

**PROPOSED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R217-97

January 23, 1998

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

AUTHORITY: §§2, 4-7, 9-13, 15-18, 20-23, 25-27, 32-36, 43, 48-50, 74-77, 88, NRS 293.124; §§3, 14, 24, 28, 30, 37-42, 44, 46-47, 51, 54-64, NRS 293.124 and 293.247; §8, NRS 293.124 and 293.196; §19, NRS 293.124 and 293.403; §29, NRS 293.124, 293.247 and 293.524; §45, NRS 293.124, 293.247 and 293C.315; §52-53, NRS 293.124 and 293C.387; §§66-70, NRS 294A.380; §71, NRS 294A.380 and 294A.385; §72, NRS 294A.380; §§79-87, NRS 306.011.

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. *The provisions of this chapter, not inconsistent with the provisions of chapter 293C of NAC or a city charter, apply to city elections.*

Sec. 3. *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.*

Sec. 4. NAC 293.010 is hereby amended to read as follows:

293.010 As used in this chapter, unless the context otherwise requires:

1. “Department” means the department of motor vehicles and public safety.

[2. “Stylus” means a pointed instrument used by a voter to punch out the chips of a ballot card or a card upon which the names of the candidates and ballot questions are printed and when used with a punchcard device by a voter indicates his choices.

3.] 2. “Voting booth” means any place or compartment used to screen a voter from the observation of others.

Sec. 5. NAC 293.025 is hereby amended to read as follows:

293.025 A person who wishes to file a complaint concerning an alleged violation of any provision of Title 24 of NRS must [submit] :

1. *Submit* the complaint in writing to the secretary of state [.] ; *and*
2. *Sign the complaint.*

The complaint may include proof of the alleged violation.

Sec. 6. NAC 293.040 is hereby amended to read as follows:

293.040 1. The secretary of state will, not later than [February 15] *March 15* of the year in which a primary election is held, prepare and send to each county clerk a written notice which designates the offices for which candidates are to be nominated at the primary election.

2. Within 10 days after receipt of the notice required to be sent pursuant to subsection 1, the county clerk shall publish once in a newspaper published in his county that portion of the notice which applies to his county. If no newspaper is published in his county, the publication must be made in any newspaper of general circulation which is published in the nearest county of this state.

[3. The city clerk shall, not later than March 15 of the year in which a primary or general city election is held, publish once in a newspaper published in his city a notice which designates the offices for which candidates are to be nominated at the primary city election and the offices

for which candidates are to be elected at the general city election. If no newspaper is published in his city, the publication must be made in any newspaper of general circulation in the city which is published in his county or, if none, which is published in the nearest county of this state.]

Sec. 7. NAC 293.050 is hereby amended to read as follows:

293.050 1. [Each city clerk shall send to the secretary of state a list certified by him which contains the name and mailing address of each person who is a candidate for a city office. If the city:

(a) Holds a primary city election, the list must be sent on or before April 15 of the year in which that election is held.

(b) Does not hold a primary city election, the list must be sent on or before May 15 of the year in which the general city election is held.

2.] On or before the second Wednesday in June, each county clerk shall send to the secretary of state a list certified by him which contains the name and mailing address of each person who is a nonpartisan candidate or a candidate of a major political party for a county, district, or township office.

[3.] 2. Each county clerk shall, not later than the second Wednesday in July, send to the secretary of state a list certified by him which contains the name and mailing address of each person who is a candidate of a minor political party or an independent candidate for a county, district, or township office.

[4.] 3. On or before the second Wednesday in July, the secretary of state will send to each county clerk a list certified by him which contains the name and mailing address of each person for whom a declaration of candidacy or an acceptance of candidacy has been filed in his office who is a candidate of a minor political party or an independent candidate.

Sec. 8. NAC 293.060 is hereby amended to read as follows:

293.060 1. For purposes of elections only, the offices of justice of the supreme court are designated as seats A, B, C, D, **[and E.]** *E, F and G.*

2. The offices which will be filled at the general election of 1980, and each 6 years thereafter, are designated seats A and E. The office which will be filled at the general election of 1982, and each 6 years thereafter, is designated seat C. The offices which will be filled at the general election of 1984, and each 6 years thereafter, are designated seats B and D. *The offices which will be filled at the general elections of 1998 and 2000, and each 6 years thereafter, are designated seats F and G.* The following illustrates the sequence:

- (a) Seat A — 1980, 1986, 1992, 1998, etc.;
- (b) Seat B — 1984, 1990, 1996, 2002, etc.;
- (c) Seat C — 1982, 1988, 1994, 2000, etc.;
- (d) Seat D — 1984, 1990, 1996, 2002, etc.; **[and]**
- (e) Seat E — 1980, 1986, 1992, 1998, etc. ;
- (f) Seat F — 1998, 2000, 2006, 2012, etc.; and*
- (g) Seat G — 1998, 2000, 2006, 2012, etc.*

Sec. 9. NAC 293.081 is hereby amended to read as follows:

293.081 1. A candidate may change the manner in which his name will appear on the ballot by filing a written request to amend his **[affidavit of candidacy,]** declaration of candidacy **[,]** or acceptance of candidacy. The request must be filed by the candidate in person with the filing officer with whom he filed his **[affidavit of candidacy,]** declaration of candidacy **[,]** or acceptance of candidacy **[,]** not later than 5 p.m. on the last day to file the **[affidavit of candidacy,]** declaration of candidacy **[,]** or acceptance of candidacy.

2. This section does not authorize the amendment of any matter contained in [an affidavit of candidacy,] a declaration of candidacy [,] or acceptance of candidacy other than the manner in which the name of the candidate appears.

Sec. 10. NAC 293.100 is hereby amended to read as follows:

293.100 Each county [or city] clerk shall prepare for each precinct a quantity of ballots at least equal to the number of registered voters in the precinct.

Sec. 11. NAC 293.120 is hereby amended to read as follows:

293.120 The county [or city] clerk shall:

1. Mail a copy of the sample ballot for the primary election to each candidate who has filed with him a declaration of candidacy [, an affidavit of candidacy,] or an acceptance of candidacy. The copy must be mailed to the [post office] mailing address which is stated in the declaration of candidacy [, affidavit of candidacy,] or acceptance of candidacy.

2. Mail a copy of the sample ballot for the primary election to each candidate who has been certified to him by the secretary of state. The copy must be mailed to the post office address which is stated in the certificate.

3. If a candidate's name appears on more than one type of sample ballot, mail a copy of at least one of the sample ballots to the candidate but the county [or city] clerk shall make a copy of each sample ballot available to the candidate upon request.

4. Mail a copy of each sample ballot for a primary election to the secretary of state.

5. Post a copy of the sample ballot or a list of candidates in a conspicuous place in his office.

Sec. 12. NAC 293.130 is hereby amended to read as follows:

293.130 Sample ballots for general elections must be prepared in the same manner, quantity, and form as sample ballots for primary elections and must be distributed and posted in the same manner. The county [or city] clerk shall prepare a sufficient number of explanations of the questions on the ballot so that he can mail one with each sample ballot, post one in a conspicuous place in his office, and post at least two in each precinct.

Sec. 13. NAC 293.140 is hereby amended to read as follows:

293.140 1. If an election board of more than three members is required to accommodate the number of registered voters in any precinct, the county [or city] clerk may appoint as many additional members as he believes are necessary or desirable.

2. The county [or city] clerk may permit any member of an election board or any other interested person to attend the school described in NRS 293.227. The county [or city] clerk shall, when possible, give preference to persons who have attended the school when he appoints members of election boards.

3. After the county [or city] clerk's school for chairmen has been conducted and before the day of *the* election, each chairman shall instruct the members of his election board in the procedures to be followed at the election.

Sec. 14. NAC 293.150 is hereby amended to read as follows:

293.150 1. At least 2 days before any election, every county [or city] clerk shall prepare the following supplies for each polling place:

(a) One flag of the United States.

(b) Cards for providing [the] :

(1) *The* appropriate warning regarding interference with the conduct of the election.

[(c) Cards for providing notice]

(2) *Notice* of the law prohibiting voting more than once.

(3) *Notice of the law prohibiting electioneering within 100 feet from the entrance to the building or other structure in which a polling place is located.*

[(d)] (c) One copy of the statutes and regulations governing elections, or one copy of a compilation of the statutes and regulations governing elections.

[(e)] (d) If a procedure for bilingual voting is used in the county, the required notices in the appropriate foreign language.

2. The county [or city] clerk may prepare for each polling place any additional supplies he considers necessary or desirable for carrying out the election.

3. On or before the day preceding the day of an election, each county [or city] clerk may deliver the election supplies to the sheriff of his county, or a person designated by the clerk [.] for further distribution. The election supplies may be delivered in sealed containers and may include any other accountable items. The sheriff or other designated person shall sign a receipt for all of the items received by him. The sheriff or other designated person shall immediately, and in a safe manner, distribute the election supplies to those members of election boards who are designated by the county [or city] clerk to receive and take custody of the supplies. The sheriff or other designated person shall obtain a signed receipt from each member of an election board to whom the sealed container or any other accountable item is delivered.

4. When an election board accepts delivery of election supplies, it shall check the supplies against the list of inventory and immediately notify the county [or city] clerk of any shortage. The county [or city] clerk shall immediately correct the shortage.

5. At each polling place within the county, the county [or city] clerk shall provide a quantity of booths which is sufficient to allow voters to vote their ballots conveniently and in a manner that allows their voting to be screened from the view of others.

6. Each of the booths must, during the election, be provided with the necessary supplies for voting ballots, and must be sufficiently lighted to enable voters to read clearly all of the printing on ballots or ballot page assemblies and to enable members of election boards to perform their duties.

7. Before opening the polls, the members of the election board shall carefully inspect the ballot box to ensure that nothing remains in the ballot box from a previous election. The ballot box must be locked after the inspection and the key to any lock on the ballot box must be delivered to the chairman of the election board or, if there is no lock, the ballot box must be sealed by a seal approved by the secretary of state. The ballot box must not be opened during the election except as *otherwise* provided in NRS 293B.325.

Sec. 15. NAC 293.160 is hereby amended to read as follows:

293.160 1. The chairman 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. The number of replacement ballots which may be issued to a voter who spoils his ballot may be decided, in good faith, by the election board.

5. The chairman of the election board shall make a record of the canceled ballots. The envelope in which canceled ballots are placed must be marked with the words “canceled ballots.”

6. Any election board which receives mailing ballots from the county [or city] clerk shall follow the procedure prescribed for absent ballots in NRS 293.333 and 293.355.

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

8. After the completion of an election, all ballot boxes must be returned by the sheriff or representative of the county [or city] clerk and placed by him in a secure storage area designated and provided by the county [or city] clerk.

9. If an absent ballot central counting board is appointed, the members of the board shall meet at a place designated by the county [or city] clerk as soon as the polls close. The board of county commissioners [or the city council] shall prepare abstracts of votes on a form which was submitted by the county [or city] clerk to and approved by the secretary of state.

Sec. 16. NAC 293.166 is hereby amended to read as follows:

293.166 A county [or city] 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 [affidavit of registration.] *application to register to vote.*

2. If the county [or city] clerk determines that the address indicated on the [affidavit for registration] *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 [or city] clerk which includes verification of the address of the voter's residence in this state. The county [or city] 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.

Sec. 17. NAC 293.167 is hereby amended to read as follows:

293.167 1. A registered voter of this state who resides outside the continental United States and who uses a facsimile machine to request an absent ballot must request the absent ballot from the appropriate county clerk before 5 p.m. on the Tuesday preceding the election in which he wishes to vote.

2. A county clerk shall use the electronic transmission network that is available through the Voting Assistance Program of the United States Department of Defense to send an absent ballot to a registered voter who requests a ballot in accordance with subsection 1.

3. After receipt of a request for an absent ballot, the county clerk shall confirm that the person requesting the absent ballot is a registered voter in his county. If the person is a registered voter, the county clerk shall:

(a) Use a facsimile machine to send the absent voter a sample ballot, ballot card, and a cover sheet;

(b) Record the number of the ballot card, the name of the absent voter, his precinct or district, and his political affiliation, if any, in the roster for absent ballots;

- (c) Record the destination of the ballot and the date that the ballot was sent; and
- (d) Maintain the original ballot card in a secured area where access is allowed only with the approval of the county clerk.

4. The cover sheet must:

- (a) Contain instructions for marking the ballot;
- (b) Contain instructions for returning the ballot;
- (c) Instruct the voter to read and sign the statement required pursuant to subsection 5 and to sign the back of the mailing envelope; and
- (d) Contain a statement that failure to sign the back of the mailing envelope will result in the ballot not being counted.

5. The absent voter must sign and return with his ballot a statement in substantially the following form:

I understand that I am receiving this ballot via facsimile machine and that I must return it by mail to the county clerk or registrar of voters by 7 p.m. on the day of the election. I understand that my marked ballot will be duplicated onto a ballot card so that it can be counted by a computer and that this duplication could violate the secrecy of my ballot. I therefore swear or affirm that I am waiving the secrecy of my ballot.

6. The absent ballot must be received by the office of the county clerk by 7 p.m. on the day of *the* election. An absent ballot received after 7 p.m. must not be counted. An absent ballot that is returned to the county clerk by facsimile machine must not be counted. 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 ballot.

7. When an absent ballot is returned by mail, the clerk shall make a record in the absent ballot record book. The county clerk shall check the signature on the return envelope against the original signature of the voter on his [affidavit of registration.] *application to register to vote*. Each county clerk shall establish a procedure for duplicating absent ballots received pursuant to this section [, which] *that* must be approved by the secretary of state before it is used by the county clerk.

8. The county clerk shall place each absent ballot in a separate envelope and record on the outside of the envelope the precinct number of the voter and that the ballot contained therein is an absent ballot sent to the voter by facsimile machine.

Sec. 18. NAC 293.173 is hereby amended to read as follows:

293.173 1. [Where] *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. [Where] *If* an absent ballot central counting board has not been established, the county [or city] clerk shall provide the manner of counting such ballots.

Sec. 19. NAC 293.180 is hereby amended to read as follows:

293.180 1. In determining the estimated or actual cost of any recount, the county or city clerk or secretary of state:

(a) May include the cost of:

(1) Utilities used in a public building which is occupied for a recount before or after the normal hours of business;

(2) Rent for the use of a building not owned by the public;

(3) Salaries for overtime work of regularly employed members of the staff who normally handle elections;

(4) Salaries for other employees engaged for the recount;

(5) Services rendered by the personnel of the department of information [**services**] *technology or the agency of the county or city that is charged with the responsibility of administering a telecommunications or computer system for the county or city* and the computer time associated with the recount;

(6) Mileage and per diem allowances for county or city clerks who attend meetings at the request of the candidate; and

(7) Extra materials ordered for the particular recount, such as tally books.

(b) May not include the cost of:

(1) Utilities used during the regular hours of business in a public building which is normally used for the purpose of elections;

(2) Rent in a public building which is normally used for the purpose of elections;

(3) During their normal hours of employment, the salaries of regularly employed members of the staff who normally handle elections; [**and**] *or*

(4) Payment for overtime work which is not allowed by the county or city to the county or city clerk for conducting the recount.

2. Except as *otherwise* provided in subsection 1, the secretary of state may charge the candidate for actual expenses incurred in organizing and conducting a statewide recount.

3. When two or more recounts are ordered in any election district in the state, the recounts must be conducted simultaneously. If all of the candidates who requested the recount fail to prevail at the finish of the recount, the cost of the recount must be divided equally among those candidates.

Sec. 20. NAC 293.186 is hereby amended to read as follows:

293.186 Except as otherwise provided in NRS 306.015 and 306.040, a person shall not remove, cross out, or tamper with any signature on a petition which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, [295.056,] 298.109, or 306.035.

Sec. 21. NAC 293.195 is hereby amended to read as follows:

293.195 1. A county [or city] abstract must contain:

(a) The name of the county.

(b) [If a city abstract, the name of the city.]

(c) The title of the election.

[(d)] (c) The date of the election.

[(e)] (d) The information required by NRS 293.387, 293.393, and 293.395.

[(f)] (e) The title of the office.

[(g)] (f) The name of the candidate as it appeared on the ballot.

[(h)] (g) The candidate's party affiliation or nonpartisan office.

[(i)] (h) The number of registered voters in each precinct.

[(j)] (i) The number of ballots cast in each precinct.

[(k)] (j) The number of votes cast for each candidate in each precinct.

[(l)] (k) The total for all precincts of the items set forth in paragraphs [(i), (j), and (k)].

(m) (h), (i) and (j).

(l) The number of each ballot question.

[(n)] (m) The number of yes votes and no votes in each precinct for each ballot question.

[(o)] (n) The total number of yes votes and no votes for each ballot question in all precincts.

2. When preparing the county [or city] abstract, the county [or city] clerk may include all precincts containing less than 10 registered voters in one precinct.

Sec. 22. NAC 293.220 is hereby amended to read as follows:

293.220 1. At least 2 days before any election, the county [or city] clerk shall prepare the following supplies for each precinct:

(a) The election board register;

(b) Copies of the roster and pollbook in such a quantity and form as the clerk determines appropriate;

(c) A quantity of mechanical voting devices which assures an efficient flow of voters;

(d) A container for transporting ballots which is equipped with a lock and key, numbered seal, or other device which prevents unauthorized entry;

(e) At least three copies of each sample ballot which pertains to the election;

(f) A procedural checklist for election boards; and

(g) One list of the inventory of the supplies provided to the election board, including a notation whether the supplies have been inserted into the container for transporting ballots.

2. Each county [or city] clerk may prepare for *the* precincts any additional supplies he considers necessary or desirable for carrying out the election.

Sec. 23. NAC 293.230 is hereby amended to read as follows:

293.230 1. Each member of the election board [shall] *must* be present in the polling place where he is to serve at least 45 minutes before the time the polling place is to open.

2. The election board shall set up the [punchcard] vote recording devices in a manner which creates the most efficient flow of voters.

3. The election board shall ensure that the correct ballot page assemblies have been properly inserted into the [punchcard] vote recording devices. As a check, the boards shall compare a sample ballot for the particular precinct with the official ballot page assemblies being inserted into the recording devices to assure that they contain the same candidates and questions.

Sec. 24. NAC 293.240 is hereby amended to read as follows:

293.240 1. After a person is identified as being a registered voter, a member of the election board shall give him all appropriate ballot cards and a protective [envelope] *sleeve* and shall record the number of the card or series of the card in the pollbook opposite the voter's name.

2. The election board shall direct each voter to a voting booth which contains a [punchcard] vote recording device which is appropriately equipped to handle the voter's ballot card.

3. A member of the election board shall not permit any person to enter a voting booth [for the purpose of voting] *to vote* until he ascertains that the person understands how to operate the [punchcard] vote recording device.

4. To carry out NRS 293B.103, the election board shall:

(a) Upon issuing a ballot to a voter, retain the top portion of the ballot card or stub which is stapled to the pack of ballot cards.

(b) When the voter returns his voted ballot, give him the detachable portion which is located immediately above the ballot and contains holes for the alignment of the ballot on the recording device.

5. If it is obvious to the members of an election board that a voter is trying to delay an election by repeatedly spoiling his ballot cards, the election board may take any appropriate action to expedite the election. The stub on a spoiled ballot must be left attached to the ballot.

6. Before the commencement of voting and periodically throughout the election, members of the election board shall examine the [punchcard vote recording devices] *voting booths* to ensure that each [device] *booth* does not contain any campaign cards, political advertising, partisan notes, or any other matter which constitutes an unauthorized attempt to influence the voters. During each examination, a special ballot card used to test the device must be inserted into the *vote recording* device [and] *to verify that the device is functioning properly. If the device uses punchcards the special ballot card must be* punched at random to verify that [each] *the* device is functioning properly.

Sec. 25. NAC 293.250 is hereby amended to read as follows:

293.250 1. If a difference exists between the number of persons voting and the number of ballots cast, the difference must be reported in writing to the county [or city] clerk, together with any known reasons for the difference.

2. The total number of voters must be entered by the election board on the forms provided by the county [or city] clerk.

3. The chairman of an election board is responsible for the safe delivery of the ballot cards to the central place designated by the county [or city] clerk for the counting of ballots, except that a ballot pick-up board, if established, is responsible for the delivery.

4. After closing the polls, the election board shall compare the quantity of its supplies which were furnished by the county [or city] clerk with the county [or city] clerk's inventory and shall note any shortages. The chairman of the election board is responsible for the safe return of all

supplies, including all records and equipment pertaining to the election, in accordance with the directions of the county [or city] clerk.

5. If any extraneous writing or other mark, such as a cross, check, tear, or scratch, has been placed on a ballot card, the votes on the card must be counted unless the writing or other mark identifies the ballot as being that of the voter. Whether or not such an extraneous writing or other mark identifies the voter, the writing or other mark must not be counted as a vote.

6. Votes on a ballot card must not be counted if it is impossible or extremely difficult to determine the voter's intention because he has placed his ballot incorrectly in the [punchcard] vote recording device.

7. If a chip on a ballot card is found in any of the following conditions, the chip must be counted as an intended vote:

(a) A chip which is attached to the card at one or two corners.

(b) A chip which is attached to the card at three corners with the fourth corner obviously disconnected.

(c) A chip which is attached to the card at three or four corners with the paper fibers on one or two sides broken in a way that permits unimpeded light to be seen through the ballot. If no unimpeded light is visible on any side of a chip, the vote must not be counted.

Sec. 26. NAC 293.300 is hereby amended to read as follows:

293.300 The county [or city] clerk shall provide official printed ballots to be used at an election. The [paper] *paper or other material used to produce the ballots* must be ordered by the county [or city] clerk within 2 days after the date set for closing of registration for the election.

Sec. 27. NAC 293.360 is hereby amended to read as follows:

293.360 1. There must be an adequate supply, as determined by the county [or city] clerk, of voting booths for each precinct.

2. The county [or city] clerk shall, at least 2 days before the day of any election, prepare the following supplies for each precinct:

(a) The election board register;

(b) Copies of the roster and pollbook in such a quantity and form as the clerk determines appropriate;

(c) A container for transporting ballots which is equipped with a lock and key, numbered seal, or other device which prevents unauthorized entry;

(d) At least three copies of each sample ballot which pertains to the election; and

(e) Such other supplies [, including envelopes, rubber “X” stamps, inked pads, writing paper, and forms,] as are necessary for conducting the election.

3. The county [or city] clerk shall print, in plain type, sets of instructions for voters for obtaining and marking their ballots. On the day of an election, the election board shall post at least one set of instructions in each voting booth and at least three additional sets of instructions at places open to public view in or about the polling place.

4. The chairman of each election board shall require the members of his board to prepare the ballots and any other supplies or equipment necessary for voting and may assign specific duties to the members of the election board to complete the preparation.

Sec. 28. NAC 293.380 is hereby amended to read as follows:

293.380 1. After all eligible voters have cast their votes, the election board shall, in the following manner, count the number of official ballots it received:

(a) The board shall total the number of voters' signatures recorded in the roster book and enter that number on the ballot statement provided by the county clerk.

(b) The board shall then unlock or unseal the ballot box and count the number of official ballots, comparing this number with the number of signatures recorded on the ballot statement.

(c) The numbers of signatures and ballots should be the same. If they are not, the board shall recount the number of signatures and the number of ballots. If a discrepancy still exists, the board shall make a notation to that effect on the ballot statement.

2. Each member of the counting board [shall] *must* be present in the polling place where he is to serve [no] *not* later than the time set for the closing of the polling place. If any polling place is closed early because all of the voters registered in the precinct have voted, the election board shall immediately notify the members of the counting board of the closing.

3. After the polls are closed, the election board shall compare the quantity of its supplies which were furnished by the county [or city] clerk with the county [or city] clerk's inventory and make a notation upon the inventory of any materials which were lost, used, or stolen.

4. After voting is completed, the chairman of the election board shall deliver the keys to the ballot boxes to the chairman of the counting board.

5. Each chairman of a counting board shall assign duties to the members of his board in a manner which facilitates the counting of votes. If any person interferes in any way with the counting of the votes, the chairman of the counting board shall request a deputy sheriff to remove the person.

6. The members of the counting board shall count and make the record of the votes in the manner prescribed by the county [or city] clerk.

7. [The counting board may not count a vote for a candidate or a vote on a question if the cross (X) is not stamped in the square following the name of the candidate or the question.

8.] If the counting board rejects a ballot, it shall place that ballot in a separate envelope, seal the envelope and write upon the envelope the word “Rejected” and the reason for the rejection.

[9.] 8. Every member of the counting board *or the computer program and processing accuracy board as created by the county clerk pursuant to NRS 293B.385* shall sign the copy of the election return which is required by NRS 293.383 to be posted on the outside of the polling place.

Sec. 29. NAC 293.410 is hereby amended to read as follows:

293.410 1. [The department] *A voter registration agency* shall place in a conspicuous position in each of its offices a sign which indicates that a person may register to vote in that office.

2. A registered voter may change his name, address, or political party affiliation on the application [for registration.] *to register to vote.*

3. The information required by the application [for registration] *to register to vote* must be printed in black ink with a ballpoint pen.

4. [The department] *A voter registration agency* may not accept an application [for registration] *to register to vote* which includes any erasure of or line drawn through information provided by the applicant relating to his political party affiliation.

5. [The department] *A voter registration agency* shall include with each application [for registration] *to register to vote* or group of applications which is transmitted to the county clerk or registrar of voters a transmittal form prescribed and provided by the [department.

6. The department] *agency.*

6. *A voter registration agency* shall not void an application unless the applicant is present. If the [department] *agency* voids an application, the [department] *agency* shall:

- (a) Write or stamp the word “void” on the front of the application;
- (b) Forward the voided application to the county clerk; and
- (c) Maintain a record of the voided application.

7. [The department] *A voter registration agency* shall ascertain whether a file stamp obliterates the portion of the application reserved for the applicant’s signature. If a file stamp does obliterate this portion, the department shall issue a new application to the applicant.

8. Before each [completed] application *completed by an employee of the department* is forwarded to the county clerk or registrar of voters, it must be reviewed by a second employee of the department who shall determine whether the application is legible. If the employee determines that an application is illegible, he shall cause a computer-generated copy of the information contained in the records relating to the applicant’s driver’s license or identification card to be attached to the application.

9. [The department] *A voter registration agency* shall, in cooperation with the county clerks and registrar of voters, conduct training programs once every 6 months to familiarize the employees of the [department] *agency* with the required procedures for registering voters through the [department].

10. The department] *agency*.

10. *A voter registration agency* shall maintain a record of the transmittal of each application to the county clerk or registrar of voters pursuant to the [department’s] *agency’s* schedule for the retention and disposal of records.

11. A voter registration agency shall stamp the original and the voter's copy of the completed application with the date of receipt. The stamp used by the agency must not include the name of the agency.

Sec. 30. NAC 293.412 is hereby amended to read as follows:

293.412 1. A county clerk:

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

(b) Shall, at the request of the secretary of state, report to the secretary of state the total number of inactive voters.

2. The number of inactive voters must be included in any calculation used to determine the percentage of registered voters participating in an election.

3. 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.

4. 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.

5. **[For]** *Except as otherwise provided in this subsection, for* the purpose of mailing sample ballots, an inactive voter shall be deemed not to be a registered voter unless he requests the city or county clerk, in person, in writing, or by telephone, to provide him with a sample ballot. *A county or city clerk shall mail sample ballots to all inactive voters in a mailing precinct.*

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

Sec. 31. Chapter 293C of NAC is hereby amended by adding thereto the provisions set forth as sections 32 to 64, inclusive, of this regulation.

Sec. 32. *The provisions of this chapter apply only to city elections.*

Sec. 33. *The city clerk shall, not later than March 15 of the year in which a primary or general city election is held, publish once in a newspaper published in his city a notice that designates the offices for which candidates are to be nominated at the primary city election and the offices for which candidates are to be elected at the general city election. If no newspaper is published in his city, the publication must be made in any newspaper of general circulation in the city that is published in his county or, if none, that is published in the nearest county of this state.*

Sec. 34. *Each city clerk shall send to the secretary of state a list certified by him that contains the name and mailing address of each person who is a candidate for a city office. If the city:*

1. Holds a primary city election, the list must be sent on or before March 15 of the year in which that election is held.

2. Does not hold a primary city election, the list must be sent on or before May 15 of the year in which the general city election is held.

Sec. 35. *1. A candidate may change the manner in which his name will appear on the ballot by filing a written request to amend his declaration of candidacy or acceptance of candidacy. The request must be filed by the candidate in person with the filing officer with whom*

he filed his declaration of candidacy or acceptance of candidacy not later than 5 p.m. or close of business on the last day to file the declaration of candidacy or acceptance of candidacy.

2. This section does not authorize the amendment of any matter contained in a declaration of candidacy or acceptance of candidacy other than the manner in which the name of the candidate appears.

Sec. 36. *1. Preceding every ballot question to be voted upon must be a number, to be assigned by the city clerk, in boldface type not smaller than 24-point.*

2. If any question is to be submitted to a vote of the people, it must be printed upon the ballot or ballot page assembly in a manner that enables a voter to vote “Yes” or “No” upon the question submitted.

Sec. 37. *Each city clerk shall prepare for each precinct a quantity of ballots at least equal to the number of registered voters in the precinct.*

Sec. 38. *The city clerk shall:*

1. Mail a copy of the sample ballot for the primary city election to each candidate who has filed with him a declaration of candidacy or an acceptance of candidacy. The copy must be mailed to the mailing address that is stated in the declaration of candidacy or acceptance of candidacy.

2. Mail a copy of the sample ballot for the primary city election to each candidate who has been certified to him by the secretary of state. The copy must be mailed to the post office address that is stated in the certificate.

3. If a candidate’s name appears on more than one type of sample ballot, mail a copy of at least one of the sample ballots to the candidate but the city clerk shall make a copy of each sample ballot available to the candidate upon request.

4. *Mail a copy of each sample ballot for a primary city election to the secretary of state.*
5. *Post a copy of the sample ballot or a list of candidates in a conspicuous place in his office.*

Sec. 39. *Sample ballots for general city elections must be prepared in the same manner, quantity, and form as sample ballots for primary city elections and must be distributed and posted in the same manner. The city clerk shall prepare a sufficient number of explanations of the questions on the ballot so that he can mail one with each sample ballot, post one in a conspicuous place in his office, and post at least two in each precinct.*

Sec. 40. 1. *If an election board of more than three members is required to accommodate the number of registered voters in any precinct, the city clerk may appoint as many additional members as he believes are necessary or desirable.*

2. *The city clerk may permit any member of an election board or any other interested person to attend the school described in NRS 293.227. The city clerk shall, when possible, give preference to persons who have attended the school when he appoints members of election boards.*

3. *After the city clerk's school for chairmen has been conducted and before the day of the election, each chairman shall instruct the members of his election board in the procedures to be followed at the election.*

Sec. 41. 1. *At least 2 days before any election, every city clerk shall prepare the following supplies for each polling place:*

(a) *One flag of the United States.*

(b) *Cards for providing:*

(1) *The appropriate warning regarding interference with the conduct of the election.*

(2) Notice of the law prohibiting voting more than once.

(3) Notice of the law prohibiting electioneering within 100 feet from the entrance of the building or other structure in which a polling place is located.

(c) One copy of the statutes and regulations governing elections, or one copy of a compilation of the statutes and regulations governing elections.

(d) If a procedure for bilingual voting is used in the city, the required notices in the appropriate foreign language.

2. The city clerk may prepare for each polling place any additional supplies he considers necessary or desirable for carrying out the election.

3. On or before the day preceding the day of a city election, each city clerk may deliver the election supplies to a person designated by the clerk for further distribution. The election supplies may be delivered in sealed containers and may include any other accountable items. The designated person shall sign a receipt for all of the items received by him. The designated person shall immediately, and in a safe manner, distribute the election supplies to those members of election boards who are designated by the city clerk to receive and take custody of the supplies. The designated person shall obtain a signed receipt from each member of an election board to whom the sealed container or any other accountable item is delivered.

4. When an election board accepts delivery of election supplies, it shall check the supplies against the list of inventory and immediately notify the city clerk of any shortage. The city clerk shall immediately correct the shortage.

5. At each polling place within the city, the city clerk shall provide a quantity of booths that is sufficient to allow voters to vote their ballots conveniently and in a manner that allows their voting to be screened from the view of others.

6. *Each of the booths must, during the election, be provided with the necessary supplies for voting ballots, and must be sufficiently lighted to enable voters to read clearly all of the printing on ballots or ballot page assemblies and to enable members of election boards to perform their duties.*

7. *Before opening the polls, the members of the election board shall carefully inspect the ballot box to ensure that nothing remains in the ballot box from a previous election. The ballot box must be locked after the inspection and the key to any lock on the ballot box must be delivered to the chairman of the election board or, if there is no lock, the ballot box must be sealed by a seal approved by the secretary of state. The ballot box must not be opened during the election except as otherwise provided in NRS 293C.625.*

Sec. 42. 1. *The chairman 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. *The number of replacement ballots that may be issued to a voter who spoils his ballot may be decided, in good faith, by the election board.*

5. *The chairman of the election board shall make a record of the canceled ballots. The envelope in which canceled ballots are placed must be marked with the words “canceled ballots.”*

6. *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.*

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

8. *After the completion of an election, all ballot boxes must be returned by the chief law enforcement officer of the city or representative of the city clerk and placed by him in a secure storage area designated and provided by the city clerk.*

9. *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. 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. 43. 1. *Any registered voter of this state may be appointed to observe the conduct of voting at a polling place as the representative of:*

(a) Any candidate whose name appears on a ballot for the election for which the representative is appointed; or

(b) Any political party or committee sponsored by a political party.

2. *A representative appointed pursuant to subsection 1:*

(a) Shall present a written certificate of his appointment to the chairman of the election board upon his arrival at the polling place. The certificate must contain:

(1) The name and signature of the representative;

(2) The name of the candidate, political party, or committee appointing the person as its representative; and

(3) The precinct, polling place, and date of the election for which the representative is appointed.

(b) May sit or stand at such a location near the election board as to observe and hear conveniently the activities conducted at the polling place for which he is appointed without interfering with the voting.

3. No person may be appointed pursuant to this section to observe the conduct of voting at more than one polling place.

Sec. 44. *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.

Sec. 45. *1. A registered voter of this state who resides outside the continental United States and who uses a facsimile machine to request an absent ballot must request the absent*

ballot from the appropriate city clerk before 5 p.m. on the Tuesday preceding the election in which he wishes to vote.

2. A city clerk shall use the electronic transmission network that is available through the Voting Assistance Program of the United States Department of Defense to send an absent ballot to a registered voter who requests a ballot in accordance with subsection 1.

3. After receipt of a request for an absent ballot, the city clerk shall confirm that the person requesting the absent ballot is a registered voter in his city. If the person is a registered voter, the city clerk shall:

(a) Use a facsimile machine to send the absent voter a sample ballot, ballot card, and a cover sheet;

(b) Record the number of the ballot card, the name of the absent voter and his precinct in the roster for absent ballots;

(c) Record the destination of the ballot and the date that the ballot was sent; and

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

4. The cover sheet must:

(a) Contain instructions for marking the ballot;

(b) Contain instructions for returning the ballot;

(c) Instruct the voter to read and sign the statement required pursuant to subsection 5 and to sign the back of the mailing envelope; and

(d) Contain a statement that failure to sign the back of the mailing envelope will result in the ballot not being counted.

5. *The absent voter must sign and return with his ballot a statement in substantially the following form:*

I understand that I am receiving this ballot via facsimile machine and that I must return it by mail to the city clerk by 7 p.m. on the day of the election. I understand that my marked ballot will be duplicated onto a ballot card so that it can be counted by a computer and that this duplication could violate the secrecy of my ballot. I therefore swear or affirm that I am waiving the secrecy of my ballot.

6. *The absent ballot must be received by the office of the city clerk by 7 p.m. on the day of the election. An absent ballot received after 7 p.m. must not be counted. An absent ballot that is returned to the city clerk by facsimile machine must not be counted. 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 ballot.*

7. *When an absent ballot is returned by mail, the clerk shall make a record in the absent ballot record book. The city clerk shall check the signature on the return envelope against the original signature of the voter on his 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.*

8. *The city clerk shall place each absent ballot in a separate envelope and record on the outside of the envelope the precinct number of the voter and that the ballot contained therein is an absent ballot sent to the voter by facsimile machine.*

Sec. 46. *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.*

Sec. 47. 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.*

Sec. 48. 1. *If a petition consists of more than one document, each of those documents must, in addition to any other requirements:*

(a) *Contain sequentially numbered spaces for:*

(1) *The name of each person signing the petition, including the person signing the verification required by paragraph (b);*

(2) *The signature of the person;*

(3) *The residential address of the person;*

(4) *The name of the city where the person is a registered voter; and*

(5) *The date of the signature.*

(b) *Have attached to it, when filed, the verification of a signer required by NRS 306.030.*

2. *Any document of a petition may consist of more than one sheet. If a document consists of more than one sheet:*

(a) *Each sheet must be numbered sequentially;*

(b) *All the sheets must be permanently attached in numerical order; and*

(c) *The verification or affidavit required by subsection 1 must appear on the last sheet of the document.*

3. *As used in this section, “petition” means a petition containing signatures that are required to be verified pursuant to NRS 306.015 and 306.035.*

Sec. 49. *Except as otherwise provided in NRS 306.015 and 306.040, a person shall not remove, cross out, or tamper with any signature on a petition that is required to be verified pursuant to NRS 306.015 and 306.035.*

Sec. 50. *1. Each city clerk shall provide to handicapped persons 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 deaf persons.

2. When the city clerk provides public notice of voting, he shall also provide notice of the availability of aids for voting and procedures for voting by absentee ballot.

Sec. 51. *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 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, 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. 52. *1. A city abstract must contain:*

(a) The name of the city.

(b) The title of the election.

(c) The date of the election.

(d) The information required by NRS 293C.387.

- (e) *The title of the office.*
- (f) *The name of the candidate as it appeared on the ballot.*
- (g) *The number of registered voters in each precinct.*
- (h) *The number of ballots cast in each precinct.*
- (i) *The number of votes cast for each candidate in each precinct.*
- (j) *The total for all precincts of the items set forth in paragraphs (g), (h), and (i).*
- (k) *The number of each ballot question.*
- (l) *The number of yes votes and no votes in each precinct for each ballot question.*
- (m) *The total number of yes votes and no votes for each ballot question in all precincts.*

2. *When preparing the city abstract, the city clerk may include all precincts containing less than 10 registered voters in one precinct.*

Sec. 53. *A mechanized report of an abstract of votes, as required by NRS 293C.387, must be transmitted to the secretary of state in the format of an American Standard Code for Information Interchange program on a 3 1/2 inch or 5 1/4 inch floppy diskette. The secretary of state will, not later than March 1 of each year, notify each city clerk of the specifications for the mechanized report of the abstract of votes required pursuant to this section.*

Sec. 54. *The provisions of sections 55 to 58, inclusive, apply only to polling places in which a mechanical voting system is used.*

Sec. 55. 1. *At least 2 days before any election, the city clerk shall prepare the following supplies for each precinct:*

- (a) *The election board register;*
- (b) *Copies of the roster and pollbook in such a quantity and form as the clerk determines appropriate;*

- (c) A quantity of mechanical voting devices that ensures an efficient flow of voters;*
 - (d) A container for transporting ballots that is equipped with a lock and key, numbered seal, or other device that prevents unauthorized entry;*
 - (e) At least three copies of each sample ballot that pertains to the election;*
 - (f) A procedural checklist for election boards; and*
 - (g) One list of the inventory of the supplies provided to the election board, including a notation whether the supplies have been inserted into the container for transporting ballots.*
- 2. Each city clerk may prepare for the precincts any additional supplies he considers necessary or desirable for carrying out the election.*

Sec. 56. *1. Each member of the election board must be present in the polling place where he is to serve at least 45 minutes before the time the polling place is to open.*

2. The election board shall set up the vote recording devices in a manner that creates the most efficient flow of voters.

3. The election board shall ensure that the correct ballot page assemblies have been properly inserted into the vote recording devices. As a check, the boards shall compare a sample ballot for the particular precinct with the official ballot page assemblies being inserted into the recording devices to assure that they contain the same candidates and questions.

Sec. 57. *1. After a person is identified as being a registered voter, a member of the election board shall give him all appropriate ballot cards and a protective sleeve and shall record the number of the card or series of the card in the pollbook opposite the voter's name.*

2. The election board shall direct each voter to a voting booth that contains a vote recording device that is appropriately equipped to handle the voter's ballot card.

3. *A member of the election board shall not permit any person to enter a voting booth to vote until he ascertains that the person understands how to operate the vote recording device.*

4. *To carry out NRS 293B.103, the election board shall:*

(a) *Upon issuing a ballot to a voter, retain the top portion of the ballot card or stub that is stapled to the pack of ballot cards.*

(b) *When the voter returns his voted ballot, give him the detachable portion that is located immediately above the ballot and contains holes for the alignment of the ballot on the recording device.*

5. *If it is obvious to the members of an election board that a voter is trying to delay an election by repeatedly spoiling his ballot cards, the election board may take any appropriate action to expedite the election. The stub on a spoiled ballot must be left attached to the ballot.*

6. *Before the commencement of voting and periodically throughout the election, members of the election board shall examine the voting booths to ensure that each booth does not contain any campaign cards, political advertising, partisan notes, or any other matter that constitutes an unauthorized attempt to influence the voters. During each examination, a special ballot card used to test the vote recording device must be inserted into the vote recording device to verify that the device is functioning properly. If the device uses punchcards the special ballot card must be punched at random to verify that the device is functioning properly.*

Sec. 58. 1. *If a difference exists between the number of persons voting and the number of ballots cast, the difference must be reported in writing to the city clerk, together with any known reasons for the difference.*

2. *The total number of voters must be entered by the election board on the forms provided by the city clerk.*

3. *The chairman of an election board is responsible for the safe delivery of the ballot cards to the central place designated by the city clerk for the counting of ballots, except that a ballot pick-up board, if established, is responsible for the delivery.*

4. *After closing the polls, the election board shall compare the quantity of its supplies that were furnished by the city clerk with the city clerk's inventory and shall note any shortages. The chairman of the election board is responsible for the safe return of all supplies, including all records and equipment pertaining to the election, in accordance with the directions of the city clerk.*

5. *If any extraneous writing or other mark, such as a cross, check, tear, or scratch, has been placed on a ballot card, the votes on the card must be counted unless the writing or other mark identifies the ballot as being that of the voter. Whether or not such an extraneous writing or other mark identifies the voter, the writing or other mark must not be counted as a vote.*

6. *Votes on a ballot card must not be counted if it is impossible or extremely difficult to determine the voter's intention because he has placed his ballot incorrectly in the vote recording device.*

7. *If a chip on a ballot card is found in any of the following conditions, the chip must be counted as an intended vote:*

(a) A chip that is attached to the card at one or two corners.

(b) A chip that is attached to the card at three corners with the fourth corner obviously disconnected.

(c) A chip that is attached to the card at three or four corners with the paper fibers on one or two sides broken in a way that permits unimpeded light to be seen through the ballot. If no unimpeded light is visible on any side of a chip, the vote must not be counted.

Sec. 59. *The provisions of sections 60 to 64, inclusive, do not apply to polling places in which a mechanical voting system is used.*

Sec. 60. *The city clerk shall provide official printed ballots to be used at an election. The paper or other material used to produce the ballots must be ordered by the city clerk within 2 days after the date set for closing of registration for the election.*

Sec. 61. 1. *Official ballots for elections must be wide enough to comply with the provisions of the election laws, and must be at least 12 inches wide, including the numbered stub and the numbered perforated strip.*

2. *Official ballots for elections must be of a length that permits the proper placement of the required captions, headings, designations of political parties, directions to voters, and names of candidates.*

Sec. 62. 1. *Each ballot for a special election must have a perforated line extending from top to bottom 1/2 inch from the right-hand side of the ballot. No writing or printing, except the number of the ballot, may be made upon the 1/2-inch strip formed by the perforated line.*

2. *The words "Yes" and "No," separated by a light-faced line, must be printed on the ballot after each question. To the right of each word must be printed a light square at least three-eighths of an inch on each side.*

Sec. 63. 1. *There must be an adequate supply, as determined by the city clerk, of voting booths for each precinct.*

2. *The city clerk shall, at least 2 days before the day of any election, prepare the following supplies for each precinct:*

(a) *The election board register;*

(b) Copies of the roster and pollbook in such a quantity and form as the clerk determines appropriate;

(c) A container for transporting ballots that is equipped with a lock and key, numbered seal, or other device that prevents unauthorized entry;

(d) At least three copies of each sample ballot that pertains to the election; and

(e) Such other supplies as are necessary for conducting the election.

3. The city clerk shall print, in plain type, sets of instructions for voters for obtaining and marking their ballots. On the day of an election, the election board shall post at least one set of instructions in each voting booth and at least three additional sets of instructions at places open to public view in or about the polling place.

4. The chairman of each election board shall require the members of his board to prepare the ballots and any other supplies or equipment necessary for voting and may assign specific duties to the members of the election board to complete the preparation.

Sec. 64. *1. After all eligible voters have cast their votes, the election board shall, in the following manner, count the number of official ballots it received:*

(a) The board shall total the number of voters' signatures recorded in the roster book and enter that number on the ballot statement provided by the city clerk.

(b) The board shall then unlock or unseal the ballot box and count the number of official ballots, comparing this number with the number of signatures recorded on the ballot statement.

(c) The numbers of signatures and ballots should be the same. If they are not, the board shall recount the number of signatures and the number of ballots. If a discrepancy still exists, the board shall make a notation to that effect on the ballot statement.

2. *Each member of the counting board must be present in the polling place where he is to serve not later than the time set for the closing of the polling place. If any polling place is closed early because all of the voters registered in the precinct have voted, the election board shall immediately notify the members of the counting board of the closing.*

3. *After the polls are closed, the election board shall compare the quantity of its supplies that were furnished by the city clerk with the city clerk's inventory and make a notation upon the inventory of any materials that were lost, used, or stolen.*

4. *After voting is completed, the chairman of the election board shall deliver the keys to the ballot boxes to the chairman of the counting board.*

5. *Each chairman of a counting board shall assign duties to the members of his board in a manner that facilitates the counting of votes. If any person interferes in any way with the counting of the votes, the chairman of the counting board shall request a law enforcement officer of the city to remove the person.*

6. *The members of the counting board shall count and make the record of the votes in the manner prescribed by the city clerk.*

7. *If the counting board rejects a ballot, it shall place that ballot in a separate envelope, seal the envelope and write upon the envelope the word "Rejected" and the reason for the rejection.*

8. *Every member of the counting board or the computer program and processing accuracy board as created by the city clerk pursuant to NRS 293C.665 shall sign the copy of the election return that is required by NRS 293C.380 to be posted on the outside of the polling place.*

Sec. 65. Chapter 294A of NAC is hereby amended by adding thereto the provisions set forth as sections 66, 67 and 68 of this regulation.

Sec. 66. *1. A person who makes a contribution in the form of services provided in kind for which money would have otherwise been paid to a:*

(a) Candidate;

(b) Committee for political action, political party or committee sponsored by a political party;

(c) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group that is not solicited or approved by the candidate or group;

(d) Person or group of persons organized formally or informally which advocates the passage or defeat of a question or group of questions on the ballot; or

(e) Committee for the recall of a public officer,

shall, within 30 days after the time he furnishes those services, provide to the recipient a statement signed by him that sets forth the actual cost of those services or, if that amount cannot be determined, the fair market value of those services.

2. A candidate, committee, political party or other person shall include the amount set forth in the statement provided pursuant to subsection 1 in the report required to be filed pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.270 or 294A.360, unless the candidate, committee, political party or other person knows or should have known that the amount is not accurate.

3. If a candidate, committee, political party or other person knows or should have known that the amount set forth in the statement provided pursuant to subsection 1 is not accurate, he shall include in the report required to be filed pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.270 or 294A.360 the amount that he determines is the

actual cost of the services or, if he cannot determine the actual cost, the fair market value of the services.

Sec. 67. *1. Except as otherwise provided in subsection 3, any:*

(a) Candidate;

(b) Representative of a committee for political action, committee sponsored by a political party or political party;

(c) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group which makes an expenditure on behalf of the candidate or group that is not solicited or approved by the candidate or group;

(d) Person or the representative of a group of persons organized formally or informally which advocates the passage or defeat of a question or group of questions on the ballot at any election; or

(e) Representative of a committee for the recall of a public officer, who returns a contribution within 14 days after he or any person who is authorized to receive contributions on his behalf receives the contribution, is not required to report that contribution pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.270 or 294A.360.

2. If a person returns a contribution more than 14 days after he or any person who is authorized to receive contributions on his behalf receives the contribution:

(a) He shall report it as a contribution pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.270 or 294A.360; and

(b) The return of the contribution shall be deemed a campaign expense and must be reported as such pursuant to the provisions of NRS 294A.125, 294A.200, 294A.210, 294A.220, 294A.280 or 294A.360.

3. A person described in subsection 1 who does not have personal knowledge of a contribution that is received by a person who is authorized to receive contributions on his behalf until more than 14 days after the contribution is received is not required to report that contribution pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.270 or 294A.360 if he:

(a) Returns the contribution within 14 days after he has personal knowledge of the contribution; and

(b) Includes in the next report he submits pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.270 or 294A.360 an affidavit signed by him under penalty of perjury attesting that he:

(1) Did not have personal knowledge of the contribution until more than 14 days after a person authorized to receive contributions on his behalf received the contribution; and

(2) Returned the contribution within 14 days after he had personal knowledge of the receipt of the contribution.

Sec. 68. *For the purpose of determining the period for which a contribution must be reported pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.270 or 294A.360, a contribution shall be deemed to have been received 14 days after a person described in subsection 1 of section 67 of this regulation or any person who is authorized to accept contributions on behalf of that person has knowledge of and actual physical possession of*

the contribution. The date on a check or other negotiable instrument is not conclusive evidence of the date of the receipt of a contribution.

Sec. 69. NAC 294A.065 is hereby amended to read as follows:

294A.065 The form of the report of campaign expenses required to be filed pursuant to NRS [294A.125](#), 294A.200, 294A.210, 294A.220, 294A.280, or 294A.360 must include the following categories of expenditures:

1. Office expenses;
2. Expenses related to volunteers;
3. Expenses related to travel;
4. Expenses related to advertising by:
 - (a) Television;
 - (b) Newspaper;
 - (c) Radio;
 - (d) Billboards;
 - (e) Printed signs, posters, fliers, or brochures; and
 - (f) Direct mail;
5. Expenses related to paid staff;
6. Expenses related to consultants;
7. Expenses related to polling;
8. Expenses related to special events;
9. Expenses for advertising and research on computer networks;
10. Goods and services provided in kind for which money would otherwise have been paid;

and

11. Other miscellaneous expenses related to the campaign.

Sec. 70. NAC 294A.075 is hereby amended to read as follows:

294A.075 The form of the report of campaign expenses required to be filed pursuant to NRS *294A.125*, 294A.200, 294A.210, 294A.220, 294A.280, or 294A.360 must include:

1. For each expenditure of more than [~~\$500:~~] *\$100:*
 - (a) The category of the expenditure;
 - (b) The name and address of the person who received payment for the expenditure; and
 - (c) The amount and date of the payment for the expenditure.
2. The total amount spent for each category of expenditure.
3. The total amount spent for all categories of expenditures.

Sec. 71. NAC 294A.080 is hereby amended to read as follows:

294A.080 1. The form of the report of campaign contributions required to be filed pursuant to NRS 294A.120 *or 294A.125* must include the number of contributions of [~~\$500~~] *\$100* or less that have been received by a candidate.

2. [~~If~~] *On the form of the report of campaign contributions required to be filed pursuant to NRS 294A.120 or 294A.125 and the simplified form that a candidate who has received less than \$1,000 in campaign contributions may file pursuant to NRS 294A.385, if a candidate has received a series of contributions from any natural person or other entity during a reporting period and the contributions total over [~~\$500,~~] \$100, the series must be treated as a single contribution and be separately identified on the candidate's report [according to subsection 6 of NRS 294A.120.], with the name and address of the contributor and the date of each contribution in the series.*

Sec. 72. NAC 294A.085 is hereby amended to read as follows:

294A.085 The form of the report of campaign contributions required pursuant to NRS 294A.120, [294A.125](#), 294A.140, 294A.150, 294A.270, or 294A.360 must include a category for reporting:

1. The opening balance of the campaign fund at the beginning of the first period for which the report is required; and
2. The total amount of interest and income, after deducting any applicable charges, earned from the investment of money received from campaign contributions.

Sec. 73. Chapter 295 of NAC is hereby amended by adding thereto the provisions set forth as sections 74 and 75 of this regulation.

Sec. 74. *If passage of an initiative would require this state to participate in a constitutional convention called by the Congress of the United States, that fact must be stated on the first page of each document of the petition for the initiative in at least 12-point type when the petition is presented to registered voters for their signatures.*

Sec. 75. *A person shall not remove, cross out, or tamper with any signature on a petition for a state, county or municipal initiative or referendum.*

Sec. 76. NAC 295.020 is hereby amended to read as follows:

295.020 1. If a petition for an initiative or referendum consists of more than one document, each document must contain:

- (a) The full text of the proposed measure; and
- (b) Sequentially numbered spaces for:
 - (1) The name of each person who signs the petition;
 - (2) The signature of the person signing;
 - (3) The [residence] *residential* address of the person signing;

(4) The name of the county where the person who signs is a registered voter; and

(5) The date of the signature.

2. The name of each person who circulates a document must appear on the first sequentially numbered space of the document.

3. A document may consist of more than one sheet. If a document consists of more than one sheet:

(a) Each sheet must be numbered sequentially;

(b) All the sheets must be permanently attached together in numerical order; and

(c) The affidavit of the circulator required by NRS 295.095 *or* 295.205 must appear on the last sheet of the document.

Sec. 77. NAC 298.010 is hereby amended to read as follows:

298.010 1. If a new resident of the State of Nevada wishes to vote for the President and Vice President of the United States pursuant to subsection 2 of NRS 298.250, he must apply to the county clerk for the appropriate ballot using the form prescribed by the secretary of state.

2. Such a new resident may vote only in the office of the county clerk during regular office hours.

3. Each county clerk shall provide such an applicant a ballot page assembly and [punchcard] ballot which will permit him to vote only for President and Vice President.

4. Votes cast pursuant to the procedure set forth in this section must not be:

(a) Combined with the total of a precinct but must be segregated at the precinct and then combined with the totals for the county.

(b) Included in precinct, district, county, or state totals for other electoral purposes.

Sec. 78. Chapter 306 of NAC is hereby amended by adding thereto the provisions set forth as sections 79 to 85, inclusive, of this regulation.

Sec. 79. *The filing officer with whom a public officer to be recalled filed his declaration of candidacy shall notify that public officer, in writing, within 2 days after a notice of intent is filed pursuant to subsection 1 of NRS 306.015. If the filing officer is not the county clerk, the filing officer shall also notify the county clerk, in writing, within 2 days after the notice of intent is filed.*

Sec. 80. *1. If the county clerk was not the filing officer with whom a public officer to be recalled filed his declaration of candidacy, the county clerk shall notify the filing officer with whom such public officer filed his declaration of candidacy, in writing, within 1 day after a petition to recall a public officer is submitted for signature verification pursuant to subsection 3 of NRS 306.015 and inform the filing officer on what date the petition was submitted.*

2. The filing officer with whom the public officer to be recalled filed his declaration of candidacy shall notify that public officer, in writing, within 2 days after the petition to recall a public officer was submitted for signature verification pursuant to subsection 3 of NRS 306.015.

Sec. 81. *The filing officer with whom a public officer to be recalled filed his declaration of candidacy shall notify that public officer, in writing, within 2 days after a petition to recall a public officer is filed pursuant to subsection 4 of NRS 306.015.*

Sec. 82. *The notice that is required by subsection 1 of NRS 306.040 shall be deemed completed when the secretary of state mails the notices with a correct address and the correct amount of postage attached.*

Sec. 83. 1. *If the secretary of state receives a request to strike a name from a petition to recall a public officer pursuant to subsection 2 of NRS 306.040, he will notify the appropriate county clerk.*

2. *The county clerk shall verify whether the person requesting that his name be stricken from a petition signed the petition, by sending to the secretary of state, by facsimile machine, a copy of the page of the petition where the person's name appears. Upon receipt of the copy of the page of the petition, the secretary of state will compare the signature on the petition to the signature on the request to have his name stricken from the petition to verify that the person requesting his name be stricken from the petition is the same person who signed the petition.*

3. *The county clerk shall verify whether the signature of the person requesting that his name be stricken from a petition was counted by the clerk in making his determination that the petition contained the proper number of signatures to be legally sufficient by checking his records and informing the secretary of state of his determination in writing or by telephone.*

Sec. 84. *If signatures are stricken from a petition to recall a public officer pursuant to subsection 2 of NRS 306.040, the secretary of state will notify the appropriate county clerk. The removal of names from a petition pursuant to subsection 2 of NRS 306.040 after the fifth business day after the secretary of state completes the notification required by subsection 1 of NRS 306.040 does not affect the legal sufficiency of the petition.*

Sec. 85. 1. *If the county clerk makes a clerical error regarding a petition to recall a public officer, the county clerk may correct the error before filing, pursuant to subsection 4 of NRS 306.015, the petition with the filing officer with whom the public officer to be recalled filed his declaration of candidacy.*

2. *If the county clerk chooses to correct the error, he shall:*

(a) Notify the persons who filed the notice of intent pursuant to subsection 1 of NRS 306.015, the public officer to be recalled and the secretary of state of the substance of the error; and

(b) Inform the persons specified in paragraph (a) of the correct information or procedure.

3. Correction of a clerical error by a county clerk does not affect the deadlines concerning the process of recalling a public officer set forth in chapter 306 of NRS.

Sec. 86. NAC 306.010 is hereby amended to read as follows:

306.010 A person who requests the secretary of state to strike his signature from a petition to recall a public officer pursuant to NRS 306.040 must submit his request in writing to the secretary of state. **[Such a]** *The* request:

1. Will not be accepted by the secretary of state:

(a) Before the day after the secretary of state provides the notification required by NRS 293.1278 regarding that petition.

(b) After 5 p.m. on the day before the call for the special election is issued regarding that petition.

2. May be transmitted to the secretary of state by facsimile machine.

3. Must be signed by the person who requests the secretary of state to strike his signature from the petition.

Sec. 87. NAC 306.030 is hereby amended to read as follows:

306.030 A person who files a complaint to challenge a petition for the recall of a public officer pursuant to NRS 306.040 shall, on the same date, file a motion for a temporary restraining order to restrain the **[officer]** :

1. Officer with whom the petition was filed from calling a special election before the court has determined the sufficiency of the petition **[.]** ; *and*

2. Secretary of state from accepting requests from persons who wish to have their names stricken from the petition pursuant to subsection 2 of NRS 306.040.

Sec. 88. NAC 293.175 and 293.370 are hereby repealed.

TEXT OF REPEALED SECTIONS

293.175 Challenged voters: Information required on envelope for ballot. The information which must be contained on the outside of the envelope for a ballot issued pursuant to NRS 293.304 must be written with a marker supplied by the city or county clerk and include:

1. The number of the precinct of the challenged voter; and
2. The name of the person who challenged the voter.

293.370 Conduct of voting.

1. A person shall not occupy a voting booth for more than 10 minutes.
2. If any person occupies a voting booth longer than 10 minutes, an election board member may immediately remove the person.
3. An election board member must be designated by the chairman of the election board to receive the correctly folded ballots of persons who have voted.