

**ADOPTED REGULATION OF
THE SECRETARY OF STATE**

LCB File No. R014-23

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

AUTHORITY: §§ 1, 6, 7, 9, 11, 12, 16, 19, 21 and 24, NRS 293.124 and 293.247; § 2, NRS 293.124, 293.176 and 293.247; §§ 3-5 and 20, NRS 293.124, 293.177, 293.247, 293C.145 and 293C.175; § 8, NRS 293.1277, 293.1279 and 295.055; §§ 10 and 22, NRS 293.124, 293.247, 293.269917 and 293C.26316; § 13, NRS 293.124, 293.247 and 294.404; § 14, NRS 237.200, 293.124 and 293.247; §§ 15 and 23, NRS 293.124, 293.247 and 293.2565; § 17, NRS 293.124, 293.247, 293.269911 and 293C.263; §§ 18 and 25, NRS 293.124, 293.247, 293.269927 and 293C.26327; § 26, NRS 293.124, 293.247 and 293D.200.

A REGULATION relating to elections; clarifying requirements relating to when a person may be a candidate of a major political party; establishing requirements relating to filing a declaration of candidacy; clarifying certain prohibitions relating to filing for or holding more than one elective office; establishing requirements relating to certain additional fees which may be charged by a county clerk for filing a declaration of candidacy; authorizing candidate photographs to be submitted to the Secretary of State; clarifying requirements relating to when certain candidates may be declared elected at a primary election; establishing certain requirements relating to signature verification of certain petitions; providing that certain electronic summaries of votes cast in an election are public records; establishing certain requirements relating to mail ballots; clarifying certain requirements relating to the counting of ballots voted; setting forth certain requirements for a person to observe a recount; authorizing an elector who registers to vote in person during certain periods to provide certain types of proof of identity or residency; setting forth certain requirements relating to the name of a candidate printed on a ballot; establishing provisions relating to signature verification of mail ballots; setting forth certain provisions relating to covered voters who request a military-overseas ballot under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits a person from being a candidate of a major political party for partisan office in an election if the person has changed his or her political party affiliation or his or her designation of political party from nonpartisan to a designation of a political party affiliation during the time beginning on December 31 preceding the closing filing date for the election and ending on the date of the election. (NRS 293.176) **Section 2** of this regulation provides that a person is not prohibited from being a candidate of a major political party if: (1)

the person's political party affiliation was changed unintentionally as a result of a transaction with an automatic voter registration agency; or (2) the person had not previously registered to vote in this State and submits an application to register to vote designating an affiliation with a major political party, unless he or she registers to vote in this State during such period and was previously registered in another state with a different political party affiliation or a designation of nonpartisan.

Existing law requires a person to file a declaration of candidacy with the appropriate filing officer before his or her name may be printed on a ballot to be used in an election. (NRS 293.177, 293C.145, 293C.175, 293C.185) **Sections 3 and 20** of this regulation authorize a person to file a declaration of candidacy: (1) by mailing certain notarized documents; (2) in person; or (3) if authorized by the filing officer, virtually using a remote technology system. **Sections 3 and 20** also set forth certain requirements for filing a declaration of candidacy virtually.

Existing law prohibits a person from filing nomination papers for or holding more than one elective office at the same time, except that a person may file nomination papers or hold an elective office of a special district and file nomination papers for or hold an elective office of the State, or a political subdivision or municipal corporation thereof. (NRS 281.055) **Section 4** of this regulation clarifies that a person may not file a declaration of candidacy or nomination papers for or hold more than one elective office of a special district.

Existing law authorizes a county clerk, with certain exceptions, to charge and collect an additional fee for filing and recording a declaration of candidacy for public office. (NRS 19.013) **Section 5** of this regulation provides that if a county clerk charges an additional fee for filing and recording a declaration of candidacy, the county clerk must charge the additional fee for all public offices for which a declaration of candidacy is filed with the county clerk. **Section 5** also requires the county clerk to report certain information relating to any additional fees charged for filing and recording a declaration of candidacy to the Secretary of State.

Section 6 of this regulation authorizes a candidate, the spouse of a candidate or a member of the campaign staff of a candidate to submit a photograph of the candidate to the Office of the Secretary of State to be published on the Internet website of the Secretary of State and establishes certain requirements for submitting such a photograph.

Existing law provides that, in certain circumstances, if one candidate receives a majority of the votes cast in a primary election for certain nonpartisan offices, the candidate must be declared elected and the candidate's name must not be placed on the ballot. (NRS 293.260, 293C.175; Carson City Charter § 5.010; Henderson City Charter § 5.010; Las Vegas City Charter § 5.010; North Las Vegas City Charter § 5.020; Sparks City Charter § 5.020) **Sections 7 and 21** of this regulation provide that for the purposes of determining the majority of the votes cast in a primary election for an office for which voters may select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.

Existing law establishes various requirements for a petition which is required to be verified. (NRS 293.12757-293.1279, 295.055, 306.015) **Section 8** of this regulation provides that a county clerk may reject a signature on a petition if: (1) the person was not registered to vote on the date he or she signed the petition; (2) the person signed for an incorrect petition district; (3) the person subsequently requested to have his or her name removed from the petition; or (4) the signature of the person on the petition does not match any signature in the file of applications to register to vote. **Section 8** prohibits a county clerk from rejecting a signature on a petition: (1) if

the petition is printed double-sided, unless the signature is illegible or impossible to compare to the signatures in the file of applications to register to vote; (2) if the name is printed in the wrong order; or (3) based on the color of ink used for the signature. **Section 8** further provides that if an address on a petition does not match the address in the files of the county clerk, the county clerk must notify the registered voter and may not verify the signature unless the registered voter demonstrates that he or she is a registered voter. Lastly, **section 8** requires a county clerk to allow a person who submits the petition and a public officer who is the subject of a recall petition to witness the verification of the signatures.

Section 9 of this regulation provides that an electronic summary of the votes cast in an election is a public record and subject to inspection upon request.

Existing law requires a voter to whom a mail ballot has been sent who applies to vote in person at a polling place to surrender his or her mail ballot or sign an affirmation under penalty of perjury that he or she has not voted during the election. If the voter surrenders his or her mail ballot, the election board officer must mark the mail ballot cancelled. (NRS 293.269917, 293C.26316) **Sections 10 and 22** of this regulation provide that to mark a mail ballot “cancelled,” an election board officer must: (1) use a rubber stamp to stamp the ballot or stamp both the ballot and the return envelope; or (2) handwrite “cancelled” on the mail ballot or on both the mail ballot and the return envelope.

Existing law requires the county clerk and city clerk to distribute mail ballots not later than 14 days before the election. (NRS 293.269911, 293C.263) Existing regulations provide that if a registered voter updates his or her address after the date the mail ballot is sent but on or before the 14th day before the election, the county or city clerk must mail a second mail ballot to the registered voter and cancel the first mail ballot. (NAC 293.325) **Section 17** of this regulation provides that if a voter who has changed his or her address after the date the mail ballots were sent returns his or her first mail ballot: (1) the first mail ballot shall be deemed to have been legally cast; and (2) if the county or city clerk has already distributed a second mail ballot, the county or city clerk must cancel the second mail ballot or, if the second mail ballot has not been distributed, the county or city clerk must not distribute the second mail ballot.

Section 11 of this regulation provides that if a voter submits a new application to register to vote or updates his or her voter registration information to change his or her name or political party affiliation after the county or city clerk has distributed the mail ballots and returns the mail ballot, the mail ballot shall be deemed to have been legally cast under the previous legal name or political party affiliation of the registered voter.

Existing law requires the counting procedure of the ballots voted by a counting board to be public and continue without adjournment until completed. (NRS 293.363, 293C.362) **Section 12** of this regulation clarifies that the counting board may temporarily recess during the counting procedure and that such a temporary recess is not considered to be a permanent adjournment of the counting procedure. **Sections 12, 13, 16 and 24** of this regulation require the county or city clerk to post in his or her office the times during which the counting board, mail ballot central counting board and recount board are expected to temporarily recess.

Existing law authorizes a candidate defeated at an election or a voter at an election to demand a recount under certain circumstances. (NRS 293.403) Existing law also requires a county or city clerk to allow members of the general public to observe the counting of the ballots at the central counting place if those members do not interfere with the counting of ballots. (NRS 293B.353) **Section 13**: (1) authorizes, with certain limitations, any person to observe a recount; (2) requires that before a person may observe the recount, the person must sign an

acknowledgment that certain behavior is prohibited; (3) authorizes, under certain circumstances, the county or city clerk to limit the number of persons observing the recount; (4) authorizes, under certain circumstances, the county or city clerk to remove a person observing the recount; and (5) requires a person to wear a name tag while observing the recount. **Section 13** also requires the county or city clerk to post a statement in his or her office, not later than 1 day before the recount will begin, to notify the public of the date the recount will begin and the time the recount is expected to begin.

Existing law authorizes an elector to register to vote in person during the period for early voting or on the day of the election. To register, the elector must, among other requirements, present his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles. If his or her driver's license or identification card does not contain his or her current residential address, the elector may present certain documents to establish residency. (NRS 293.5842, 293.5847) Existing law also authorizes a local government which accepts an identification card issued by the Department of Motor Vehicles for any activity or transaction to also accept a tribal identification card. (NRS 237.200) **Section 14** of this regulation requires an election board officer to accept a tribal identification card as proof of identity and residency from an elector who appears in person to register to vote. **Section 14** also provides that an elector may present certain temporary photographic identification cards issued by the Department of Corrections or another agency of this State as proof of residency if his or her driver's license or identification card issued by the Department of Motor Vehicles does not contain his or her current residential address.

Existing law provides that the name of a candidate printed on a ballot may be the given name and surname of the candidate or a contraction or familiar form of his or her given name followed by his or her surname. (NRS 293.2565) **Sections 15 and 23** of this regulation provide that the candidate's surname may be his or her original surname or married surname.

Existing law provides that if a voter fails to affix his or her signature to his or her mail ballot or fails to affix his or her signature in the manner provided by law or if there is any question of fact as to whether the signature used for the mail ballot matches the signature of the voter, the voter must provide a signature or confirmation not later than 5 p.m. on the sixth day following the election. (NRS 293.269927, 293C.26327) **Sections 18 and 25** of this regulation provide that the offices of a county or city clerk may, but are not required to, remain open on weekends or outside of normal working hours to provide signature verification.

Existing law authorizes a covered voter to apply for a military-overseas ballot or to register to vote and apply for a military-overseas ballot by submitting a federal postcard application or the application's electronic equivalent if the application or electronic equivalent of the application is received before the time set for closing the polls on election day. (NRS 293D.300) Existing law also requires the Secretary of State to establish a system of approved electronic transmission through which covered voters may register to vote, apply for a military-overseas ballot and cast a military-overseas ballot. (NRS 293D.200) **Section 26** of this regulation requires, upon receipt of a federal postcard application, a local elections official to timestamp the application. **Section 26** also provides that if a covered voter submits a federal postcard application to apply for a military-overseas ballot or to register and apply less than 14 days before the day of an election: (1) the Secretary of State or local elections official, as practicable, will attempt to contact the covered voter to provide certain information relating to the deadline to cast and return a military-overseas ballot and the option to cast a military-overseas ballot using the system of approved electronic transmission; and (2) the local elections official is required to

contact the covered voter, if practicable, to provide certain information relating to the use of the system of approved electronic transmission.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this regulation.

Sec. 2. *For the purposes of NRS 293.176:*

1. A person may be a candidate of a major political party for partisan office in an election if:

(a) The person's designation of political party or political party affiliation was changed as a result of a transaction with an automatic voter registration agency during the automatic voter registration process and the person did not intentionally change his or her designation of political party or political party affiliation during the transaction; or

(b) The person has not previously registered to vote in this State and submits a new application to register to vote designating a political party affiliation with a major political party before the deadline set forth in NRS 293.177 for filing a declaration of candidacy, unless the designation of his or her affiliation on the application filed in this State is filed during the period set forth in NRS 293.176 and has been changed from the designation of political party or political party affiliation on an application filed in any other state.

2. A person who cancels his or her voter registration and submits a new application to register to vote may not be a candidate of a major political party for partisan office in an election if the person changed his or her designation of political party or political party affiliation when cancelling.

his or her voter registration and submitting a new application.

Sec. 3. *1. A person may file a declaration of candidacy pursuant to NRS 293.177:*

(a) By submitting the notarized filing documents by mail;

(b) In person; or

(c) Virtually using a remote technology system if authorized by the appropriate filing officer.

2. If the filing officer provides the option to file a declaration of candidacy virtually using a remote technology system:

(a) The candidate must have paper copies of the documents during the virtual meeting and pay the filing fee required by NRS 293.193 before the virtual meeting.

(b) Each of the filing documents must be filled out and signed by the candidate and then held up to the camera for confirmation by the filing officer.

(c) Upon completion of the virtual meeting, the candidate must mail the original filing documents to the filing officer. The filing date for the candidate is the date on which the filing documents are received by the filing officer, which must not be later than the deadline set forth in NRS 293.177 for filing a declaration of candidacy.

3. A filing officer is not responsible for notifying a person filing a declaration of candidacy of any errors in the filing documents or filing fee. If any errors in the filing documents or filing fee are not corrected by 5 p.m. on the deadline set forth in NRS 293.177 for filing a declaration of candidacy, the name of the person may not be printed on a ballot as a candidate.

Sec. 4. 1. *In accordance with NRS 281.055, a person may not file a declaration of candidacy or other nomination papers for more than one elective office of any special district.*

2. The provisions of this section and NRS 281.055 do not prohibit a person from serving in more than one special district in a capacity other than elective office.

Sec. 5. *If a county clerk elects to charge and collect an additional fee for filing and recording a declaration of candidacy for a public office pursuant to NRS 19.013, the county clerk shall:*

1. Charge the additional fee for all public offices for which a declaration of candidacy is filed with the county clerk.

2. Notify the Secretary of State using electronic mail or mail not later than 15 days before the start of the candidate filing period in an election year. The written notification must include, without limitation:

(a) That the additional fee is being charged and collected;

(b) The amount of the additional fee; and

(c) The total filing fee to be collected for each public office.

Sec. 6. *1. In accordance with the provisions of this section, a candidate, the spouse of a candidate or a member of the campaign staff of a candidate may submit a photograph of the candidate to the Office of the Secretary of State to be uploaded to the Internet website of the Secretary of State beginning on the first Monday in March preceding the election and not later than 5 p.m. on the second Friday preceding the day of the election. Any photograph submitted after 5 p.m. on the second Friday preceding the date of the election will be uploaded to the Internet website of the Secretary of State, if practicable.*

2. The Office of the Secretary of State will not contact any candidate who does not submit a photograph to obtain such a photograph.

3. The Office of the Secretary of State will:

(a) Only accept digital photographs; and

(b) Crop each photograph to approximately 2 inches above the head of the candidate and 8 inches below the chin of the candidate.

4. The Office of the Secretary of State may, at the discretion of the Office, reject a photograph of a candidate submitted pursuant to this section for any reason, including, without limitation, if the photograph is offensive, contains nudity, alcohol or drug paraphernalia, contains writing or symbols that indicate allegiance to any group or organization or contains persons or objects other than the candidate.

Sec. 7. For the purposes of determining whether a candidate received a majority of the votes cast in a primary election for a nonpartisan office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary election for that office.

Sec. 8. 1. A county clerk may reject a signature on a petition if:

(a) Pursuant to NRS 293.12757, the person who signed the petition was not qualified to register to vote or had not properly completed an authorized method of registering to vote on the date on which he or she signed the petition;

(b) Pursuant to subsection 1 of NRS 293.1277, the person signed for an incorrect petition district;

(c) Pursuant to NRS 295.055 or 306.015, the person who signed the petition subsequently requested to have his or her name removed from the petition; or

(d) Pursuant to subsection 5 of NRS 293.1277 and subsection 3 of NRS 293.1279, the signature of the person who signed the petition does not match any signature contained in the county clerk's file of applications to register to vote.

2. A county clerk shall not reject a signature on a petition:

(a) Except as otherwise provided in this paragraph, if the petition form is printed on both sides of the paper. If the petition form is printed on both sides of the paper and the signatures written on opposite sides are rendered illegible or impossible to compare to the signature on record, the county clerk may reject the signature.

(b) Based on the order of the first and last name printed on the petition.

(c) Based on the color of the ink used to sign the petition.

3. If the county clerk determines while verifying signatures on a petition that an address on the petition does not match the address of the registered voter in the file of applications to register to vote, the county clerk:

(a) Shall notify the registered voter of the discrepancy, which may be accomplished by, without limitation, posting notice of the discrepancy on the Internet website of the county clerk. Such notice must include the name of the registered voter and information on how the registered voter may contact the county clerk to resolve the discrepancy.

(b) Shall not verify the signature of any person whom the county clerk has notified of an address discrepancy pursuant to paragraph (a) unless the person demonstrates to the satisfaction of the county clerk that the person is a registered voter of the State, county, district or municipality to which the petition pertains.

4. Pursuant to subsection 9 of NRS 293.1277, a county clerk shall ensure:

(a) A person who submits a petition to the county clerk containing signatures that are required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 may witness the verification of signatures on the petition; and

(b) A public officer who is the subject of a recall petition may witness the verification of signatures on the recall petition.

Sec. 9. *An electronic summary of votes cast in an election which does not contain personally identifiable information is a public record and subject to inspection upon request.*

Sec. 10. 1. *If a voter applies to vote in person at a polling place and surrenders his or her mail ballot pursuant to subsection 3 of NRS 293.269917, the election board officer shall ask the voter to open the envelope so that the mail ballot may be accessed and marked cancelled pursuant to subsection 2. If the voter has already shredded the mail ballot, the shredded mail ballot must be surrendered and placed into a container labeled “Cancelled ballots.”*

2. To mark a mail ballot cancelled the election board officer shall:

(a) Use a rubber stamp to stamp the mail ballot or stamp both the mail ballot and the return envelope; or

(b) Write the word “Cancelled” by hand on the mail ballot or on both the mail ballot and the return envelope.

3. In addition to marking the mail ballot cancelled pursuant to subsection 2, the election board officer may:

(a) Tear a small corner off the mail ballot;

(b) Use a hole punch to put a hole in the mail ballot; or

(c) Otherwise make the mail ballot unreadable when using a mechanical tabulation machine.

4. All surrendered mail ballots and mail ballot return envelopes must be deposited in the vaults of the county clerk and preserved for a period of at least 22 months. After this period, all such surrendered mail ballots and return envelopes must be destroyed immediately.

5. If a voter indicates that he or she elected not to receive a mail ballot pursuant to NRS 293.269911 or did not receive a mail ballot, the voter is not required to surrender a mail ballot or sign an affirmation under penalty of perjury before voting.

Sec. 11. 1. *If a registered voter submits a new application to register to vote to change his or her legal name after the date on which his or her mail ballot is sent pursuant to NRS 293.269911 or 293C.263 and returns his or her mail ballot with his or her previous legal name, the mail ballot shall be deemed to have been legally cast under the previous legal name of the registered voter.*

2. If a registered voter updates his or her political party affiliation in the voter registration information after the date on which his or her mail ballot is sent pursuant to NRS 293.269911 for a primary election and returns his or her mail ballot for his or her previous political party affiliation, the mail ballot shall be deemed to have been legally cast under the previous political party affiliation of the registered voter.

3. Nothing in this section authorizes:

(a) A registered voter to cast more than one ballot; or

(b) A county or city clerk to count more than one ballot received by a registered voter.

Sec. 12. 1. *The counting board may temporarily recess during the counting procedure. Such a temporary recess is not considered an adjournment of the counting procedures for the purposes of NRS 293.363 and 293C.362.*

2. The county clerk shall post a statement in his or her office that notifies the public of the times during which the counting board is expected to temporarily recess during the counting procedure.

Sec. 13. *1. Not later than 1 day before the start of a recount, the county or city clerk, as applicable, shall post a statement in his or her office that notifies the public of the date the recount board will begin the recount of votes, the time at which the recount board is expected to begin and any times during which the recount board is expected to temporarily recess during the recount of votes.*

2. Subject to the provisions of subsections 3 to 7, inclusive, any person may observe the conduct of a recount of votes.

3. Before observing the conduct of a recount of votes pursuant to subsection 2, a person must sign an acknowledgment in the form prescribed by the Secretary of State stating that the person, during the time the person observes the conduct of a recount of votes:

(a) Acknowledges that he or she is prohibited from:

(1) Using a mobile telephone or computer within the facility in which the recount is occurring;

(2) Advocating for or against a candidate, political party or ballot question;

(3) Arguing for or against or challenging any decisions of county or city election personnel;

(4) Talking to county or city election personnel other than the county or city clerk or a person designated by the county or city clerk to answer questions from any person observing the conduct of a recount of votes pursuant to this section;

(5) Interfering with the conduct of the recount; and

(6) Interfering with county or city election personnel in the performance of any duty of such personnel set forth in title 24 of NRS; and

(b) May be removed from the recount facility by the county or city clerk for violating any provision of title 24 of NRS or any of the provisions of paragraph (a).

4. The county or city clerk may, at his or her discretion:

(a) Limit the number of persons in the recount facility who are observing the conduct of a recount pursuant to this section for reasons of public safety or to maintain order.

(b) Remove from a recount facility a person observing the conduct of a recount pursuant to this section for violating any provision of title 24 of NRS or any of the provisions of paragraph (a) of subsection 3.

5. A person observing the conduct of a recount of votes pursuant to subsection 2 may remain in an area designated by the county or city clerk to observe the recount without interfering with the recount. 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.

6. A person observing the conduct of a recount of votes pursuant to subsection 2 must wear a name tag denoting the person's full legal name.

7. The county and city clerk shall retain the signed acknowledgment described in subsection 3 for at least 180 days after the recount observed by the person who signed the acknowledgment.

8. As used in this section:

(a) "Advocating" includes, without limitation, speaking, displaying or disseminating written material and wearing identifying clothing, buttons or other paraphernalia.

(b) “Meaningful observation” means the observation of the recount of votes by a person, including, without limitation, the counting and inspection of all ballots, including rejected ballots, pursuant to NRS 293.404. The term does not include a person:

(1) Viewing the personal information of a voter, a voter’s ballot or selections on a voting machine; or

(2) Listening to any conversation between election board officers.

Sec. 14. 1. For the purposes of NRS 293.5842 and 293.5847:

(a) An elector who is registering to vote may provide his or her current and valid tribal identification card as proof of his or her identity and residency.

(b) An elector whose driver’s license or identification card issued by the Department of Motor Vehicles does not contain the current residential address of the elector may, in addition to the documents set forth in subsection 3 of NRS 293.5842 and subsection 3 of NRS 293.5847, present a temporary identification card issued by the Department of Corrections or any other agency of this State, if such an identification card contains a photograph of the elector and his or her current residential address.

2. As used in this section, “tribal identification card” means an identification card issued by an Indian tribe located in whole or in part in this State and which satisfies the requirements of subsection 3 of NRS 237.200.

Sec. 15. NAC 293.081 is hereby amended to read as follows:

293.081 1. For the purposes of NRS 293.2565, the surname of the candidate printed on a ballot may be his or her original surname or married surname. A candidate may not request that a new modification or combination of his or her original surname and married surname appear on a ballot.

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

~~{2.}~~ This ~~{section}~~ *subsection* does not authorize the amendment of any matter contained in a declaration of candidacy other than the manner in which the name of the candidate appears.

Sec. 16. NAC 293.322 is hereby amended to read as follows:

293.322 1. The county clerk shall, not earlier than 15 days before the day of the election, deliver the mail ballots to the mail ballot central counting board for counting. When the mail ballots are received, the mail ballot central counting board shall, in addition to the requirements of NRS 293.269931, 293.269933 and 293.269935:

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

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

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

(d) Place all the mail ballots and the record of mail ballots into the container provided by the county clerk.

2. Not later than 2 days before the date of delivery of the mail ballots to the mail ballot central counting board for counting, the county clerk must post a statement in his or her office that notifies the public that the mail ballot central counting board will begin performing the actions set forth in subsection 1 , ~~{and}~~ the time at which the mail ballot central counting board is

expected to begin ~~H~~ *and the times during which the mail ballot central counting board is expected to temporarily recess during the counting procedure.*

3. Any mail ballots received by the county clerk after he or she delivers the mail ballots pursuant to subsection 1, and until the deadline for the receipt of mail ballots pursuant to NRS 293.269921, must be delivered to the mail ballot central counting board for counting.

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

Sec. 17. NAC 293.325 is hereby amended to read as follows:

293.325 1. If a registered voter updates his or her mailing address in the voter registration information after the date on which his or her mail ballot is sent pursuant to NRS 293.269911 or 293C.263, as applicable, but on or before the 14th day before the election, the county or city clerk, as applicable, must:

(a) On or before the 13th day before the election, send a second mail ballot to the registered voter at the updated mailing address;

(b) Indicate in the roster of mail ballots:

(1) The name of the registered voter to whom the second mail ballot is issued;

(2) The date that the second mail ballot is issued;

(3) The number of the second mail ballot; and

(4) ~~That~~ *Except as otherwise provided in subsection 2, that* the first mail ballot is cancelled.

2. *If a county or city clerk receives a mail ballot cast by a registered voter who updated his or her his or her mailing address in the voter registration information after the date on which his or her mail ballot is sent pursuant to NRS 293.269911 or 293C.263, as applicable:*

(a) The mail ballot shall be deemed to have been cast before the registered voter updated his or her mailing address; and

(b) If, in accordance with subsection 1, the county or city clerk has:

(1) Sent a second mail ballot to the registered voter at the updated mailing address, the county or city clerk shall cancel the second mail ballot; or

(2) Not yet sent a second mail ballot to the registered voter at the updated mailing address, the county or city clerk shall not send a second mail ballot.

3. *Each county or city clerk shall keep a record of:*

(a) Whether a manual override of the election system was necessary to accept a ballot cast pursuant to subsection 2; and

(b) The total number of ballots cast pursuant to subsections 1 and 2.

4. Nothing in this section authorizes:

(a) A registered voter to cast more than one mail ballot; or

(b) A county or city clerk to count more than one mail ballot received by a registered voter.

Sec. 18. NAC 293.336 is hereby amended to read as follows:

293.336 1. The county clerk or an employee in the office of the county clerk shall check the signature on the return envelope of a mail ballot in accordance with the provisions of NRS 293.269927.

2. The county clerk shall perform periodic audits of each employee in the office of the county clerk whose regular duties include checking signatures on mail ballots. If the county clerk

finds that an employee has an irregular acceptance or rejection rate, the county clerk must retrain the employee or prohibit the employee from checking signatures on mail ballots.

3. If the county clerk uses an electronic device to:

(a) Sort mail ballots, the county clerk must test the electronic device before it is so used to ensure that the electronic device properly sorts mail ballots.

(b) Capture the digital image of a voter's signature on a mail ballot, the county clerk must test the electronic device before it is so used to ensure that the electronic device is able to clearly and accurately capture the digital image of a signature on a mail ballot.

4. For the purposes of any voter who is required to provide a signature or a confirmation to the county clerk not later than 5 p.m. on the sixth day following the election pursuant to subsection 6 of NRS 293.269927, the county clerk is not required to provide signature verification during any weekend or holiday or any other time in which the offices of the county clerk are closed in the 6 days following the election. The county clerk may, in his or her discretion, provide signature verification during additional days or times outside of normal working hours.

Sec. 19. Chapter 293C of NAC is hereby amended by adding thereto the provisions set forth as sections 20, 21 and 22 of this regulation.

Sec. 20. 1. *A person may file a declaration of candidacy pursuant to NRS 293C.145 or 293C.175, as applicable:*

(a) By submitting the notarized filing documents by mail;

(b) In person; or

(c) Virtually using a remote technology system if authorized by the city clerk.

2. *If the city clerk offers the option to file a declaration of candidacy virtually using a remote technology system:*

(a) The candidate must have paper copies of the documents during the virtual meeting and pay the filing fee established by the governing body of the city before the virtual meeting.

(b) Each of the filing documents must be filled out and signed by the candidate and then held up to the camera for confirmation by the city clerk.

(c) Upon completion of the virtual meeting, the candidate must mail the original filing documents to the city clerk. The filing date for the candidate is the date on which the filing documents are received by the city clerk, which must not be later than the deadlines set forth in NRS 293C.145 or 293C.175, as applicable, for filing a declaration of candidacy.

3. *A city clerk is not responsible for notifying a person filing a declaration of candidacy of any errors in the filing documents or filing fee. If any errors in the filing documents or filing fee are not corrected by 5 p.m. on the deadline set forth in NRS 293C.145 or 293C.175, as applicable, for filing a declaration of candidacy, the name of the person may not be printed on a ballot as a candidate.*

Sec. 21. *For the purposes of determining whether a candidate received a majority of the votes cast in a primary city election for a nonpartisan office for which voters were authorized to select more than one candidate, each ballot upon which a voter marked a valid choice for one or more candidates for that office shall be deemed to be one vote cast in the primary city election for that office.*

Sec. 22. 1. *If a voter applies to vote in person at a polling place and surrenders his or her mail ballot pursuant to subsection 3 of NRS 293C.26316, the election board officer shall ask the voter to open the envelope so that the mail ballot may be accessed and marked*

cancelled pursuant to subsection 2. If the voter has already shredded the mail ballot, the shredded mail ballot must be surrendered and placed into a container labeled “Cancelled ballots.”

2. To mark a mail ballot cancelled the election board officer shall:

(a) Use a rubber stamp to stamp the mail ballot or stamp both the mail ballot and the return envelope; or

(b) Write the word “Cancelled” by hand on the mail ballot or on both the mail ballot and the return envelope.

3. In addition to marking the mail ballot cancelled pursuant to subsection 2, the election board officer may:

(a) Tear a small corner off the mail ballot;

(b) Use a hole punch to put a hole in the mail ballot; or

(c) Otherwise make the mail ballot unreadable when using a mechanical tabulation machine.

4. All surrendered mail ballots and mail ballot return envelopes must be deposited in the vaults of the city clerk and preserved for a period of at least 22 months. After this period, all such surrendered mail ballots and return envelopes must be destroyed immediately.

5. If a voter indicates that he or she elected not to receive a mail ballot pursuant to NRS 293C.263 or did not receive a mail ballot, the voter is not required to surrender a mail ballot or sign an affirmation under penalty of perjury before voting.

Sec. 23. NAC 293C.080 is hereby amended to read as follows:

293C.080 1. *For the purposes of NRS 293.2565, the surname of the candidate printed on a ballot may be his or her original surname or married surname. A candidate may not*

request that a new modification or combination of his or her original surname and married surname appear on the ballot.

2. A candidate may change the manner in which his or her name will appear on the ballot by filing a written request to amend his or her declaration of candidacy. The request must be filed by the candidate in person with the filing officer with whom the declaration of candidacy was filed not later than 5 p.m. or close of business on the last day to file the declaration of candidacy.

~~{2.}~~ This ~~{section}~~ *subsection* does not authorize the amendment of any matter contained in a declaration of candidacy other than the manner in which the name of the candidate appears.

Sec. 24. NAC 293C.500 is hereby amended to read as follows:

293C.500 1. The city clerk shall, not earlier than 15 days before the day of the election, deliver the mail ballots to the mail ballot central counting board. When the mail ballots are received, the mail ballot central counting board shall, in addition to the requirements of NRS 293C.26331, 293C.26333 and 293C.26335:

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

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

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

(d) Place all the mail ballots and the record of mail ballots into the container provided by the city clerk to transport those items to a central counting place and seal the container.

2. Not later than 2 days before the date of delivery of the mail ballots to the mail ballot central counting board for counting, the city clerk must post a statement in his or her office that

notifies the public that the mail ballot central counting board will begin performing the actions set forth in subsection 1 , ~~and~~ the time at which the mail ballot central counting board is expected to begin ~~and~~ *and the times during which the mail ballot central counting board is expected to temporarily recess during the counting procedure.*

3. Any mail ballots received by the city clerk after he or she delivers the mail ballots pursuant to subsection 1, and until the deadline for the receipt of mail ballots pursuant to NRS 293C.26331, must be delivered to the mail ballot central counting board for counting.

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

Sec. 25. NAC 293C.515 is hereby amended to read as follows:

293C.515 1. The city clerk or an employee in the office of the city clerk shall check the signature on the return envelope of a mail ballot in accordance with the provisions of NRS 293C.26327.

2. The city clerk shall perform periodic audits of each employee in the office of the city clerk whose regular duties include checking the signatures on mail ballots. If the city clerk finds that an employee has an irregular acceptance or rejection rate, the city clerk must retrain the employee or prohibit the employee from checking signatures on mail ballots.

3. If the city clerk uses an electronic device to:

(a) Sort mail ballots, the city clerk must test the electronic device before it is so used to ensure that the electronic device properly sorts mail ballots.

(b) Capture the digital image of a voter's signature on a mail ballot, the city clerk must test the electronic device before it is so used to ensure that the electronic device is able to clearly and accurately capture the digital image of a signature on a mail ballot.

4. For the purposes of any voter who is required to provide a signature or a confirmation to the city clerk not later than 5 p.m. on the sixth day following the election pursuant to subsection 6 of NRS 293C.26327, the city clerk is not required to provide signature verification during any weekend or holiday or any other time in which the offices of the city clerk are closed in the 6 days following the election. The city clerk may, in his or her discretion, provide signature verification during additional days or times outside of normal working hours.

Sec. 26. Chapter 293D of NAC is hereby amended by adding thereto a new section to read as follows:

1. Upon receipt of a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2), or the application's electronic equivalent, the local elections official shall:

(a) Affix, mark or otherwise acknowledge receipt of the federal postcard application by means of a time stamp on the application; and

(b) Record the receipt of the federal postcard application and the type of military-overseas ballot requested, which must be reported to the Secretary of State.

2. In addition to the provisions of NAC 293D.010, if a covered voter submits an application for a military-overseas ballot by federal postcard application less than 14 days before the day of an election:

(a) The Office of the Secretary of State or local elections official, as practicable, will attempt to contact the covered voter using the contact information provided by the covered

voter, including, without limitation, by telephone, electronic mail or facsimile transmission, to provide:

(1) An explanation of the deadline for the registered voter to cast and return the military-overseas ballot and any other necessary voting materials, including, without limitation, the declaration set forth in NAC 293D.020, to the appropriate elections official; and

(2) An explanation of how to return the military-overseas ballot using the system of approved electronic transmission established by the Secretary of State pursuant to NRS 293D.200 to ensure the military-overseas ballot is received by the deadline set forth in NRS 293D.400 for the receipt of a military-overseas ballot.

(b) The local elections official shall:

(1) If the covered voter includes an electronic mailing address or facsimile number with his or her application, as practicable, immediately send to the covered voter the informational letter prepared by the Secretary of State titled "Use of EASE for Military and Overseas Citizen Absent Voters," which encourages the covered voter to return the military-overseas ballot using the system of approved electronic transmission established by the Secretary of State pursuant to NRS 293D.200 to ensure the military-overseas ballot is received by the deadline set forth in NRS 293D.400 for the receipt of a military-overseas ballot; and

(2) Send the military-overseas ballot to the covered voter by mail, electronic mail or facsimile transmission, as requested by the covered voter.