

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R106-23

November 22, 2023

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

AUTHORITY: § 1, NRS 293.124, 293.247 and 293.2955; §§ 2-6, 9, 10 and 12, NRS 293.124 and 293.247; § 7, NRS 293.124, 293.269921 and 293.2733, as amended by section 1 of Senate Bill No. 327, chapter 419, Statutes of Nevada 2023, at page 2519; § 8, NRS 293.124 and 293.269921; § 11, NRS 293.124, 294.247 and 293C.281; § 13, NRS 293.124, 293C.26321 and 293C.2675, as amended by section 3 of Senate Bill No. 327, chapter 419, Statutes of Nevada 2023, at page 2523; § 14, NRS 293.124 and 293C.26321; §§ 15 and 16, NRS 293.124, 293.247, 293.3677 and 293.404, as amended by section 2.7 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page 3306.

A REGULATION relating to elections; requiring a county and city clerk to confirm that polling places in the county or city will comply with certain accessibility requirements; requiring a county clerk to publish certain information relating to certain offices for which candidates are to be nominated at a primary election; revising certain requirements governing certain plans submitted by a county or city clerk relating to the conduct of an election; extending, under certain circumstances, the deadline for a voter who votes by provisional ballot to provide the required identification; establishing a deadline for the submission by the county or city clerk of a list containing certain information relating to ballot drop boxes; revising provisions relating to a plan for ballot drop boxes that are tampered with or rendered inaccessible; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that, with certain exceptions, each polling place must be accessible to a voter who is elderly or a voter with a disability and must include certain voting booths for use by such voters. (NRS 293.2955, 293C.281) **Sections 1 and 11** of this regulation require a county clerk and city clerk to confirm to the Secretary of State by a certain deadline that the polling places in the county or city will comply with such accessibility requirements.

Existing regulations require the Secretary of State to send each county clerk a notice designating the offices for which candidates are to be nominated at a primary election and require each county clerk to publish the notice in a newspaper in his or her county within 10 days after its receipt. (NAC 293.040) **Section 2** of this regulation requires the county clerk to also

publish with such notice any county and municipal offices for which candidates are to be nominated at a primary election.

Existing law and regulations require the county and city clerk to submit various plans to the Secretary of State relating to the conduct of an election. (NRS 293.3594, 293B.354, 293C.3594; NAC 293.202, 293.217, 293.318, 293.321, 293.351, 293B.040, 293C.270, 293C.575, sections 3 and 10 of LCB File No. R200-22) **Sections 3, 4, 6, 8-10, 12 and 14-16** of this regulation: (1) authorize a county or city clerk to resubmit a previous plan if no changes are being made; and (2) require the Secretary of State to review the plan and notify the county or city clerk not later than 15 days after submission whether the plan complies with certain requirements.

Existing law provides that if the last day for filing any paper mentioned in the provisions of the Nevada Revised Statutes relating to elections falls on a legal holiday, the deadline is extended to the following business day at 5 p.m. (NRS 293.1275) Existing law further requires that a voter who voted by provisional ballot who failed to provide the required identification at the polling place or with his or her mail ballot present his or her identification to the county or city clerk not later than 5 p.m. on the Friday following election day. (NRS 293.3082, 293.3085) **Section 5** of this regulation provides that if the Friday following election day is a legal holiday, the deadline is extended until 5 p.m. on the next working day.

Existing regulations require the county and city clerk to submit to the Secretary of State a list containing certain information for each ballot drop box established in the county or city. (NAC 293.348, 293C.565) **Sections 7 and 13** of this regulation require the list to be submitted not later than 45 days before each election.

Existing regulations require the county and city clerk to submit to the Secretary of State a plan relating to ballot drop boxes that are tampered with or rendered inaccessible. (NAC 293.351, 293C.575) **Sections 8 and 14** require the plan to be submitted not later than 90 days before each election.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Not later than the first day the polls are open during the period of early voting and not sooner than 45 days before each election, the county clerk shall submit to the Secretary of the State the form prescribed by the Secretary of State to confirm that the applicable requirements of NRS 293.2955 will be met at each polling place in the county.

2. If the location of any polling place is changed after the date on which the county clerk submits the form required pursuant to subsection 1, the county clerk shall, not more than 5 business days after the location is changed, submit a new form to the Secretary of State

confirming that the applicable requirements of NRS 293.2955 will be met at the new polling place location.

Sec. 2. NAC 293.040 is hereby amended to read as follows:

293.040 1. The Secretary of State will, not later than November 15 of the year before the year in which a primary election is held:

(a) Prepare and send to each county clerk a written and electronic notice which designates the judicial, statewide and multicounty district offices for which candidates are to be nominated at the primary election; and

(b) Post a copy of the notice prepared pursuant to paragraph (a) on the Internet website of the Secretary of State.

2. Except as otherwise provided in ~~this subsection,~~ *subsection 3*, within 10 days after receipt of a notice required to be sent pursuant to subsection 1, the county clerk shall publish once in a newspaper published in his or her county and on the Internet website of the county clerk ~~that~~ :

(a) *That* portion of the notice which applies to his or her county ~~is~~ ; *and*

(b) *Any county or municipal offices for which candidates are to be nominated at the primary election.*

3. For the purposes of the publication required pursuant to subsection 2, if:

(a) No newspaper is published in ~~his or her~~ *the* county, the publication must be made in any newspaper of general circulation which is published in the nearest county of this State; or

(b) The publication deadline of the newspaper prevents the county clerk from publishing ~~the notice~~ within 10 days, the publication must be made as soon as practicable after receipt of the notice.

Sec. 3. NAC 293.202 is hereby amended to read as follows:

293.202 1. Each county clerk shall, not later than 60 days before the date of any election, submit to the Secretary of State *for approval* a written contingency plan that describes the procedures that will be used in the event that election operations, including, without limitation, mechanical voting systems and any components thereof, are significantly disrupted.

2. The plan required by subsection 1 must, without limitation:

(a) Consider all potential sources of disruption to election operations, including, without limitation:

- (1) Systemic equipment failures or malfunctions;
- (2) Power outages;
- (3) Natural disasters or infrastructure failure;
- (4) Threats of terrorism or other civil disturbances; and
- (5) Unauthorized access, intrusion or hacking into election facilities or equipment; and

(b) Explain how the county clerk will ensure continuity in voting if one or more polling places become temporarily or permanently unusable during the period for early voting or on the day of the election, which may include, without limitation:

- (1) Sending voters to an alternative polling place;
- (2) Seeking a court order to extend voting hours; or
- (3) Requesting that voters return to the polling place after the disruption has been

resolved.

3. In addition to the written contingency plan required by subsection 1, each county clerk shall submit to the Secretary of State *for approval* a written contingency plan for the tabulation of ballots in the event that the county experiences a loss of the central counting equipment or the

use of the central counting place. If the county clerk invokes this contingency plan, the county clerk must notify the Secretary of State in writing not later than 12 hours after doing so. The plan:

- (a) Must, without limitation, identify alternative counting equipment and facilities; and
- (b) May provide for the transport of ballots across county lines for the purpose of ballot tabulation if the ballots are inventoried and can be safeguarded by election staff and election board officers in the same manner as the ballots would be protected if the ballots were not transported.

4. Before each election, the county clerk shall:

(a) Review the existing contingency plans required by subsections 1 and 3 , ~~and~~ update the plans as necessary ~~and~~ and , *except as otherwise provided in subsection 5, submit the updated plans to the Secretary of State; and*

(b) Ensure that any election staff in the office of the county clerk and all other relevant county employees have been briefed on the contingency plans.

5. If no changes are being made to the contingency plans required by subsections 1 and 3, the county clerk may resubmit the plans for a subsequent election. If the county clerk resubmits the plans, the county clerk must indicate that fact on a form prescribed by the Secretary of State.

6. The Secretary of State will review each plan submitted pursuant to this section and, not later than 15 days after a plan is submitted, notify the county clerk whether the plan complies with the requirements of this section.

Sec. 4. NAC 293.217 is hereby amended to read as follows:

293.217 1. On election day for each election other than a city election, the county clerk shall notify the Secretary of State by facsimile, electronic mail or other means approved by the Secretary of State:

(a) Except as otherwise provided in paragraph (b), of the time at which each polling place within the jurisdiction of the county clerk opened on election day. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the opening of all polling places within the jurisdiction of the county clerk.

(b) If the opening or closing of any polling place was delayed on that day. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the delay occurs and include, without limitation, an explanation of the reason for the delay.

(c) Of the time at which each polling place within the jurisdiction of the county clerk closed that day and all registered voters waiting to vote at the time the polls closed have voted. The notification required pursuant to this paragraph must be sent to the Secretary of State as soon as practicable after the closing of all polling places within the jurisdiction of the county clerk.

2. If a county clerk reports a delay of an opening or closing of a polling place pursuant to paragraph (b) of subsection 1, the county clerk shall inform the Secretary of State when the delay has been cured and the polling place has opened or closed, as the case may be. The notification required pursuant to this subsection must be sent to the Secretary of State as soon as practicable after the opening or closing, as the case may be, of the polling place.

3. A county clerk shall not report on election day any unofficial results of election returns related to a candidate for statewide or multicounty office or a statewide or multicounty ballot question until the Secretary of State:

(a) Receives the notification required pursuant to paragraph (c) of subsection 1 from every county clerk;

(b) Verifies the unofficial election results received from a county clerk; and

(c) Notifies the county clerk that the county clerk may report such unofficial results.

4. Each county clerk shall submit a plan to the Secretary of State *for approval* setting forth the procedures that the county clerk will use for:

(a) Opening and closing all polling places within the jurisdiction of the county clerk; and

(b) Notifying the Secretary of State of election results tabulated during the period for early voting and received on the day of election.

↪ The ~~procedures~~ *plan* required pursuant to this subsection must be submitted to the Secretary of State for his or her approval not later than 90 days before each election. *If no changes are being made to the plan, the county clerk may resubmit the plan for a subsequent election. If the county clerk resubmits the plan, the county clerk must indicate that fact on a form prescribed by the Secretary of State.*

5. The Secretary of State will review each plan submitted pursuant to this section and, not later than 15 days after the plan is submitted, notify the county clerk whether the plan complies with the requirements of this section.

Sec. 5. NAC 293.270 is hereby amended to read as follows:

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~~ 4 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. *If the deadline for a registered voter who casts a provisional ballot pursuant to NRS 293.3081 or 293.3083 and who failed to provide the county or city clerk the required identification is a legal holiday, the deadline is extended until 5 p.m. on the next working day.*

4. A county *or city* clerk shall count a provisional ballot if the county *or city* 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 signed the required affirmation;
- (g) If the provisional ballot was cast at a polling place, the voter did not cast any other ballot, including a mail ballot;

(h) 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;

(i) 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

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

~~{4.}~~ **5.** The county *or city* clerk shall ~~{, not earlier than 5 p.m. on the Friday immediately following election day,}~~ post and submit ~~{to}~~ :

(a) To the Secretary of State the totals of provisional votes counted ~~{. The county clerk shall post and submit the}~~ :

(1) Except as otherwise provided in subparagraph (2), not earlier than 5 p.m. on the Friday immediately following election day; or

(2) If the Friday immediately following election day is a legal holiday, not earlier than 5 p.m. on the next working day after the Friday immediately following election day; and

(b) The updated results in the same manner and form as election day results.

6. *As used in this section, “legal holiday” means any day declared to be a legal holiday pursuant to NRS 236.015.*

Sec. 6. NAC 293.321 is hereby amended to read as follows:

293.321 1. Each county clerk and city clerk shall submit a plan to the Secretary of State *for approval* setting forth the procedures that the clerk will use for the disposition of mail ballots in case of an emergency. The plan must be submitted not later than 90 days before each election. *If no changes are being made to the plan, the county or city clerk may resubmit the plan for a*

subsequent election. If the county or city clerk resubmits the plan, the county or city clerk must indicate that fact on a form prescribed by the Secretary of State.

2. *The Secretary of State will review each plan submitted pursuant to this section and, not later than 15 days after the plan is submitted, notify the county or city clerk whether the plan complies with the requirements of this section.*

3. In the case of an emergency, the Secretary of State may order one or more polling places to be used to accommodate voters who are unable to vote at their polling places due to the emergency.

Sec. 7. NAC 293.348 is hereby amended to read as follows:

293.348 1. ~~The~~ *Not later than 45 days before each election, the* county clerk shall submit to the Secretary of State a list containing the following information for each ballot drop box established in the county:

- (a) The unique identifier of the ballot drop box as described in NAC 293.347;
- (b) The location of the ballot drop box; and
- (c) The dates and times during which the ballot drop box will be unlocked and accessible to persons for the submission of mail ballots.

2. If there is a change during an election year to any of the information submitted on the list described in subsection 1, the county clerk must submit to the Secretary of State an explanation for the change and an amended list not later than 24 hours after the change is made.

Sec. 8. NAC 293.351 is hereby amended to read as follows:

293.351 1. ~~The~~ *Not later than 90 days before each election, the* county clerk shall develop and submit a plan to the Secretary of State *for approval* relating to ballot drop boxes

established in the county that are tampered with or rendered inaccessible during early voting or on election day. The plan must, include, without limitation:

(a) Provision for the replacement of a ballot drop box that is tampered with or rendered inaccessible during early voting or on election day;

(b) The method that the county clerk will use to notify the public if a ballot drop box is tampered with or rendered inaccessible; and

(c) The location of the nearest ballot drop box to the ballot drop box that is tampered with or rendered inaccessible.

2. The plan described in subsection 1 must be submitted on a form prescribed by the Secretary of State.

3. For the purposes of subsection 1, if no changes are being made to the plan developed pursuant to subsection 1, the county clerk may resubmit the plan for a subsequent election. If the county clerk resubmits the plan, the county clerk must indicate that fact on a form prescribed by the Secretary of State.

4. The Secretary of State will review each plan submitted pursuant to this section and, not later than 15 days after the plan is submitted, notify the county clerk whether the plan complies with the requirements of this section.

Sec. 9. NAC 293.445 is hereby amended to read as follows:

293.445 1. On or before December 31 of each year, each county clerk shall submit to the Secretary of State for approval a plan for the upcoming year which indicates the public locations at which applications for registration by mail will be made available to the public. The plan must include a description of the method to be used to monitor the supply of forms at each such location.

2. In addition, the plan must establish a procedure to account for each such form by its control number at each public location and a procedure for controlling the bulk distribution of the forms, including:

- (a) The keeping of related records;
- (b) The training of the persons who will be distributing the forms; and
- (c) Plans for the contingent acquisition of forms in the event that the supply becomes depleted.

3. If no change is requested in the plan which was approved for the previous year, the county clerk may ~~indicate that fact to~~ *resubmit the plan for the upcoming year. If the county clerk resubmits the plan, the county clerk must indicate that fact on the form prescribed by* the Secretary of State . ~~instead of submitting a new plan for the upcoming year.~~

4. The Secretary of State will review each plan submitted pursuant to this section and, not later than 15 days after the plan is submitted, notify the county clerk whether the plan complies with the requirements of this section.

Sec. 10. NAC 293B.040 is hereby amended to read as follows:

293B.040 1. A county clerk and city clerk shall:

- (a) Maintain a record of the persons who are responsible for transporting the ballots, results cartridges and VVPATs from the polling place to the central counting place;
- (b) Store ballots, results cartridges and VVPATs upon receipt in a vault or secure area that is accessible only by the county or city clerk and persons designated by the county or city clerk;
- (c) Provide for the security and protection of the stored ballots, results cartridges and VVPATs;
- (d) Control access to the stored ballots, results cartridges and VVPATs;

(e) Maintain a record of the persons allowed access to the stored ballots, results cartridges and VVPATs; and

(f) Require that any election board officers allowed access to the stored ballots, results cartridges and VVPATs have sworn under oath to perform their duties honestly and faithfully.

2. Each county and city clerk shall, not later than the 90th day before any election, submit to the Secretary of State for approval using the form prescribed by the Secretary of State a plan to ensure the accuracy and security of voting in the county or city, which must, without limitation:

(a) Include procedures to carry out the provisions of paragraph (e) of subsection 3 of NRS 293.247 concerning the procedures to be used to ensure the security of the ballots, results cartridges, VVPATs, blank ballot stock, chain-of-custody documents and access controls; and

(b) Include any forms, schedules logs or checklists that are referenced in the plan.

3. If there is no change to the plan submitted pursuant to subsection 2 for the previous election, the county clerk or city clerk ~~is not required to submit another~~ *may resubmit the* plan to the Secretary of State ~~[-The]~~ *for a subsequent election. If the county or city clerk resubmits the plan, the* county or city clerk must ~~notify~~ *indicate that fact on a form prescribed by* the Secretary of State. ~~[-in writing, if there is no change to the plan.]~~

4. The Secretary of State will ~~approve or disapprove a~~ *review each* plan submitted pursuant to subsection 2 *and*, not later than 15 days after the plan is submitted ~~[-]~~, *notify the county or city clerk whether the plan complies with the requirements of this section.*

5. As used in this section, “ballot stock” means:

(a) The paper upon which a ballot is printed on which a voter directly indicates his or her vote; and

(b) The materials included with a mail ballot, including, without limitation, the mail ballot, return envelope, envelope or sleeve into which the mail ballot is inserted to ensure its secrecy and voter instructions.

Sec. 11. Chapter 293C of NAC is hereby amended by adding thereto a new section to read as follows:

1. Not later than the first day the polls open during the period of early voting and not sooner than 45 days before each election, the city clerk shall submit to the Secretary of the State the form prescribed by the Secretary of State to confirm that the applicable requirements of NRS 293C.281 will be met at each polling place in the city.

2. If the location of any polling place is changed after the date on which the city clerk submits the form required pursuant to subsection 1, the city clerk shall, not more than 5 business days after the location is changed, submit a new form to the Secretary of State confirming that the applicable requirements of NRS 293C.281 will be met at the new polling place location.

Sec. 12. NAC 293C.270 is hereby amended to read as follows:

293C.270 1. Each city clerk shall, not later than 60 days before the date of the general city election, submit to the Secretary of State *for approval* a written contingency plan that describes the procedures that will be used in the event that election operations, including, without limitation, mechanical voting systems and any components thereof, are significantly disrupted.

2. The plan required by subsection 1 must, without limitation:

(a) Consider all potential sources of disruption to election operations, including, without limitation:

(1) Systemic equipment failures or malfunctions;

- (2) Power outages;
- (3) Natural disasters or infrastructure failure;
- (4) Threats of terrorism or other civil disturbances; and
- (5) Unauthorized access, intrusion or hacking into election facilities or equipment; and

(b) Explain how the city clerk will ensure continuity in voting if one or more polling places become temporarily or permanently unusable during the period for early voting or on the day of the city election, which may include, without limitation:

- (1) Sending voters to an alternative polling place;
- (2) Seeking a court order to extend voting hours; or
- (3) Requesting that voters return to the polling place after the disruption has been resolved.

3. In addition to the written contingency plan required by subsection 1, each city clerk shall submit to the Secretary of State *for approval* a written contingency plan for the tabulation of ballots in the event that the city experiences a loss of the central counting equipment or the use of the central counting place. If the city clerk invokes this contingency plan, the city clerk must notify the Secretary of State in writing not later than 12 hours after doing so. The plan:

- (a) Must, without limitation, identify alternative counting equipment and facilities; and
- (b) May provide for the transport of ballots across city lines for the purpose of ballot tabulation if the ballots are inventoried and can be safeguarded by election staff and election board officers in the same manner as the ballots would be protected if the ballots were not transported.

4. Before each city election, the city clerk shall:

(a) Review the existing contingency plans required by subsections 1 and 3 , ~~and~~ update the plans as necessary ~~and~~ and , *except as otherwise provided in subsection 5, submit the updated plans to the Secretary of State; and*

(b) Ensure that any election staff in the office of the city clerk and all other relevant city employees have been briefed on the contingency plans.

5. If no changes are being made to the contingency plans required by subsections 1 and 3, the city clerk may resubmit the plans for a subsequent election. If the city clerk resubmits the plans, the city clerk must indicate that fact on a form prescribed by the Secretary of State.

6. The Secretary of State will review each plan submitted pursuant to this section and, not later than 15 days after a plan is submitted, notify the city clerk whether the plan complies with the requirements of this section.

Sec. 13. NAC 293C.565 is hereby amended to read as follows:

293C.565 1. ~~The~~ *Not later than 45 days before each election, the* city clerk shall submit to the Secretary of State a list containing the following information for each ballot drop box established in the city:

- (a) The unique identifier of the ballot drop box as described by NAC 293C.560;
- (b) The location of the ballot drop box; and
- (c) The dates and times during which the ballot drop box will be unlocked and accessible to persons for the submission of mail ballots.

2. If there is a change during an election year to any of the information submitted on the list described in subsection 1, the city clerk must submit to the Secretary of State an explanation for the change and an amended list not later than 24 hours after the change is made.

Sec. 14. NAC 293C.575 is hereby amended to read as follows:

293C.575 1. ~~The~~ *Not later than 90 days before each election, the* city clerk shall develop and submit a plan to the Secretary of State *for approval* relating to ballot drop boxes established in the city that are tampered with or rendered inaccessible during early voting or on election day. The plan must include, without limitation:

(a) Provision for the replacement of a ballot drop box that is tampered with or rendered inaccessible during early voting or on election day;

(b) The method that the city clerk will use to notify the public if a ballot drop box is tampered with or rendered inaccessible; and

(c) The location of the nearest ballot drop box to the ballot drop box that is tampered with or rendered inaccessible.

2. The plan described in subsection 1 must be submitted on a form prescribed by the Secretary of State.

3. For the purposes of subsection 1, if no changes are being made to the plan developed pursuant to subsection 1, the city clerk may resubmit the plan for a subsequent election. If the city clerk resubmits the plan, the city clerk must indicate that fact on a form prescribed by the Secretary of State.

4. The Secretary of State will review each plan submitted pursuant to this section and, not later than 15 days after the plan is submitted, notify the city clerk whether the plan complies with the requirements of this section.

Sec. 15. Section 3 of LCB File No. R200-22 is hereby amended to read as follows:

Sec. 3. *1.* If a county clerk intends to conduct a hand count pursuant to section 2 of LCB File No. R200-22, the county clerk shall submit to the Secretary of State, not later

than 90 days before the date of the election, a plan for conducting the hand count. The plan must include, without limitation:

~~11~~ (a) A detailed description of how the hand count will be conducted in order to meet the applicable deadlines set forth in this chapter and title 24 of NRS for counting ballots.

~~12~~ (b) The total number of election board officers and hand count tally teams appointed pursuant to section 4 of LCB File No. R200-22 that will be required to complete the hand count.

~~13~~ (c) The work schedule for the hand count, which must not be more than 16 hours in a 24-hour period. There must not be more than two separate 8-hour shifts.

~~14~~ (d) The physical location where the ballots will be hand counted and a scale diagram depicting the planned setup of the location.

~~15~~ (e) An estimated list of any items necessary to conduct the hand count, which must include, without limitation:

~~16~~ (1) Whether all such items are currently in the possession of the county and, if not, the date by which any such items will be obtained by the county; and

~~17~~ (2) The estimated cost to the county to obtain the necessary items.

~~18~~ (f) Any amendment to the plans for the observation of the hand count by members of the general public in accordance with NRS 293B.353 and NAC 293.356 and the plan submitted pursuant to NRS 293B.354.

~~19~~ (g) A plan for ensuring the security of:

~~20~~ (1) The ballots consistent with the plan submitted pursuant to NAC 293B.040; and

~~(b)~~ (2) The election board officers who conduct the hand count.

~~(h)~~ (h) A list of any outside vendors hired or who may be hired to consult or assist in the preparation or operation of the hand count.

~~(i)~~ (i) A contingency plan for:

~~(1)~~ (1) Completing the counting of the ballots in the event that the hand count will not be completed by the date required for the canvass of returns pursuant to NRS 293.387;

~~(2)~~ (2) Conducting any recount in accordance with NRS 293.404, as amended by section 2.7 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page 3306, and section 1.3 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page 3303; and

~~(3)~~ (3) Completing any recount by the deadline set forth in NRS 293.405, as amended by section 2.8 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page 3307.

2. If no changes are being made to the plan required by this section, the county clerk may resubmit the plan for a subsequent election. If the county clerk resubmits the plan, the county clerk must indicate that fact on a form prescribed by the Secretary of State.

3. The Secretary of State will review each plan submitted pursuant to this section and, not later than 15 days after the plan is submitted, notify the county clerk whether the plan complies with the requirements of this section.

Sec. 16. Section 10 of LCB File No. R200-22 is hereby amended to read as follows:

Sec. 10. **1.** If a city clerk intends to conduct a hand count pursuant to section 9 of LCB File No. 2002, the city clerk shall submit to the Secretary of State, not later than 90 days before the date of the city election, a plan for conducting the hand count. The plan must include, without limitation:

~~1-1~~ **(a)** A detailed description of how the hand count will be conducted in order to meet the applicable deadlines set forth in this chapter, chapter 293 of NAC and title 24 of NRS for counting ballots.

~~1-2~~ **(b)** The total number of election board officers and hand count tally teams appointed pursuant to section 11 of LCB File No. R200-22 that will be required to complete the hand count.

~~1-3~~ **(c)** The work schedule for the hand count, which must not be more than 16 hours in a 24-hour period. There must not be more than two separate 8-hour shifts.

~~1-4~~ **(d)** The physical location where the ballots will be hand counted and a scale diagram depicting the planned setup of the location.

~~1-5~~ **(e)** An estimated list of any items necessary to conduct the hand count, which must include, without limitation:

~~1-a~~ **(1)** Whether all such items are currently in the possession of the city and, if not, the date by which any such items will be obtained by the city; and

~~1-b~~ **(2)** The estimated cost to the city to obtain the necessary items.

~~1-6~~ **(f)** Any amendment to the plans for the observation of the hand count by members of the general public in accordance with NRS 293B.353 and NAC 293.356 and the plan submitted pursuant to NRS 293B.354.

~~1-7~~ **(g)** A plan for ensuring the security of:

~~(a)~~ (1) The ballots consistent with the plan submitted pursuant to NAC 293B.040;
and

~~(b)~~ (2) The election board officers who conduct the hand count.

~~(8)~~ (h) A list of any outside vendors hired or who may be hired to consult or assist in
the preparation or operation of the hand count.

~~(9)~~ (i) A contingency plan for:

~~(a)~~ (1) Completing the counting of the ballots in the event that the hand count will
not be completed by the date required for the canvass of returns pursuant to NRS
293C.387;

~~(b)~~ (2) Conducting any recount in accordance with NRS 293.404, as amended by
section 2.7 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at page
3306, and section 1.3 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023, at
page 3303; and

~~(c)~~ (3) Completing any recount by the deadline set forth in NRS 293.405, as
amended by section 2.8 of Assembly Bill No. 192, chapter 511, Statutes of Nevada 2023,
at page 3307.

*2. If no changes are being made to the plan required by this section, the city clerk
may resubmit the plan for a subsequent election. If the city clerk resubmits the plan,
the city clerk must indicate that fact on a form prescribed by the Secretary of State.*

*3. The Secretary of State will review each plan submitted pursuant to this section
and, not later than 15 days after the plan is submitted, notify the city clerk whether the
plan complies with the requirements of this section.*

