

**ADOPTED REGULATION OF  
THE SECRETARY OF STATE**

**LCB File No. R089-21**

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

AUTHORITY: §§ 1, 3, 4, 7 and 8, NRS 293.124 and 293.247; § 2, NRS 293.124, 293.247 and 293.273; §§ 5 and 9, NRS 293.124, 293.247 and 293.3606; § 6, NRS 293.124, 293.247, 293.440, 293.530 and 293.557; § 10, NRS 293.124.

A REGULATION relating to elections; establishing certain requirements for an emergency plan for the disposition of mail ballots; eliminating obsolete language related to voting by absent ballot; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Assembly Bill No. 321 (A.B. 321) of the 2021 Legislative Session repealed existing provisions of law governing voting by absent ballot. (Section 91 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at page 1266) Consistent with the changes made by A. B. 321, **section 10** of this regulation repeals obsolete regulations relating to voting by absent ballot. **Sections 2-9** of this regulation eliminate obsolete language related to voting by absent ballot.

Existing regulations require each county clerk and city clerk to submit a plan to the Secretary of State setting forth the procedures that the clerk will use for the disposition of absent ballots in case of emergency. (NAC 293.318) **Section 1** of this regulation establishes similar requirements for mail ballots.

**Section 1.** Chapter 293 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. Each county clerk and city clerk shall submit a plan to the Secretary of State setting forth the procedures that the clerk will use for the disposition of mail ballots in case of an emergency. The plan must be submitted not later than 90 days before each election.*

*2. In the case of an emergency, the Secretary of State may order one or more polling places to be used to accommodate voters who are unable to vote at their polling places due to the emergency.*

**Sec. 2.** NAC 293.160 is hereby amended to read as follows:

293.160 1. The chair of the election board shall designate the officer of the election board who is to make the proclamation required pursuant to NRS 293.273. That officer shall make the proclamation at the entrance or inside of the polling place.

2. During the time the polls are open, the members of an election board may take time for meals or personal needs, except that only one member may be absent at any time from a polling place where four or fewer members are employed, and only two members may be absent at any time from a polling place where five or more members are employed.

3. The election board shall, to the extent possible, prevent any person who has given assistance in voting to another from disclosing the nature of the assisted person's vote.

4. ~~Any election board which receives mailing ballots from the county clerk shall follow the procedure prescribed for absent ballots in NRS 293.333 and 293.335.~~

~~5.]~~ When it is time to close the polls, a member of the election board shall proclaim that the polls are closed for voting.

~~6.]~~ 5. After the completion of an election, all ballots and paper records of VVPATs must be returned by the sheriff or representative of the county clerk and placed by him or her in a secure storage area designated and provided by the county clerk.

~~7.— If an absent ballot central counting board is appointed, the members of the board shall meet at a place designated by the county clerk as soon as the polls close.]~~

6. The board of county commissioners shall prepare abstracts of votes on a form which was submitted by the county clerk to and approved by the Secretary of State.

**Sec. 3.** NAC 293.190 is hereby amended to read as follows:

293.190 1. Each county clerk shall provide to persons with disabilities and persons 65 years of age or older registration aids and voting aids, including:

(a) Instructions which are printed in large type and are conspicuously displayed at each permanent registration facility and at each polling place; and

(b) Information through telecommunication devices for persons who are deaf.

2. When the county clerk provides public notice of registration and voting, he or she shall also provide notice of the availability of registration aids ~~and~~ *and* voting aids and procedures for voting . ~~by absentee ballot.~~

**Sec. 4.** NAC 293.270 is hereby amended to read as follows:

293.270 1. A person who completes the written affirmation required by NRS 293.3082 must be provided with a provisional ballot, regardless of whether the person is at the wrong polling place or precinct.

2. If an election official becomes aware that a person appearing to vote is a registered voter who has appeared to vote in the wrong polling place, the election official must inform the person of the location of the correct polling place for the person. The election official must also inform the person that although a provisional ballot may be cast at the incorrect precinct, the provisional ballot will not be counted unless the requirements of subsection 3 are satisfied and the voter casts the provisional ballot at a polling place that is located in the congressional district in which the voter resides.

3. A county clerk shall count a provisional ballot if the county clerk determines that all the following requirements were satisfied by the date of the election for which the provisional ballot was cast:

(a) The voter was properly registered in the county where the provisional ballot was cast;

- (b) The voter was a citizen of the United States;
- (c) The voter was 18 years of age or older;
- (d) The voter had continuously resided in the county where he or she registered to vote for at least 30 days;
- (e) The voter had continuously resided in the precinct for which he or she registered to vote for at least 10 days;
- (f) ~~[(The voter had not been convicted of a felony or, if the voter had been convicted of a felony, the civil rights of the voter had been lawfully restored;~~
- ~~—(g)]~~ The voter signed the required affirmation;
- ~~[(h)]~~ (g) If the provisional ballot was cast at a polling place, the voter did not cast any other ballot, including ~~[an absent or]~~ a mail-in ballot;
- ~~[(i)]~~ (h) If the voter did not show proof of residence and identity at the time he or she registered to vote, that the voter provided official identification establishing residence and identity by 5 p.m. on the Friday following election day;
- ~~[(j)]~~ (i) The voter cast the provisional ballot at a polling place that was authorized to accept a ballot for the congressional district in which the voter resides; and
- ~~[(k)]~~ (j) The provisional ballot cast listed the correct federal offices for the congressional district in which the voter resides.

4. The county clerk shall, not earlier than 5 p.m. on the Friday immediately following election day, post and submit to the Secretary of State the totals of provisional votes counted. The county clerk shall post and submit the updated results in the same manner and form as election day results.

**Sec. 5.** NAC 293.331 is hereby amended to read as follows:

293.331 1. If a precinct has fewer than 10 returns from early voting:

(a) The reporting of those returns separately from the regular votes of the precinct shall be deemed, for the purposes of NRS 293.3606, to violate the secrecy of those voters' ballots; and

(b) Those returns must be reported in combination with the regular votes of the precinct.

2. If a precinct has fewer than 10 returns of ~~absent~~ mail ballots:

(a) The reporting of those returns separately from the regular votes of the precinct shall be deemed, for the purposes of ~~NRS 293.385,~~ *section 15 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at page 1223 (NRS 293.269935)*, to violate the secrecy of those voters' ballots; and

(b) Those returns must be reported in combination with the regular votes of the precinct.

**Sec. 6.** NAC 293.412 is hereby amended to read as follows:

293.412 1. A county clerk shall:

(a) Maintain a separate list of inactive voters or designate inactive voters as such on regular lists of registered voters and election board registers.

(b) At the request of the Secretary of State, report to the Secretary of State the total number of inactive voters.

2. The name of each inactive voter:

(a) Must be included on any list made available for public inspection pursuant to NRS 293.440 unless the person requesting the list requests the exclusion of those names.

(b) Must not be included on any list made available for public inspection pursuant to NRS 293.557.

3. The signature of an inactive voter shall be deemed to be the signature of a registered voter for all purposes regarding any petition authorized or required pursuant to title 24 of NRS.

4. A city or county clerk:

(a) Is not required to send a sample ballot to an inactive voter.

(b) Is required to send ~~[an absent]~~ *a military-overseas* ballot to an inactive voter if the inactive voter requests ~~†~~:

~~——(1) An absent ballot pursuant to the provisions of NRS 293.313 or 293C.310, as applicable; or~~

~~——(2) A] a military-overseas ballot pursuant to the provisions of chapter 293D of NRS.~~

5. An inactive voter may vote in person at a polling place in the same manner as an active voter.

6. As used in this section, “inactive voter” means a voter designated as inactive pursuant to NRS 293.530 whose registration has not been cancelled.

**Sec. 7.** NAC 293C.150 is hereby amended to read as follows:

293C.150 1. The chair of the election board shall designate the officer of the election board who is to make the proclamation required pursuant to NRS 293.273. That officer shall make the proclamation at the entrance or inside of the polling place.

2. During the time the polls are open, the members of an election board may take time for meals or personal needs, except that only one member may be absent at any time from a polling place where four or fewer members are employed, and only two members may be absent at any time from a polling place where five or more members are employed.

3. The election board shall, to the extent possible, prevent any person who has given assistance in voting to another from disclosing the nature of the assisted person’s vote.

4. In polling places in which a mechanical voting system is not used:

(a) The number of replacement ballots that may be issued to a voter who spoils his or her ballot may be decided, in good faith, by the election board.

(b) The chair of the election board shall make a record of the cancelled ballots. The envelope in which cancelled ballots are placed must be marked with the words “cancelled ballots.”

5. ~~Any election board that receives mailing ballots from the city clerk shall follow the procedure prescribed for absent ballots in NRS 293C.332 and 293C.352.~~

~~6.]~~ When it is time to close the polls, a member of the election board shall proclaim that the polls are closed for voting.

~~7.]~~ 6. After the completion of an election:

(a) In polling places in which a mechanical voting system is not used, ballot boxes must be returned by the chief law enforcement officer of the city or representative of the city clerk and placed by him or her in a secure storage area designated and provided by the city clerk.

(b) In polling places in which a mechanical voting system is used, all ballots and paper records of VVPATs must be returned by the chief law enforcement officer of the city or representative of the city clerk and placed by him or her in a secure storage area designated and provided by the city clerk.

~~8.—If an absent ballot central counting board is appointed, the members of the board shall meet at a place designated by the city clerk as soon as the polls close.]~~

7. The city council shall prepare abstracts of votes on a form that was submitted by the city clerk to and approved by the Secretary of State.

**Sec. 8.** NAC 293C.230 is hereby amended to read as follows:

293C.230 1. Each city clerk shall provide to persons with disabilities and persons 65 years of age or older aids for voting, including:

(a) Instructions that are printed in large type and are conspicuously displayed at each polling place; and

(b) Information through telecommunication devices for persons who are deaf.

2. When the city clerk provides public notice of voting, he or she shall also provide notice of the availability of aids for voting and procedures for voting . ~~{by absent ballot.}~~

**Sec. 9.** NAC 293C.240 is hereby amended to read as follows:

293C.240 1. If a precinct has fewer than 10 returns from early voting:

(a) The reporting of those returns separately from the regular votes of the precinct shall be deemed, for the purposes of NRS 293C.3606, to violate the secrecy of those voters' ballots; and

(b) Those returns must be reported in combination with the regular votes of the precinct.

2. If a precinct has fewer than 10 returns of ~~{absent}~~ *mail* ballots:

(a) The reporting of those returns separately from the regular votes of the precinct shall be deemed, for the purposes of ~~{NRS 293C.385,}~~ *section 63 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at page 1250 (NRS 293C.26335)*, to violate the secrecy of those voters' ballots; and

(b) Those returns must be reported in combination with the regular votes of the precinct.

**Sec. 10.** NAC 293.173, 293.291, 293.295, 293.305, 293.307, 293.311, 293.313, 293.315, 293.317, 293.318, 293.319, 293C.165, 293C.170, 293C.190, 293C.195, 293C.196, 293C.197, 293C.198, 293C.199 and 293C.200 are hereby repealed.



## TEXT OF REPEALED SECTIONS

### **293.173 Counting of votes cast by certain challenged voters.**

1. If an absent ballot central counting board has been established pursuant to ,NRS 293.235, ballots cast by voters whose eligibility to vote has been successfully challenged solely on the basis of a change of residence within the county must be counted and recorded separately from those cast by other voters in any precinct.

2. If an absent ballot central counting board has not been established, the county clerk shall provide the manner of counting such ballots.

### **293.291 Form to request absent ballot; voting at polling place after receipt.**

1. In addition to the requirements set forth in paragraph (a) of subsection 1 of NRS 293.3095, the form to request an absent ballot must:

(a) Include a line for:

- (1) The name of the registered voter requesting the absent ballot;
- (2) The signature of the registered voter requesting the absent ballot; and
- (3) A tracking number that consists of the:

(I) Control number of the application to register to vote assigned to the application by the Secretary of State pursuant to NAC 293.420; or

(II) Voter registration number that is generated by computer and assigned by the county clerk in a county where a computer is used to register voters; and

(b) Include the name and address of the county clerk of the county where the registered voter who requests the ballot resides.

2. A registered voter who receives an absent ballot may vote at a polling place if the registered voter:

(a) Surrenders the absent ballot to the county clerk or a designee thereof; or

(b) Complies with the requirements set forth in subsection 3 of NRS 293.330.

**293.295 Request for absent ballot: Verification of voter's address; notification.** A county clerk who receives a request for an absent ballot shall:

1. Compare the address of the voter's residence in this State which is indicated on the request with the address which is indicated on the voter's application to register to vote.

2. If the county clerk determines that the address indicated on the application to register to vote is different from the address which is indicated on the request for an absent ballot, mail a written notice to the voter. The notice must include:

(a) A copy and explanation of the provisions set forth in NRS 293.525; and

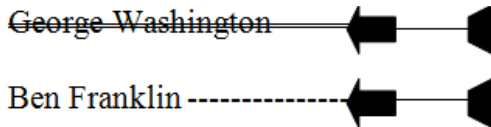
(b) A postcard to be returned by the voter to the county clerk which includes verification of the address of the voter's residence in this State. The county clerk shall use a postcard that may not be forwarded to an address of the voter which is different from the address to which the notice is mailed.

**293.305 Delivery of absent ballot by mail.** When a county clerk sends a voter an absent ballot pursuant to NRS 293.323, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the absent ballot is mailed.

**293.307 Provision of instructions for correction of absent ballot; duplication of corrected ballot.**

1. Each county clerk or city clerk shall provide, with each absent ballot, instructions that must include the following:

If you make a mistake or change your mind while voting this ballot, do not use correction fluid or tape. Simply cross out the name of the candidate you do not wish to vote for and connect the arrow of the candidate you do wish to vote for. See example below. Call XXX-XXXX for assistance if needed.



2. A county clerk or city clerk shall not duplicate any absent ballot which the voter has marked to indicate a correction or on which the voter has used correction tape or fluid unless the clerk determines that no ambiguity exists as to the intent of the voter.

**293.311 Procedures for handling absent voters' ballots in county with absent ballot central counting board.**

1. In a county in which the county clerk has appointed an absent ballot central counting board and posted a statement pursuant to subsection 2, the county clerk may, not earlier than 4 working days before election day and not later than 5 p.m. on the second working day before

election day, deliver the absent voters' ballots to the absent ballot central counting board. When the ballots are received, the absent ballot central counting board shall:

(a) Sort the ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district, unless the system for counting the ballots produces an accounting of the ballots by precinct or voting district;

(b) Count the number of ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district;

(c) Account for all ballots on the statement of ballots; and

(d) Place all the ballots and the statement of ballots into the container provided by the county clerk to transport those items to a central counting place and seal the container. The container and seal used must comply with the provisions of NRS 293.462.

2. Not later than 2 working days before the date of delivery of the ballots pursuant to subsection 1, the county clerk must post a statement in his or her office that notifies the public of any actions that will be taken pursuant to subsection 1.

3. Any absent ballots received by the county clerk after he or she delivers the ballots pursuant to subsection 1 must be:

(a) Stored and secured pursuant to the provisions of NRS 293.325 after those ballots have been returned pursuant to subsection 1; and

(b) Processed pursuant to the provisions of NRS 293.3625 to 293.397, inclusive.

4. The county clerk shall allow members of the general public to observe the handling of the absent ballots conducted pursuant to subsection 1 if those members do not interfere with the handling of the absent ballots.

**293.313 Absent ballot sent by approved electronic transmission: Recording of absent ballot and maintenance of original ballot card.** If a county clerk or the authorized representative of a county clerk sends an absent ballot by approved electronic transmission, the county clerk or the county clerk's authorized representative shall:

1. Cause a unique identification number to be included on the absent ballot.

2. Record in the absent ballot record:

(a) The name of each voter who requested an absent ballot by approved electronic transmission, the voter's precinct or district, the voter's political affiliation, if any, and the unique identification number of the absent ballot.

(b) The method of approved electronic transmission used by the county clerk or the county clerk's authorized representative to send the absent ballot, including, without limitation, the destination of the absent ballot, such as the facsimile transmission number or electronic mailing address, as applicable, to which the county clerk or the county clerk's authorized representative sent the absent ballot.

(c) The date and time that the county clerk or the county clerk's authorized representative sent the absent ballot to the voter by approved electronic transmission.

(d) The initials of the person who sent the absent ballot to the voter.

3. Maintain the original ballot card in a secured area where access is allowed only with the approval of the county clerk.

**293.315 Absent ballot sent by facsimile: Contents and form.**

1. An absent ballot sent to a voter by facsimile pursuant to subsection 2 of NRS 293.323 must:

(a) Contain instructions for marking the absent ballot.

(b) Contain instructions for returning the absent ballot by facsimile, including, without limitation, the:

(1) Facsimile transmission number that the voter may use to return the absent ballot.

(2) Deadline for returning the absent ballot by facsimile to the county clerk.

(c) Contain the contact information of the county clerk or an authorized representative of the county clerk who will be available during normal business hours to answer questions from the voter concerning the absent ballot. Such information must include, without limitation, the county clerk or authorized representative's name, address, phone number, facsimile transmission number and electronic mail address.

(d) Instruct the voter that the absent ballot may not be used by another voter or duplicated.

(e) Instruct the voter to read and sign a declaration, under penalty of perjury, stating that the voter:

(1) Resides within the precinct in which he or she is voting; and

(2) Is the person who requested the absent ballot.

(f) Contain a statement that failure to sign the declaration required pursuant to paragraph (e) will result in the absent ballot not being counted.

(g) Contain any other information required by the Secretary of State or county clerk.

2. Except as otherwise provided in NRS 293.309, an absent ballot and the information required pursuant to subsection 1 must be written on a form 8 1/2 x 11 inches in size and printed in a size equal to at least 10-point black type on a white background.

**293.317 Absent ballot: Receipt; recording; verification of signature.**

1. To be counted, an absent ballot must be received by the office of the county clerk by 7 p.m. on the day of the election.

2. The county clerk shall place each rejected absent ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the rejection of the absent ballot.

3. When an absent ballot is returned to the county clerk, the county clerk shall:

(a) Record the receipt of the absent ballot in the absent ballot record; and

(b) If the absent ballot is returned by approved electronic transmission and the voter requests confirmation of receipt of the absent ballot, send a confirmation to the voter using approved electronic transmission.

4. The county clerk shall check the signature on the return envelope, facsimile or other electronic document, as applicable, of the absent ballot against the original signature of the voter on his or her application to register to vote. Each county clerk shall establish a procedure for duplicating absent ballots received pursuant to this section that must be approved by the Secretary of State before it is used by the county clerk.

5. If a voter returns more than one voted absent ballot for the same election and the county clerk receives all such absent ballots before the polls are closed on the day of the election, the county clerk shall count the absent ballot received first.

**293.318 Absent ballot: Plan for disposition in case of emergency.**

1. Each county clerk and city clerk shall submit a plan to the Secretary of State setting forth the procedures that the clerk will use for the disposition of absent ballots in case of an emergency. Such plan must be submitted not later than 90 days before each election.

2. In the case of an emergency, the Secretary of State may order one or more polling places to be used to accommodate voters who are unable to vote at their polling places due to the emergency.

3. As used in paragraph (o) of subsection 3 of NRS 293.247, “emergency” means a temporary or permanent situation where one or more polling places located within the jurisdiction of a county clerk or city clerk does not have a mechanical voting device that is properly recording votes electronically.

**293.319 Absent ballot: Reporting requirements after election.** Not later than 60 days after the date of an election, a county clerk shall report to the Secretary of State, in the form prescribed by the Secretary of State:

1. The number of absent ballots for that election that the county clerk sent using approved electronic transmission.
2. The number of absent ballots for that election that were returned by voters using approved electronic transmission.
3. The number of absent ballots described in subsection 2 which were counted by the county clerk.

**293C.165 Absent ballot: Form to request; voting at polling place after receipt.**

1. In addition to the requirements set forth in paragraph (a) of subsection 1 of NRS 293C.306, the form to request an absent ballot must:

(a) Include a line for:

- (1) The name of the registered voter requesting the absent ballot;
- (2) The signature of the registered voter requesting the absent ballot; and
- (3) A tracking number that consists of the:

(I) Control number of the application to register to vote assigned to the application by the Secretary of State pursuant to NAC 293.420; or



(II) Voter registration number that is generated by computer and assigned by the county clerk in a county where a computer is used to register voters; and

(b) Include the name and address of the city clerk of the city where the registered voter requesting the ballot resides.

2. A registered voter who receives an absent ballot may vote at a polling place if the registered voter:

- (a) Surrenders the absent ballot to the city clerk or the designee of the city clerk; or
- (b) Complies with the requirements set forth in subsection 3 of NRS 293C.330.

**293C.170 Request for absent ballot: Verification of voter's address; notification.** A city clerk who receives a request for an absent ballot shall:

1. Compare the address of the voter's residence in this State that is indicated on the request with the address that is indicated on the voter's application to register to vote.

2. If the city clerk determines that the address indicated on the application to register to vote is different from the address that is indicated on the request for an absent ballot, mail a written notice to the voter. The notice must include:

- (a) A copy and explanation of the provisions set forth in NRS 293C.525; and
- (b) A postcard to be returned by the voter to the city clerk that includes verification of the address of the voter's residence in this State. The city clerk shall use a postcard that may not be forwarded to an address of the voter that is different from the address to which the notice is mailed.

**293C.190 Delivery of absent ballot by mail.** When a city clerk sends a voter an absent ballot pursuant to NRS 293C.322, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the absent ballot is mailed.

**293C.195 Procedures for handling absent voters' ballots in city with absent ballot central counting board.**

1. In a city in which an absent ballot central counting board has been appointed and the city clerk has posted a statement pursuant to subsection 2, the city clerk may, not earlier than 4 working days before election day and not later than 5 p.m. on the second working day before election day, deliver the absent voters' ballot boxes to the absent ballot central counting board.

When the ballot boxes are received, the absent ballot central counting board shall:

(a) Sort the ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district, unless the counting system produces an accounting of the ballots by precinct or voting district;

(b) Count the number of ballots by precinct or, for those precincts that have been consolidated into a single voting district, by voting district, unless the counting system produces an accounting of the ballots by precinct or voting district;

(c) Account for all the ballots on the statement of ballots; and

(d) Place all the ballots and the statement of ballots into the container provided by the city clerk to transport those items to a central counting place and seal the container. The container and seal used must comply with the provisions of NRS 293C.700.

2. Not later than 2 working days before the date of delivery of the ballot boxes pursuant to subsection 1, the city clerk must post a statement in the city clerk's office that notifies the public of any actions that will be taken pursuant to subsection 1.

3. Any absent ballots received by the city clerk after he or she delivers the ballot boxes pursuant to subsection 1 must be:

(a) Deposited into the appropriate absent voters' ballot boxes pursuant to the provisions of NRS 293C.305 to 293C.340, inclusive, after those ballot boxes have been returned pursuant to subsection 1; and

(b) Processed pursuant to the provisions of NRS 293C.3615 to 293C.395, inclusive.

4. The city clerk shall allow members of the general public to observe the handling of the absent ballots conducted pursuant to subsection 1 if those members do not interfere with the handling of the absent ballots.

**293C.196 Absent ballot sent by approved electronic transmission: Recording of absent ballot and maintenance of original ballot card.** If a city clerk or the authorized representative of a city clerk sends an absent ballot by approved electronic transmission, the city clerk or the city clerk's authorized representative shall:

1. Cause a unique identification number to be included on the absent ballot.

2. Record in the absent ballot record:

(a) The name of each voter who requested an absent ballot by approved electronic transmission, the voter's precinct or district, the voter's political affiliation, if any, and the unique identification number of the absent ballot.

(b) The method of approved electronic transmission used by the city clerk or the city clerk's authorized representative to send the absent ballot, including, without limitation, the destination of the absent ballot, such as the facsimile transmission number or electronic mailing address, as applicable, to which the city clerk or the city clerk's authorized representative sent the absent ballot.

(c) The date and time that the city clerk or the city clerk's authorized representative sent the absent ballot to the voter by approved electronic transmission.

(d) The initials of the person who sent the absent ballot to the voter.

3. Maintain the original ballot card in a secured area where access is allowed only with the approval of the city clerk.

**293C.197 Absent ballot sent by facsimile: Contents and form.**

1. An absent ballot sent to a voter by facsimile pursuant to subsection 2 of NRS 293C.322 must:

(a) Contain instructions for marking the absent ballot.

(b) Contain instructions for returning the absent ballot by facsimile, including, without limitation, the:

(1) Facsimile transmission number that the voter may use to return the absent ballot.

(2) Deadline for returning the absent ballot by facsimile to the city clerk.

(c) Contain the contact information of the city clerk or an authorized representative of the city clerk who will be available during normal business hours to answer questions from the voter concerning the absent ballot. Such information must include, without limitation, the city clerk or authorized representative's name, address, phone number, facsimile transmission number and electronic mail address.

(d) Instruct the voter that the absent ballot may not be used by another voter or duplicated.

(e) Instruct the voter to read and sign a declaration, under penalty of perjury, stating that the voter:

(1) Resides within the precinct in which he or she is voting; and

(2) Is the person who requested the absent ballot.

(f) Contain a statement that failure to sign the declaration required pursuant to paragraph (e) will result in the absent ballot not being counted.

(g) Contain any other information required by the Secretary of State or city clerk.

2. Except as otherwise provided in NRS 293.309, an absent ballot and the information required pursuant to subsection 1 must be written on a form 8 1/2 x 11 inches in size and printed in a size equal to at least 10-point black type on a white background.

**293C.198 Absent ballot: Receipt; recording; verification of signature.**

1. To be counted, an absent ballot must be received by the office of the city clerk by 7 p.m. on the day of the election.

2. The city clerk shall place each rejected absent ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the rejection of the absent ballot.

3. When an absent ballot is returned to the city clerk, the city clerk shall:

(a) Record the receipt of the absent ballot in the absent ballot record; and

(b) If the absent ballot is returned by approved electronic transmission and the voter requests confirmation of receipt of the absent ballot, send a confirmation to the voter using approved electronic transmission.

4. The city clerk shall check the signature on the return envelope, facsimile or other electronic document, as applicable, against the original signature of the voter on his or her application to register to vote. Each city clerk shall establish a procedure for duplicating absent ballots received pursuant to this section that must be approved by the Secretary of State before it is used by the city clerk.

5. If a voter returns more than one voted absent ballot for the same election and the city clerk receives all such absent ballots before the polls are closed on the day of the election, the city clerk shall count the absent ballot received first.

**293C.199 Absent ballot: Reporting requirements after election.** Not later than 60 days after the date of an election, a city clerk shall report to the election board:

1. The number of absent ballots for that election that the city clerk sent using approved electronic transmission.
2. The number of absent ballots for that election that were returned by voters using approved electronic transmission.
3. The number of absent ballots described in subsection 2 which were counted by the city clerk.

**293C.200 Challenged voters: Counts of votes cast.**

1. If an absent ballot central counting board has been established pursuant to NRS 293C.240, ballots cast by voters whose eligibility to vote has been successfully challenged must be counted and recorded separately from those cast by other voters in any precinct.
2. If an absent ballot central counting board has not been established, the city clerk shall provide the manner of counting such ballots.