

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB FILE NO. R093-211

**The following document is the initial draft regulation proposed
by the agency submitted on 11/23/2021**

PROPOSED REGULATIONS OF THE SECRETARY OF STATE

ELECTIONS DIVISION

LCB File No. _____

Section 1. Chapter 293 of NAC is hereby amended by establishing the provisions set forth in Section 2, inclusive of this regulation.

Sec. 2.

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. 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 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 as defined in NRS 293B.335 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.

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.