

**LCB File No. R092-09**

**PROPOSED REGULATION OF THE  
SECRETARY OF STATE**

**PROPOSED CHANGES TO CHAPTER 293 OF NAC**

**Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as section 1 of this regulation.**

**Section 1. *Format of absent ballots and ballot instructions sent to absent military and overseas voters; tracking and reporting of absent ballots sent to absent military and overseas voters.***

***1. Absent ballots sent pursuant to NAC 293.301 shall be in text format on 8 ½” x 11” white paper, using no less than 10 point type, to increase the readability of the ballot and to avoid possible misinterpretations of the voter’s intended choice because of poor transmission of the document.***

***2. Instructions transmitted to the elector with the blank ballot shall be in text format on 8 ½” x 11” white paper, using no less than 10 point type, by the county clerk or registrar of voters by electronic mail or facsimile machine shall include the following information:***

***(a) The dedicated fax number or e-mail address to which the voted ballot shall be returned (if applicable);***

***(b) The total number of pages transmitted;***

***(c) The total number of ballot pages;***

***(d) The telephone number or e-mail address where the eligible voter may send questions regarding the ballot;***

***(e) A notice that the ballot shall not be duplicated for any other voter;***

***(f) A notice that once the ballot is returned by a voter, it will be counted pursuant to NAC 293.311;***

***(g) A notice that the voted ballot must be received by the county clerk or registrar of voters no later than 7 p.m. on election day;***

***(h) A request for an e-mail address to which a confirmation notice of receipt of the ballot may be sent at the discretion of the county clerk or registrar of voters; and***

***(i) Any other information deemed necessary by the Secretary of State or the county clerk.***

***3. The county clerk shall transmit a blank ballot with the instructions to the fax number or e-mail address provided by the voter.***

***4. Absent ballot applications returned via facsimile transmission or electronic mail by the voter to the county clerk or registrar of voters shall be received in the county clerk or registrar of voter’s office no later than 5 p.m. on the Tuesday preceding the election in which he wishes to vote.***

***5. Any ballot transmitted to a voter by electronic mail or facsimile shall contain a unique identification number for tracking and auditing purposes.***

***6. A log shall be kept by the county clerk of each ballot transmitted to a voter by electronic mail or facsimile indicating:***

- (a) *The name of the voter;*
- (b) *The fax number to which the ballot was sent, or electronic mail address;*
- (c) *The unique identification number of the ballot;*
- (d) *The date the ballot and instructions were transmitted;*
- (e) *The initials of the employee of the county clerk transmitting the ballot.*

7. *The electronic transmission log or facsimile records shall be maintained as part of the official election record.*

8. *The county clerk shall report to the Secretary of State's office no later than sixty (60) days from the date of the election:*

- (a) *The combined number of absent ballots transmitted (faxed, mailed, or e-mailed);*
- (b) *The combined number of absent ballots that were returned (faxed, mailed, or e-mailed); and*
- (c) *The total number of absent ballots that were counted (faxed, mailed, or e-mailed).*

9. *If a county clerk or registrar of voters is unable to transmit the election materials by electronic means, he may use the Electronic Transmission Service (ETS) developed by the Federal Voting Assistance Program (FVAP) of the United States Department of Defense to appropriately convert the documents to be received by the voter.*

**NAC 293 is hereby amended to read as follows:**

**NAC 293.040 Notice of judicial, statewide and multicounty district offices to be filled.** (NRS 293.124, 293.247)

1. The Secretary of State will:

(a) Not later than November 15 of the year before the year in which a primary election is held, prepare and send to each county clerk a written notice which designates the *statewide, multi-county, and* judicial offices for which candidates are to be nominated at the primary election; and

~~— [(b) 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 a 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.

**NAC 293.182 Requirements for individual documents of certain petitions.** (NRS 293.124, 293.247)

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 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.

(5) The date of the signature.

(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, 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]~~ *each person who signed was at the time of signing, a registered voter in the county of his residence;* (6) ~~[that I believe each person who signed was at the time of signing a registered voter in the county of his residence.]~~ *that the number of signatures affixed thereon is \_\_\_\_\_; and (7) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.*

\_\_\_\_\_  
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]~~ *stapled, bound, or similarly attached* in numerical order; and

(c) The 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.

5. *As used in this section, “similarly attached” does not mean paper clips, rubber bands, binder clips, or other similar mechanisms.*

**NAC 293.187 Provision of certain information to persons who are elderly or persons with disabilities: Alternative formats.** (NRS 293.124, 293.247, 293.469) An alternative format for the purposes of providing information concerning elections, information concerning how to register to vote and information concerning the manner of voting for use by a person who is elderly or a person with a disability pursuant to NRS 293.469 includes, without limitation:

1. An audio tape;
2. The telephone;
3. A telecommunications device that is accessible to a person who is deaf;
4. ~~An Internet site that has been approved by Bobby WorldWide at [http://www.east.org/bobby/Approval1504.cfm](http://www.east.org/bobby/Approval1504.cfm;);~~ or
5. A closed-captioned video.

**NAC 293.200 Reimbursement for cost of ballots.** (NRS 293.124, 293.247)

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 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 for the ballot costs of a primary election not later than June 30 of a year in which an election is held, and the ballot costs of a general election 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.~~ the date specified in this subsection.*

**NAC 293.245 Observation of conduct of voting at polling place.** (NRS 293.124, 293.247)

1. Subject to the provisions of subsections 2 to 6, inclusive, any person may observe the conduct of voting at a polling place.

2. Before observing the conduct of voting at a polling place pursuant to subsection 1, a person must sign a form prescribed by the Secretary of State stating that the person, during the time he observes the conduct of voting:

- (a) May not talk to voters within the polling place;
- (b) May not use a mobile telephone within the polling place;
- (c) May not advocate for or against a candidate, political party or ballot question;
- (d) May not argue for or against or challenge any decisions of county or city election personnel;
- (e) May not interfere with the conduct of voting; ~~and~~
- (f) *May not use a personal computer within the polling place; and*
- ~~(g)~~ (g) May be removed from the polling place by the county or city clerk for violating any provision of title 24 of NRS or any of the provisions of paragraphs (a) to ~~(f)~~ (g), inclusive.

3. The county or city clerk may, at his discretion, remove from a polling place a person observing the conduct of voting pursuant to this section for violating any provision of title 24 of NRS or any of the provisions of paragraphs (a) to ~~(f)~~ (g), inclusive, of subsection 2.

4. A person observing the conduct of voting at a polling place pursuant to subsection 1 must comply with the same requirements that apply to members of the general public pursuant to NRS 293.274, 293.305 and 293.730.

5. A person observing the conduct of voting at a polling place pursuant to subsection 1 may remain in the designated area in the polling place after the polls close pursuant to NRS 293.273 so as to observe the closing of the polling place. The person shall not interfere with the closing of the polling place.

6. A person observing the conduct of voting at a polling place pursuant to subsection 1 may remain in an area designated by the chairman of the election board to observe the activities conducted at the polling place 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.

7. As used in this section, “advocate” includes, without limitation, speaking, displaying or disseminating written material and wearing identifying clothing, buttons or other paraphernalia.

**NAC 293.270 General requirements; voter appearing at incorrect polling place.** (NRS 293.124, 293.247)

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

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

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

- (a) The voter was properly registered in the county where the provisional ballot was cast;
- (b) The voter was a citizen of the United States;
- (c) The voter was 18 years of age or older;
- (d) The voter had continuously resided in the county where he registered to vote for at least 30 days;
- (e) The voter had continuously resided in the precinct for which he registered to vote for at least 10 days;
- (f) The voter had not been convicted of a felony or, if the voter had been convicted of a felony, the civil rights of the voter had been lawfully restored;
- (g) The voter signed the required affirmation;
- (h) 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;

(i) 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;

(j) The voter cast the provisional ballot at a polling place that was authorized to accept a ballot for the congressional district in which the voter resides; and

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

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

**NAC 293.301 *Registration and request [Request] for absent ballot by [facsimile machine] approved electronic transmission.*** (NRS 293.124, 293.247, 293.3157)

1. ~~[A registered voter of this State who resides outside the continental United States and who uses a facsimile machine to request an absent ballot must request the absent ballot from the appropriate county clerk before 5 p.m. on the Tuesday preceding the election in which he wishes to vote.] Pursuant to NRS 293.560, Armed Forces personnel and overseas citizens who qualify to register by electronic transmission must submit the registration application on or before the fifth Sunday preceding any primary or general election in which he wishes to vote. Armed Forces personnel and overseas citizens who qualify to cast their ballot by electronic transmission must submit an application for an absentee ballot to the appropriate county clerk before 5 p.m. on the Tuesday preceding the election in which he wishes to vote.~~

2. A county clerk may use the electronic transmission network that is available through the Voting Assistance Program of the United States Department of Defense to send an absent ballot to ~~[a registered voter]~~ *an elector* who *registers to vote and* requests ~~[a]~~ *an absent* ballot in accordance with subsection 1.

3. ~~[After receipt of a request for an absent ballot, the county clerk shall confirm that the person requesting the absent ballot is a registered voter in his county. If the person is a registered voter,]~~ *Upon receipt and verification of an application submitted in accordance with subsection 1,* the county clerk shall:

*(a) Authorize the transmission of a blank ballot containing all contests and questions for which the elector is eligible to vote; and*

~~—[(a) Use a facsimile machine to send the absent voter a ballot card and a cover sheet;]~~

*(b) Fax or e-mail the election materials, which shall include a blank ballot and voter instruction sheet to the voter; or*

~~[(b)]~~ *4. The county clerk must also:*

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

~~[(e)]~~ *(b) Record the destination of the ballot and the date that the ballot was sent; and*

~~[(d)]~~ *(c) Maintain the original ballot card in a secured area where access is allowed only with the approval of the county clerk.*

*5. The electronic package transmitted to the voter shall contain:*

*(a) A completed electronic transmission cover sheet, as prescribed by the Secretary of State;*

*(b) The blank ballot with voter instruction sheet; and*



(c) *The contact information for the county clerk, including: name, title, mailing address, e-mail address, phone, and fax number.*

~~[4.]~~ 6. The ~~[cover sheet]~~ *voter instruction sheet* must:

- (a) Contain instructions for marking the ballot;
- (b) Contain instructions for returning the ballot;
- (c) Instruct the voter to read and sign the statement required pursuant to subsection ~~[5]~~ 7 and to sign the back of the mailing envelope, if applicable; and
- (d) Contain a statement that failure to sign the back of the mailing envelope, if applicable, will result in the ballot not being counted.

~~[5.]~~ 7. ~~[The absent voter must sign and return with his ballot a statement]~~ *A ballot that is completed and returned by the voter via facsimile machine or electronic mail must contain the voter's printed name, signature, date of birth, and the following statement in substantially the following form:*

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

#### *OATH OF VOTER*

*I, \_\_\_\_\_, acknowledge that by returning my voted ballot by electronic transmission, I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any absent voter, my signature, whether on this oath of voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.*

*My residential address is*

*(Street Address)                      (City)                      (ZIP Code)* .

*My current mailing address is*

*My e-mail address is* .

*My facsimile transmission number is* .

*I am a resident of \_\_\_\_\_ County, State of Nevada, and I have not applied, nor do I intend to apply, for an absentee ballot from any other jurisdiction for the same election.*

*I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.*

*Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.*

(Signed)

*voter (power of attorney cannot be accepted)*

***YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT, ALL OF WHICH ARE RETURNED BY ELECTRONIC TRANSMISSION.***

***8. To return a voted ballot and affidavit by electronic mail, the elector must have access to the technology to scan the documents, save the documents in a secure format, and return the documents as an electronic mail attachment.***

~~[-6.]~~ ***9.*** The absent ballot must be received by the office of the county clerk by 7 p.m. on the day of the election. An absent ballot received after 7 p.m. must not be counted. The county clerk shall place each rejected absent ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the rejection of the ballot.

~~[-7.]~~ ***10.*** When an absent ballot is returned by mail ~~[or facsimile machine]~~, ***facsimile machine, or electronic mail***, the county clerk shall make a record in the absent ballot record book. The county clerk shall check the signature on the return envelope, ~~[or]~~ ***facsimile, or electronic mail document*** against the original signature of the voter on his application to register to vote. Each county clerk shall establish a procedure for duplicating absent ballots received pursuant to this section that must be approved by the Secretary of State before it is used by the county clerk.

~~[-8.]~~ ***11.*** If a voter who ~~[is living outside of the United States]~~ returns ~~[a]~~ ***multiple*** voted ~~[ballot]~~ ***ballots*** ~~[both by mail and by facsimile machine]~~ and the county clerk receives ~~[both]~~ ***all*** ballots before the polls are closed on the day of the election, the county clerk shall count the ballot received first.

**NAC 293.335 County abstract: Contents; combining of precincts.** (NRS 293.124, 293.247, 293.393)

1. A county abstract must contain:

- (a) The name of the county.
- (b) The title of the election.
- (c) The date of the election.
- (d) The information required by NRS 293.387, 293.393 and 293.395.
- (e) The title of the office.
- (f) The name of the candidate as it appeared on the ballot.

~~[-(g)]~~ ~~*The candidate's party affiliation or nonpartisan office.*~~

~~[-(h)]~~ ***(g)*** The number of registered voters in each precinct.

~~[-(i)]~~ ***(h)*** The number of ballots cast in each precinct.

~~[-(j)]~~ ***(i)*** The number of votes cast for each candidate in each precinct.

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

~~[-(l)]~~ ***(k)*** The number of each ballot question.

~~[-(m)]~~ ***(l)*** The number of "Yes" votes and "No" votes in each precinct for each ballot question.

~~[-(n)]~~ ***(m)*** The total number of "Yes" votes and "No" votes for each ballot question in all precincts.



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

**NAC 293.341 Mechanized report of abstract.** (NRS 293.124, 293.247, 293.387, 293.395) A mechanized report of an abstract of votes, as required by NRS 293.387 and 293.395, must be transmitted to the Secretary of State. The Secretary of State will, not later than March 1 of each *statewide election* year, notify each county clerk of the specifications for the mechanized report of the abstract of votes required pursuant to this section.

**NAC 293.410 Registration by voter registration agency; processing of application for registration.** (NRS 293.124, 293.247, 293.524)

*1. As used in this section, “NVRA” means the National Voter Registration Act of 1993, Public Law 103-31 (42 U.S.C. Section 1973gg-1 et seq.).*

~~{1.}~~ 2. 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.}~~ 3. A registered voter may change his name, address or political party affiliation on the application to register to vote.

~~{3.}~~ 4. The information required by the application to register to vote must be printed in black or blue ink with a ballpoint pen.

~~{4.}~~ 5. 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.}~~ 6. 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}~~ *Secretary of State or local election official.*

~~{6.}~~ 7. 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.}~~ 8. 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.

*9. A voter registration agency shall designate one person within each office that services clients in the State as a central coordinator for all activities pertaining to the NVRA, including, but not limited to: reviewing voter registration applications, transmitting completed voter registration applications to the county clerk or registrar of voters, training staff on NVRA requirements, ensuring an adequate supply of voter registration materials, displaying NVRA posters, and maintaining records. The Secretary of State, or his designee, shall develop appropriate procedures to ensure compliance with NVRA.*

~~{8.}~~ 10. Before each application completed ~~{by an employee of the Department}~~ *at a voter registration agency* is forwarded to the county clerk or registrar of voters, it must be reviewed by a second employee of the Department, *preferably the designated NVRA coordinator of the voter registration agency*, 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.]~~ **11. The designated NVRA coordinator of a [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. *The Secretary of State shall develop and provide consistent training materials to the voter registration agencies, which shall be updated at least once every six months, and conduct annual training programs for the designated NVRA coordinators on NVRA requirements. Notice of any updates to the training materials provided pursuant to this subsection shall be sent to the voter registration agencies and county clerks, as applicable.*

~~[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.]~~

**12. A voter registration agency shall:**

*(a) In a format prescribed by the Secretary of State, maintain a record of the number of declination forms, which indicates whether a client of the agency accepted or declined the opportunity to register to vote at each application for service or assistance, and with each recertification, renewal, and distribution of change of address form.:*

~~[11.]~~ **13.** A voter registration agency shall stamp the original and the voter's ~~[copy]~~ receipt from the bottom 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.]~~ *The county election official and the voter registration agency shall take all necessary precautions to ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.*

**NAC 293.412 Inactive voters.** (NRS 293.124, 293.247, 293.440, 293.530, 293.557)

1. A county clerk:

(a) ~~[May]~~ **Shall** 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. 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.

**NAC 293.414 Person convicted of felony.** (NRS 293.124, 293.247, 293.540, 293.543)

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; ~~for~~

(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~~;~~ ; *or*

*(e) An affidavit regarding felon status approved by the Secretary of State.*

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.

*6. The information required under subsection 4 of this section must be submitted within 15 days of the date the voter registration application is submitted to the county clerk or registrar of voters.*

**NAC 293.440 Restrictions on alteration of application for registration.** (NRS 293.124, 293.247)

1. The county clerk, *field registrar, voter registration agency, or person assisting another person to register to vote* shall not alter or deface a blank application form in any way other than by addressing the form to the applicant and affixing postage.

2. Such an application must not be marked, stamped, or partially or fully completed by anyone other than:

(a) An applicant who is attempting to register to vote; or

(b) Another person who is assisting the applicant after being requested by the applicant to do so.

## PROPOSED AMENDMENTS TO CHAPTER 293B OF NAC

**NAC 293B is hereby amended to read as follows:**

**NAC 293B.090 Testing of equipment and programs; reporting and correction of certain errors; use of mechanical recording devices which directly record votes electronically.** (NRS 293.124, 293.247, 293.3677, 293B.105)

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 periods 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.

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) An electronic record of each ballot stored by the mechanical voting system ~~and~~; *and*
- (k) A paper record of the ballot cast.*

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.

**NAC 293B.130 Observation of conduct of certain tests of equipment and programs. (NRS 293.124, 293.247)**

1. Subject to the provisions of subsections 2, 3 and 4, any person may observe a test conducted pursuant to NRS 293B.155 in an area designated by the county clerk.

2. Before observing a test pursuant to subsection 1, a person must sign a form stating that the person, during the time he observes the test:

- (a) May not talk to county election personnel;
- (b) May not take photographs within the designated area;
- (c) May not use a mobile telephone within the designated area;
- (d) May not advocate for or against a candidate, political party or ballot question;
- (e) May not argue for or against or challenge any decisions of county election personnel;
- (f) May not interfere with the test being conducted; ~~and~~

*(g) May not use a personal computer within the designated area; and*

~~(g)~~ *(h)* May be removed from the designated area by the county clerk for violating any provision of title 24 of NRS or any of the provisions of paragraphs (a) to ~~(f)~~ *(g)*, inclusive.

3. The county clerk may, at his discretion, remove from the designated area a person observing a test pursuant to this section for violating any provision of title 24 of NRS or any of the provisions of paragraphs (a) to ~~(f)~~ *(g)* inclusive, of subsection 2.

4. A person observing a test pursuant to this section must comply with the same requirements that apply to members of the general public pursuant to NRS 293.274, 293.305 and 293.730.

5. As used in this section, “advocate” includes, without limitation, speaking, displaying or disseminating written material and wearing identifying clothing, buttons or other paraphernalia.

## PROPOSED AMENDMENTS TO CHAPTER 293C OF NAC

Chapter 293C of NAC is hereby amended by adding thereto the provisions set forth as sections 1, 2 and 3 of this regulation.

**Section 1.** *1. Absent ballots sent pursuant to NAC 293C.180 shall be in text format on 8 ½” x 11” white paper, using no less than 10 point type, to increase the readability of the ballot and to avoid possible misinterpretations of the voter’s intended choice because of poor transmission of the document.*

*2. Instructions transmitted to the elector with the blank ballot shall be in text format on 8 ½” x 11” white paper, using no less than 10 point type, by the city clerk by electronic mail or facsimile machine shall include the following information:*

*(a) The dedicated fax number or e-mail address to which the voted ballot shall be returned (if applicable);*

*(b) The total number of pages transmitted;*

*(c) The total number of ballot pages;*

*(d) The telephone number or e-mail address where the eligible voter may send questions regarding the ballot;*

*(e) A notice that the ballot shall not be duplicated for any other voter;*

*(f) A notice that once the ballot is returned by a voter, it will be counted pursuant to NAC 293.311;*

*(g) A notice that the voted ballot must be received by the city clerk no later than 7 p.m. on election day;*

*(h) A request for an e-mail address to which a confirmation notice of receipt of the ballot may be sent at the discretion of the city clerk; and*

*(i) Any other information deemed necessary by the Secretary of State or the city clerk.*

*3. The city clerk shall transmit a blank ballot with the instructions to the fax number or e-mail address provided by the voter.*

*4. Absent ballot applications returned via facsimile transmission or electronic mail by the voter to the city clerk shall be received in the city clerk’s office no later than 5 p.m. on the Tuesday preceding the election in which he wishes to vote.*

*5. Any ballot transmitted to a voter by electronic mail or facsimile shall contain a unique identification number for tracking and auditing purposes.*

*6. A log shall be kept by the city clerk of each ballot transmitted to a voter by electronic mail or facsimile indicating:*

*(a) The name of the voter;*

*(b) The fax number to which the ballot was sent, or electronic mail address;*

*(c) The unique identification number of the ballot;*

*(d) The date the ballot and instructions were transmitted;*

*(e) The initials of the employee of the city clerk transmitting the ballot.*

*7. The electronic transmission log or facsimile records shall be maintained as part of the official election record.*

*8. The city clerk shall report to the Secretary of State’s office no later than sixty (60) days from the date of the election:*

*(a) The combined number of absent ballots transmitted (faxed, mailed, or e-mailed);*



*(b) The combined number of absent ballots that were returned (faxed, mailed, or e-mailed); and*

*(c) The total number of absent ballots that were counted (faxed, mailed, or e-mailed).*

*9. If a city clerk is unable to transmit the election materials by electronic means, he may use the Electronic Transmission Service (ETS) developed by the Federal Voting Assistance Program (FVAP) of the United States Department of Defense to appropriately convert the documents to be received by the voter.*

**Sec. 2. Conduct of voting when voting electronically. (NRS 293.124, 293.247)**

*1. After a person is identified as being a registered voter and has signed the roster, a member of the election board:*

*(a) May issue the voter a receipt; and*

*(b) Shall direct him to a voting booth equipped to handle the voter's ballot.*

*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.*

*3. If it is obvious to the members of an election board that a voter is trying to delay an election by repeatedly voiding his selections and not casting a ballot, a member of the election board must warn the voter that such actions are unlawful and offer assistance if necessary. If the voter continues to try to delay the election, the election board may take any appropriate action to expedite the election, 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.*

**Sec. 3. Procedures after voting when voting electronically. (NRS 293.124, 293.247, 293C.369)**

*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 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, 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, equipment pertaining to the election and essential election supplies, in accordance with the directions of the county clerk.*

**NAC 293C is hereby amended to read as follows:**

**NAC 293C.090 Ballot questions.** (NRS 293.124, 293.247, 293.250)

1. Preceding every ballot question to be voted upon must be a number, to be assigned by the city clerk, in ~~{type not smaller than 24 point}~~ boldface type.
2. If any question is to be submitted to a vote of the people, it must be printed upon the ballot or ballot page assembly in a manner that enables a voter to vote “Yes” or “No” upon the question submitted.

**NAC 293C.140 Procedures regarding election supplies, voting booths and ballot boxes.**  
(NRS 293.124, 293.247)

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

- (a) One flag of the United States.
  - (b) ~~{Cards for providing:~~
    - ~~— (1) The appropriate warning regarding interference with the conduct of the election.~~
    - ~~— (2) Notice of the law prohibiting voting more than once.~~
    - ~~— (3) Notice of the law prohibiting electioneering within 100 feet from the entrance 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 city, the required notices in the appropriate foreign language.

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

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

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

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

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

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

**NAC 293C.160 Observation of** ~~[polling place by representative of candidate or political party.]~~  
***conduct of voting at polling place.*** (NRS 293.124, 293.247)

~~[~~1. Any registered voter of this State may be appointed to observe the conduct of voting at a polling place as the representative of:

- ~~— (a) Any candidate whose name appears on a ballot for the election for which the representative is appointed; or~~
- ~~— (b) Any political party or committee sponsored by a political party.~~

~~— 2. A representative appointed pursuant to subsection 1:~~

- ~~— (a) Shall present a written certificate of his appointment to the chairman of the election board upon his arrival at the polling place. The certificate must contain:~~
- ~~— (1) The name and signature of the representative;~~
- ~~— (2) The name of the candidate, political party or committee appointing the person as its representative; and~~
- ~~— (3) The precinct, polling place and date of the election for which the representative is appointed.~~
- ~~— (b) May sit or stand at such a location near the election board as to observe and hear conveniently the activities conducted at the polling place for which he is appointed without interfering with the voting.~~

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

*1. Subject to the provisions of subsections 2 to 6, inclusive, any person may observe the conduct of voting at a polling place.*

*2. Before observing the conduct of voting at a polling place pursuant to subsection 1, a person must sign a form prescribed by the Secretary of State stating that the person, during the time he observes the conduct of voting:*

- (a) May not talk to voters within the polling place;*
- (b) May not use a mobile telephone within the polling place;*
- (c) May not advocate for or against a candidate, political party or ballot question;*
- (d) May not argue for or against or challenge any decisions of county or city election personnel;*
- (e) May not interfere with the conduct of voting;*
- (f) May not use a personal computer within the polling place; and*
- (g) May be removed from the polling place by the county or city clerk for violating any provision of title 24 of NRS or any of the provisions of paragraphs (a) to (f), inclusive.*

*3. The county or city clerk may, at his discretion, remove from a polling place a person observing the conduct of voting pursuant to this section for violating any provision of title 24 of NRS or any of the provisions of paragraphs (a) to (f), inclusive, of subsection 2.*

4. A person observing the conduct of voting at a polling place pursuant to subsection 1 must comply with the same requirements that apply to members of the general public pursuant to NRS 293.274, 293.305 and 293.730.

5. A person observing the conduct of voting at a polling place pursuant to subsection 1 may remain in the designated area in the polling place after the polls close pursuant to NRS 293.273 so as to observe the closing of the polling place. The person shall not interfere with the closing of the polling place.

6. A person observing the conduct of voting at a polling place pursuant to subsection 1 may remain in an area designated by the chairman of the election board to observe the activities conducted at the polling place 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.

7. As used in this section, “advocate” includes, without limitation, speaking, displaying or disseminating written material and wearing identifying clothing, buttons or other paraphernalia.

**NAC 293C.165 Absent ballot: Form to request; voting at polling place after receipt.** (NRS 293.124, 293.247, 293.250, 293C.330)

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

~~— (a) Be 8 1/2 inches by 5 1/2 inches in size;~~

~~— (b) Include a line for:~~

~~— (1) The name of the registered voter requesting the absent ballot;~~

~~— (2) The signature of the registered voter requesting the absent ballot; and~~

~~— (3) A tracking number that consists of the:~~

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

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

~~— (c) Include a notice that sets forth the provisions of subsection 2; and~~

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

~~2. A registered voter who receives an absent ballot may not vote at a polling place unless he surrenders the absent ballot to the city clerk or his designee.]~~

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

**(a) Include a line for:**

**(1) The name of the registered voter requesting the absent ballot;**

**(2) The signature of the registered voter requesting the absent ballot; and**

**(3) A tracking number that consists of the:**

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

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

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

2. *A registered voter who receives an absent ballot may vote at a polling place if:*
  - (a) *He surrenders the absent ballot to the city clerk or his designee; or*
  - (b) *He complies with the requirements set forth in subsection 3 of NRS 293.330.*

**NAC 293C.180 *Registration and request [Request] for absent ballot by [facsimile machine] approved electronic transmission.*** (NRS 293.124, 293.247, 293.3157)

1. ~~[A registered voter of this State who resides outside the continental United States and who uses a facsimile machine to request an absent ballot must request the absent ballot from the appropriate county clerk before 5 p.m. on the Tuesday preceding the election in which he wishes to vote.] Pursuant to NRS 293.560, Armed Forces personnel and overseas citizens who qualify to register by electronic transmission must submit the registration application on or before the fifth Sunday preceding any primary or general election in which he wishes to vote. Armed Forces personnel and overseas citizens who qualify to cast their ballot by electronic transmission must submit an application for an absentee ballot to the appropriate city clerk before 5 p.m. on the Tuesday preceding the election in which he wishes to vote.~~

2. A city clerk may use the electronic transmission network that is available through the Voting Assistance Program of the United States Department of Defense to send an absent ballot to ~~[a registered voter]~~ *an elector* who *registers to vote and* requests ~~[a]~~ *an absent* ballot in accordance with subsection 1.

3. ~~[After receipt of a request for an absent ballot, the county clerk shall confirm that the person requesting the absent ballot is a registered voter in his county. If the person is a registered voter,]~~ *Upon receipt and verification of an application submitted in accordance with subsection 1, the city clerk shall:*

*(a) Authorize the transmission of a blank ballot containing all contests and questions for which the elector is eligible to vote; and*

~~—[(a) Use a facsimile machine to send the absent voter a ballot card and a cover sheet;]~~

*(b) Fax the election materials, which shall include a blank ballot and voter instruction sheet to the voter.*

~~[(b)]~~ *4. The city clerk must also:*

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

~~[(e)]~~ *(b) Record the destination of the ballot and the date that the ballot was sent; and*

~~[(d)]~~ *(c) Maintain the original ballot card in a secured area where access is allowed only with the approval of the county clerk.*

*5. The electronic package transmitted to the voter shall contain:*

*(a) A completed electronic transmission cover sheet, as prescribed by the Secretary of State;*

*(b) The blank ballot with voter instruction sheet; and*

*(c) The contact information for the city clerk, including: name, title, mailing address, e-mail address, phone, and fax number.*

~~[(4)]~~ *6. The [cover sheet] voter instruction sheet must:*

*(a) Contain instructions for marking the ballot;*

*(b) Contain instructions for returning the ballot;*

*(c) Instruct the voter to read and sign the statement required pursuant to subsection ~~[5]~~ 7 and to sign the back of the mailing envelope, if applicable; and*

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

~~[—5.]~~ 7. ~~[The absent voter must sign and return with his ballot a statement]~~ *A ballot that is completed and returned by the voter via facsimile machine or electronic mail must contain the voter's printed name, signature, date of birth, and the following statement in substantially the following form:*

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

### *OATH OF VOTER*

*I, \_\_\_\_\_, acknowledge that by returning my voted ballot by electronic transmission, I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any absent voter, my signature, whether on this oath of voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.*

*My residential address is*

*(Street Address)                      (City)                      (ZIP Code)                      .*

*My current mailing address is*

*My e-mail address is*

*My facsimile transmission number is*

*I am a resident of the City of \_\_\_\_\_, \_\_\_\_\_ County, State of Nevada, and I have not applied, nor do I intend to apply, for an absentee ballot from any other jurisdiction for the same election.*

*I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.*

*Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.*

*(Signed)*

*voter (power of attorney cannot be accepted)*



***YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT, ALL OF WHICH ARE RETURNED BY ELECTRONIC TRANSMISSION.***

***8. To return a voted ballot and affidavit by electronic mail, the elector must have access to the technology to scan the documents, save the documents in a secure format, and return the documents as an electronic mail attachment.***

~~6.~~ **9.** The absent ballot must be received by the office of the city clerk by 7 p.m. on the day of the election. An absent ballot received after 7 p.m. must not be counted. The city clerk shall place each rejected absent ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the rejection of the ballot.

~~7.~~ **10.** When an absent ballot is returned by mail ~~or facsimile machine~~, **facsimile machine, or electronic mail**, the city clerk shall make a record in the absent ballot record book. The city clerk shall check the signature on the return envelope, ~~or~~ facsimile, **or electronic mail document** against the original signature of the voter on his application to register to vote. Each city clerk shall establish a procedure for duplicating absent ballots received pursuant to this section that must be approved by the Secretary of State before it is used by the city clerk.

~~8.~~ **11.** If a voter who ~~is living outside of the United States~~ returns ~~a~~ **multiple** voted ~~ballot~~ **ballots** ~~both by mail and by facsimile machine~~ and the city clerk receives ~~both~~ **all** ballots before the polls are closed on the day of the election, the city clerk shall count the ballot received first.

**NAC 293C.210 Requirements for multiple documents of petitions; documents consisting of multiple sheets.** (NRS 293.124, 293.247)

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

(a) Contain sequentially numbered spaces for:

- (1) The name of each person signing the petition, including the person signing the verification required by paragraph (b);
- (2) The signature of the person;
- (3) The residential address of the person;
- (4) The name of the city where the person is a registered voter; and
- (5) The date of the signature.

(b) Have attached to it, when filed, an affidavit signed by the person who circulated the document in substantially the following form:

STATE OF NEVADA  
COUNTY OF \_\_\_\_\_  
CITY 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~~ **each person who signed was at the time of signing a registered voter in the city of his residence**; (6) ~~that I believe each person who signed was at the time of signing a registered voter in the~~

~~city of his residence.]~~ that the number of signatures affixed thereon is \_\_\_\_\_; and  
(7) that each person who signed had an opportunity before signing to read the full text  
of the act or resolution on which the initiative or referendum is demanded.

\_\_\_\_\_

Signature of circulator

Subscribed and sworn to or affirmed  
before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary public or other person licensed  
to administer an oath

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

- (a) Each sheet must be numbered sequentially;
- (b) All the sheets must be ~~[permanently]~~ stapled, bound, or similarly attached in numerical order; and
- (c) The affidavit required by paragraph (b) of subsection 1 must appear on the last sheet of the document.

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

*4. As used in this section, "similarly attached" does not mean paper clips, rubber bands, binder clips, or other similar mechanisms.*

**NAC 293C.320 Duties of election board before voting.** (NRS 293.124, 293.247)

- 1. Each member of the election board must be present in the polling place where he is to serve at least 45 minutes before the time the polling place is to open.
- 2. The election board shall set up the vote recording devices in a manner that creates the most efficient flow of voters.
- 3. *If applicable, the* ~~[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.

**NAC 293C.330 Conduct of voting by paper ballot.** (NRS 293.124, 293.247, 293B.103)

- 1. After a person is identified as being a registered voter, a member of the election board shall give him ~~[all]~~ *the* appropriate ballot ~~[cards and a protective sleeve]~~ and shall record the number of the *ballot* ~~[card or series of the card]~~ in the pollbook opposite the voter's name.
- 2. The election board shall direct each voter to a voting booth ~~[that contains a vote recording device that is appropriately equipped to handle the voter's ballot card].~~
- ~~[3. A member of the election board shall not permit any person to enter a voting booth to vote until he ascertains that the person understands how to operate the vote recording device.]~~

~~[4.]~~ 3. To carry out NRS 293B.103, the election board shall:

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

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

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

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

**NAC 293C.340 Procedures after voting *by paper ballot*.** (NRS 293.124, 293.247, 293C.369)

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

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

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

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

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

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

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

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

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

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

## PROPOSED AMENDMENTS TO CHAPTER 295 OF NAC

NAC 295 is hereby amended to read as follows:

**NAC 295.020 Requirements for individual documents of petition.** (NRS 293.124, 293.247, 295.055)

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, 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 each person who signed was at the time of signing a registered voter in the county of his residence; (6) that the number of signatures affixed thereon is \_\_\_\_\_; and (7) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

\_\_\_\_\_  
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]~~ *stapled, bound, or similarly* attached together in numerical order; and

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

*5. As used in this section, “similarly attached” does not mean paper clips, rubber bands, binder clips, or other similar mechanisms.*