Douglas*

*e. EL – Elko*

*f. ES – Esmeralda*

*g. EU – Eureka*

*h. HU – Humboldt*

*i. LA – Lander*

*j. LI – Lincoln*

*k. LY – Lyon*

*l. MI – Mineral*

*m. NY – Nye*

*n. PE – Pershing*

*o. ST – Storey*

*p. WA – Washoe*

*q. WP – White Pine*

*3. An Indian reservation or Indian colony may request a ballot drop box by submitting an official form created by the Secretary of State to the applicable county clerk as follows:*

*(a) For a nonpresidential election year: by the first Friday in January.*

*(b) For a presidential election year: by the first Friday in November of the year immediately preceding the presidential election year.*

*(c) The request is for all future elections unless and until a written form is submitted to withdraw the request.*

*4. The county clerk must submit to the Secretary of State a list of all ballot drop boxes, their serial numbers, their locations, and hours of access by members of the public during early voting and on election day using the form created by the Secretary of State. If the list of ballot boxes has not changed from a previous election, the county clerk must notify the Secretary of State that no changes have been made using the form created by the Secretary of State. This notification must be submitted as follows:*

*(a) For a nonpresidential election year: by the first Friday in February.*

*(b) For a presidential election year: by the first Friday in December of the year immediately preceding the presidential election year.*

*(c) If there are changes made during the election year, the county clerk must notify the Secretary of State in writing within 24 hours of the change and the reason for the change.*

*4. If ballot drop boxes are unstaffed and located outside, they must be securely fastened to prevent moving and tampering. Unstaffed ballot drop boxes must be securely locked when not in use during early voting and on election day. The county clerk may use video cameras, working with law enforcement or other county officials to patrol regularly, or other security measures if opting to use unstaffed ballot drop boxes. The county clerk must develop a contingency plan to replace any ballot drop boxes that are tampered with or rendered inaccessible during early voting or on election day. The plan must include a method to notify voters of the inaccessible or damaged ballot drop boxes as well as indicating the next nearest ballot drop box available for use. This plan must be submitted to the Secretary of State along with the form described in subsection 3 and updated as needed for each election.*

*5. If ballot drop boxes are located inside staffed facilities, the county clerk must consider access during weekends and evenings to ensure that voters have an adequate opportunity to use the drop boxes as their mail ballot return method.*

*6. The county clerk must use teams of two members of different political party affiliation to retrieve ballots from the ballot drop boxes and transport them to the county's central count facility. The retrieval teams must use forms developed by the Secretary of State to account for the chain of custody of the ballots. The county clerk may designate more than one retrieval team, as necessary, to retrieve and account for mail ballots starting when the clerk's vendor mails the ballots and on election day. Ballot drop boxes must be monitored frequently to retrieve ballots and to ensure that there is no tampering.*

*7. The county clerk must designate a ballot retrieval team as described above in subsection 3 or two members of an election board of differing political party affiliation for a ballot drop box located inside a polling place to be ready to lock every ballot drop box by 7:00 p.m. on election*

*day. If there is a line of voters waiting to drop their ballots into the ballot drop box, then anyone in line at 7:00 p.m. must be permitted to place their ballots inside the ballot drop box. The county clerk should prepare “Last Voter in Line” card for each location and a member of the election board or ballot retrieval team must hand the card to the last person in line at 7:00 p.m. Once the person holding that card has deposited their ballot into the ballot drop box, no other ballots may be accepted.*

*8. The county clerk must utilize retrieval teams or election boards to ensure that all ballots in the ballot drop box at the close of the polls on election day are retrieved immediately and transported back to central count. All mail ballots that are deposited into an official ballot drop box by 7:00 p.m. on election day shall be deemed to have been timely received.*

*10. The county clerk shall report to the Secretary of State within 45 days after the general election: the cost of purchasing, installing, and performing maintenance on the ballot drop boxes. The county clerk shall also report the costs associated with the ballot retrieval teams, including hiring, training, and paying retrieval team members.*

**Sec. 39.**

*NAC 293.\_\_\_\_ Mail Ballot Processing (NRS 293.124, 293.247, AB321 (2021))*

*1. On each day during early voting when mail ballots are delivered to the county clerk’s office, the county clerk must count the ballot envelopes, batch them, and record the number of ballots received. This count includes all mail ballots received in person at the county clerk’s office, through the mail, and from the ballot drop boxes.*

*2. If a voter delivers a ballot to the wrong county, that county clerk shall date stamp the ballot envelope, and, to the extent possible, timely forward it to the correct county. The correct county clerk shall treat the ballot as received as of the date and time of the date stamp.*

*3. Signature verification procedures:*

*(a) A single member of the county clerk's staff may conduct the first level of signature verification.*

*(b) If the elector's signature appears anywhere on the ballot return envelope, the county clerk staff must verify the signature by comparing the signature on the envelope with the signature in the voter registration system. The staff member may research the voter's signature, as necessary, by reviewing other signatures saved for that elector in the voter registration system. If the signature reasonably matches, the ballot must be accepted and sent to tabulation.*

*(c) If the ballot return envelope does not contain a signature, the county clerk must attempt to contact the voter using any and all available means, including mail, email, and telephone call or text, to advise the voter that they have until the 6<sup>th</sup> day after the election to cure the missing signature issue following the procedures prescribed by the Secretary of State.*

*(d) If the staff member believes that the signature does not match, the staff member must have the signature independently reviewed by another member of the staff with a different political party affiliation. If both agree that the signature does not match, then the rejection must be noted in the voter registration system and the county clerk must attempt to contact the voter using any and all available means, including mail, email, and telephone call or text message, to advise the voter that they have until the 6<sup>th</sup> day after the election to cure the signature discrepancy following the procedures prescribed by the Secretary of State.*

*(e) The county clerk must periodically audit signature verification staff. If a staff member has an unexplained, irregular acceptance or rejection rate, the county clerk must retrain or remove that staff member from conducting signature verification.*

*(f) If the county uses a ballot sorting and signature capture device, the county clerk must test the device before using it in an election to ensure that it properly sorts envelopes, and accurately and clearly captures the signature on the envelope for comparison to the correct voter record.*

**Sec. 40.**

*NAC 293.\_\_\_\_ Electronic Signature Verification (NRS 293.124, 293.247, AB321 (2021))*

*1. The county clerk must test Signature Verification Devices before use in an election. The testing must verify the accuracy of the device and ensure that the device will not accept a signature that a reasonably trained election official would reject.*

*2. The county clerk must conduct a daily audit of the Signature Verification Device using the following procedures:*

*(a) The county must pull and test a random sample of 1% of the ballots received before 3:00 p.m. PST each day. Ballots received after 3:00 p.m. PST must be included in the next day's count.*

*(b) A team of bipartisan election officials must manually review the signatures on this sample in accordance with the procedures in NAC 293.\_\_\_\_ (above)*

*(c) The election officials conducting the audit must sign and date the Daily Election Signature Verification Audit and the report must be maintained and stored with all other election records.*

*(d) The device fails the audit if the team of election officials would have rejected a ballot signature that the device accepted.*

*(e) If the device fails the audit, the county must immediately cease use of the Signature Verification Device and notify the Secretary of State in writing within 48 hours. The*

*Secretary of State and the county must work in coordination to identify the issue and implement a solution.*

*3. The county must operate the device on a closed secure network. The county may connect the device to the county network only for maintenance and support. The device must be secured by the county firewall. The county must maintain a maintenance and support log that includes the name of the person providing maintenance or support, the date and time the device was accessed, and the specific reason for access.*

**Sec. 41.**

*NAC 293.\_\_\_\_ Ballot Duplication Board; Vote Adjudication Board (NRS 293.124, 293.247, AB321 (2021))*

*1. When any ballot is damaged or defective so that it cannot be read by the tabulation machine, it must be duplicated by a Ballot Duplication Board and the duplicated ballot must be tabulated in place of the damaged ballot. Duplication must be conducted using the following procedures:*

*2. Each Ballot Duplication Board shall be comprised of two members who are registered voters of differing political party affiliation. A county may use multiple Ballot Duplication Boards, and Ballot Duplication Board members may serve in other election-related functions as well. The county must ensure that each team has members with differing political party affiliation.*

*3. For each ballot that must be duplicated, the Ballot Duplication Board must:*

*(a) Ensure that the correct precinct and ballot style will be used to create the duplicated ballot.*

*(b) Assign a serial number for the original and duplicate ballot and write or otherwise mark both the original and duplicate ballot with the same serial number.*

- (c) Conspicuously mark the duplicate ballot as a “DUPLICATE.”*
- (d) Using the original ballot as a guide, mark the duplicate ballot with votes identical to those on the original ballot.*
- (e) After marking the duplicate ballot, verify that it is identical to the original, including over-votes, if voter intent cannot be determined, and any under-votes.*
- (f) Log the ballot and its serial number in a ballot duplication log.*
- (g) If the Ballot Duplication Board makes any errors, mark the duplicate ballot “SPOILED” and repeat the previous steps.*
- (h) Store all original ballots in an envelope or container labeled “ballots that have been duplicated.”*

*4. Before each election cycle, the Secretary of State’s Office will provide and update a guide determining voter intent through an adjudication process. The county clerk may appoint one or more Vote Adjudication Boards, in which each consists of two members who are registered voters with differing political party affiliation. Vote Adjudication Board members may also serve in other election-related functions.*

**Sec. 42.**

*NAC 293.\_\_\_\_ Observation at Central Count Facility (NRS 293.124, 293.247)*

- 1. Subject to the provisions of subsections 2 to 8, inclusive, any person may observe the signature verification and tabulation processes at a county’s central count facility.*
- 2. Before observing the conduct of voting at a county’s central count facility pursuant to subsection 1, a person must sign an acknowledgment in the form prescribed by the Secretary of State stating that the person, during the time the person observes the conduct of voting:*
  - (a) Acknowledges that he or she is prohibited from:*

- 1. Talking to workers within the central count facility with the exception of the county clerk and anyone else designated as a person to whom questions may be directed;*
- 2. Using a mobile telephone or computer within the central count facility;*
- 3. Advocating for or against a candidate, political party or ballot question;*
- 4. Arguing for or against or challenging any decisions of county or city election personnel;*  
*and*
- 5. Interfering with the conduct of ballot processing; and*  
*(b) May be removed from the central count facility by the county or city clerk for violating any provision of title 24 of NRS or any of the provisions of paragraph (a).*
- 3. The county or city clerk may, at his or her discretion, remove from the central count facility a person observing the conduct of ballot processing pursuant to this section for violating any provision of title 24 of NRS or any of the provisions of paragraph (a) of subsection 2.*
- 4. The county or city clerk may, at his or her discretion, limit the number of observers permitted inside the central count facility for reasons of public safety, to preserve voter privacy, or to maintain order.*
- 5. A person observing the conduct of voting at the central count facility 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.*
- 6. A person observing the conduct of voting at the central count facility pursuant to subsection 1 may remain in an area designated by the chair of the election board to observe the activities conducted without interfering with the ballot processing. 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. A person observing the conduct of voting at the central count facility pursuant to subsection 1 must wear a name tag denoting the person's full name.*
- 8. The county clerk shall retain the signed acknowledgments described in subsection 2 for at least 180 days following the election observed by the person who signed the acknowledgment.*
- 9. As used in this section, "advocate" includes, without limitation, speaking, displaying or disseminating written material and wearing party-identifying or candidate-specific clothing, buttons or other paraphernalia.*