

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB FILE NO. R094-211

**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.____ 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 6th day after the election to cure the missing signature issue following the procedures prescribed by the Secretary of State.

(d) 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.

(e) 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.