

**PROPOSED REGULATION OF THE  
SECRETARY OF STATE**

**LCB FILE NO. R110-21I**

**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 293B of NAC is hereby amended by adding thereto the provisions set forth in Section 2, inclusive of this regulation.**

**Sec. 2. NAC 293B.150 is hereby created to read as follows:**

*NAC 293B.150 Risk limiting audits. (NRS 293.124, 293.247, 293.394)*

*The Secretary of State shall conduct risk limiting audit pilots of the 2022 primary and general elections using the following stipulations:*

- 1. All counties that did not participate in an audit pilot as of January 31, 2022 must participate in the 2022 primary election audit. Counties that have already participated in a pilot may opt to participate in the 2022 primary election audit. All counties must participate in the 2022 general election pilot.*
- 2. The target contest will be a statewide contest such as: U.S. Senate, Governor, Secretary of State, or other statewide constitutional offices. The Secretary of State shall randomly select the contest to be audited not less than fifteen days before the primary or general election date using a method by which all statewide contests have an equal chance to be selected.*
- 3. Each county shall also audit an opportunity contest, which is defined as a countywide contest in which all active registered voters in the county are eligible to participate. This opportunity contest must be selected by a random drawing at which all countywide contests have an equal chance to be selected. The selected contest must be communicated to the Secretary of State by not later than fifteen days before the primary or general election date.*

*4. The participating counties must develop a ballot manifest in accordance with a form provided by the Secretary of State that tracks where all tabulated ballots have been stored and allows for retrieval for auditing purposes. The ballot manifest must include all mail ballots, ballots cast using a mechanical device, and provisional and Same Day Registration conditional ballots that are accepted and tabulated. As soon as possible after the last ballot has been tabulated for an election but no later than the date that the county certifies the election, the county clerk must transmit the ballot manifest and cast vote record files to the Secretary of State using a secure file transfer protocol site.*

*5. The Secretary of State shall use risk limiting audit software and, for each risk limiting audit pilot, the risk limit shall be set at five percent (5%).*

*6. For purposes of the pilot program, the Secretary of State may designate one or more of the following types of audit methods for the participating counties:*

*a. Ballot comparison*

*b. Ballot polling*

*c. Hybrid of ballot comparison and ballot polling*

*7. For purposes of participating in a risk limit audit, a county may remove seals affixed pursuant to NRS 293.391 to retrieve the ballots that are audited. After completion of the audit, the ballots that were selected must be returned to their original locations and new seals must be affixed. The county clerk must maintain written records of the seals used for all ballots in accordance with NRS 293.391.*