

U.S. ELECTION ASSISTANCE COMMISSION



2010 Election Administration & Voting Survey

Nevada

Statutory Overview

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2010 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

Information Supplied By	
Name	Ryan High
Title	HAVA Administrator
Office/Agency Name	Nevada Secretary of State
Address 1	101 North Carson Street
Address 2	Suite 3
City	Carson City
State	NV
Zip Code	89701
Email Address	rhigh@sos.nv.gov
Telephone (area Code and number)	775-684-5650
Fax Number (area code and number)	775-684-5718

DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2008 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2008 with an "X" as shown below:

X No Change Since 2008

If the response has changed since 2008, please mark Changed Since 2008 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2008 response and record your 2010 response between the red bracketed text lines, as described below.

X Changed Since 2008

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please keep your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

NRS 293B.085 Several elective to same offices; effect of overvote. A mechanical voting system must permit the voter to vote for as many persons for an office as the voter is lawfully entitled to vote for, but no more. If a voter casts more votes for an office than the voter is lawfully entitled, the counting device or

electronic computer must be programmed so that those votes are not counted. The remainder of the voter's ballot must be counted if it is otherwise lawfully voted.

[End definition (a) above this line.]

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a. Over-vote

 No Change Since 2008 x Changed Since 2008

2010 Response:

[Begin definition (a) below this line.]

NRS 293B.085 Several elective to same offices; effect of overvote.

A mechanical voting system must permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more. If a voter casts more votes for an office than he is lawfully entitled, the counting device or electronic computer must be programmed so that those votes are not counted. The remainder of the voter's ballot must be counted if it is otherwise lawfully voted.

[End definition (a) above this line.]

b. Under-vote

 x No Change Since 2008 Changed Since 2008

2008 Response:

[Begin definition (b) below this line.]

While expressly lacking legal definition, it is widely understood in practice in Nevada that an undervote is when a person does not vote for as many persons as he is lawfully entitled.

[End definition (b) above this line.]

c. Blank ballot

 x No Change Since 2008 Changed Since 2008

2008 Response:

[Begin definition (c) below this line.]

While express lacking legal definition, it is widely understood in practice in Nevada that a blank ballot is a ballot that has no votes for any race on the ballot.

[End definition (c) above this line.]

d. Void/Spoiled ballot

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin definition (d) below this line.]

NRS 293.107 “Spoiled ballot” defined. “Spoiled ballot” means a ballot defaced by a voter and exchanged for a new one.

[End definition (d) above this line.]

e. Provisional/Challenged ballot

☐ **No Change Since 2008** ☒ **Changed Since 2008**

2010 Response:

[Begin definition (e) below this line.]

NRS 293.082 “Provisional ballot” defined. “Provisional ballot” means a ballot voted by a person pursuant to [NRS 293.3081](#) to [293.3086](#), inclusive.

NRS 293.3081 Casting of provisional ballot: General conditions; declaration or application.

A person at a polling place may cast a provisional ballot in an election to vote for a candidate for federal office if the person complies with the applicable provisions of [NRS 293.3082](#) and:

1. Declares that he has registered to vote and is eligible to vote at that election in that jurisdiction, but his name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;
2. Applies by mail, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of [NRS 293.2725](#) to the election board officer at the polling place; or
3. Declares that he is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election.

NRS 293.3082 Casting of provisional ballot: Specific prerequisites; completion of written affirmation; contents of affirmation; provision of receipt; notation on roster; provisional ballot limited to purpose of voting for candidates for federal offices.

1. Before a person may cast a provisional ballot pursuant to [NRS 293.3081](#), the person must complete a written affirmation on a form provided by an election board officer, as prescribed by the Secretary of State, at the polling place which includes:

- (a) The name of the person casting the provisional ballot;
- (b) The reason for casting the provisional ballot;
- (c) A statement in which the person casting the provisional ballot affirms under penalty of perjury that he or she is a registered voter in the jurisdiction and is eligible to vote in the election;
- (d) The date and type of election;
- (e) The signature of the person casting the provisional ballot;
- (f) The signature of the election board officer;
- (g) A unique affirmation identification number assigned to the person casting the provisional ballot;
- (h) If the person is casting the provisional ballot pursuant to subsection 1 of [NRS 293.3081](#):

(1) An indication by the person as to whether or not he or she provided the required identification at the time the person applied to register to vote;

(2) The address of the person as listed on the application to register to vote;

(3) Information concerning the place, manner and approximate date on which the person applied to register to vote;

(4) Any other information that the person believes may be useful in verifying that the person has registered to vote; and

(5) A statement informing the voter that if the voter does not provide identification at the time the voter casts the provisional ballot, the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted;

(i) If the person is casting the provisional ballot pursuant to subsection 2 of [NRS 293.3081](#):

(1) The address of the person as listed on the application to register to vote;

(2) The voter registration number, if any, issued to the person; and

(3) A statement informing the voter that the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted; and

(j) If the person is casting the provisional ballot pursuant to subsection 3 of [NRS 293.3081](#), the voter registration number, if any, issued to the person.

2. After a person completes a written affirmation pursuant to subsection 1:

(a) The election board officer shall provide the person with a receipt that includes the unique affirmation identification number described in subsection 1 and that explains how the person may use the free access system established pursuant to [NRS 293.3086](#) to ascertain whether the person's vote was counted, and, if the vote was not counted, the reason why the vote was not counted;

(b) The voter's name and applicable information must be entered into the roster in a manner which indicates that the voter cast a provisional ballot; and

(c) The election board officer shall issue a provisional ballot to the person to vote only for candidates for federal offices.

NRS 293.3083 Casting of ballot by mail to vote for candidate for federal office; treatment as provisional ballot under certain circumstances. A person may cast a ballot by mail to vote for a candidate for federal office, which must be treated as a provisional ballot by the county or city clerk if the person:

1. Applies by mail to register to vote and has not previously voted in an election for federal office in this State;

2. Fails to provide the identification required pursuant to paragraph (b) of subsection 1 of [NRS 293.2725](#) to the county or city clerk at the time that the person mails the ballot; and

3. Completes the written affirmation set forth in subsection 1 of [NRS 293.3082](#).

NRS 293.3084 County and city clerks to establish certain procedures relating to provisional ballots. Each county and city clerk shall establish procedures to:

1. Keep each provisional ballot cast pursuant to [NRS 293.3081](#) or [293.3083](#) separate from other ballots until it has been determined whether or not the voter was registered and eligible to vote in the election in that jurisdiction;

2. Keep each provisional ballot cast pursuant to subsection 3 of [NRS 293.3081](#) separate from all other provisional ballots; and

3. Inform a person whose name does not appear on a voter registration list as an eligible voter for a polling place or who an election official asserts is not eligible to vote at the polling place of the ability of the person to cast a provisional ballot.

NRS 293.3085 Canvass and counting of provisional ballots.

1. Following each election, a canvass of the provisional ballots cast in the election must be conducted pursuant to [NRS 293.387](#) and, if appropriate, pursuant to [NRS 293C.387](#).

2. The county and city clerk shall not:

(a) Include any provisional ballot in the unofficial results reported on election night; or

(b) Open any envelope containing a provisional ballot before 8 a.m. on the Wednesday following election day.

3. Except as otherwise provided in subsection 4, a provisional ballot must be counted if:

(a) The county or city clerk determines that the person who cast the provisional ballot was registered to vote in the election, eligible to vote in the election and issued the appropriate ballot for the address at which the person resides;

(b) A voter who failed to provide required identification at the polling place or with his or her mailed ballot provides the required identification to the county or city clerk not later than 5 p.m. on the Friday following election day; or

(c) A court order has not been issued by 5 p.m. on the Friday following election day directing that provisional ballots cast pursuant to subsection 3 of [NRS 293.3081](#) not be counted, and the provisional ballot was cast pursuant to subsection 3 of [NRS 293.3081](#).

4. A provisional ballot must not be counted if the county or city clerk determines that the person who cast the provisional ballot cast the wrong ballot for the address at which the person resides.

NRS 293.3086 Free access system to provide information to voter casting provisional ballot.

1. The Secretary of State shall establish a free access system such as a toll-free telephone number or an Internet website to inform a person who cast a provisional ballot whether the person's vote was counted and, if the vote was not counted, the reason why the vote was not counted.

2. The free access system must ensure secrecy of the ballot while protecting the confidentiality and integrity of personal information contained therein.

3. Access to information concerning a provisional ballot must be restricted to the person who cast the provisional ballot.

[End definition (e) above this line.]

f. Absentee

 x No Change Since 2008 Changed Since 2008

2008 Response:

[Begin definition (f) below this line.]

NRS 293.013 "Absent ballot" defined. "Absent ballot" means a ballot voted by a person who expects to be or is absent from the polling place for his precinct or district on election day.

[End definition (f) above this line.]

g. Early voting

 No Change Since 2008 x Changed Since 2008

2010 Response:

[Begin definition (g) below this line.]

NRS 293.3564 Permanent polling places for early voting.

1. The county clerk may establish permanent polling places for early voting by personal appearance in the county at the locations selected pursuant to [NRS 293.3561](#).

2. Except as otherwise provided in subsection 3, any person entitled to vote early by personal appearance may do so at any polling place for early voting.

3. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, the county clerk may:

- (a) Provide appropriate forms of ballots for all offices within a township, city, town or county commissioner election district, as determined by the county clerk; and
- (b) Limit voting at that polling place to registered voters in that township, city, town or county commissioner election district.

Additionally, see NRS 293.3568 Period for early voting; hours for permanent polling places. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and holidays excepted.

[End definition (g) above this line.]

h. Active Voter

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin definition (h) below this line.]

NRS 293.017 “Active registration” defined. “Active registration” means a current registration of a voter in the official register, entitling such voter to vote in the manner provided by this title.

[End definition (h) above this line.]

i. Inactive Voter

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin definition (i) below this line.]

NRS 293.530 (in part) Correction of statewide voter registration list; authority of county clerk to make investigations; county clerk to cancel registration of voter under certain circumstances; maintenance of records regarding notices of cancellation; designation of voter as inactive; regulations. Except as otherwise provided in [NRS 293.541](#):

7. If a voter fails to return the postcard mailed pursuant to subsection 3 within 30 days, the county clerk shall designate the voter as inactive on his application to register to vote.

Section 3 reads:

3. A county clerk shall cancel the registration of a voter pursuant to this section if:

- (a) He mails a written notice to the voter which the United States Postal Service is required to forward;
- (b) He mails a return postcard with the notice which has a place for the voter to write his new address, is addressed to the county clerk and has postage guaranteed;
- (c) The voter does not respond; and
- (d) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

[End definition (i) above this line.]

j. Other terms (please specify) _____

☒ No Change Since 2008 ☐ Changed Since 2008

2008 Response:

[Identify each TERM and definition separately and begin below this line.]

Nevada defines additional election terms. These definitions, because of their volume, will not be listed here, but may be found at NRS 293.010 through NRS 293.1275.

[End TERM(s) and definition(s) above this line.]

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☐ No Change Since 2008 ☒ Changed Since 2008

2010 Response:

The significant changes that the State of Nevada has enacted or adopted since the previous Federal election include moving the primary election date from August to the first Tuesday after the first Monday in June, changing a signature and date requirement for registering to vote to just a postmarked or received by date, changing reporting procedures regarding early vote and election day information to the Secretary of State’s office, and adding approved electronic transmission procedures for overseas and military citizens. Our office will include as Attachment A the text of the changes found in Assembly Bill (“AB”) 41, Senate Bill (“SB”) 162, AB 79, and the 2009 Adopted Regulations.

[End response to above question (A2) above this line.]

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin response to above question (B1) below this line.]

Nevada has a bottom-up voter registration database system.

[End response to above question (B1) above this line.]

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin response to above clarification question to B1 below this line.]

Local jurisdictions transmit registration information to the state list on each business night.

[End response to above clarification question to B1 above this line.]

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin response to above question (B2) below this line.]

NRS 293.530 states the procedure to move voters from the active list to the inactive list.

NRS 293.530 Correction of statewide voter registration list; authority of county clerk to make investigations; county clerk to cancel registration of voter under certain circumstances; maintenance of records regarding notices of cancellation; designation of voter as inactive; regulations. Except as otherwise provided in [NRS 293.541](#):

1. County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current residence is other than that indicated on his application to register to vote.
2. A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass or by any other method.
3. A county clerk shall cancel the registration of a voter pursuant to this section if:
 - (a) He mails a written notice to the voter which the United States Postal Service is required to forward;
 - (b) He mails a return postcard with the notice which has a place for the voter to write his new address, is addressed to the county clerk and has postage guaranteed;
 - (c) The voter does not respond; and
 - (d) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.
4. For the purposes of this section, the date of the notice is deemed to be 3 days after it is mailed.
5. The county clerk shall maintain records of:
 - (a) Any notice mailed pursuant to subsection 3;
 - (b) Any response to such notice; and
 - (c) Whether a person to whom a notice is mailed appears to vote in an election,↪ for not less than 2 years after creation.
6. The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.
7. If a voter fails to return the postcard mailed pursuant to subsection 3 within 30 days, the county clerk shall designate the voter as inactive on his application to register to vote.
8. The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to subsection 7.

[End response to above question (B2) above this line.]

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

 x No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (B3) below this line.]

Please see below for a list of circumstances in which Nevada's county clerks are required to cancel the registration of a voter. Please read Nevada's language of cancel to mean remove.

NRS 293.540 Circumstances in which county clerk is required to cancel registration of voter. The county clerk shall cancel the registration:

1. If he has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in his office.
2. If the insanity or mental incompetence of the person registered is legally established.
3. Upon the determination that the person registered has been convicted of a felony unless:
 - (a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of [NRS 213.090](#), [213.155](#) or [213.157](#).
 - (b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.
4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

5. Upon the request of any registered voter to affiliate with any political party or to change his affiliation, if that change is made before the end of the last day to register to vote in the election.
6. At the request of the person registered.
7. If he has discovered an incorrect registration pursuant to the provisions of [NRS 293.5235](#), [293.530](#) or [293.535](#) and the elector has failed to respond or appear to vote within the required time.
8. As required by [NRS 293.541](#).
9. Upon verification that the application to register to vote is a duplicate if he has the original or another duplicate of the application on file in his office.

Nevada has established procedures to have letters sent to the voter, or in the instance of a death, to the voter's family, to verify reasons for a potential removal.

Regarding the removal of UOCAVA voters, similar procedures will be used as those listed in 293.540.

[End response to above question (B3) above this line.]

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's drivers license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

 No Change Since 2008 x Changed Since 2008

2010 Response:

[Begin response to above question (B4) below this line.]

Nevada's voter registration database can share information electronically with our state's driver's license agency. Nevada's voter registration database is indirectly linked with databases of other state or federal agencies. The data is first sent to the Nevada DMV to match driver's license numbers, then once run through that agency, it is sent via the American Association of Motor Vehicle Administrators to the Social Security Administration to match social security numbers. Nevada's voter registration database is also checked against Nevada's Vital Statistics.

New to 2010, the State of Nevada began to offer online voter registration for registrants in Clark County, and anticipates to take it statewide shortly. With this online registration program, we can instantly share information with DMV, as well as retrieve signatures from DMV.

[End response to above question (B4) above this line.]

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

 x No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (B5) below this line.]

The use of the National Change of Address is found in NRS 293.5303:

NRS 293.5303 Data concerning change of address of registered voter: Agreement with United States Postal Service or other authorized person for use of data by county clerk. In addition to the methods

described in [NRS 293.530](#), the county clerk in each county may enter into an agreement with the United States Postal Service or any person authorized by it to obtain the data compiled by the United States Postal Service concerning changes of addresses of its postal patrons for use by the county clerk to correct the portions of the statewide voter registration list relevant to the county clerk.

Nevada uses the National Change of Address as updated information to send letters to correct the portions of the statewide voter registration list relevant to the county clerk. It is important to note that the change of addresses provided to the clerks aren't automatically entered as a voter's new address, but rather as a place to send correspondence to confirm a change of address has been made.

[End response to above question (B5) above this line.]

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

 x No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (B6) below this line.]

In 2003, the Nevada Legislature passed Assembly Bill 55, which restored, among other things, the right to vote for persons convicted of certain felonies. Pursuant to NRS 213.155, persons convicted of certain felonies and have been discharged honorably are immediately restored the right to vote. NRS 213.157 provides that persons convicted of certain felonies who have served out their sentence are immediately restored the right to vote.

Persons who may have had their civil rights restored pursuant to NRS 213.155 may present either: (1) an official document of the honorable discharge; or (2) a court order restoring the right to vote. Persons who may have had their civil rights restored pursuant to NRS 213.157 may present either: (1) an official document of release from prison; or (2) a court order restoring the right to vote.

The documentation may be provided at the time of registration to ensure that the registration is not subsequently cancelled pursuant to NRS 293.540. NRS 293.540(3) requires the county clerk or registrar to cancel a person's registration:

Upon the determination that the person registered has been convicted of a felony unless:

- (a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of [NRS 213.090](#), [213.155](#) or [213.157](#).
- (b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the laws of the state in which the person was convicted.

The documentation must be provided if the registration is cancelled pursuant to NRS 293.540(3). NRS 293.543(2) allows the county clerk or registrar to accept the following documentation for reregistration after cancellation:

[T]he elector may reregister after he presents satisfactory evidence which demonstrates that:

- (a) His conviction has been overturned; or
- (b) His civil rights have been restored:

- (1) If he was convicted in this State, pursuant to the provisions of [NRS 213.090](#), [213.155](#) or [213.157](#).
(2) If he was convicted in another state, pursuant to the laws of the state in which he was convicted.

[End response to above question (B6) above this line.]

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

 No Change Since 2008 x Changed Since 2008

2010 Response:

[Begin response to above question (B7) below this line.]

New to 2010, the State of Nevada began to offer online voter registration for registrants in Clark County, and anticipates to take it statewide shortly. With this online registration program, we can instantly share information with DMV, as well as retrieve signatures from DMV. This process is completed entirely online.

Additionally, our office has the State's voter registration form on our website as a fillable PDF which a voter may complete, print, sign and return.

Lastly, our office now allows UOCAVA voters to register to vote by transmission over the Internet pursuant to NRS 293.320 and 293.501. This is also a complete, print, sign and return procedure.

[End response to above question (B7) above this line.]

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin response to above question (a) below this line.]

Votes are counted at a central counting place. See, NRS 293.3625.

[End response to above question (a) above this line.]

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin response to above question (b) below this line.]

No, in Nevada, as soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. See, NRS 293.387.

[End response to above question (b) above this line.]

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin response to above question (c) below this line.]

If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the county clerk who shall have the results added to the regular votes of the precinct. The returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. See, NRS 293.385.

[End response to above question (c) above this line.]

d. How are UOCAVA ballots counted and reported?

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin response to above question (d) below this line.]

UOCAVA ballots are counted and reported in the same manner that other absentee ballots are reported.

[End response to above question (d) above this line.]

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin response to above question (C2) below this line.]

Nevada allows no-excuse absentee voting as long as the voter is registered. See, NRS 293.313.

[End response to above question (C2) above this line.]

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin response to above question (C3) below this line.]

Yes, Nevada provides for in-person early voting. Early voting is defined as voting by personal appearance beginning the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and holidays excepted. See, NRS 293.3568. Ballots are counted at a central location. These votes are reported separately.

[End response to above question (C3) above this line.]

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin response to above question (C4) below this line.]

Nevada does have mail-in ballot districts. See NRS 293.343.

[End response to above question (C4) above this line.]

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

☒ **No Change Since 2008** ☐ **Changed Since 2008**

2008 Response:

[Begin response to above question (C5) below this line.]

Situations that require a provisional ballot in Nevada may be found in NRS 293.3081.

NRS 293.3081 Casting of provisional ballot: General conditions; declaration or application. A person at a polling place may cast a provisional ballot in an election to vote for a candidate for federal office if the person complies with the applicable provisions of [NRS 293.3082](#) and:

1. Declares that he has registered to vote and is eligible to vote at that election in that jurisdiction, but his name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;
2. Applies by mail, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of [NRS 293.2725](#) to the election board officer at the polling place; or
3. Declares that he is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election.

[End response to above question (C5) above this line.]

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

☐ **No Change Since 2008** ☒ **Changed Since 2008**

2010 Response:

[Begin response to above question (C6) below this line.]

Nevada does count provisional ballots of voters who are registered in different precincts, but not different jurisdictions. Regardless, provisional ballots are not automatically rejected. After a provisional ballot is cast, a voter has until the Friday after the Tuesday election to provide proof of residence. A clerk or registrar of voters will use this, as well as other research, to determine if the voter's ballot may lawfully be counted.

The process local election officials use in determining whether to count a provisional ballot are found in NRS 293.3085.

Sec. 15. NAC 293.270 is hereby amended to read as follows:

--14--

Adopted Regulation R092-09

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

2. If an election official becomes aware that a person appearing to vote is a registered voter

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

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

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

--15--

Adopted Regulation R092-09

(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 *or she* registered to vote, that the voter provided official identification establishing residence and identity by 5 p.m.

on the Friday following election day;

(j) 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.

[End response to above question (C6) above this line.]

C7. Please describe your state's laws regarding post-election audits, if any.

 x **No Change Since 2008**

 Changed Since 2008

2008 Response:

[Begin response to above question (C7) below this line.]

Nevada has a post-election audit and/or test of the voter-verifiable paper trail, and mechanical recording devices.

NAC 293.255 Postelection certification audits of VVPATs. ([NRS 293.124](#), [293.247](#))

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.

NRS 293B.165 Tests required before and after counting of ballots; certification of tests by accuracy certification board.

1. A test conducted in the manner prescribed in subsections 1 and 2 of [NRS 293B.155](#) must be conducted immediately before the start of the official count of the ballots and again within 24 hours after the official count of the ballots.

2. Such tests must be certified by the accuracy certification board.

For reference, please see sections 1 and 2 of NRS 293B.155 below:

NRS 293B.155 Procedure for conducting tests; inspection of results of test.

1. The tests prescribed by [NRS 293B.150](#) and [293B.165](#) must be conducted by processing a preaudited group of logic and accuracy test ballots so voted or marked as to record a predetermined number of valid votes for each candidate and on each measure, and must include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the mechanical recording device or the automatic tabulating equipment and programs to reject those votes.

2. If any error is detected, the cause therefor must be ascertained and corrected and an errorless count must be made before the mechanical recording device or the automatic tabulating equipment and programs are approved.

[End response to above question (C7) above this line.]

C8. Please describe any state requirements for poll worker training.

 x No Change Since 2008

 Changed Since 2008

2008 Response:

[Begin response to above question (C8) below this line.]

Pursuant to NRS 293.227(3), the county or city clerk shall conduct or cause to be conducted a school to acquaint the members of an election board with the election laws, duties of election boards, regulations of the Secretary of State and with the procedure for making the records of election and using the register for election boards.

[End response to above question (C8) above this line.]

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

 x No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (D1) below this line.]

The capture of over-votes is codified in NRS 293B.085.

NRS 293B.085 Several elective to same offices; effect of overvote. A mechanical voting system must permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more. If a voter casts more votes for an office than he is lawfully entitled, the counting device or electronic computer must be programmed so that those votes are not counted. The remainder of the voter's ballot must be counted if it is otherwise lawfully voted.

Also see, NRS 293.3677 (when counting a vote in an election, if more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted).

The capture of under-votes is also captured in the mechanical voting system, and will be counted. The ability of Nevada's mechanical voting machines to be able to perform this function is tested and verified in NRS 293B.385(2)(d) (Where multiple votes may be cast, the maximum number of votes permitted a voter cannot be exceeded without rejecting the vote for that selection, but any undervote will be counted).

[End response to above question (D1) above this line.]

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

 x No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (a) below this line.]

In registering to vote, Nevada law specifically interprets official identification under NAC 293.395.

NAC 293.395 "Official identification" interpreted. ([NRS 293.124](#), [293.247](#), [293.517](#)) For the purposes of [NRS 293.517](#) (registration of elector):

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.

[End response to above question (a) above this line.]

b. casting an in-person ballot;

 x **No Change Since 2008**

 Changed Since 2008

2008 Response:

[Begin response to above question (b) below this line.]

The identification requirements in regards to casting an in-person ballot are listed in NRS 293.277.

NRS 293.277 Conditions for entitlement of person to vote; forms of identification to identify registered voter.

1. Except as otherwise provided in [NRS 293.541](#), if a person's name appears in the election board register or if he provides an affirmation pursuant to [NRS 293.525](#), he is entitled to vote and must sign his name in the election board register when he applies to vote. His signature must be compared by an election board officer with the signature or a facsimile thereof on his original application to register to vote or one of the forms of identification listed in subsection 2.

2. Except as otherwise provided in [NRS 293.2725](#), the forms of identification which may be used individually to identify a voter at the polling place are:

- (a) The card issued to the voter at the time he registered to vote;
- (b) A driver's license;
- (c) An identification card issued by the Department of Motor Vehicles;
- (d) A military identification card; or
- (e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

[End response to above question (b) above this line.]

c. casting a mail-in or absentee vote;

 x No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (c) below this line.]

When the absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or in person, the county clerk shall check the signature on the return envelope or facsimile against the original signature of the voter on the county clerk's register. See, NRS 293.325(2).

[End response to above question (c) above this line.]

d. casting a ballot under UOCAVA;

 No Change Since 2008 x Changed Since 2008

2010 Response:

[Begin response to above question (d) below this line.]

Regarding overseas voters, Nevada law has provisions regarding an oath of the voter regarding their identification.

NRS 293.3157 Registered voter residing outside continental United States may request absent ballot by approved electronic transmission; return of absent ballot; oath of registered voter; regulations.

1. Any registered voter of this State who resides outside the continental United States may use approved electronic transmission to request an absent ballot. Such a request must be received by the county clerk not later than 5 p.m. on the seventh day before the primary, general or special election. The registered voter shall state on the request whether the registered voter:

- (a) Requests the county clerk to send the absent ballot by mail or approved electronic transmission; and
- (b) Will return the absent ballot to the county clerk by mail or approved electronic transmission.

2. If the registered voter indicates pursuant to subsection 1 that he or she will submit the absent ballot by mail, the registered voter shall include with the completed absent ballot the identification envelope provided by the county clerk. The identification envelope must be in the form prescribed by the Secretary of State and include, without limitation:

- (a) A declaration, under penalty of perjury, stating that the registered voter resides within the precinct in which he or she is voting and is the person whose name appears on the envelope;
- (b) The signature of the registered voter;
- (c) The address that the registered voter provided on the application for voter registration; and

(d) A statement that the registered voter has not applied and will not apply to any other county clerk for an absent ballot.

3. If the registered voter indicates pursuant to subsection 1 that he or she will submit the absent ballot by approved electronic transmission, the registered voter shall include with the completed absent ballot the following:

OATH OF VOTER

I, _____, acknowledge that by returning my voted ballot by approved 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 (if applicable)

_____.

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 APPROVED ELECTRONIC TRANSMISSION.

4. The county clerk, if so requested pursuant to subsection 1, shall use approved electronic transmission to send an absent ballot and the oath, as required pursuant to subsection 3, to the registered voter.

5. Each county clerk shall, insofar as is practicable, ensure the secrecy of absent ballots that are submitted by approved electronic transmission.

6. The Secretary of State shall adopt regulations to carry out the provisions of this section.

[End response to above question (d) above this line.]

e. any other stage in registration or voting process in which identification is required (please specify).

 x No Change Since 2008

 Changed Since 2008

2008 Response:

[Begin response to above question (e) below this line.]

Pursuant to NAC 293.270(3)(i), another stage in the voting process in which identification is required is if a provisional ballot is cast, and the voter did not show proof of residence and identity at the time he registered to vote, the voter will have to provide official identification establishing residence and identity by 5 p.m. on the Friday following election day.

[End response to above question (e) above this line.]

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

 x No Change Since 2008

 Changed Since 2008

2008 Response:

[Begin response to above question (D3) below this line.]

Nevada's law regarding access to the polling place for election observers, as well as decisions on access to observers, is located in NAC 293.245.

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 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.

[End response to above question (D3) above this line.]

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

 x No Change Since 2008 Changed Since 2008

2008 Response:

[Begin response to above question (E1) below this line.]

No, Nevada's administrative complaint procedures have not been revised since first implemented in 2004. Please see NAC 293.500 to 293.560.

[End response to above question (E1) above this line.]

E2. The Military and Overseas Voter Empowerment Act (MOVE) was signed into law on October 22, 2009. The MOVE Act contains, among other things, provisions regarding States' methods of communication with UOCAVA voters and UOCAVA ballot transmission.

Please describe your State's processes and procedures for implementing MOVE (including any changes in your State's laws or regulations) as they relate to:

- Protecting the security and integrity of the voter registration and ballot application process, the privacy and personal information of the voter, and absentee ballots. (Sect. 577, 578)
- Designating a means of electronic communication for all voting-related materials to UOCAVA voters. (Sect. 577)
- Establishing a ballot tracking mechanism to allow voters to determine whether their ballots were received by the appropriate election official. (Sect. 580(d))

Also, please describe your State's plans to capture data related to the number of registration applications, ballot applications, and blank ballots transmitted to UOCAVA voters via mail and electronic means (Internet, email, fax) *and* the number of registration applications, ballot applications, and completed ballots returned by UOCAVA voters via mail and electronic means (Internet, email, fax).

This question was not asked in 2008. Please provide your answer below.

[Begin response to above question (E2) below this line.]

- Nevada protects the security and integrity of the voter registration and ballot application process, the privacy and personal information of the voter, and absentee ballots by having UOCAVA communicate directly with the local election officials and their staff. Voter registration applications and ballot applications are sent to secure email addresses and fax machines administered by the local election officials.

Once received, the integrity of the information in the application is put through the same HAVA identification checks that all voters in Nevada are put through to verify identity. Ballots released after a request are only sent to registered voters, or those who both register/request with the FPCA.

- In multiple sources, Nevada designates means of electronic communication for all voting-related materials to UOCAVA voters by providing both our fax and email addresses, as well those for each of Nevada's 17 counties. Additionally, select Nevada counties are taking part in an online ballot marking initiative through a partnership with FVAP.
- Nevada has established a ballot tracking mechanism within myvoterfile to allow voters to determine whether their ballots were received by the appropriate election official. The voter can log into myvoterfile, and under voter history, once a absent ballot has been returned, it will display as such for the current election date.

Nevada's plans to capture data related to the number of registration applications, ballot applications, and blank ballots transmitted to UOCAVA voters via mail and electronic means (Internet, email, fax) *and* the number of registration applications, ballot applications, and completed ballots returned by UOCAVA voters via mail and electronic means (Internet, email, fax) through local election management systems ("EMS"). These EMS systems track registration applications by UOCAVA status, ballot application date received, and blank ballot transmission and receipt data, including the method ballots were sent and received.

New 2009 regulations provide further direction for local election officials.

Sec. 5. If a county clerk or the authorized representative of a county clerk sends an absent ballot by approved electronic transmission, the county clerk or the county clerk's authorized representative shall:

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

2. Record in the absent ballot record:

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

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

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

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

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

Sec. 6. 1. An absent ballot sent to a voter by approved electronic transmission must:

(a) Contain instructions for marking the absent ballot.

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

(1) Facsimile transmission number or electronic mail address, as applicable, that the voter may use to return the absent ballot.

(2) Deadline for returning the absent ballot by approved electronic transmission to the county clerk.

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

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

(e) Instruct the voter to read and sign the oath required pursuant to subsection 3 of NRS 293.3157.

(f) Contain a statement that failure to sign the oath required pursuant to subsection 3 of NRS 293.3157 will result in the absent ballot not being counted.

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

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

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

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

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

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

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

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

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

Sec. 8. *Not later than 60 days after the date of an election, a county clerk shall report to the Secretary of State, in the form prescribed by the Secretary of State:*

1. The number of absent ballots for that election that the county clerk sent using approved electronic transmission.

2. The number of absent ballots for that election that were returned by voters using approved electronic transmission.

3. The number of absent ballots described in subsection 2 which were counted by the county clerk.

[End response to above question (E2) above this line.]

E3. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

 x **No Change Since 2008** **Changed Since 2008**

2008 Response:

[Begin response to above question (E3) below this line.]

If the EAC has additional questions based up the answers provided, the Nevada Secretary of State's office will gladly provide expedited follow up and/or more detailed information. For follow up questions or clarification, please contact Ryan High, HAVA Administrator at the contact information above.

[End response to above question (E3) above this line.]

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2010 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.