

PROPOSED REGULATION OF THE SECRETARY OF STATE

LCB File No. R072-06

June 2, 2006

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

AUTHORITY: §§1, 3, 5, 10, 11, 26, 33, 34, 40 and 48, NRS 293.124; §§2 and 25, NRS 293.124 and 293.507; §§28-32, NRS 293.124 and 293.5235; §4, NRS 293.124 and 293.3677; §§6-9, 14-21, 35-37 and 39, NRS 293.124 and 293.247; §12, NRS 293.124 and 293.250; §13, NRS.293.124 and 293.565; §22, NRS 293.124, 293.247 and 293B.103; §§23 and 38, NRS 293.124, 293.247 and 293.3677; §24, NRS 293.124 and 293.524; §27, NRS 293.124 and 293.540; §§41-45, NRS 293.124 and 294A.380; §46, NRS 293.124, 294A.380 and 294A.420; §47, NRS 293.124, 293.247 and 295.055.

A REGULATION relating to elections; providing an interpretation of the term “official identification” for the purposes of providing proof of residence and identity to register to vote; providing an interpretation of the term “current and valid photo identification” for the purposes of allowing certain voters to vote in certain elections; providing procedures for the casting and counting of provisional ballots; making various changes concerning the use of mechanical voting systems; making various changes concerning the observation of the conducting of elections; providing an interpretation of the term “personal use” for the purposes of the prohibition against the personal use of campaign contributions by a candidate; prohibiting the use of campaign contributions for the payment of any civil or criminal penalty; and providing other matters properly relating thereto.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. *For the purposes of NRS 293.517:*

1. The Secretary of State interprets “official identification” to mean a government-issued, or otherwise official, article or combination of articles, which establishes both the identity and residence of a person submitting an application to register to vote.

2. The following articles may be used to establish identity:

- (a) A current and valid Nevada driver's license;*
- (b) A current and valid identification card issued by the Department;*
- (c) A current and valid identification card issued by a branch of the Armed Forces of the United States;*
- (d) A current and valid identification card issued by a sheriff of a Nevada county to an employee as a condition of his employment by certain business enterprises;*
- (e) A current and valid identification card issued by an agency of the State of Nevada or political subdivision thereof or the United States, including, without limitation, a public school, college or university;*
- (f) A current and valid student identification card from an accredited private school, college or university;*
- (g) A current and valid United States passport;*
- (h) A current and valid insurance plan identification card which the county clerk determines, in his discretion, to be a reliable indication of the true name and identity of the person;*
- (i) A current and valid tribal identification card;*
- (j) A current and valid employee identification card which the county clerk determines, in his discretion, to be a reliable indication of the true name and identity of the person; or*
- (k) Any other official article which the county clerk determines, in his discretion, to be a reliable indication of the true name and identity of the person, including, without limitation, an expired article listed in paragraphs (a) to (j), inclusive, if that article has been expired for 30 calendar days or less and is otherwise valid.*

3. The following articles may be used to establish residency if the current residential address of the applicant, as indicated on the application to register to vote, is displayed on the article:

- (a) Any article set forth in subsection 2;*
- (b) A current and valid utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;*
- (c) A current and valid bank or credit union statement;*
- (d) A current and valid paycheck;*
- (e) A current and valid income tax return;*
- (f) A current and valid statement concerning the mortgage, rental or lease of a residence;*
- (g) A current and valid motor vehicle registration;*
- (h) A current and valid document issued by a governmental agency;*
- (i) A current and valid property tax statement; or*
- (j) Any other official article which the county clerk determines, in his discretion, to be a reliable indication of the true residential address of the person.*

Sec. 3. 1. *The Secretary of State interprets “current and valid photo identification,” for purposes of NRS 293.2725, to mean an article described in subsection 2 of section 2 of this regulation, which also bears a legible photograph of the voter.*

2. A document issued by an election official to a person in the course of the administration of voter registration or an election, including, without limitation, a voter registration card, sample ballot or receipt, does not satisfy the requirements of paragraph (a) or (b) of subsection 1 of NRS 293.2725.

3. *The requirements set forth in NRS 293.2725 are in addition to the requirements set forth in subsection 1 of NRS 293.517 and do not affect the mandate that a voter who failed to show proof of both identity and residency at the time the voter registered to vote must show such identification before any ballot may be cast, except that a voter may cast a provisional ballot pursuant to the provisions of NRS 293.3081 to 293.3086, inclusive.*

Sec. 4. *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 it is cast at the congressional district.

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 the provisional ballot was cast for at least 30 days;*
- (e) The voter had continuously resided in the precinct where the provisional ballot was cast 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) The voter cast the provisional ballot at a polling place that was authorized to accept a ballot from the correct congressional district of the voter;

(i) If the provisional ballot was cast at a polling place, the voter did not cast any other ballot, including an absent or mail-in ballot;

(j) If the voter did not show proof of residence and identity at the time he registered to vote, that the voter provided official identification establishing residence and identity by 5 p.m. on the Friday following election day; and

(k) The provisional ballot cast listed the correct federal offices for the congressional district in which the voter resided.

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.

5. If a voter is directed to the incorrect polling place by an election official, the voter may notify the county clerk not later than 5 p.m. on the day after election day. The county clerk must determine not later than 5 p.m. on the Friday immediately following election day whether the voter was directed to an incorrect polling place by an election official. If the county clerk determines that the voter was directed to an incorrect polling place, a provisional ballot cast by the voter shall be deemed to:

(a) Have been cast in the correct congressional district for the purposes of paragraph (h) of subsection 3; and

(b) List the correct federal offices for the purposes of paragraph (k) of subsection 3.

Sec. 5. *A county clerk must require a person wishing to register in a county where the person has not previously been registered to comply with the provisions of NRS 293.517, regardless of whether the person was previously registered elsewhere.*

Sec. 6. *The county clerk, or his designee, shall inform any person whose name does not appear on a voter registration list as an eligible voter for a polling place, or whom an election official asserts is not eligible to vote at the polling place, of the ability of the person to cast a provisional ballot.*

Sec. 7. 1. *A county clerk, or his designee, shall inform each voter who casts a provisional ballot of the availability of the free access system established in accordance with NRS 293.3086.*

2. *The county clerk shall provide the Secretary of State, in the format the Secretary of State prescribes, with all information on whether the provisional ballots cast by each person were counted and, if not, the reason why such a ballot was not counted. The Secretary of State will add the information to the free access system to make such information available to the voters who cast a provisional ballot.*

3. *The free access system must be available to a person who casts a provisional ballot for the period beginning on the eighth day immediately following the date of the election and continuing for at least 30 days after the date of the election in which the person cast the provisional ballot.*

Sec. 8. 1. *After each election, a county clerk shall conduct a postelection certification audit of VVPATs randomly selected pursuant to subsection 3 or 4, as applicable, to ensure that the paper record produced by a VVPAT accurately records all votes cast by voters on a mechanical recording device.*

2. A county clerk must conduct a postelection certification audit of a VVPAT by comparing each vote cast for each candidate and on each measure which was electronically recorded on the mechanical recording device to each vote cast for each candidate and on each measure which was recorded on the attached VVPAT. Such comparison may be conducted manually or by a mechanical device determined by the Secretary of State to be capable of accurately reading the votes cast and printed and otherwise qualified for use in the State pursuant to applicable state and federal law.

3. The county clerk of a county whose population is 100,000 or more must randomly select a number of mechanical recording devices equal to 2 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than 20 mechanical recording devices, whichever is greater, for the postelection certification audit.

4. The county clerk of a county whose population is less than 100,000 must randomly select a number of mechanical recording devices equal to 3 percent of the number of mechanical recording devices with attached VVPATs used in the election, or not less than four mechanical recording devices, whichever is greater, for the postelection certification audit.

5. The county clerk shall transmit the results of the audit to the Secretary of State within 7 working days after the date of the election.

6. Any member of the public who observes the postelection certification audit shall not interfere with the conduct of the audit.

Sec. 9. *If a voter presents a signature stamp obtained pursuant to chapter 426 of NRS for use on a document as set forth in chapter 426 of NRS, the county clerk shall require verification of the identity of the owner of the signature stamp in accordance with NRS 426.257.*

Sec. 10. NAC 293.010 is hereby amended to read as follows:

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

1. “Ballot stock” means the material upon which:
 - (a) A ballot is printed; and
 - (b) A voter directly indicates his vote.
2. “Department” means the Department of Motor Vehicles.
3. *“Results cartridge” means the cartridge of a mechanical recording device which contains the electronically recorded ballots cast during the election and from which the ballots are tabulated.*
4. *“Signature stamp” has the meaning ascribed to it in NRS 426.257.*
5. *“Voter verifiable paper audit trail printer” or “VVPAT” means the device attached to a mechanical recording device and the paper it prints to record all votes cast by a voter for any and all candidates and for or against any and all measures, enabling that voter to visually verify that the mechanical voting system has accurately recorded the votes of the voter.*
6. “Voting booth” means any place or compartment used to screen a voter from the observation of others.

Sec. 11. NAC 293.040 is hereby amended to read as follows:

293.040 1. The Secretary of State will, not later than 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 *statewide and multicounty district* 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.

Sec. 12. NAC 293.090 is hereby amended to read as follows:

293.090 1. Preceding every statewide question or constitutional amendment to be voted upon must be a number, to be assigned by the Secretary of State, in boldface type . ~~not smaller than 24 point.~~

2. *The Secretary of State will prepare statewide ballot questions, the accompanying explanations, arguments and condensations, the forms for applications to register to vote, other statewide forms and election information prescribed by the Secretary of State pursuant to NRS 293.247 in the appropriate minority language to affected jurisdictions pursuant to Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a and provide them to the county clerks for distribution to the public.*

3. *The county clerks shall prepare all ballot questions other than those described in subsection 2, the accompanying explanations, arguments and condensations, the notice of offices to be filled and other county and local forms and election information in the appropriate minority language to affected jurisdictions pursuant to Section 203 of the Voting Rights Act, 42 U.S.C. § 1973aa-1a.*

4. 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 which enables a voter to vote “Yes” or “No” upon the question submitted.

Sec. 13. NAC 293.120 is hereby amended to read as follows:

293.120 The county clerk shall:

1. Mail a copy of the sample ballot for the primary election, as provided in NRS 293.565, 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 which is stated in the declaration of candidacy or acceptance of candidacy.

2. Mail a copy of the sample ballot for the primary election, as provided in NRS 293.565, to each candidate who has been certified to him by the Secretary of State.

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 clerk shall make a copy of each sample ballot available to the candidate upon request.

4. Mail a copy of *at least five sample ballots and provide an electronic copy of* each sample ballot for a primary election, as provided in NRS 293.565, 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. 14. NAC 293.150 is hereby amended to read as follows:

293.150 1. At least 2 days before any election, every county 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 to the voting area or the building or other structure in which a polling place is located, as applicable.}]~~

Any notices or other materials required to be posted at each polling place pursuant to NRS 293.177, 293.2549, 293.2955, 293.301, 293.302, 293.3025, 293.361, 293.740 and 293.780.

(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 county, the required notices in the appropriate foreign language.

2. The county 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 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 polling places or to* those members of election boards who are designated by the county 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 clerk of any shortage. The county clerk shall immediately correct the shortage.

5. At each polling place within the county, the county 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. ~~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 cancelled ballots. The envelope in which cancelled ballots are placed must be marked with the words "cancelled ballots."~~

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

~~7.] 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.

~~8.] 6.~~ After the completion of an election, all ~~ballot boxes] ballots and paper records of VVPATs~~ must be returned by the sheriff or representative of the county clerk and placed by him in a secure storage area designated and provided by the county clerk.

~~9.] 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. 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. 16. NAC 293.162 is hereby amended to read as follows:

293.162 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.~~ *Must comply with the same requirements that apply to members of the general public pursuant to NRS 293.274, 293.305 and 293.730.*

(c) *May remain in the designated area in the polling place after the polling place closes to the conduct of voting pursuant to NRS 293.273 so as to observe the closing of the polling place. The representative shall not interfere with the closing of the polling place.*

3. *The representative shall remain in an area designated by the chairman of the election board to observe and hear conveniently the activities conducted at the polling place for which the representative is appointed without interfering with the voting. The designated area must*

allow for meaningful observation, but must not be located in an area that would allow an observer to infringe on the privacy and confidentiality of the ballot of the voter.

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

Sec. 17. NAC 293.169 is hereby amended to read as follows:

293.169 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' ~~ballot boxes~~ *ballots* to the absent ballot central counting board. When the ~~ballot boxes~~ *ballots* are received, the absent ballot central counting board shall:

(a) ~~Withdraw the ballots and return the ballot boxes to the county clerk;~~

~~(b)~~ 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;

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

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

~~(e) Duplicate any ballots that necessitate duplicating as authorized by and in the manner set forth in NRS 293B.375;~~ and

~~(f)~~ (d) Place all the ballots ~~[including any ballots produced pursuant to paragraph (e),]~~ 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 ~~[ballot boxes]~~ *ballots* pursuant to subsection 1, the county clerk must post a statement in his 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 delivers the ~~[ballot boxes]~~ *ballots* pursuant to subsection 1 must be:

(a) ~~[Deposited into the appropriate absent voters' ballot boxes]~~ *Stored and secured* pursuant to the provisions of NRS ~~[293.309 to 293.340, inclusive,]~~ *293.325* after those ~~[ballot boxes]~~ *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.

Sec. 18. NAC 293.182 is hereby amended to read as follows:

293.182 1. A person who submits a petition that consists of more than one document to the county clerk for verification of the signatures shall sequentially number each page of each document in the petition, beginning with the number 1.

2. 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;

(2) The signature of the person ~~[;]~~ *signing the petition;*

(3) The ~~[residential address of the person;]~~ *street address of the residence where the person signing the petition actually resides, unless a street address has not been assigned. If a street address has not been assigned, the document may contain the mailing address of the person signing the petition;*

(4) The name of the county where the person is a registered voter; ~~[and]~~

(5) The date of the signature ~~[.]~~; *and*

(6) If the petition is a municipal initiative or referendum proposed pursuant to NRS 295.195 to 295.220, inclusive, the name of the city in which the person signing the petition is registered to vote.

(b) Have attached to it, when filed ~~[.]~~:

~~—— (1) The affidavit required pursuant to Section 3 of Article 19 of the Constitution of the State of Nevada; and~~

~~—— (2) An], an~~ affidavit signed by the person who circulated the document in substantially the following form:

STATE OF NEVADA

COUNTY OF _____

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe them to be genuine

signatures; and (6) that I believe each person who signed was at the time of signing a registered voter in the county of his residence.

Signature of circulator

Subscribed and sworn to or affirmed

before me this ____ day of ____, ____.

Notary public or other person licensed

to administer an oath

3. Any document of a petition may consist of more than one page. If a document consists of more than one page:

(a) Each page, including a blank signature page, must be numbered sequentially, beginning with the number 1 for each document;

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

(c) The ~~[affidavits]~~ *affidavit* required by paragraph (b) of subsection 2 must appear on the last pages of the document.

4. As used in this section, “petition” means a petition containing signatures which are required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, **295.056**, 298.109, 306.035 or 306.110.

Sec. 19. NAC 293.200 is hereby amended to read as follows:

293.200 1. The Secretary of State will reimburse the counties for the cost of the basic stock for ballots. Reimbursement will not be made for setup and other costs, including the cost of personalized printing, stitching, binding ~~[, numbering, or prepunching]~~ **or numbering** of the ballots.

2. Payment will be made after a claim of cost is presented to the Secretary of State. A county clerk shall present the claim not later than December 31 of a year in which a general election is held. A manufacturer’s invoice showing **an itemized list of** all charges must accompany the claim. ***The Secretary of State will not pay claims presented more than 30 days after December 31 of the year in which the general election was held.***

Sec. 20. NAC 293.220 is hereby amended to read as follows:

293.220 1. At least 2 days before any election, the county 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)] roster;~~
- (b) A quantity of mechanical voting devices which assures an efficient flow of voters;
- ~~[(d) A container]~~

(c) *A means* for transporting ballots *and VVPATs* which ~~is equipped~~ *allows the ballots and VVPATs to be secured* with a lock and key, numbered seal or other device which prevents unauthorized entry;

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

~~(f)~~ (e) A procedural checklist for election boards; and

~~(g)~~ (f) 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 clerk may prepare for the precincts any additional supplies he considers necessary or desirable for carrying out the election.

Sec. 21. NAC 293.230 is hereby amended to read as follows:

293.230 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 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 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. 22. NAC 293.240 is hereby amended to read as follows:

293.240 1. After a person is identified as being a registered voter ~~[,]~~ *and has signed the roster*, 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~~ *issue the voter a receipt, and direct him* to a voting booth ~~[which contains a vote recording device which is appropriately]~~ equipped to handle the voter's ballot. ~~[card.~~

~~—3.]~~ 2. 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 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.]~~ 3. 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,]~~ *voiding his selections and not casting a ballot, a member of the election board must warn the voter that such actions are unlawful. If the voter continues to try to delay the election,* 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.], including, without limitation, removing the voter from the polling place if the county clerk has approved his removal.~~

4. 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 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 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. 23. 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 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 clerk.

3. The chairman of an election board is responsible for the safe delivery of the ~~[ballot cards]~~ *ballots and VVPATs* to the central place designated by the county 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 *results cartridges, VVPATs, mechanical recording devices and other essential election* supplies which were furnished by the county clerk with the county clerk's inventory, ~~[and]~~ shall note any shortages ~~[.]~~ *and shall immediately notify the county clerk if any shortages are noted.* The chairman of the election board is responsible for the safe return of all supplies, including all records, ~~[and]~~ equipment pertaining to the election ~~[.]~~ *and essential election supplies*, in accordance with the directions of the county clerk.

~~[5.—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.]~~

Sec. 24. NAC 293.410 is hereby amended to read as follows:

293.410 1. 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 to register to vote.

3. The information required by the application to register to vote must be printed in black *or blue* ink with a ballpoint pen.

4. A voter registration agency may not accept an application 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. A voter registration agency shall include with each application 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 agency.

6. A voter registration agency shall not void an application unless the applicant is present. If the agency voids an application, the 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. 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 voter registration agency shall issue a new application to the applicant.

8. Before each 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. 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 agency with the required procedures for registering voters through the 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 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. Except as otherwise provided in this subsection, the stamp used by the agency must not include the name of the agency. The stamp used by the Department may include the name of the Department.

Sec. 25. NAC 293.411 is hereby amended to read as follows:

293.411 The Secretary of State will assign to each county a series of numbers that must be used by the county clerk in assigning ~~[an]~~ *a unique* identification number to a person who *does not have a current and valid driver's license issued by the Department or a social security number and* wishes to register to vote pursuant to NRS ~~[293.507 and is unable, or does not wish, to provide the clerk with the number indicated on the identification described in subparagraph (1) of paragraph (a) of subsection 4 of NRS]~~ 293.507. *Before the clerk may issue the person an identification number, the person must sign an affidavit under penalty of perjury pursuant to subsection 5 of NRS 293.507 stating that he does not have a current and valid driver's license or a social security number.*

Sec. 26. 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 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. ~~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.]~~ *A city or county clerk is not required to send a sample ballot to an inactive voter.*

5. 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. 27. NAC 293.414 is hereby amended to read as follows:

293.414 1. The Secretary of State will immediately provide the county clerks with any information he receives from the Attorney General of the United States regarding the conviction of any person of a felony.

2. A county clerk may, for the purpose of making the determination *to cancel the registration of a person* required by subsection 3 of NRS 293.540, rely upon any information he receives from the Secretary of State pursuant to subsection 1 or from the Central Repository for Nevada Records of Criminal History regarding the conviction of any person of a felony.

3. The Secretary of State will immediately provide the county clerks with any information he receives regarding a person convicted of a felony who has had his right to vote restored and is currently eligible to register to vote.

4. A county clerk may, for purposes of determining whether a person applying to register to vote who was convicted of a felony has had his right to vote restored and is currently eligible to register, rely on:

(a) The information received from the Secretary of State pursuant to subsection 3;

(b) An order of any federal or state court restoring the right to vote to the applicant;

(c) A document issued to the applicant by a penal agency of the State of Nevada, any other state or the Federal Government verifying that the right to vote of the applicant has been restored; or

(d) A document issued by a penal agency of the State of Nevada, any other state or the Federal Government verifying that the applicant received a pardon or was discharged from probation, parole or prison before July 1, 2003.

5. *If a county clerk has reason to believe that a document described in subsection 4 is invalid or forged, the county clerk shall attempt to verify the document. The county clerk must accept the document as legitimate unless he can verify that the document is invalid or forged.*

Sec. 28. NAC 293.420 is hereby amended to read as follows:

293.420 1. The Secretary of State will create a standard form for use by persons who are applying to register to vote *in person or* by mail. The form will include:

- (a) An application to register to vote , *which may be submitted in person or* by mail ~~;~~
- ~~—(b) An explanation of Nevada’s laws on closed primary elections;~~
- ~~—(c) to the county clerk of the county in which the applicant resides;~~
- (b) Instructions to assist the applicant in completing the application;
- ~~[(d)] (c)~~ A notice stating that the application ~~[will not be processed unless an identification number is on the application;~~
- ~~—(e)] must contain the Nevada driver’s license number of the applicant or, if the applicant has no Nevada driver’s license, at least the last four digits of the social security number of the applicant or, if the applicant has no social security number, a unique identification number assigned by the county clerk pursuant to NAC 293.411 and subsection 5 of NRS 293.507;~~
- (d) A list of the addresses and telephone numbers of county election officers;
- ~~[(f)] (e)~~ A notice that ~~[the application must be complete before it is effective;]~~ *if the applicant indicates on the application that the applicant is not a citizen of the United States or will not be at least 18 years of age on or before election day, the applicant may not register to vote;*
- (f) *The option for the applicant to receive a sample ballot in larger type;* and

(g) Instructions to the applicant to contact the county clerk if the applicant does not within ~~[20]~~ **10** days after he submits the application to the county clerk receive his voter registration card indicating that his registration has been accepted.

2. The Secretary of State will assign a control number to each application and will determine the sequence of the control numbers. The control numbers will consist of a two-digit alphabetical code followed by a five-digit numerical code.

3. The control number must be printed:

(a) On a ~~[duplicate copy of the application or a]~~ receipt of the application; and

(b) On the application to be returned to the county clerk.

4. *On application forms that do not contain a control number, including, without limitation, the Federal Post Card Application submitted to a county clerk, the county clerk must enter the control number:*

(a) On the application and a receipt of the application, if the application is submitted in person; or

(b) On the application, if the application is submitted by mail.

5. Each county clerk shall, *and the Secretary of State will*, after obtaining a series of control numbers from the Secretary of State, cause the forms to be printed. The county clerk shall continue to make available a sufficient number of the forms to meet the needs of the residents of the county.

Sec. 29. NAC 293.425 is hereby amended to read as follows:

293.425 1. The county clerk shall make the forms *to apply to register* available to individual candidates, political parties, civic groups, and groups organized for or against questions on a ballot.

2. Except as otherwise provided in subsection 3, an applicant may request such a form from the clerk in person, by telephone, in writing or by electronic facsimile machine. The clerk shall respond to each such request by mailing the requested form within 5 working days.

3. Each request for more than 50 such forms must be made on a request form prescribed by the Secretary of State ~~[H]~~ *that requires the person or group requesting such forms to describe a plan for distribution of the forms, including, without limitation, identification of the county or counties with which the person or group plans to file the completed forms.*

4. The county clerk shall record on the completed request form the control numbers assigned to the applications which he provided in response to the request. *The Secretary of State will provide a copy of the completed request form to each county clerk in the counties identified in the distribution plan provided pursuant to subsection 3.* The county clerk shall, *and the Secretary of State will,* maintain the request for multiple applications with his records.

Sec. 30. NAC 293.430 is hereby amended to read as follows:

293.430 1. The county clerk shall, after obtaining written permission from the responsible person, make the forms to apply to register ~~[by mail]~~ available as appropriate throughout his county at:

- (a) United States Post Offices;
- (b) Public libraries;
- (c) Local offices of public utilities;
- (d) Financial institutions;
- (e) Community centers for aging persons;
- (f) Educational institutions;
- (g) Governmental offices;

- (h) Offices of county and state political central committees;
- (i) Union halls;
- (j) Offices of civic organizations;
- (k) Campaign headquarters of presidential, federal and statewide candidates;
- (l) Places of worship; and
- (m) Such other locations as the county clerk deems appropriate.

2. At each location where the forms are made available, the county clerk shall post a notice requesting persons to take no more than one form per person.

Sec. 31. NAC 293.435 is hereby amended to read as follows:

293.435 1. ~~Each such application must be received by the county clerk before the close of registration for the next election in order for the applicant to be registered for that election. An application received after the close of registration will apply to registration for the next election for which registration remains open.~~

~~2. The~~ *An applicant **who is registering to vote** or his assistant, who is acting in accordance with subsection 2 of NAC 293.440, shall pay any postage required to return the application to the county clerk ~~if~~, **unless the application is preprinted with the address of the county clerk of the county in which the applicant resides and the application provides for postage paid return of such application.***

2. If the application is postage paid and preprinted with the address of a county clerk of a county that is not the county in which the applicant resides, the applicant or his assistant, who is acting in accordance with subsection 2 of NAC 293.440, shall correct the address of the county clerk and pay any postage required to return the application to the county in which the applicant resides.

Sec. 32. NAC 293.450 is hereby amended to read as follows:

293.450 The notice sent pursuant to NRS 293.5235 to an applicant for registration by mail which informs him that his application is incomplete must ~~[contain a detachable portion which: —1. May be mailed back to the county clerk; and]~~ :

1. *Allow the applicant to provide the information needed to complete his application; or*
2. ~~[Is designed to allow the applicant to furnish the necessary information.]~~ *If the applicant is required to complete and submit a new application, include an explanation to the applicant of the reason why a new application is required and a new application form.*

Sec. 33. NAC 293B.010 is hereby amended to read as follows:

293B.010 As used in this chapter, unless the context otherwise requires ~~[, “mechanical”]~~ :

1. *“Mechanical recording device” has the meaning ascribed to it in NRS 293B.032.*
2. *“Mechanical voting system” has the meaning ascribed to it in NRS 293B.033.*
3. *“Results cartridge” means a cartridge which contains the electronically recorded ballots cast during the election and from which the ballots are tabulated.*
4. *“Voter verifiable paper audit trail printer” or “VVPAT” means the device attached to a mechanical recording device and the paper it prints to record all votes cast by a voter for any and all candidates and for or against any and all measures, enabling that voter to visually verify that the mechanical voting system accurately recorded the votes of the voter.*

Sec. 34. NAC 293B.040 is hereby amended to read as follows:

293B.040 1. A county clerk ~~[in a county using a mechanical voting system]~~ shall:

- (a) Store ~~[ballot cards]~~ *ballots, results cartridges and VVPATs* upon receipt in a vault or secure area that is accessible only by the county clerk and persons designated by him;

- (b) Provide for the security and protection of the stored ~~[ballot cards;]~~ *ballots, results cartridges and VVPATs;*
 - (c) Control access to the stored ~~[ballot cards;]~~ *ballots, results cartridges and VVPATs;* and
 - (d) Maintain a record of the persons allowed access to the stored ~~[ballot cards.~~
- ~~2.—The ballot statement must include the time that ballot boxes are removed from the polling place to be taken to the central counting place.~~
- ~~—3.] ballots, results cartridges and VVPATs.~~

2. Except as otherwise provided in this subsection, each county clerk shall, not later than the 90th day before the primary election, submit to the Secretary of State for approval a plan to carry out the provisions of paragraph (1) of subsection 2 of NRS 293.247 concerning the procedures to be used to ensure the security of the ballots ~~[,]~~ *, results cartridges and VVPATs.* If there is no change to the plan submitted in the previous year, the county clerk is not required to submit another plan to the Secretary of State. The county clerk shall notify the Secretary of State, in writing, if there is no change to the plan. The plan must include, without limitation:

- (a) The person who is responsible for transporting the ~~[ballot box]~~ *ballots, results cartridges and VVPATs* from the polling place to the central counting place; *and*
- (b) The time allotted for travel from the polling place to the central counting place . ~~[; and~~
- ~~—(c) The method for verifying the number of marked and unmarked ballots.]~~

Sec. 35. NAC 293B.060 is hereby amended to read as follows:

293B.060 1. A ballot ~~[card]~~ used in performing a test of a mechanical voting system must be conspicuously marked “TEST.”

2. A county using a mechanical voting system with a multiple ~~[card]~~ *ballot* reader shall, in addition to its other tests of the system, conduct an independent test of each ~~[card]~~ reader.

3. ~~[A manual tabulation of ballots must be made in each precinct for which a discrepancy is detected by]~~ *If the tests conducted pursuant to NRS 293B.150 and 293B.165 ~~[.]~~ detect that the ballots have not been accurately tabulated, the cause of the problem must be determined and corrected, and the ballots must be retabulated.*

4. A dedicated or equally secure computer system must be used for all tests conducted before or after an election, and for the tabulation of votes immediately after an election.

Sec. 36. NAC 293B.070 is hereby amended to read as follows:

293B.070 1. ~~[A county using a mechanical voting system shall conduct a test of the accuracy of its hardware for tabulating votes not less than 3 months before a primary election. The test deck must contain 1,000 ballot cards in a county whose population is 100,000 or more, and 200 ballot cards in a county whose population is less than 100,000. Except as otherwise provided in subsection 3, the test must be conducted in the following manner:~~

~~—(a) One fourth of the cards must have the first, fifth, ninth and every succeeding fourth voting position punched to the end of the card;~~

~~—(b) One fourth of the cards must have the second, sixth, tenth and every succeeding fourth voting position punched to the end of the card;~~

~~—(c) One fourth of the cards must have the third, seventh, eleventh and every succeeding fourth voting position punched to the end of the card; and~~

~~—(d) One fourth of the cards must have the fourth, eighth, twelfth and every succeeding fourth voting position punched to the end of the card.~~

~~—2. If cards with pre-punched columns are used, the county shall also conduct a test of the accuracy of its hardware for tabulating pre-punched codes. Except as otherwise provided in subsection 3, the test must be conducted in the following manner:~~

- ~~—(a) One fourth of the cards must have the:~~
 - ~~——(1) Twelfth, second and sixth positions punched in the first column;~~
 - ~~——(2) Eleventh, third and seventh positions punched in the second column;~~
 - ~~——(3) Zero, fourth and eighth positions punched in the third column; and~~
 - ~~——(4) First, fifth and ninth positions punched in the fourth column.~~
- ~~—(b) One fourth of the cards must have the:~~
 - ~~——(1) Eleventh, third and seventh positions punched in the first column;~~
 - ~~——(2) Zero, fourth and eighth positions punched in the second column;~~
 - ~~——(3) First, fifth and ninth positions punched in the third column; and~~
 - ~~——(4) Twelfth, second and sixth positions punched in the fourth column.~~
- ~~—(c) One fourth of the cards must have the:~~
 - ~~——(1) Zero, fourth and eighth positions punched in the first column;~~
 - ~~——(2) First, fifth and ninth positions punched in the second column;~~
 - ~~——(3) Twelfth, second and sixth positions punched in the third column; and~~
 - ~~——(4) Eleventh, third and seventh positions punched in the fourth column.~~
- ~~—(d) One fourth of the cards must have the:~~
 - ~~——(1) First, fifth and ninth positions punched in the first column;~~
 - ~~——(2) Twelfth, second and sixth positions punched in the second column;~~
 - ~~——(3) Eleventh, third and seventh positions punched in the third column; and~~
 - ~~——(4) Zero, fourth and eighth positions punched in the fourth column.~~
- ~~—3. If the software or system is not designed to allow testing to be conducted in the manner prescribed in subsection 1 or 2, the county clerk shall use the test provided by the seller of the mechanical voting system to determine the accuracy of that system.~~

~~—4.]~~ If an event occurs during the tabulation of ballots which requires the repair or adjustment of a ~~[card]~~ *ballot* reader, the ~~[card]~~ reader must be retested for accuracy before it may again be used.

~~[5.]~~ 2. If any of the equipment used for the tabulation of ballots fails to function properly as the result of a surge in or failure of power, the prescribed methods for certification of the mechanical voting system must be completed before the system may again be used.

~~[6.]~~ 3. A county clerk in a county using a mechanical voting system shall:

(a) Determine the most reasonable and practical method for completing the process of tabulating ballots in the event the existing system fails; and

(b) Develop a plan for the tabulation of ballots in the event that a failure in the existing system precludes the tabulation of ballots at the usual and customary location.

Sec. 37. NAC 293B.080 is hereby amended to read as follows:

293B.080 A county clerk in a county using a mechanical voting system shall develop a separate test deck ~~:~~

~~—1.—~~ ~~For]~~ *for* each type of ballot used in the county. Such a test deck must:

~~[(a)]~~ 1. Contain not less than the same number of ~~[cards]~~ *ballots* as there are valid voting positions for an office in that county; and

~~[(b)]~~ 2. Allow for the testing of each precinct, including the preparation of a cumulative report of the total votes cast for each voting position and a total count of the number of precincts.

~~[2.— For the determination of how the system responds to errors, including:~~

~~—(a) Header cards that are upside down;~~

~~—(b) Header cards that are reversed;~~

~~—(c) Ballots that are upside down;~~

~~—(d) Ballots that are reversed; and~~

~~—(e) Invalid punches denoting a precinct or group.]~~

Sec. 38. NAC 293B.090 is hereby amended to read as follows:

293B.090 1. Before *and after* each election, *as provided in NRS 293B.140 to 293B.170, inclusive*, the county clerk in a county using a mechanical voting system shall ensure that each mechanical recording device which directly records votes electronically, *each VVPAT* and the automatic tabulating equipment and programs to be used in the election will accurately record the votes cast for all offices and on all measures by completing the tests required pursuant to *this section and* chapter 293B of NRS.

2. *A county clerk shall, in the course of performing his other tests of the system, conduct a test to ascertain that the VVPAT correctly records on the paper record the selection made on the mechanical voting device for all offices and all measures on the ballot. If a county clerk is required to conduct an election in more than one language, the test ballots must be processed in each required language.*

3. *A county clerk shall conduct the test required pursuant to subsection 2 by:*

(a) Processing on a mechanical recording device, during the period prescribed in NRS 293B.150 and 293B.165, a group of logic and accuracy test ballots voted so as to record:

- (1) A vote for each candidate and a vote for and against each measure on the ballot;*
- (2) A vote for “None of these candidates” for all statewide contests;*
- (3) “No selection made” for each contest and ballot measure; and*
- (4) In all contests in which a voter may vote for more than one candidate, each option available to the voter, from “No selection made” to the total number of candidates a voter may select.*

(b) Comparing the paper record with the contests and candidate names required to be on the ballot to ensure the paper record is accurately recording and reflecting the selections made on the mechanical recording device.

4. If any error is detected during the test required pursuant to subsection 2, the error must be immediately reported to the Secretary of State. The cause of the error must be ascertained and corrected and an errorless count must be made before the particular mechanical recording device or VVPAT is approved for use in the election or certified for accuracy in the official counting of the ballots.

5. A vote is properly cast on a mechanical recording device which directly records votes electronically when:

- (a) The voter selects his choice;
- (b) The mechanical voting system verifies the selection of the voter;
- (c) The voter submits his selections; and
- (d) The mechanical voting system verifies that the selections have been submitted.

~~13.1~~ 6. Each mechanical recording device which directly records votes electronically must include:

- (a) Instructions for casting a vote;
- (b) A method for a voter to select his vote in each contest;
- (c) A method for a voter to change his selection;
- (d) A visual verification of the selections made by the voter for each contest;
- (e) A visual notice to the voter if the voter has not made a selection in a contest or if the voter has undervoted in a contest in which the voter may select more than one candidate;
- (f) Protection from an overvote;

(g) A method for the voter to review his selections and make changes before the ballot is cast;

(h) A notice advising the voter to confirm his selections before casting his ballot and informing him that casting the ballot is irrevocable;

(i) A verification that the vote has been cast; and

(j) ~~[A digital image]~~ *An electronic record* of each ballot stored by the mechanical voting system.

~~[4.]~~ **7.** A mechanical recording device which directly records votes electronically must create a trail for an audit of the mechanical voting system which substantiates that:

(a) Only ballots cast by authorized voters have been included in the tally list;

(b) All ballots have been unmodified since they were cast;

(c) All ballots cast have been accounted for; and

(d) The results of the tabulation of the ballots have been correctly accumulated from the ballots of the authorized voters and are capable of repetition with the same results.

8. *Persons authorized to observe the tests conducted pursuant to NRS 293B.150 and 293B.165 must not interfere with the conduct of such tests. The results of the tests conducted pursuant to this section are confidential pursuant to NRS 293B.155.*

Sec. 39. NAC 293C.110 is hereby amended to read as follows:

293C.110 The city clerk shall:

1. Mail a copy of the sample ballot for the primary city election, as provided in NRS 293.565, to each candidate.

2. Mail a copy of the sample ballot for the primary city election, as provided in NRS 293.565, to each candidate who has been certified to him by the Secretary of State.

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 *at least five sample ballots and provide an electronic copy of* each sample ballot for a primary city election, as provided in NRS 293.565, 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. 40. NAC 293C.195 is hereby amended to read as follows:

293C.195 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) ~~Withdraw the ballots and return the ballot boxes to the city clerk;~~

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

~~(c)~~ *, 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 ~~;~~

~~(d)~~ *, unless the counting system produces an accounting of the ballots by precinct or voting district;*

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

~~[(e) Duplicate any ballots that necessitate duplicating as authorized by and in the manner set forth in NRS 293C.655; and~~

~~—(f)] and~~

(d) Place all the ballots ~~[, including any ballots produced pursuant to paragraph (e),]~~ 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 his 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 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.

Sec. 41. Chapter 294A of NAC is hereby amended by adding thereto a new section to read as follows:

For the purposes of NRS 294A.160, the Secretary of State interprets the term “personal use” to mean the use of money received as a campaign contribution to fulfill a commitment,

obligation, purchase or expense that would exist irrespective of the campaign of a candidate or the duties of holding a state, district, county, city or township office, including, without limitation:

- 1. The payment of a mortgage, rent or utilities that is not directly related to a campaign activity or the duties of holding office;*
- 2. The purchase of clothing that is not directly related to a campaign activity or the duties of holding office;*
- 3. The payment of an expense for a motor vehicle that is not directly related to a campaign activity or the duties of holding office;*
- 4. The payment of dues or expenses relating to membership in a fraternal or social club that is not directly related to a campaign activity or the duties of holding office;*
- 5. The purchase of a vacation or other trip that is not directly related to a campaign activity or the duties of holding office;*
- 6. The payment of an expense for food for a household that is not directly related to a campaign activity or the duties of holding office;*
- 7. The payment of tuition that is not directly related to a campaign activity or the duties of holding office;*
- 8. The payment for admission to a sporting event, concert, theater or other form of entertainment that is not directly related to a campaign activity or the duties of holding office;*
and
- 9. The payment of dues or other expenses relating to a membership to a health club, gymnasium or other form of entertainment that is not directly related to a campaign activity or the duties of holding office.*

Sec. 42. NAC 294A.040 is hereby amended to read as follows:

294A.040 1. Any campaign contribution received or campaign expense incurred or paid on a candidate's behalf by his campaign committee, by his personal representative, or by any other authorized person during a period for which a report is required must be reported as the candidate's campaign contribution or expense.

2. Reporting requirements are not removed by special circumstances.

~~[3.—A candidate's report of his campaign expenses must contain the type and amount of expenditures which he contracted for or made during the reporting period.]~~

Sec. 43. 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 \$100:

(a) The category of the expenditure;

(b) ~~[The]~~ *Except as otherwise provided in subsection 3, 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 all categories of expenditures.

3. A report of campaign expenses required to be filed pursuant to NRS 294A.125, 294A.200, 294A.210, 294A.220, 294A.280 or 294A.360 is not required to include the names and addresses of each person who received payment for circulating a petition for purposes of gathering signatures, provided that such report contains the total amount paid to such circulators as a group and, if such payments were calculated on a per signature basis, the amount paid per signature.

Sec. 44. 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 \$100 or less that have been received by a candidate.~~

~~—2.]~~ On the form of the report of campaign contributions required to be filed pursuant to NRS 294A.120 or 294A.125, 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 \$100, the series must be treated as a single contribution and be separately identified on the candidate's report, with the name and address of the contributor and the date of each contribution in the series.

Sec. 45. NAC 294A.097 is hereby amended to read as follows:

294A.097 The Secretary of State may waive a civil penalty for good cause pursuant to subsection 4 of NRS 294A.420, if the person or entity that is subject to a civil penalty pursuant to subsection 2 of NRS 294A.420:

1. Files a written request for a waiver setting forth the basis for the waiver;
2. Properly files the appropriate report pursuant to the applicable provisions of NRS 294A.120, 294A.140, 294A.150, ~~[294A.180,]~~ 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360; and
3. Establishes that:
 - (a) Within a reasonable time before or on the date the applicable report was due, the candidate or a member of the family of the candidate, within the second degree of consanguinity ~~[]~~ *or affinity*, died, had a serious medical condition or was hospitalized; ~~[or]~~

(b) The candidate is experiencing extreme financial hardship ~~to~~ *to the extent that payment of the penalty would result directly in the loss or inability of the candidate to obtain the minimal necessities of food, medicine and shelter;*

(c) *The candidate or each officer, representative and resident agent of the entity is or was a member of the Armed Forces of the United States serving outside of the State or country within a reasonable period of time before or on the date the applicable report was due and the candidate or each officer, representative and resident agent of the entity executes an affidavit under penalty of perjury attesting to such facts;*

(d) *The candidate has been directly impacted by a natural disaster;*

(e) *The entity is organized as a nonprofit under the laws of the State of Nevada, has no paid employees and is comprised only of volunteers and:*

(1) *The representative of the entity who is responsible for filing the appropriate report on behalf of the entity pursuant to the applicable provisions of NRS 294A.140, 294A.150, 294A.210, 294A.220, 294A.270 or 294A.280, or a member of the family of such a representative, meets the conditions set forth in paragraph (a); or*

(2) *The representative of the entity who is responsible for filing the appropriate report on behalf of the entity pursuant to the applicable provisions of NRS 294A.140, 294A.150, 294A.210, 294A.220, 294A.270 or 294A.280 has, without notice, severed his relationship with the entity within a reasonable time before or on the date that the applicable report was due; or*

(f) *The violation was not due to mere inadvertence, mistake or neglect, and circumstances exist of a similarly serious nature as set forth in this subsection to justify a waiver of the civil penalty, including, without limitation, an obligation to report for active military service or to serve in an official capacity in response to a public emergency.*

Sec. 46. NAC 294A.098 is hereby amended to read as follows:

294A.098 A candidate shall not use campaign contributions to satisfy a civil penalty *or criminal penalty* imposed ~~[pursuant to NRS 294A.420.]~~ *by law.*

Sec. 47. NAC 295.020 is hereby amended to read as follows:

295.020 1. A person who submits a petition that consists of more than one document to the county clerk for verification of the signatures shall sequentially number each page of each document in the petition, beginning with the number 1.

2. If a petition for an initiative or referendum consists of more than one document, each document must, *in addition to any other requirements*, contain the full text of the proposed measure and:

(a) Include sequentially numbered spaces for:

- (1) The name of each person who signs the petition.
- (2) The signature of the person signing ~~[]~~ *the petition.*
- (3) The street address of the residence where the person signing *the petition* actually resides, unless a street address has not been assigned. If a street address has not been assigned, the document may contain the mailing address of the person signing ~~[]~~ *the petition.*
- (4) The name of the county where the person who signs is a registered voter.
- (5) The date of the signature.
- (6) If the petition is a municipal initiative or referendum proposed pursuant to the provisions of NRS 295.195 to 295.220, inclusive, the name of the city in which the person who signs is registered to vote.

(b) Have attached to it, when filed ~~[]~~:

~~— (1) The affidavit required pursuant to Section 3 of Article 19 of the Constitution of the State of Nevada; and~~

~~— (2) An], an~~ affidavit signed by the person who circulated the document in substantially the following form:

STATE OF NEVADA

COUNTY OF _____

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe them to be genuine signatures; and (6) that I believe each person who signed was at the time of signing a registered voter in the county of his residence.

Signature of circulator

Subscribed and sworn to or affirmed

before me this _____ day of _____, _____.

Notary public or other person licensed

to administer an oath

3. ~~[A]~~ *Any* document *of a petition* may consist of more than one page. If a document consists of more than one page:

(a) Each page, including a blank signature page, must be numbered sequentially, beginning with the number 1 for each document;

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

(c) The ~~[affidavits]~~ *affidavit* of the circulator required by NRS 295.095 or 295.205 must appear on the last pages of the document.

4. As used in this section, “petition” means a petition described in Article 19 of the Nevada Constitution or NRS 295.015 or 295.045.

Sec. 48. NAC 293.100, 293.176, 293.199, 293.290, 293.300, 293.310, 293.340, 293.360, 293.380, 294A.047, 294A.048, 294A.085 and 294A.095 are hereby repealed.

TEXT OF REPEALED SECTIONS

293.100 Ballots: Quantity required. (NRS 293.124, 293.247)

1. Each county clerk shall prepare for each precinct a quantity of ballots at least equal to the number of registered voters in the precinct.

2. For the purposes of this section, to determine the number of registered voters in a precinct for:

(a) A primary election, the county clerk shall use the number of voters who are registered on June 30 immediately preceding the date of the primary election.

(b) A general election, the county clerk shall use the number of voters who are registered on August 31 immediately preceding the date of the general election.

(c) A recall election, the county clerk shall use the number of voters who are registered on the date the call for the recall election is issued pursuant to NRS 306.040.

(d) Any special election other than a recall election, the county clerk shall use the number of voters who are registered 60 days before the date of the special election.

293.176 Examination of pollbook by representative of political party.(NRS 293.124, 293.347)

1. The county central committee of each political party shall:

(a) Not later than 90 days before an election, submit to the county clerk a copy of the form for the written statement authorizing its representatives to examine pollbooks pursuant to NRS 293.301.

(b) To the extent possible, submit to the county clerk at least 7 days before the election, a list of the names of the representatives who are authorized to examine pollbooks for each precinct.

2. Each representative who is authorized to examine pollbooks must present a written statement of authorization from the county central committee and proof of his identity to the chairman of the election board for the appropriate precinct upon his arrival at the polling place. The chairman of each election board shall not allow any person who does not provide proof of

his identity and a written statement of authorization from the county central committee to examine pollbooks.

3. The chairman shall ensure that the examination of the pollbooks does not interfere with the conduct of the election.

4. This section does prevent a person who is not authorized by a political party to examine pollbooks from observing the conduct of the election.

293.199 Applicability. (NRS 293.124, 293.247) The provisions of NAC 293.199 to 293.250, inclusive, apply only to polling places in which a mechanical voting system is used.

293.290 Applicability. (NRS 293.124, 293. 247) The provisions of NAC 293.290 to 293.380, inclusive, do not apply to polling places in which a mechanical voting system is used.

293.300 Printing of ballots generally. (NRS 293.124, 293.247) The county clerk shall provide official printed ballots to be used at an election. The ballot stock must be ordered by the county clerk within 2 days after the date set for closing of registration for the election.

293.310 Size of ballots. (NRS 293.124, 293.250)

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 which permits the proper placement of the required captions, headings, designations of political parties, directions to voters and names of candidates.

293.340 Form of ballots for special elections. (NRS 293.124, 293.250)

1. Each ballot for a special election must have a perforated line extending from top to bottom one-half 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.

293.360 Supplies and equipment. (NRS 293.124, 293. 247)

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

2. The county 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 as are necessary for conducting the election.

3. The county 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.

293.380 Procedures after voting. (NRS 293.124, 293.247)

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 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 which were furnished by the county clerk with the county 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 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 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.

294A.047 Filing of reports of contributions made by certain persons and political organizations on behalf of candidate or group of candidates. (NRS 294A.140, 294A.210, 294A.380, 294A.420)

1. Every 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 which is not solicited or approved by the candidate or group, and every committee for political action, political party and committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates shall:

(a) If the first contribution that is received is a contribution required to be reported pursuant to paragraph (b) of subsection 1 of NRS 294A.140, file the report required pursuant to paragraph

(a) of subsection 1 of NRS 294A.140 at the time the report required pursuant to paragraph (b) of subsection 1 of NRS 294A.140 is due indicating that no contributions were received during the period set forth in paragraph (a) of subsection 1 of NRS 294A.140.

(b) If the first contribution that is received is a contribution required to be reported pursuant to paragraph (c) of subsection 1 of NRS 294A.140, file the reports required pursuant to paragraphs (a) and (b) of subsection 1 of NRS 294A.140 at the time the report required pursuant to paragraph (c) of subsection 1 of NRS 294A.140 is due indicating that no contributions were received during the periods set forth in paragraphs (a) and (b) of subsection 1 of NRS 294A.140.

(c) If the first expenditure that is made is an expenditure required to be reported pursuant to paragraph (b) of subsection 1 of NRS 294A.210, file the report required pursuant to paragraph (a) of subsection 1 of NRS 294A.210 at the time the report required pursuant to paragraph (b) of subsection 1 of NRS 294A.210 is due indicating that no expenditures were made during the period set forth in paragraph (a) of subsection 1 of NRS 294A.210.

(d) If the first expenditure that is made is an expenditure required to be reported pursuant to paragraph (c) of subsection 1 of NRS 294A.210, file the reports required pursuant to paragraphs (a) and (b) of subsection 1 of NRS 294A.210 at the time the report required pursuant to paragraph (c) of subsection 1 of NRS 294A.210 is due indicating that no expenditures were made during the periods set forth in paragraphs (a) and (b) of subsection 1 of NRS 294A.210.

2. If a report is timely filed pursuant to subsection 1, the Secretary of State will waive any civil penalty imposed pursuant to NRS 294A.420 because of the date the report is filed.

294A.048 Filing of reports of contributions by person or group of persons advocating passage or defeat of question on ballot. (NRS 294A.150, 294A.220, 294A.380, 294A.420)

1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at any election including any recall or special election shall:

(a) If the first contribution that is received is a contribution required to be reported pursuant to paragraph (b) of subsection 1 of NRS 294A.150, file the report required pursuant to paragraph (a) of subsection 1 of NRS 294A.150 at the time the report required pursuant to paragraph (b) of subsection 1 of NRS 294A.150 is due indicating that no contributions were received during the period set forth in paragraph (a) of subsection 1 of NRS 294A.150.

(b) If the first contribution that is received is a contribution required to be reported pursuant to paragraph (c) of subsection 1 of NRS 294A.150, file the reports required pursuant to paragraphs (a) and (b) of subsection 1 of NRS 294A.150 at the time the report required pursuant to paragraph (c) of subsection 1 of NRS 294A.150 is due indicating that no contributions were received during the periods set forth in paragraphs (a) and (b) of subsection 1 of NRS 294A.150.

(c) If the first expenditure that is made is an expenditure required to be reported pursuant to paragraph (b) of subsection 1 of NRS 294A.220, file the report required pursuant to paragraph (a) of subsection 1 of NRS 294A.220 at the time the report required pursuant to paragraph (b) of subsection 1 of NRS 294A.220 is due indicating that no expenditures were made during the period set forth in paragraph (a) of subsection 1 of NRS 294A.220.

(d) If the first expenditure that is made is an expenditure required to be reported pursuant to paragraph (c) of subsection 1 of NRS 294A.220, file the reports required pursuant to paragraphs (a) and (b) of subsection 1 of NRS 294A.220 at the time the report required pursuant to paragraph (c) of subsection 1 of NRS 294A.220 is due indicating that no expenditures were made during the periods set forth in paragraphs (a) and (b) of subsection 1 of NRS 294A.220.

2. If a report is timely filed pursuant to subsection 1, the Secretary of State will waive any civil penalty imposed pursuant to NRS 294A.420 because of the date the report is filed.

294A.048 Filing of reports of contributions by person or group of persons advocating passage or defeat of question on ballot. (NRS 294A.150, 294A.220, 294A.380, 294A.420)

1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at any election including any recall or special election shall:

(a) If the first contribution that is received is a contribution required to be reported pursuant to paragraph (b) of subsection 1 of NRS 294A.150, file the report required pursuant to paragraph (a) of subsection 1 of NRS 294A.150 at the time the report required pursuant to paragraph (b) of subsection 1 of NRS 294A.150 is due indicating that no contributions were received during the period set forth in paragraph (a) of subsection 1 of NRS 294A.150.

(b) If the first contribution that is received is a contribution required to be reported pursuant to paragraph (c) of subsection 1 of NRS 294A.150, file the reports required pursuant to paragraphs (a) and (b) of subsection 1 of NRS 294A.150 at the time the report required pursuant to paragraph (c) of subsection 1 of NRS 294A.150 is due indicating that no contributions were received during the periods set forth in paragraphs (a) and (b) of subsection 1 of NRS 294A.150.

(c) If the first expenditure that is made is an expenditure required to be reported pursuant to paragraph (b) of subsection 1 of NRS 294A.220, file the report required pursuant to paragraph (a) of subsection 1 of NRS 294A.220 at the time the report required pursuant to paragraph (b) of subsection 1 of NRS 294A.220 is due indicating that no expenditures were made during the period set forth in paragraph (a) of subsection 1 of NRS 294A.220.

(d) If the first expenditure that is made is an expenditure required to be reported pursuant to paragraph (c) of subsection 1 of NRS 294A.220, file the reports required pursuant to paragraphs (a) and (b) of subsection 1 of NRS 294A.220 at the time the report required pursuant to paragraph (c) of subsection 1 of NRS 294A.220 is due indicating that no expenditures were made during the periods set forth in paragraphs (a) and (b) of subsection 1 of NRS 294A.220.

2. If a report is timely filed pursuant to subsection 1, the Secretary of State will waive any civil penalty imposed pursuant to NRS 294A.420 because of the date the report is filed.

294A.085 Form of report of campaign contributions: Inclusion of categories for reporting opening balance and amount of interest and income earned. (NRS 294A.380)

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.

294A.095 Reports regarding disposition of unspent campaign contributions: Exemption from certain filing requirements. A person who:

1. Files a report pursuant to subsection 2 of NRS 294A.180 which indicates that all the campaign contributions he has received have been expended, committed for expenditure, or otherwise disposed of; and
2. Does not receive any additional campaign contributions after the period to which that report relates,

↪ is not required to comply with the provisions of paragraphs (b) and (c) of that subsection.