

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB FILE NO. R112-211

**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 293B of NAC is hereby amended by amending the provisions set forth in Sections 2 and by adding thereto the provisions set forth in Sections 3, inclusive of this regulation.

Sec. 2. NAC 293B.010 is hereby amended to read as follows:

NAC 293B.010 Definitions. (NRS 293.124, 293.247) As used in this chapter, unless the context otherwise requires:

1. “Firmware” means programming instructions that are stored in a read-only memory format within a mechanical recording device rather than being implemented through software.
2. “Mechanical recording device” has the meaning ascribed to it in NRS 293B.032.
3. “Mechanical voting system” has the meaning ascribed to it in NRS 293B.033.
4. “Results cartridge” means a cartridge which contains the electronically recorded ballots cast during the election and from which the ballots are tabulated.
5. “Voter verifiable paper audit trail printer” or “VVPAT” means the device attached to a mechanical recording device and the paper it prints to record all votes cast by a voter for any and all candidates and for or against any and all measures, enabling that voter to visually verify that the mechanical voting system accurately recorded the votes of the voter.
6. *“Ballot Marking Device” (BMD) describes a style of mechanical voting system pursuant to NRS 293B.033(2).*
7. *“Ballot Polling” when used in reference to a Risk Limiting Audit (RLA) pursuant to NRS 293.394 means a post-election audit in which individual paper ballots are randomly*

selected, and the voter markings are examined and interpreted manually. If a large enough sample shows a large enough majority for the reported winner, the audit stops. This type of RLA cannot identify whether a specific ballot was mis-tabulated, but it can provide convincing evidence about whether the reported outcome is correct.

8. “Ballot Comparison” when used in reference to a Risk Limiting Audit (RLA) pursuant to NRS 293.394 means a post-election audit in which individual paper ballots are randomly selected, the voter markings are examined and interpreted manually, and the human interpretation of voter intent is compared to the voting system’s interpretation of the same ballot, as reflected in the corresponding cast vote records.

Sec. 3. NAC 293B.140 is hereby created to read as follows:

NAC 293B.140 Ballot formatting: uniform contest names. (NRS 293.124, 293.247)

In setting up the election programming for programming the ballots for each election, the counties and their vendors shall use only the following contest names as set forth exactly as indicated by an official Contest Names Report that will be issued by the Secretary of State’s Office no later than 180 days before each election.