

**PROPOSED REGULATION OF  
THE SECRETARY OF STATE**

**LCB File No. R092-21**

December 20, 2021

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

AUTHORITY: § 1, NRS 293.124, 293.247 and 293.275; § 2, NRS 293.124, 293.247 and 293C.2695; § 3, NRS 293.124.

A REGULATION relating to elections; requiring that a county clerk and city clerk conduct certain logic and accuracy tests of an electronic roster; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires each county clerk and city clerk who uses an electronic roster, not earlier than 2 weeks before and not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance, to complete a test of the electronic roster to ensure its functionality in accordance with regulations adopted by the Secretary of State. (NRS 293.275, 293C.2695) This regulation requires the county or city clerk to also complete logic and accuracy tests on the electronic roster and certify to the Secretary of State that the testing was completed not earlier than 2 weeks before and not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance. The tests required by this regulation require confirming: (1) that the electronic roster accurately displays certain information; (2) the correct functioning of the electronic roster in certain situations; and (3) the correct performance of certain functions of the electronic roster.

**Section 1.** Chapter 293 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. If a county clerk uses an electronic roster for an election, the county clerk must conduct logic and accuracy tests on the electronic roster and certify to the Secretary of State that the testing was completed by the deadline set forth in NRS 293.275.*

*2. The testing required pursuant to subsection 1 must confirm, without limitation:*

*(a) That each electronic roster accurately displays:*

*(1) The date and time;*

*(2) The date of the election and the type of election, including, without limitation,*

*whether the election is a primary election, general election or special election;*

*(3) The name of the county;*

*(4) The number of voter files contained in the electronic roster;*

*(5) The precinct and number of voters in the precinct, if applicable;*

*(6) The current version of the operating system; and*

*(7) The signature records of the voters in the county;*

*(b) For at least one electronic roster assigned to each polling place, the correct functioning of the electronic roster for the following situations:*

*(1) A registered voter in the county who appears to vote in person who has not voted in the election;*

*(2) A registered voter in the county who appears to vote in person where the electronic roster shows that a ballot connected to the voter has already been received or voted;*

*(3) A person who claims to be registered to vote who cannot be located in the electronic roster;*

*(4) A registered voter who is listed as inactive in the electronic roster;*

*(5) A registered voter who spoils his or her ballot;*

*(6) A registered voter who appears to vote in person and brings his or her unvoted mail ballot;*

*(7) A registered voter who would like to change his or her political party affiliation;*

*(8) A registered voter who would like to update his or her voter registration information;*  
*and*

*(9) A registered voter in a county with a precinct split; and*

*(c) The correct performance of the following functions of the electronic roster:*

*(1) Printing labels;*

*(2) Printing activation cards or ballot cards;*

*(3) That a ballot issued by one electronic roster is indicated as issued on other electronic rosters;*

*(4) Preparing turnout reports;*

*(5) Preparing daily totals; and*

*(6) That the roster uploads correctly to the office of the county clerk.*

**Sec. 2.** Chapter 293C of NAC is hereby amended by adding thereto a new section to read as follows:

*1. If a city clerk uses an electronic roster for a city election, the city clerk shall conduct logic and accuracy tests on the electronic roster and certify to the Secretary of State that the testing was completed in accordance with the requirements of NRS 293C.2695.*

*2. The testing required pursuant to subsection 1 must confirm, without limitation:*

*(a) That each electronic roster accurately displays:*

*(1) The date and time;*

*(2) The date of the city election and the type of city election, including, without limitation, a primary city election, a general city election or a special city election;*

*(3) The name of the city;*

*(4) The number of voter files contained in the electronic roster;*

*(5) The precinct and number of voters in the precinct, if applicable;*

*(6) The current version of the operating system; and*

*(7) The signature records of the voters in the city;*

*(b) For at least one electronic roster assigned to each polling place, the correct functioning of the prompts and workflow of the electronic roster for the following situations:*

*(1) A registered voter in the city who appears to vote in person who has not voted in the city election;*

*(2) A registered voter in the city who appears to vote in person where the electronic roster shows that a ballot connected to the voter has already been received or voted;*

*(3) A person who claims to be registered to vote who cannot be located in the electronic roster;*

*(4) A registered voter who is listed as inactive in the electronic roster;*

*(5) A registered voter who spoils his or her ballot;*

*(6) A registered voter who appears to vote in person and brings his or her unvoted mail ballot;*

*(7) A registered voter who would like to change his or her political party affiliation;*

*(8) A registered voter who would like to update his or her voter registration information;*

*and*

*(9) A registered voter in a city with a precinct split; and*

*(c) The correct performance of the following functions of the electronic roster:*

*(1) Printing labels;*

*(2) Printing activation cards or ballot cards;*

*(3) That a ballot issued by one electronic roster is reflected as issued on other electronic rosters;*

*(4) Preparing turnout reports;*

*(5) Preparing daily totals; and*

*(6) That the roster uploads correctly to the office of the city clerk.*

**Sec. 3.** This regulation becomes effective on the later:

1. January 1, 2022; or
2. The date upon which the regulation is filed with the Secretary of State.