

**PROPOSED REGULATION OF  
THE SECRETARY OF STATE**

**LCB File No. R094-21**

December 20, 2021

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

AUTHORITY: §§ 1-7, NRS 293.124 and 293.247.

A REGULATION relating to elections; establishing certain procedures for the processing of mail ballots and return envelopes; setting forth certain requirements relating to signature verification for mail ballots and return envelopes; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the county and city clerks to mail each active registered voter and each person who registers to vote or updates his or her voter registration information not later than 14 days before an election a mail ballot for all elections. (Sections 3 and 51 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1216 and 1243 (NRS 293.269911, 293C.263)) Existing law also: (1) establishes certain procedures for processing and counting mail ballots received by a county or city clerk; and (2) authorizes a county or city clerk to process and count mail ballots by computer or other electronic means. (Sections 10, 11, 58 and 59 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1220 and 1247 (NRS 293.269925, 293.269927, 293C.26325, 293C.26327))

**Sections 2 and 5** of this regulation require, beginning on the first day of the period for early voting, each county and city clerk to: (1) count all return envelopes returned by mail, in person at the clerk’s office or deposited in a ballot box; (2) batch the return envelopes; and (3) record the total number of return envelopes received. **Sections 2 and 5** further require each county and city clerk to forward any return envelope received for a different county or city to the county or city clerk of the correct county or city.

**Sections 3 and 6** of this regulation require the county or city clerk to: (1) perform periodic audits of employees in the clerk’s office whose regular duties involve checking signatures on mail ballots; and (2) if the county or city clerk uses an electronic device to sort mail ballots or capture a digital image of a voter’s signature, to test the electronic device before it is so used to ensure the electronic device is able to properly sort mail ballots or clearly and accurately capture the digital image of a signature on a mail ballot, as applicable.

**Section 1.** Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

**Sec. 2. 1. Beginning on the first day of the period for early voting by personal appearance, the county clerk shall:**

**(a) Count all return envelopes received by mail, in person at the clerk's office or deposited in a ballot drop box;**

**(b) Batch the return envelopes; and**

**(c) Record the total number of return envelopes received.**

**2. If the county clerk receives a return envelope for a different county, the county clerk shall:**

**(a) Stamp the time and date that it was received on the return envelope of the mail ballot; and**

**(b) As soon as practicable, forward the return envelope and mail ballot to the county clerk of the correct county. The mail ballot shall be deemed to have been received by the correct county clerk at the time and on the date stamped on the return envelope pursuant to paragraph (a).**

**Sec. 3. 1. The county clerk or an employee in the office of the county clerk shall check the signature on the return envelope of a mail ballot in accordance with the provisions of section 11 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at page 1220 (NRS 293.269927).**

**2. The county clerk shall perform periodic audits of each employee in the office of the county clerk whose regular duties include checking signatures on mail ballots. If the county clerk finds that an employee has an irregular acceptance or rejection rate, the county clerk must retrain the employee or prohibit the employee from checking signatures on mail ballots.**

**3. If the county clerk uses an electronic device to:**

*(a) Sort mail ballots, the county clerk must test the electronic device before it is so used to ensure that the electronic device properly sorts mail ballots.*

*(b) Capture the digital image of a voter's signature on a mail ballot, the county clerk must test the electronic device before it is so used to ensure that the electronic device is able to clearly and accurately capture the digital image of a signature on a mail ballot.*

**Sec. 4.** Chapter 293C of NAC is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this regulation.

**Sec. 5. 1.** *Beginning on the first day of the period for early voting by personal appearance, the city clerk shall:*

*(a) Count all return envelopes received by mail, in person at the clerk's office or deposited in a ballot drop box;*

*(b) Batch the return envelopes; and*

*(c) Record the total number of return envelopes received.*

**2.** *If the city clerk receives a return envelope for a different city, the city clerk shall:*

*(a) Stamp the time and date that it was received on the return envelope; and*

*(b) As soon as practicable, forward the return envelope and mail ballot to the city clerk of the correct city. The mail ballot shall be deemed to have been received by the correct city clerk at the time and on the date stamped on the return envelope pursuant to paragraph (a).*

**Sec. 6. 1.** *The city clerk or an employee in the office of the city clerk shall check the signature on the return envelope of a mail ballot in accordance with the provisions of section 59 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at page 1247 (NRS 293C.26327).*

*2. The city clerk shall perform periodic audits of each employee in the office of the city clerk whose regular duties include checking the signatures on mail ballots. If the city clerk finds that an employee has an irregular acceptance or rejection rate, the city clerk must retrain the employee or prohibit the employee from checking signatures on mail ballots.*

*3. If the city clerk uses an electronic device to:*

*(a) Sort mail ballots, the city clerk must test the electronic device before it is so used to ensure that the electronic device properly sorts mail ballots.*

*(b) Capture the digital image of a voter's signature on a mail ballot, the city clerk must test the electronic device before it is so used to ensure that the electronic device is able to clearly and accurately capture the digital image of a signature on a mail ballot.*

**Sec. 7.** This regulation becomes effective on the later of:

1. January 1, 2021; or
2. The date upon which the regulation is filed with the Secretary of State.