State of Nevada

Fiscal Year 2006-2007

State Plan

As required by Public Law 107-252
***Help America Vote Act of 2002*, Section 253 (b)**

Office of the Nevada Secretary of State
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STATE OF NEVADA
FISCAL YEAR 2006-2007
STATE PLAN

I. INTRODUCTION

On October 29, 2002, President Bush signed the Help America Vote Act (HAVA or Act) into law. HAVA is a response to the irregularities in voting systems and processes unveiled during the 2000 Presidential Election. HAVA requires each state to develop a comprehensive plan for implementing the mandatory changes to the administration of elections that are called for in the legislation. HAVA has affected virtually every element of the voting process, including requiring a statewide voter registration system, replacing punch card voting machines, improving voter education and poll worker training, requiring provisional ballots, and requiring at least one voting machine available per polling place for voters with disabilities. HAVA has dramatically changed the way elections throughout the nation are conducted.

As required by HAVA, the state of Nevada (State) adopted and submitted to the federal government its first State Plan (Plan) for fiscal year (FY) 2003-04 in June 2003. Due to the delayed formation and organization of the Elections Assistance Commission (EAC), publication of that Plan in the *Federal Register* was not completed until May 2004. The following year, the State amended the Plan for FY 04-05, and after expiration of the public comment period, adopted it in July 2004. In accordance with Section 254 of the Act, the State submitted an updated Plan for FY 2004-05. Like the FY 2005-06 Plan, this State Plan (FY 06-07) was created under the direction of Secretary of State through a State Plan Advisory Committee (Advisory Committee). Nevada's FY 06-07 Plan continues to build on the framework established in previous Plans for the State to continue progress that has already been made in election reform and to achieve compliance with HAVA. FY 06-07 was a substantial year for the State in terms of meeting multiple HAVA implementation goals.

Because HAVA will continue to have a profound impact on virtually every element of the voting process in our State, we anticipate that this plan will continue to be updated and refined periodically over the coming years to ensure the continued health of our democratic process.

II. THE BACKDROP FOR NEVADA'S STATE PLAN

The Secretary of State is the Chief Officer of Elections for the state of Nevada, and, as such, is responsible for the execution and enforcement of state and federal laws relating to elections. Although HAVA has dramatically increased the election administration responsibilities for the State, the efficient function and cooperation of local governments continue to be critical to ensuring that elections are successfully conducted. Considerable

time, effort, and resources on the state and local level is necessary for the State to continue to meet HAVA requirements.

Nevada is one of the fastest growing states in the country. Based on figures obtained from Census 2000, Nevada's population increased by 796,424 persons between 1990 and 2000. In addition, Nevada's largest county, Clark County, continues to add approximately 4,000 new citizens per month. From the last Plan, the number of registered voters in the State increased by approximately 200,000, and currently, the State has approximately 1.2 million registered voters spread throughout its 17 counties. Moreover, more than 1,500 state, county and municipal political campaigns come under the jurisdiction of local or state election officials during each election cycle.

All 17 counties in the State use Direct Recording Electronic (DRE) voting machines and optical scan machines for absentee voting. All 17 Nevada counties are required by state statute to exclusively use DRE machines fitted with voter verifiable paper trail printers. In response to the requirements outlined in HAVA, the State took steps to substantially upgrade the existing voting systems, redesign processes and provide updated and continual training for election administrators and the citizens of the State. Secretary of State Dean Heller took the first step toward achieving these goals in December 2003 by announcing the decision to purchase Direct Recording Electronic (DRE) voting machines for all Nevada counties. He also announced his mandate to include a voter verifiable paper trail on all newly purchased DRE machines for the 2004 election. The Secretary of State also issued a proclamation decertifying all punch-card voting machines in Nevada as of September 1, 2004. Nevada led the nation in the 2004 Presidential Election as the first state to implement DRE voting machines with voter verifiable paper trail printers. The new Secretary of State, Ross Miller, is committed to maintaining Nevada's leadership role in the area of elections. During the 2006-2007 FY, the State implemented a HAVA-compliant statewide voter registration system. Additional DRE voting machines and equipment were also purchased for each of the 17 counties. Every polling site in the State was surveyed for Americans with Disabilities Act[1] (ADA) accessibility and various types of equipment were purchased to improve access to needed areas. Such equipment included ramps, signage, magnifiers, signature cards, and audio units with a "sip and puff" feature. Videotapes for training poll workers on sensitivity to voters with disabilities were purchased for each county. In result of these efforts, polling places were fully accessible for the 2006 election cycle, ensuring all voters in the State access to their polling locations and the ability to vote with independence, privacy, and dignity. In addition, all county election officials attended training sessions which covered the following areas: poll worker training, statewide voter registration list maintenance, voting machine maintenance, voting system testing and programming, provisional voting requirements, security issues, minority language issues, requirements dealing with overseas/military voters, conducting the mandatory post election VVPAT certifications, and election day signage. The aforementioned training sessions were conducted prior to

[1] Public Law 336 of the 101st Congress, enacted July 26, 1990.

the 2006 election cycle. Nevada has been successful, and will diligently continue to, meet the requirements of HAVA and support meaningful election reform. However, continued support, resources, and funding from both the federal government and the Nevada State Legislature will be key.

In developing Nevada's FY 05-06 Plan, the Advisory Committee used as guidance the goal of developing and implementing a plan that delivers a timely, accurate and accessible voting process for all Nevadans. In developing this FY 06-07 update to the State Plan, the strategies for achieving these HAVA compliant goals in the previous FY 05-06 State Plan continue to be applicable: (1) obtain initial federal funding; (2) implement legislation fostering voter participation and compliance with HAVA; (3) conduct an assessment of the condition of the statewide voter registration process given these standards; (4) suggest changes to voting technology and processes to ensure accurate and reliable elections and voter confidence; and (5) develop and implement follow-through accountability activities and feedback mechanisms for complaints.

Nevada's FY 06-07 Plan, as presented herein, is limited to the extent State appropriations are made available, and is based on the assumption that adequate federal funding will be appropriated. While the State intends to fully comply with HAVA, if adequate federal funding is not made available, the manner in which the funds are disbursed or dedicated and the priorities given to particular projects may be altered from the information contained in this FY 06-07 Plan.

III. NEVADA'S STATE PLAN

A. Use of Requirements Payments

Section 254(a)(1) requires a description of how the State will use the requirements payment to meet the requirements of Title III, and, if applicable under section 251((b)(2), to carry out other activities to improve the administration of elections. Title III requires the establishment of certain voting system standards, provisional voting, public posting of voting information, a computerized statewide voter registration list, and voter registration application modifications.

1. Voting Systems Standards

Section 301(a) establishes several voting system standards which must be met by January 1, 2006. Under this section, no waiver of the requirements is permitted.

HAVA requires each voting system in the state to: (a) permit voters to verify whom they have voted for and make changes to their vote in a private, secret and independent manner; (b) notify voters if they have overvoted, what happens in instances of an overvote, and provide the opportunity to correct the ballot; (c) ensure that any notification to the voter maintains the privacy, secrecy and independence of the voter's ballot; (d) produce a permanent paper record with manual audit capacity; (e) be accessible for people with disabilities through the use of at least one (1) DRE voting system placed at each polling place; (f) provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act of 1965; (g) comply with error rates established by the Federal Elections Commission (FEC) as of the time HAVA was adopted; and (h) have a definition of what constitutes a vote and what will be counted. These requirements have been incorporated into Nevada statutes or regulations.

Most of the federal funding that has been appropriated to date was used to upgrade the voting systems throughout the State and to purchase new systems in order to meet the requirements of Title III. As stated above, the State has implemented a uniform DRE voting system for polling places throughout the state, with all DRE machines being fitted with the voter verifiable paper trail printers. In addition, uniform optical scan voting systems are used for absentee voting throughout the State. The voting system replacement project was accomplished in September of 2004, in time for the 2004 Primary Election, and the new machines were used successfully in the 2004 General Election and in subsequent municipal elections.

To ensure proper training for election administrators and the voting citizens of Nevada, the State used, and depending on the availability of funds, may use additional requirements payments to help educate those individuals about the proper use of the new voting systems. Requirements payments were also used for maintaining,

modifying and improving all voting systems in the State to ensure compliance with HAVA Section 301(a) standards.

2. Provisional Voting and Voting Information Requirements

Section 302 requires the establishment of provisional voting and the posting of voting information at polling places by January 1, 2004. Under this section, no waiver permitted.

HAVA requires provisional voting procedures in all states to ensure that no voter who appears at the polls and desires to vote is turned away for any reason. The State adopted legislation proposed by the Secretary of State that enacts procedures to allow for provisional voting in federal races throughout the State. The procedures[2] that were adopted meet the requirements of Section 302.

The State used requirements payments to create the free access system required by HAVA to provide voters who cast provisional ballots the ability to discover whether or not their ballot was counted, and will continue to make enhancements to the free access system in preparation for the 2008 federal elections. The State also continues to use requirements payments to develop procedures for provisional voting and to plan and conduct training and outreach concerning a voter's ability to receive and cast a provisional ballot. Finally, if adequate federal funding is available, the State may use requirements payments to assist local governments with funding offsets necessary to prepare and process provisional ballots.

In addition to provisional balloting requirements, Section 302 of HAVA mandates that a sample ballot and other voting information be posted at polling places on Election Day. Each registered voter currently receives a sample ballot in the mail prior to Election Day. In addition, the Secretary of State successfully sought a change to State law to require that all materials required by Section 302 be displayed at each polling place.[3] Nevada's "Voters' Bill of Rights[4]" was also established as part of this process. The law requires that the Voters' Bill of Rights be posted conspicuously at each polling place. The Voters' Bill of Rights is a declaration of the rights of each voter with respect to the voting process. Its premise is to ensure that each and every voter who wishes to exercise the right to vote is provided with the right to do so in an informed and nondiscriminatory manner. The county clerks designed and printed the materials to be posted in the 2006 elections, and depending on the availability of funds, the State anticipates using requirements payments to defray the cost of developing, printing and posting this information in the upcoming election cycle.

[2] See Nevada Revised Statutes (NRS) Sections 293.3081 through 293.3086, inclusive.
[3] See NRS 293.3025.
[4] See NRS 293.2543 through 293.2549, inclusive.

3. Computerized Statewide Voter Registration List and Requirements for Voters Who Register by Mail

Section 303 requires the establishment of a computerized statewide voter registration list, first time voters who register by mail to provide identification when they cast their ballots, and changes to be made to the voter registration application by January 1, 2004. A waiver is permitted to extend compliance with Section 303(a) to January 1, 2006.

a. Statewide Voter Registration System (SVRS)

Section 303 of HAVA requires that all states establish a statewide computerized registration list of all eligible voters. This "single, uniform, official, centralized, interactive, computerized statewide voter registration list" must be administered at the State level and is considered the official list of legally registered voters in the State. Nevada has developed and implemented its statewide voter registration list in a timely manner prior to the 2006 election cycle.

The State had initially purchased a voter registration system to be implemented statewide and administered by the Secretary of State. The Secretary of State's selected vendor was not able to adhere to an expedited design and implementation process, which would have allowed their statewide voter registration system to remain on target for completion by January 1, 2006. In accordance with Section 303(d)(1)(B) of HAVA, the State certified that Nevada could not implement the Statewide Voter Registration List requirements by January 1, 2004, and that it met the requirements for a waiver of the deadline to January 1, 2006. The State cited as reasons for the waiver the fact that it is currently implementing the uniform voting system statewide and, given the fiscal and human resources necessary to successfully conduct the upcoming federal election with these new systems, it would not be prudent to implement the statewide voter registration system in the same election cycle. However, once the State became aware that the selected vendor was not on schedule to produce a HAVA compliant system by the upcoming election, the Secretary of State's Office initiated an internally built statewide voter registration system, which is compliant with Section 303(a) of HAVA. The Secretary of State's system was implemented prior to the 2006 deadline and has the ability to interface with Nevada's Department of Motor Vehicles and other appropriate agencies, as required by HAVA. Additionally, this statewide voter registration database allowed all 17 counties to clear thousands of records, including duplicate records, in advance of the 2006 election cycle. This capability was an additional functionality that the State built internally, which would not have been provided by the original outside vendor.

The State will continue to expend a portion of its requirements payments and Title I payments to fund additional upgrades and maintenance of the statewide voter registration system. Specifically, in addition to the basic costs of the system, the State is paying for all hardware and software necessary, as well as required training for county and city officials in the use of the system.

b. Requirements for Voters Who Register by Mail

With respect to requirements for voters who register by mail, the State revised its voter registration form in January 2003 and again in 2004 to meet the requirements of Section 303(b).

In 2003, the Secretary of State successfully sought a modification of State law[5] to ensure that the processes associated with voter registration and verification of identification at the time of registration, or at the polls for first time voters who register by mail, are HAVA compliant. The 2005 Session of the Nevada State Legislature has recently adjourned and the Secretary of State will continue to review the Plan in light of recently passed legislation and update the Plan accordingly.

4. Other Activities to Improve the Administration of Elections (Section 251(b)(2))

The State intends to continue using requirements payments to fund other activities to improve the administration of elections, including, but not limited to: (a) establishing a polling place accessibility program to ensure that all polling places in Nevada are and continue to be in compliance with the ADA; (b) providing necessary assistance to persons with limited proficiency in the English language; (c) engaging in a variety of voter education and outreach activities, including public service announcements, voting machine demonstrations, mass mailings and other related media avenues; (d) providing election official and poll worker training initiatives; and (e) establishing poll worker recruitment programs.

The State will also continue using requirements payments to fund staff positions to allow for ongoing operations and maintenance of programs and projects to sustain HAVA compliance. The State will continue to evaluate staffing needs to determine if additional positions are needed to fulfill HAVA requirements.

B. Distribution of Requirements Payments and Eligibility for Distribution

Section 254(a)(2) of the act requires a description of how the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in Section 254(a)(1), including a description of—

(A) The criteria to be used to determine the eligibility of such units or entities for receiving the payment; and

[5] See NRS293.272 and 293.2725

(B) The methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under Section 254(a)(8).

The Office of the Secretary of State will centrally manage activities funded by requirements payments. The Secretary of State will be accountable for all expenditures, funding levels and program controls and outcomes. The Secretary of State, in conjunction with local election officials, will determine the appropriate level of support for local activities.

To the extent that the decision is made to distribute requirements payments to units of local government and other entities for carrying out the activities described in Section 254(a)(1), the criteria to be used for determining eligibility include, but are not limited to: (a) the priority of the project to which the distribution is intended to be applied, as it relates to complying with HAVA; (b) the extent to which the recipient is in compliance with Title III of HAVA and all other state and federal election laws; (c) the recipient must maintain its current level of funding for its elections budget outside of any HAVA funds received; (d) the recipient must cooperate with the State in maintaining the statewide voter registration list and must timely implement list purging activities and reporting as required by the Secretary of State; (e) the need for the payment to ensure continued compliance with state and federal elections laws; (f) the availability to the recipient of other funding sources, including other HAVA related grants; (g) the recipient must acknowledge that it will be required to reimburse the State for all federal funds received if it does not meet the deadlines for compliance in HAVA; and (h) the recipient must develop a comprehensive accounting plan in accordance with federal criteria for separately identifying and tracking any federal funds received. The criteria for receipt of requirements payments will be agreed to in writing in advance by the Secretary of State and the unit or entity receiving the payment.

If requirements payments are so distributed, the Secretary of State will monitor the performance of each activity funded by requirements payments on a case-by-case basis. The methods to be used by the State to monitor the performance of the payment recipients may include, without limitation: (a) requiring the recipient to prepare and submit comprehensive timely reports to the Secretary of State detailing the expenditures and their relation to complying with Title III of HAVA; (b) implementing financial controls that establish financial reporting methods; and (c) developing performance indicators on a case-by-case basis for all activities funded.

C. Voter Education, Election Official and Poll Worker Training

Section 254(a)(3) of the Act requires a description of how the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.

1. Voter Education

With voter participation and turnout declining nationally over the last twenty years, and with an increasing number of historically disenfranchised groups growing more skeptical about the power of their vote, the Secretary of State's office is making a concerted effort to expand Nevada's voter outreach and education efforts.

Clearly, citizens need to better understand the power of each and every vote. Education is the key to improving Nevada's voter participation rate. Besides doing a better job of teaching our citizens about the critical component voting plays in the success of a democracy, with the advent of new technologies—specifically, DRE voting machines—the educational process should include a well-developed plan to assist and train citizens on how to use new equipment. Further exploration as to reaching various socio-economic groups as well as providing information for those who have had their rights restored or qualify to have their voting rights restored will also be included.

By law, each registered voter in Nevada receives a sample ballot in the mail prior to each election. The Secretary of State's office has produced and published several informative brochures designed to better educate Nevada's citizens about the voter registration process, the significance of every single vote, and the requirements of HAVA. The agency's website (http://secretaryofstate.biz) contains a wealth of information useful to individuals and groups seeking to advance voter participation and citizen knowledge of the elections process.

The Secretary of State's office issues many media advisories and news releases throughout the year specifically designed to inform prospective voters about the elections process, along with conducting public forums relating to statewide ballot questions, and recording public service announcements regarding voting equipment and other related issues.

The 2003 Legislature moved the Advisory Committee on Participatory Democracy (ACPD) under the auspices of the Secretary of State's office, and established the goals of 75 percent voter registration and 70 percent voter turnout by those registered voters in Nevada by 2008. The 10-member ACPD was appointed by the Secretary and began the ambitious task of improving voter participation in Nevada with its inaugural meeting on March 31, 2004. The ACPD has plans to create an informational website and to work with existing groups, organizations, and individuals to foster and nurture greater voter participation.

One such undertaking was the *Easy Voter Project*, a non-partisan, bi-lingual voter education website and booklet that will help many Nevada citizens better comprehend the voting process. The *Easy Voter Project* has proven to be a successful program, which has been in place in California since 1994. According to a 1996 survey, adult school and community college student voter turnout in California increased to more

than 70 percent among students who were exposed to the *Easy Voter Project*. The project publishes an informative *Easy Voter Guide* and maintains a website that provides information on political parties, candidates and ballots measures, along with easy-to-follow instructions on how to register and vote. The Secretary of State partnered with private organizations and successfully published and distributed over 125,000 *Easy Voter Guides* statewide, in both English and Spanish. We anticipate conducting the *Easy Voter Project*, or an equivalent program, again for the 2008 elections, as well as renewing partnerships with other entities, as discussed below.

In June 2006 the Advisory Committee for Participatory Democracy (ACPD) solicited grant applications to conduct voter education and outreach to the citizens of Nevada. The grant was funded through Section 101 HAVA with minimum funding requests of $15,000 and a maximum of $65,000. The grant was limited to nonprofit, nonpartisan organizations organized for the purpose of voter education and outreach to increase participation in the election process. The Secretary of State, as recommended by the ACPD, awarded grants to four entities totaling $65,824. Each entity was required to enter into a Notice of Subgrant Award with the Secretary of State, Elections Division to ensure HAVA compliance and for reporting purposes.

Another voter outreach project the Secretary of State's office worked closely with the *New Voters Project*. Sponsored by the Pew Charitable Trusts and with strong bi-partisan support from a number of civic organizations, the *New Voters Project* is a non-partisan effort that is using a strategy that encompasses the recruitment of 18 to 24 year olds on college campuses, during large public events, partnerships with local businesses, and door-to-door canvassing. Nevada is fortunate to have been selected as one of six target states—Colorado, Iowa, New Mexico, Oregon and Wisconsin being the other five—in which the *New Voters Project* focused its attention in the 2004 presidential election season.

There are several other voter education and outreach projects the agency has partnered with, including *National Student/Parent Mock Election* and *Smackdown Your Vote.*

2. Election Official and Poll Worker Training

Adequate training for election officials and poll workers is critical to any election being conducted successfully. It becomes even more crucial when election reform occurs. The State, in conjunction with all 17 counties, has instituted a training program to provide a more centralized source of training, versus the more localized training programs that have existed in the past. In lieu of the disproportionate range of resources available at the local level across the State, building a centralized source of training has been critical in ensuring all 17 counties have access to all the training necessary to maintain their role in meeting HAVA compliance. Centralized training in 2006 covered: 1) maintenance of the statewide voter registration list; 2) DRE maintenance, testing, programming and security; 3) provisional voting and provisional phone line reporting; 4) election date signage requirements; 5) requirements under UOCAVA for overseas citizens and the military, including use of FWAB ballots; 6) ADA accessibility training for poll workers and election staff; 7) general improvements for poll worker recruitment, training and management; 8) overall communication; 9) additional federal reporting requirements; 10) conducting mandatory post election VVPAT audit and 11) additional certifications for various federal and state requirements. The State will continue to build upon the training materials and procedures created in 2006. The State will continue to increase county involvement in conducting this centralized training, including participation well beyond mere attendance. Additionally, the State will seek the involvement of other members of the community, such as persons with disabilities, to contribute to the training processes.

D. Voting System Guidelines and Processes

Section 254(a)(4) requires a description of how the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.

As stated above, Section 301 requires each voting system in the state to: (a) permit voters to verify whom they have voted for and make changes to their vote in a private, secret and independent manner; (b) notify voters if they have overvoted, explain what happens in instances of an overvote, and provide the opportunity to correct the ballot; (c) ensure that any notification to the voter maintains the privacy, secrecy and independence of the voter's ballot; (d) produce a permanent paper record with manual audit capacity; (e) be accessible for people with disabilities through the use of at least one (1) DRE voting system placed at each polling place; (f) provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act of 1965; (g) comply with error rates in effect by the FEC at the time HAVA was adopted; and (h) have a definition of what constitutes a vote and what will be counted.

Existing Nevada law now mirrors the voting system guidelines and processes set forth in HAVA. In addition, the Secretary of State is responsible for certifying voting systems for use in the State. The Secretary of State, in accordance with state law, cannot certify any voting system in the State unless it meets or exceeds the standards for voting systems established by the FEC. The Secretary of State will create new guidelines and processes as necessary to ensure all voting systems in the State continue to remain in compliance with Section 301.

E. Establishment of Election Fund

Section 254(a)(5) requires a description of how the State will establish a fund described in Section 254(b) for purposes of administering the State's activities under this part, including information on fund management.

(b) Requirements for Election Fund—

(1) Election Fund Described.—For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

(A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part.

(B) The requirements payment made to the State under this part.

(C) Such other amounts as may be appropriated under law.

(D) Interest earned on deposits of the fund.

The State created a special election fund in the state treasury that provides the Secretary of State with the authority to deposit into this fund all federal HAVA dollars and state matching fund appropriations. This fund is fully compliant with Section 254(b) of HAVA. The Secretary of State works closely with the State's Budget Division and the State Controller's office to implement and enforce all fiscal controls and policies required by both state and federal law.

F. Nevada's Proposed HAVA Budget

Section 254(a)(6) requires a description of the State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on-

(A) The costs of the activities required to be carried out to meet the requirements of Title III

(B) The portion of the requirements payment which will be used to carry out activities to meet such requirements; and

(C) The portion of the requirements payment which will be used to carry out other activities.

To assist states with meeting the new mandates imposed by HAVA, Congress authorized a total of $650 million in Title I payments and $3 billion in Title II requirements payments to be distributed over the next three years. More than half of the funding was to be distributed in FY 2003. While less than one-third of that sum was actually appropriated for FY 2003, Congress made up the difference in funding and provided full funding in FY 04. Outside of HAVA Title II Section 261 funds, no additional HAVA funding has been received since FY 04. The President did recommend $40 million for FY 05, rather than the $600 million that is authorized by HAVA. However, the State did not receive any of these funds in FY05.

Based on the foregoing, the State has created its HAVA budget assuming the following levels of funding:

Federal Fiscal Year	Federal Appropriations	Nevada's Share	5% Match
Title I Early Payments	$650 million	$5 million	n/a
2003	$833 million	$5.7 million	$304,313
2004	$1.5 billion	$10.3 million	$546,062
2005	$0	$0	$0
2006	$0	$0	$0
2007	$0	$0	$0
Total	$3.02 billion	$21.2 million	$850,375

The State has also received an additional $400,000 under HAVA Title II, Section 261 for polling place accessibility. The State has been awarded yearly increments of $100,000 over the last four years. The State began drawing these funds for the first time in 2006. Currently, $267,098 is remaining.

Because the actual level of funding that was to be authorized through FY year 2006-2007 was not initially known when the State Plan was updated for FY 2005-2006, the State's proposed HAVA budget is being updated for FY 2006-2007.

Title III Requirements:

Voting System Purchases/Upgrades:

--Continue to develop strategies to obtain funding, to the extent available, to update DRE machines and their respective VVPAT mechanism to ensure continued compliance with both federal and state law. Also provide additional touch screen systems fitted with voter verifiable paper audit trail printers as needed, particularly prior to the 2008 election cycle.

--To be funded with Title I early payments, Title II requirements payments and State matching funds.

Establishing and Maintaining a Statewide Voter Registration List:

--Initially, $4 to $5 million was allocated to cover base cost, plus an ongoing maintenance costs of approximately $100,000 per year. These parameters were based on costs associated with an initial outside vendor, whose contract was terminated based on the vendor's breach in delivering a timely and HAVA compliant statewide voter registration list and accompanying statewide database and election management system.

--The State will maintain between $2-3.5 million to cover any additional improvements made to the internally built statewide voter registration list and any additional maintenance costs which may arise.

--To be funded with Title I early payments, Title II requirements payments and State matching funds.

Provisional Voting and Voting Information Requirements:

--$150,000 was initially allocated to create and develop enhancements to the free-access system, provide necessary training and outreach, and develop voting information.

--To be funded with Title II requirements payments and State matching funds.

Other Activities:

Ongoing assessment of polling place accessibility and ADA compliance:

--A significant portion of HAVA Title II, Section 261 funds totaling $400,000 will continue to be expended to improve polling place accessibility. The expenditures will also include training for election officials and poll workers, along with providing information about polling place accessibility to people with disabilities.

Voter education and outreach activities:

---- $150,000.00 in HAVA funding will be allocated to continue with voter education and outreach activities.

--To be funded with Title I requirements payments and State matching funds.

Election official and poll worker training initiatives:

-- $150,000, in HAVA funding will be allocated to continue training both election officials and poll workers.

--To be funded with both Title I and Title II requirements payments and State matching funds.

Additional technology and elections personnel in the office of the Secretary of State:

-- Amount to be determined based upon adequate funding.

G. Maintenance of Effort

Section 254(a)(7) requires a description of how the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the state for the fiscal year ending prior to November 2000.

Consistent with the maintenance of effort requirement contained in HAVA, in using any requirements payments, the State will maintain expenditures for activities funded by the payment at a level equal to or greater than the level of such expenditures maintained by the State for its fiscal year that ended prior to November 2000. The fiscal year that ended prior to November 2000 was FY year 2000, which began July 1, 1999, and ended on June 30, 2000. The total expenditures attributable to the Secretary of State's Elections Division for FY 2000 were $151,207. The total expenditures attributable to the Elections Division increased in the State's fiscal years 2001, 2002, 2003, 2004, 2005, 2006 and 2007 and are anticipated to increase in FY 08.

The Secretary of State's budget for FY 2005 for the Elections Division was approximately $410,000, and the budget in FY 06 was approximately $299,000. The proposed budget for FY 07 is approximately $590,000. The State Legislature has the ultimate power to approve these funding levels and has been apprised of the maintenance of effort requirements contained in HAVA. In the event the additional funding request is denied, the projected state funded expenses for FY 2006 will still exceed $250,000.

H. Performance Goals and Measures

Section 254(a)(8) requires a description of how the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

The Secretary of State, in collaboration with local election officials, has met all critical performance goals and will continue to institute processes to measure additional progress in relation to these time-specific goals, as well as ongoing performance goals. This process will provide local election officials with structure and continued measurable targets for accomplishment. In addition, each local

election official will be required to report the progress of such local jurisdiction in meeting the performance goals and measures to the Secretary of State within 60 days following every general election held in the State.

Performance Goals

The State's primary goal is to achieve election reform and compliance with HAVA through the successful implementation of the programs outlined in the State Plan. In addition, having met HAVA compliance, the State will continue to create additional goals to continue Nevada's leadership role in election reform. Following is a description of the timetable for meeting each element of the Plan and the title of the official responsible for ensuring each such element is met:

Element	State/County Official	Timetable
Voting Systems	State Elections Deputy County Election Official	By September 2004
Voter Registration	State Elections Deputy County Election Official	Pre 2006 election cycle
Provisional Voting	State Elections Deputy County Election Official	Ongoing
Additional Personnel	State Elections Deputy	Ongoing (as needed)
Polling Place Accessibility	State Elections Deputy County Election Official	Pre 2006 election cycle, ongoing
Voter Education/Outreach	State Elections Deputy County Election Official	Ongoing
Poll Worker Training	State Elections Deputy County Election Official	Ongoing
Complaint Procedures	Deputy Attorney General	Adopted/Ongoing

Performance Measures

The State will use the following criteria to measure performance:
--voter turnout statistics
--functionality of voting systems
--accuracy of the data contained in the statewide voter registration list
--voter satisfaction with equipment (accomplished through surveys or other strategies)
--complaints against poll workers
--complaints received versus complaints resolved
--ADA compliance

These criteria were developed through the State Planning Process. The State is further committed to exploring the use of additional performance measures.

I. State-Based Administrative Complaint Procedure

Section 254(a)(9) requires a description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402. This state-based administrative complaint procedure must be in effect prior to certification of the State Plan, but no later than January 1, 2004; no waiver of the procedure is permitted.

The Advisory Committee has developed and adopted a procedure for complaints that meets HAVA requirements[6]. The Secretary of State adopted regulations to place these procedures into the State Administrative Code prior to submission of the FY 03-04 State Plan.

In summary, the procedure provides a uniform, nondiscriminatory procedure for the resolution of any complaint alleging a violation of any provision of Title III of HAVA, including a violation that has occurred, is occurring, or is anticipated to occur. Any person who believes a violation of any provision of Title II has occurred may file a complaint with the Secretary of State. The complaint must be written, signed, sworn to and notarized. At the request of the complainant, the Secretary of State will conduct a hearing on the record that will be conducted in accordance with HAVA requirements. The Secretary of State will provide the appropriate remedy and will provide a final determination within the timeframes specified in HAVA. The procedure provides for alternative dispute resolution if the Secretary of State does not make a timely final determination. Finally, the procedure requires the Secretary of State to make reasonable accommodations to assist persons in need of special assistance for utilizing the complaint procedure.

[6] See Appendix A for copy of Administrative Complaint Procedure.

J. Effect of Title I Payments

If the State received payment under Title I, Section 254(a)(10) requires a description of how such payment will affect the activities proposed by the State to be carried out under the plan, including the amount of funds available for such activities.

On April 30, 2003, the State received $5 million in Title I payments. The State has expended a portion of these funds for the voting system upgrades described in this State Plan. In addition, the State has expended these funds for ancillary devices, equipment and services associated with the voting systems contract and for travel and training activities necessary for implementing the new voting systems and the statewide voter registration system. Finally, the State has contracted to expend a portion of these funds for voter outreach activities, including involvement in the *Easy Voter Project* described in this Plan. The effect this funding will have on the activities proposed by the State in this Plan has been previously discussed throughout this Plan. Section 6 of this Plan specifically sets forth the State's intended additional uses for these funds.

K. Ongoing Management of the State Plan

Section 254(a)(11) requires a description of how the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change—

(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;

(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and

(C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

The State intends to use the State Plan as the foundation for its goals in achieving election reform and compliance with HAVA. To achieve these goals, the Secretary of State has appointed an internal committee in his office to be overseen by the Deputy Secretary for Elections. This committee is responsible for conducting ongoing management of the State Plan. To carry out this function, the committee is required to hold meetings as deemed necessary to address HAVA related issues and keep current on the State's progress toward implementation of HAVA. The Deputy Secretary for Elections, or a designee, is to report to the State Advisory Committee the activities involved with the ongoing management of the Plan. The Secretary of State will continue to hold an annual meeting of the State Advisory Committee to review and update the State Plan, as necessary. The Secretary of State may also convene the State Advisory Committee at other times during the year as deemed advisable.

L. Changes to the State Plan from the Previous Fiscal Year

In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, Section 254(a)(12) requires a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

Due to the delayed formation of the EAC, the State's FY 03-04 State Plan's publication in the *Federal Register* was not completed until May 2004. Because of this holdup in publication, the State did not fully implement all of its FY 2003-04 plan in that plan year and continued to progress toward implementation through the FY 2004-05 and current plan year. This FY 2005-06 State Plan incorporates the same basic theme as the FY 03-04 and the FY 04-05 plans, and generally reports upon the procedures implemented by the State in carrying out the previous plan, such as upgrades to voting systems throughout the State and specific voter education and outreach efforts undertaken by the State. The other key changes between the FY 04-05 and FY 05-06 plan center around federal and state funding changes, progress on implementation activities and development of new projects, and maintenance of efforts updates.

This current FY 06-07 State Plan updates the status of State performance goals and the various HAVA compliant projects, such as statewide voter registration. Also provided is a general update of achievements in the areas of training, accessibility, statewide voter registration, voter machine upkeep and maintenance, and outreach. This current plan further takes into account the Title II, Section 261 funds which had not been drawn prior to 2006.

M. Committee Description and Development of State Plan

Section 254(a)(13) requires a description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

The State's Advisory Committee consists of thirteen (13) members including the Secretary of State, local election officials from the two largest counties in the State and a variety of other election stakeholders[7]. The Secretary of State selected the committee membership and either he or his Chief Deputy acted as Chairman for each meeting held.

Members of the State Advisory Committee and their qualifications are as follows:

Thomas Allman, Rights Advocate/Project Coordinator, Nevada Disability Advocacy & Law
LaVonne Brooks, Executive Director, High Sierra Industries
Dan Burk, Washoe County Registrar of Voters
Jan Gilbert, N. NV Coordinator, Progressive Leadership Alliance of NV (PLAN)

[7] See Appendix B for Advisory Committee biographies and party affiliations.

Barbara Griffin, Douglas County Clerk
Ross Miller, Secretary of State
Ned Reed, Senior Deputy Attorney General (Appointee of Attorney General Cortez Masto)
Joshua J. Hicks, Legal Counsel to Governor (Appointee of Governor Jim Gibbons)
Ruben Kihuen, State Assemblyman, District 11
Larry Lomax, Clark County Registrar of Voters
Nicole Lamboley, Chief Deputy Secretary of State
Tony F. Sanchez, III, Esq., President, Latin Chamber of Commerce
Dr. Richard Siegel, President, American Civil Liberties Union of Nevada

Advisory Committee Staff in the Office of the Secretary of State and their qualifications are as follows:

Matthew M. Griffin, Esq., Deputy Secretary of State for Elections
Rajinder Rai-Nielsen, Esq., State HAVA Coordinator
Lindy Johnson, Committee Secretary, Administrative Assistant

To develop this FY 06-07 State Plan, the State Advisory Committee members, with the assistance of Staff, individually proposed revisions necessary to update the plan to reflect current circumstances. The FY 06-07 State Plan was made available for public inspection and comment for a 31-day period prior to submission of the plan to the Committee. The Secretary of State published the draft plan and notice of the comment period on April 6, 2007 in his offices, on his website, in the Nevada State Library, at all main county libraries throughout the State, all city and county clerks' offices, and at various other public agencies throughout the State. The notice made it clear that the Secretary of State would accept public comment in the form of e-mails, letters, faxes, etc. through April 11, 2007. Committee meetings were publicly held and noticed in accordance with Nevada's Open Meeting Law.[8] The committee met on April 11, 2007, to review the draft incorporating the proposed revisions and to consider comments submitted by the public. The FY 06-07 State Plan was formally adopted April 25, 2007.[9]

[8] Chapter 241 of the Nevada Revised Statutes.
[9] See Appendix C for corresponding meeting agenda.

APPENDIX A

Administrative Complaint Procedure
NAC 293.500 – 293.560, inclusive

COMPLAINTS ALLEGING VIOLATION OF TITLE III OF HELP AMERICA VOTE ACT OF 2002 (need to update)

NAC 293.500 Definitions. (NRS 293.124, 293.4685) As used in NAC 293.500 to 293.560, inclusive, unless the context otherwise requires, the words and terms defined in NAC 293.505 and 293.510 have the meanings ascribed to them in those sections.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.505 "Complainant" defined. (NRS 293.124, 293.4685) "Complainant" means a person who files a complaint with the Secretary of State pursuant to NAC 293.515.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.510 "Respondent" defined. (NRS 293.124, 293.4685) "Respondent" means a state or local election official against whom a complaint is filed pursuant to NAC 293.515.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.515 Filing; form; delivery of copy to respondents. (NRS 293.124, 293.4685)

1. A person who believes that a violation of Title III of the Help America Vote Act of 2002, Public Law 107-252, 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to occur may file a complaint with the Office of the Secretary of State.

2. A complaint filed pursuant to subsection 1 must:

(a) Be in writing, notarized and signed and sworn by the complainant. If the Secretary of State prescribes a form for the complaint, the complaint must be filed on that form.

(b) Provide the name of each respondent and a concise statement of the facts of the alleged violation of 42 U.S.C. §§ 15481 to 15502, inclusive.

(c) Be filed in the Office of the Secretary of State in Carson City:

(1) Not later than 60 days after the occurrence of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, is about to occur; or

(2) Not later than 60 days after the complainant knew or, with the exercise of reasonable diligence, should have known of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, is about to occur,

➥ whichever is later.

3. The complainant shall mail or deliver a copy of the complaint to each respondent not later than the date on which the complaint is filed.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.520 Review; dismissal and refiling. (NRS 293.124, 293.4685)

1. The Secretary of State or his designee will review each complaint filed pursuant to NAC 293.515 to determine whether the complaint:

(a) States a violation of 42 U.S.C. §§ 15481 to 15502, inclusive; and

(b) Complies with the requirements of NAC 293.515.

2. If a complaint fails to state a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, or does not comply with the requirements of NAC 293.515, the complaint will be dismissed without further action and notice of the dismissal will be provided to the complainant.

3. Except as otherwise provided in subsection 4, a complainant whose complaint has been dismissed pursuant to this section may refile the complaint within the time set forth in paragraph (c) of subsection 2 of NAC 293.515.

4. A complainant whose complaint has been dismissed for failure to state a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, may refile the complaint only one time.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.525 Consolidation; official record. (NRS 293.124, 293.4685)

1. The Secretary of State may consolidate complaints filed pursuant to NAC 293.515 if the complaints relate to the same action or event or raise a common question of law or fact. The Secretary of State will notify all interested parties if two or more complaints have been consolidated.

2. The Secretary of State will compile and maintain an official record in connection with each complaint filed pursuant to NAC 293.515.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.530 Hearing: Request; date; notice; nature. (NRS 293.124, 293.4685)

1. A complainant may request in a complaint filed pursuant to NAC 293.515 that the Secretary of State hold a hearing on the complaint.

2. If a complainant requests a hearing in accordance with subsection 1, the Secretary of State or his designee will conduct a hearing on the complaint, unless the complaint is dismissed pursuant to NAC 293.520. The hearing will be held not sooner than 10 days but not later than 30 days after a request for a hearing has been made in accordance with subsection 1.

3. The Secretary of State will provide notice of the date, time and place of the hearing at least 10 business days before the hearing:

(a) By mailing a copy of the notice to the complainant, each respondent and any interested person who has requested in writing to be advised of the hearing;

(b) By posting a copy of the notice in a prominent place at the Office of the Secretary of State that is available to the general public; and

(c) By posting a copy of the notice on the website of the Secretary of State.

4. A hearing held pursuant to this section is not a contested case for the purposes of chapter 233B of NRS.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.535 Hearing: Hearing officer; procedure. (NRS 293.124, 293.4685)

1. Except as otherwise provided in this subsection, the Secretary of State or his designee will act as the hearing officer for a hearing held pursuant to NAC 293.530. If the Secretary of State is a respondent in the complaint, the Secretary of State will appoint a designee who is an independent professionally qualified person to act as the hearing officer.

2. The complainant, any respondent and any interested member of the public may appear at the hearing, in person or by teleconference, and testify or present relevant evidence in connection with the complaint. All testimony to be considered in the hearing will be taken under oath. The hearing officer may limit the testimony of witnesses, if necessary, to ensure that all interested persons may present their views. The hearing officer may recess the hearing and reconvene the hearing at a later date, time and place, which must be announced publicly at the hearing.

3. A complainant, respondent or other person who testifies or presents evidence at the hearing may, but need not, be represented by an attorney.

4. Cross-examination at the hearing will be permitted only at the discretion of the hearing officer, but a person may testify or present evidence at the hearing to contradict any other testimony or evidence presented at the hearing. If a person has already testified or presented evidence at the hearing and wishes to contradict testimony or evidence presented subsequently, that person is entitled to be heard again only at the discretion of the hearing officer, who may authorize the person to provide an oral or written response, or both.

5. The hearing will be recorded on audiotape by and at the expense of the Office of the Secretary of State. The recording will not be transcribed, but the Secretary of State, a local board of elections or any party to the hearing may obtain a transcript of the hearing at its own expense. If a board or party obtains a transcript of a hearing, the board or party shall file a copy of the transcript as part of the record and any other interested party may examine the copy of the transcript on record.

6. Any party to the proceeding may file a written brief or memorandum with the hearing officer not later than 5 business days after the conclusion of the hearing. The party shall serve a copy of any such written brief or memorandum on all other parties not later than the time the written brief or memorandum is filed with the hearing officer. No responsive or reply memorandum to such a brief or memorandum will be accepted without the specific authorization of the hearing officer.

7. At the conclusion of the hearing and after any brief or memorandum has been filed pursuant to subsection 6, the hearing officer will determine whether, by a preponderance of the evidence, a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to occur.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.540 Review and determination when no hearing requested. (NRS 293.124, 293.4685) If a complainant has not requested a hearing on a complaint filed pursuant to NAC 293.515, the Secretary of State or his designee will review the complaint and any accompanying record and determine whether, by a preponderance of the evidence, a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to occur. If the Secretary of State is a respondent in the complaint, the Secretary of State will appoint an independent professionally qualified person to act as his designee pursuant to this section.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.545 Remedial action or dismissal; issuance of final determination. (NRS 293.124, 293.4685)

1. If the Secretary of State or his designee, whether acting as a hearing officer pursuant to NAC 293.535 or reviewing a complaint pursuant to NAC 293.540, determines that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to occur, the Secretary of State or his designee will provide the appropriate remedy, including, without limitation, an order to a respondent commanding the respondent to take specified action or prohibiting the respondent from taking specified action, with respect to a past or future election. Such a remedy will not include an award of money damages or attorney's fees.

2. If the Secretary of State or his designee, whether acting as a hearing officer pursuant to NAC 293.535 or reviewing a complaint pursuant to NAC 293.540, determines that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, has not occurred, is not occurring or is not about to occur, the Secretary of State or his designee will dismiss the complaint.

3. The Secretary of State or his designee will issue a final determination on a complaint made pursuant to subsection 1 or 2 in writing. The final determination will include an explanation of the reasons for the determination and, if applicable, the remedy selected.

4. Except as otherwise provided in NAC 293.550, a final determination of the Secretary of State or his designee on a complaint will be issued within 90 days after the complaint is filed, unless the complainant consents in writing to an extension. The final determination will be:

(a) Mailed to the complainant, each respondent and any interested person who has requested in writing to be advised of the final determination;

(b) Posted on the website of the Secretary of State; and

(c) Made available by the Secretary of State, upon request, to any interested person.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.550 Proceedings for alternative dispute resolution. (NRS 293.124, 293.4685)

1. If the Secretary of State or his designee does not render a final determination on a complaint filed pursuant to NAC 293.515 within 90 days after the complaint is filed, or within any extension period to which the complainant has consented, the Secretary of State will, on or before the fifth business day after the final determination was due to be issued, initiate proceedings for alternative dispute resolution by:

(a) Retaining an independent, professionally qualified person to act as an arbitrator, if the complainant consents in writing to his appointment as the arbitrator at the time of his appointment; or

(b) Designating in writing to the complainant the name of an arbitrator to serve on an arbitration panel to resolve the complaint. If proceedings for alternative dispute resolution are initiated pursuant to this paragraph, not later than 3 business days after the complainant receives such a designation from the Secretary of State, the complainant shall designate in writing to the Secretary of State the name of a second arbitrator. Not

later than 3 business days after such a designation by the complainant, the two arbitrators so designated shall select a third arbitrator to complete the panel.

2. The arbitrator or arbitration panel may review the record compiled in connection with the complaint, including, without limitation, the audio recording of the hearing, any transcript of the hearing and any briefs or memoranda submitted by the parties but shall not receive any additional testimony or evidence unless the arbitrator or arbitration panel requests that the parties present additional briefs or memoranda.

3. The arbitrator, or arbitration panel by a majority vote, shall determine the appropriate resolution of the complaint.

4. The arbitrator or arbitration panel shall issue a written resolution of the complaint not later than 60 days after the final determination of the Secretary of State was due pursuant to NAC 293.545. This period for issuing a written resolution will not be extended.

5. The final resolution of the arbitrator or arbitration panel will be:

(a) Mailed to the complainant, each respondent and any other person who requested in writing to be advised of the final resolution;

(b) Posted on the website of the Secretary of State; and

(c) Made available by the Secretary of State, upon request, to any interested person.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.555 Final determination or resolution not subject to appeal. (NRS 293.124, 293.4685) A final determination of the Secretary of State or his designee pursuant to NAC 293.535, 293.540 or 293.545 or the final resolution of an arbitrator or arbitration panel pursuant to NAC 293.550 is not subject to appeal in any state or federal court.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.560 Assistance in using procedures. (NRS 293.124, 293.4685) The Secretary of State will make reasonable accommodations to assist persons in using the procedures set forth in NAC 293.500 to 293.560, inclusive.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

APPENDIX B

Advisory Committee Biographies and Affiliations

State Advisory Committee Biographies

NAME	TITLE - ORGANIZATION	BIOGRAPHY
Allman, Thomas	Rights Advocate/Projects Coordinator, NDALC	Tom has been with Nevada Disability Advocacy & Law Center (NDALC) in Las Vegas. As a Rights Advocate/Projects Coordinator for 4 ½ years where he has been the HAVA, (Help America Vote Act) Coordinator. As NDALC's HAVA Coordinator under his agency's HAVA Grant has been to assure full access to the electoral process so that people with disabilities can register to vote and vote with complete independence and privacy. His duties include conducting voting rights outreach meetings to disability organizations, monitoring through site visits ADA compliance for polling places and providing monitoring and technical assistance of both State and County Election Departments to assure they are in compliance with HAVA sections as they relate to people with disabilities. His other agency duties involve coordinating the annual staff training and resolving many ADA compliance issues regarding access to private and government buildings. He has over 18 years working with people with disabilities including his over 7 years as Director of the Corrections Office for the Massachusetts Rehabilitation Commission in Boston. Both his Doctorate in Rehabilitation and Masters in Education in Counseling Psychology are from Boston College, while his J.D. is from Thomas Jefferson School of Law in San Diego.
Brooks, LaVonne	Executive Director, High Sierra Industries (HSI)	Bachelor and Master in Organizational Management and Development. First Hispanic Female appointed to serve as a City of Reno Planning Commissioner and appointed to serve as Vice Chair on the Governor's Task Force for Provider Rates in 2001 & 2002. Prior to joining HSI, LaVonne worked for an international consulting firm for 2 years and spent 14 years with a computer manufacturing company. She then owned her own training & development company specializing in improving performance through computer upgrades.
Burk, Dan	Registrar of Voters, Washoe County	B.A. in Public Administration, U of North Texas (1970). M.A. in History, U of Northern Colorado (1977). Worked over 20 years in all aspects of election procedures in Oregon, from Director of Records and Elections, Liaison Officer in the Archive Division to membership on the committee for the implementation of the ADA (American Disabilities Act) regarding Oregon's standards for handicapped access to polling locations.
Gilbert, Jan	Northern Nevada Coordinator, PLAN	B.A. Economics from UCLA. She co-founded the Progressive Leadership Alliance of Nevada (PLAN). Prior to working on economic and environmental justice issues at the state legislature for 24 years, she began advocacy work for the League of Women Voters. She has received several Humanitarian Awards including the Women's role Model Award from the Attorney General and the Hannah Humanitarian Award from the Committee to Aid Abused Women. She also served on the Department of Human Resources Block Grant Commission for 7 years and was Chairman for two of those years.
Griffin, Barbara	County Clerk, Douglas County	Barbara was first elected Clerk-Treasurer in 1986 but has worked in the Douglas County Clerk-Treasurer's office since November of 1973. Her key interest and commitment is the election process and the advancements currently being taken to allow voters easy accessibility to vote.
Appointment: Hicks, Joshua	General Counsel to the Governor	Joshua Hicks joined the Governor's office as General Counsel in January 2007. He previously served as a Senior Deputy Attorney General in the Nevada Department of Justice, representing the Secretary of State, the Nevada Tax Commission and the Nevada Department of Taxation. While at the Nevada Department of Justice, Josh argued cases in front of various Nevada District Courts, the Nevada Supreme Court, the United States District Court for the District of Nevada, the United States Bankruptcy Court for the District of Nevada, and the United States Court of Appeals for the Ninth Circuit. He was the lead attorney on eight published cases. Josh has also served as a law clerk to both the Nevada Supreme Court and the United States District Court for the District of Nevada. He received his Bachelor of Arts degree from Santa Clara University in 1995 and his Juris Doctorate from Santa Clara University in 1998. He has been a licensed attorney in Nevada since 1998. Hicks' wide ranging areas of practice include administrative and regulatory law, election law, state tax law, bill drafting, state personnel law, open meeting law, constitutional law, and public contracts. Josh lives in Reno and is a third-generation native Nevadan. He is married to KC Hicks, who works as a registered nurse in the oncology department at Renown Health.

NAME	TITLE - ORGANIZATION	BIOGRAPHY
Kihuen, Ruben	Assemblyman, Clark District 11	Born: 1980 – Guadalajara, Jalisco, Mexico. Educated: Rancho High School, Diploma; University of Nevada, Las Vegas, B.S., Education; University of Oklahoma, Masters in Public Administration (completing). Hobbies/Special Interests: Reading, traveling, motivating youth, soccer, weight lifting and exercising, movies. LEGISLATIVE SERVICE: Nevada Assembly, 2007 (first elected November 2006). AFFILIATIONS: Board of Directors, Volunteer Center of Southern Nevada; Member, Clark County Community Development Advisory Committee; Member, North Las Vegas Citizens Advisory Committee; Volunteer, Professionals and Youth Building a Commitment (PAYBAC); Member, Latin Chamber of Commerce; Member, Nevada Hispanic Democratic Caucus; Member, National Association of Latino Elected and Appointed Officials. PERSONAL AND PROFESSIONAL ACHIEVEMENTS: Former Regional Representative to United States Senator Harry Reid; named DASHPAC National Young Leader, 2004; represented Nevada at the Next Generation Democratic Leaders Conference hosted by Senator Hillary Rodham Clinton, 2004; John F. Kennedy Award, Nevada State Democratic Party, 2006; Mexican Legend Award, Julio Cesar Chavez Educational Foundation, 2006; Community Activist of the Year, Familias Unidas de Nevada, 2005-2006; Outstanding Community Activist, City of Las Vegas, 2006; Grand Marshall, Hispanic Day Parade, 2006; Nevada High Schools Soccer Player of the Year, 1997-1998; worked as Field Organizer for the Democratic National Committee for political campaigns in Virginia, Texas, and Florida.
Lamboley, Nicole	Chief Deputy Secretary of State	Nicole Lamboley, Chief Deputy Secretary of State, was appointed by Secretary Ross Miller in January 2007. Ms. Lamboley has spent the past 18 years working in different capacities in the area of public and government affairs, about half of which have been spent working in the public sector. Prior to joining Secretary Miller's administration, she served as campaign manager for Attorney General Catherine Cortez Masto. Before that, Ms. Lamboley served as Legislative Affairs Manager for the City of Reno and was in charge of the city's state, federal and intergovernmental lobbying efforts. Her career also includes positions as Senior Regional Manager for the National Association of Manufacturers, Deputy Chief of Staff to former Nevada Governor Bob Miller, and Production Manager for the Herriman Communications' Center. Ms. Lamboley received her Bachelors degree from the University of Notre Dame and her Masters degree in Public Policy from Georgetown University
Lomax, Larry	Registrar of Voters, Clark County	B.A. in English Literature, Stanford University (1967) and Master of Business Administration from University of North Dakota (1977). He was a Distinguished Graduate from the Air Force's Officer Training School and as a pilot flew over 4,000 hours in a 30 year career. He served on the Joint Staff in Washington D.C. and had the opportunity to work with legislators and staff members on a wide range of issues. He began his career as Assistant Registrar for Registrations in January of 1998 overseeing the training of 7,000 election board officers, processing of petitions, and election night logistics and was appointed Registrar of Voters with full responsibility for the County's Election Department in March of 1999.
Miller, Ross	Secretary of State	Ross Miller was sworn into office on January 1st 2007. Ross is a third-generation Nevadan who previously served as a Deputy District Attorney in Clark County, Nevada. Ross holds a dual degree, in law (J.D.) and a Masters in Business Administration (M.B.A.), from Loyola Marymount University, in Los Angeles. He completed his undergraduate studies at Stanford University in California, earning a Bachelor of Arts major in English, with minors in Psychology and Political Science. While at Stanford, Ross served as a White House Intern, where he worked under then-Cabinet Liaison Thurgood Marshall, Jr.
Appointment: Reed, Ned	Senior Deputy Attorney General	Edward T. "Ned" Reed is a lifelong and fifth-generation Nevadan, currently serving as a Senior Deputy Attorney General representing the Nevada Secretary of State. He grew up in Reno, and graduated from Tulane University in 1975 with a B.A. in Philosophy, and after graduation served 4 years active duty military as a U.S. Army officer at Fort Hood, Texas. He attended McGeorge School of Law in Sacramento, California, graduating in 1985 with a juris doctor. Since becoming an attorney in 1985, he has served as a law clerk to the Honorable Mario Recanzone of the Third Judicial District Court in Fallon, Nevada, Deputy District Attorney in Humboldt County, Nevada, from 1987 to 1990, private practice in Reno from 1990 to 1992, and since 1992 has been a Deputy Attorney General in Carson City.

NAME	TITLE - ORGANIZATION	BIOGRAPHY
Sanchez, Tony F., III	Attorney, Jones Vargas	B.A. UNLV (1988), Arizona State University College of Law (J.D. 1991). Served as Assistant Legislative Counsel to U.S. Senator Richard H. Bryan 1(1992-1995). Assistant General Counsel for the NV Public Utilities Commission (1995-1998) and Executive Assistant to Governor Bob Miller (1998-1999). President, Latin Chamber of Commerce 2002 and 2003; Trustee, Las Vegas Chamber of Commerce (2001-2004); Clark County Early Advisory Board 2001 and Vice President, Latino Bar Association 2000-01. Partner, Jones Vargas Law Firm with emphasis in Legislative and Government Relations, Utility and Transportation Law, Administrative Law, Planning and Zoning and Civil Litigation.
Siegel, Dr. Richard	President, ACLU of Nevada	Political Science Professor Emeritus at the University of Nevada, Reno since 1965. His academic specialties are foreign policy and international human rights. He served on the National Board of Directors of the American Civil Liberties Union from 1975-1988 and currently is President of the ACLU of Nevada. He is also active with the Nevada Committee on Foreign Relations, and the Progressive Leadership Alliance of Nevada.

APPENDIX C

Agenda for April 11, 2007 Advisory Committee Meeting

NEVADA STATE ADVISORY COMMITTEE

AGENDA

Meeting: **Wednesday, April 11, 2007 at 1:30 p.m.**

Room 105	Room: To Be Announced
Blasdel Building	Grant Sawyer Building (via video)
209 E. Musser Street	555 East Washington Street
Carson City, Nevada	Las Vegas, Nevada

I. Introduction and Welcome
Ross Miller, Secretary of State

II. Update on Status of HAVA Compliance and State/Federal Funding Issues

III. First Review of Proposed HAVA State Plan for 2006-2007

IV. Comments of Committee Members

V. Public Comment

VI. Adjournment

Notice of this meeting has been posted at the following locations:

Offices of the 17 County Clerks/Registrar of Voters
The Capitol Building, 101 North Carson Street, Carson City, Nevada
Grant Sawyer State Office Building, 555 East Washington Street, Las Vegas, Nevada
The State Legislative Building, 401 South Carson Street, Carson City, Nevada
The State Library and Archives, 100 North Stewart Street, Carson City, Nevada

Notice of this meeting was posted on the following website:
http://secretaryofstate.biz

Posted April 6, 2007.
We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. Please notify the Elections Division at the Secretary of State's office by calling (775) 684-5705

APPENDIX D

Agenda for April 25, 2007 Advisory Committee Meeting

NEVADA STATE ADVISORY COMMITTEE

AGENDA

Meeting: **Wednesday, April 25, 2007 at 1:30 p.m.**

Room 105	Suite 1400
Blasdel Building	Grant Sawyer Building (via video)
209 E. Musser Street	555 East Washington Street
Carson City, Nevada	Las Vegas, Nevada

VII. Introduction and Welcome
Matthew M. Griffin, Deputy for Elections

* II. Second Review of Proposed HAVA State Plan for 2006-2007

VIII. Comments of Committee Members

IX. Public Comment

X. Adjournment

Items marked with '*' are items on which action may be taken

Notice of this meeting has been posted at the following locations:

Offices of the 17 County Clerks/Registrar of Voters
The Capitol Building, 101 North Carson Street, Carson City, Nevada
Grant Sawyer State Office Building, 555 East Washington Street, Las Vegas, Nevada
The State Legislative Building, 401 South Carson Street, Carson City, Nevada
The State Library and Archives, 100 North Stewart Street, Carson City, Nevada

Notice of this meeting was posted on the following website:
http://secretaryofstate.biz

Posted April 20, 2007
We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. Please notify the Elections Division at the Secretary of State's office by calling (775) 684-5705

APPENDIX E

October 3, 2006 Batch Emergency Regulations

SECRETARY OF STATE
FILING DATA

For Filing
Administrative Regulations

Agency Secretary of State

FOR EMERGENCY
REGULATIONS ONLY

Effective date ~~September 25, 2006~~ October 3

Expiration date January ~~25~~ 31, 2007

Governor's signature

Classification: ☐ PROPOSED : ☐ ADOPTED BY AGENCY : X EMERGENCY

Brief description of action Update election regulations pertaining to the statewide voter registration list required by NRS 293.675 and 42 U.S.C. 15483. Specifically, these regulations set out the procedures by which the statewide voter registration list is maintained and utilized.

Authority citation other than 233B: NRS 293.124, 293.247, 293. 4685, 293. 507, 293.5235, and 293.524.

Notice dates: N/A

Date of Adoption by Agency: September 25, 2006

Adoption Hearing: N/A

Hearing dates: N/A

Adoption Hearing: N/A

Written Statement of Emergency in Support of Emergency Regulations

The Nevada Secretary of State has determined that an emergency exists sufficient to warrant the enactment of emergency regulations pertaining to the statewide voter registration system required by the Help America Vote Act of 2002 (42 U.S.C. § 15301 et. seq.) ("HAVA") and NRS § 293.675. The reasons for the Secretary of State's determination are as follows:

- HAVA and NRS § 293.675 require the Secretary of State to establish and maintain an official statewide voter registration list. Prior to the enactment of HAVA and NRS § 293.675, official voter registration lists were maintained on a county by county basis.

- In 2004, the Secretary of State contracted with Covansys Corporation whereby Covansys Corporation was to develop a comprehensive and interactive statewide voter registration list and election management system. In early 2006, the Secretary of State was forced to terminate the contract with Covansys Corporation after it became apparent that development of the promised statewide voter registration list and election management system was significantly behind schedule and would not be ready for use in the 2006 primary and general election.

- The Secretary of State thereafter developed a comprehensive and interactive statewide voter registration list in only a few months using his own staff and resources. The statewide voter registration system was named NevVoter and is fully operational and ready for use in the 2006 general election.

- The emergency regulations set forth the procedures by which the statewide voter registration list is utilized and updated by state and county election officials. The procedures are necessary to clearly establish uniform rules by which the list is to be used by election officials throughout the State.

- The Secretary of State envisions that the emergency regulations will be enacted as permanent regulations after the 2006 general election. Due to the impending general election, the Secretary of State is currently without the time to undertake the process to enact permanent or temporary regulations for the statewide voter registration list.

September 25th, 2006.

DEAN HELLER
Secretary of State

I, Governor Kenny C. Guinn, endorse the Secretary of State Dean Heller's statement of emergency.

October ~~September~~ 3, 2006.

KENNY C. GUINN
Governor

PROPOSED EMERGENCY REGULATION OF

THE SECRETARY OF STATE

LCB File No. _____

Effective: October 3, 2006

EXPLANATION – These regulations pertain to the statewide voter registration list required by NRS 293.675 and 42 U.S.C. 15483. Specifically, these regulations set out the procedures by which the statewide voter registration list is maintained and utilized.

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

AUTHORITY: NRS 293.124; 293.675.

A REGULATION relating to elections and providing other matters properly relating thereto.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 29, inclusive, of this regulation.

Sec. 2. Purpose.

1. The purpose of these emergency regulations is to establish standards and procedures for the processing, transmittal, and maintenance of voter registration records in a manner that conforms with the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 (HAVA) (Pub. L. No. 107-252 (2002) 116 Stat. 1666, 42 U.S.C. § 15483) and NRS 293.675.

2. These emergency regulations apply to the Secretary of State and all elections officials within the State of Nevada responsible for the processing, transmittal, and maintenance of voter registration records in this state.

Sec. 3. Statewide Voter Registration Database.

1. The statewide voter registration list will be maintained in a single, official, uniform, centralized and interactive computerized database administered and maintained by the Secretary of State. The database shall be known as "NevVoter."

2. NevVoter will contain the official and exclusive voter registration list to be used for the conduct of all state and federal elections in Nevada. NevVoter shall contain the name and pertinent registration information of every registered voter in Nevada.

3. Registration information held solely in a county or local database is not considered part of NevVoter unless and until that information is electronically submitted to NevVoter as prescribed by regulation.

4. Each county or local election official must maintain interactive and compatible software and protocols that allow a daily transfer of required registration information from County Election Management Systems to NevVoter.

Sec. 4. Definitions.

As used in this Chapter, the following words have the following definitions:
1. "Active voter" means any registered voter that is legally entitled to vote.

2. "Business day" means any calendar day except Saturday and Sunday or a legal holiday pursuant to Nevada law.

3. "Canceled" means the status of a voter whose registration has been canceled pursuant to law and is therefore ineligible to vote, including but not limited to convicted felons who have not had their civil rights restored and persons who have been adjudicated mentally incompetent. A voter on canceled status is deemed not registered to vote.

4. "Critical Eligibility Criteria" means voter information that, if missing, renders a person ineligible to vote. Such information includes: name; residence address; date of birth, signature; Nevada driver's license number, last four digits of social security number, unique identification number or indication that person has signed the affidavit prescribed by NRS 293.507(5).

5. "County Elections Management System" means any computerized application and database that manages voter registration and related election functions for a county, other than NevVoter.

6. "County Elections Official" means a county clerk or registrar of voters who is responsible for collecting, maintaining and processing voter registration data within a jurisdiction in the State of Nevada.

7. "Data Exchange Standards" means the document prepared by the Secretary of State that sets forth the technical rules and requirements of NevVoter.

8. "Deficient registration record" means those records submitted to NevVoter that do not meet the NevVoter data exchange standards set forth in the "Data Exchange Standards Document".

9. "Federal election" means any general, special, primary, or runoff election for any Federal office (President, Vice President, U.S. Senator or U.S. Representative), including presidential preference primaries.

10. "Full load file" means an electronic data file containing all county voter registration records. Such a file must adhere to the format standards and requirements set forth in the "Data Exchange Standards Document".

11. "Inactive voter" means a voter whose mail is returned from the address at which he registered to vote and has not provided a County Elections Official with a new residence address. Inactive voters retain the legal right to vote, but need not be mailed election material.

12. "List maintenance notices" mean any notices mailed to a registered voter for the purpose of verifying registration information about a voter and to determine a voter's ongoing eligibility to vote.

13. "Nevada driver's license" means a voter's Nevada driver's license or state identification number that has been issued by the Nevada Department of Motor Vehicles.

14. "NevValidator" means the computer interface by which an election official can compare a Nevada driver's license number or social security number on a voter's registration record with the voter's Nevada driver's license number or social security number recorded with the Nevada Department of Motor Vehicles and the Social Security Administration.

15. "NevVoter Procedures Manual" means the most recent version of the procedures manual prepared by the Secretary of State for use by County Election Officials in the administration of NevVoter.

16. "Official Identification" means the forms of proof of residency and identity required by NRS 293.517.

17. "P-17" means the status for a voter who was under age 18 at the time his voter registration was submitted, but who will be age 18 or older by election day and who has met all other legal requirements to vote.

18. "Pending" means the status for a voter who has submitted a voter registration application that is missing certain information and includes:

(a) "Active Pending" means a voter with certain registration information that needs to be confirmed but who has otherwise provided all critical eligibility criteria, or a voter who is required to provide some type of identification before voting but who is otherwise is still eligible to vote; and

(b) "Fatal Pending" means a voter who is missing critical eligibility criteria and who is ineligible to vote until the missing information is submitted to the appropriate County Elections Official.

19. "Registration record" means electronically stored data associated with an individual registered voter.

20. "Social security number" means the last four digits of a voter's social security number issued by the Social Security Administration.

21. "Voided" means the status of a voter whose registration information has been declared void pursuant to law and is therefore ineligible to vote. A voter on voided status is deemed not registered to vote.

22. "Voting History" means the electronic record of each time a voter participates in a state or Federal election.

Sec. 5. Official Statewide Voter Registration List.

1. A County Elections Official shall submit the voter registration information required by the Data Exchange Standards Document for his respective county to NevVoter in accordance with Section 12.

2. The official statewide voter registration list for Federal elections shall be maintained in NevVoter. County Elections Officials must use the NevVoter list to determine eligibility to vote, issuance of ballots, whether or not to count a provisional ballot, and for any other election related functions.

3. For the purposes of establishing the official voter registration list for a Federal election and determining voter eligibility to vote in that election, including determining the validity of any provisional ballot cast in that election, the Secretary of State shall archive a copy of all eligible voters in NevVoter on the 19th day prior to an election. No changes may be made to the archived records prior to the upcoming election except under the following circumstances:

(a) New or updated voter registration data received pursuant to the production and filing of a certified copy of a judgment of a court of competent jurisdiction directing registration to be made;

(b) Voter registration data regarding a voter determined by the Secretary of State or a County Elections Official to have been legally registered to vote as of the close of registration; or

(c) Voter registration data submitted pursuant to NRS 293.502.

4. County Election Officials shall continue to submit information to NevVoter after the 19th day prior to an election but any such records shall not be included in the archived list for the upcoming election created pursuant to subsection 3.

5. The Secretary of State shall prepare an official statewide voter registration list for the upcoming election for distribution to each County Election Official from the archived records created pursuant to subsection 3 and which must be consistent with pollbooks, rosters, master lists, and posting logs generated from a County Elections Management System for use in the upcoming election and for all other official election purposes.

6. No later than four calendar days before an election, the Secretary of State shall prepare a final official statewide voter registration list for use in the upcoming election which reflects the archived records created pursuant to subsection 3, along with any permitted changes to those records, for distribution to each County Election Official and which must be consistent with pollbooks, rosters, master lists and posting logs generated from a County Elections Management System for use on the upcoming election day and for all other official election purposes.

7. Within 45 days of the date the election is certified, a County Elections Official must submit a full load file which includes the Voting History for each voter in a County Election Management System. The Secretary of State shall thereafter update the list created pursuant to subsection 6 with the Voter History of all eligible voters, and the list shall then be archived and preserved.

Sec. 6. Status of Voters in NevVoter.

1. Every person in NevVoter shall be assigned a status that will be used to determine eligibility to vote in an election.

2. Persons with "active," "inactive" or "active pending" status shall be considered eligible to vote.

3. Persons with "p-17" status shall be considered eligible to vote in any election that takes place on or after that person's eighteenth birthday.

4. Persons with "void," "cancelled" or "fatal pending" status shall be considered ineligible to vote. A person with any such status may be placed on a different status up to the date of the election if a County Election Official determines pursuant to law that the person's status should be changed, and that change is thereafter made to a County Election Management System and submitted to NevVoter.

Sec. 7. Action Required.

1. A County Elections Official who receives a notice from the Secretary of State or another County Elections Official requesting a change to, or cancellation of, or verification of, a voter's registration record shall commence the requested action, including sending any required notices, within five (5) calendar days after receipt of the notice. A County Elections Officials shall undertake all reasonable and legally required actions to research and comply with the requested action. A County Elections Official shall follow the procedures set forth in the NevVoter Procedures Manual.

2. In the event that a County Elections Official is required by law to provide a notice to a voter in order to comply with the requested action, a County Elections Official must complete the requested action and submit a fully complete and updated full load file to NevVoter within thirty (30) calendar days of the date the County Elections Official receives the notice set forth in subsection 1 of this section.

3. In the event that a County Elections Official is not required by law to provide a notice to a voter in order to comply with the requested action, including but not limited to data entry errors, a County Elections Official must complete the requested action and submit a fully complete and updated full load file to NevVoter within ten (10) calendar days of the date the County Elections Official receives the notice set forth in subsection 1 of this section.

4. A County Elections Official shall give priority to all notices received from the Secretary of State pursuant to subsection 1 of this section which pertain to voter registration applications submitted on and after January 1, 2006.

5. A County Elections Official who receives a notice pursuant to subsection 1 of this section before the date of an election must expedite and complete the required action by the date of the election.

6. A County Elections Official may, in his discretion, resolve any data entry errors regardless of how or by whom such errors were generated.

Sec. 8. Data Exchange Standards.

1. The Secretary of State shall regularly check and identify records that are not compliant with the Data Exchange Standards Document. County Elections Officials must correct deficient registration records in accordance with Section 7.

2. Except as provided in Section 5, County Elections Officials must submit all registration records listed in the Data Exchange Standards Document to NevVoter. Such records shall adhere to proper format as noted in the Data Exchange Standards Document.

3. The Secretary of State shall transmit registration records, notices, and other information regarding NevVoter to County Elections Officials each night.

4. Each County Elections Official must access NevVoter each business day to obtain the most current voter registration information.

5. The Data Exchange Standards Document may be accessed by elections officials by contacting the Secretary of State's Office.

Sec. 9. County Elections Management System Requirements.

Each elections official shall maintain a County Elections Management System that is able to submit information required by the Data Exchange Standards Document to NevVoter in accordance with Section 5 and Section 12. The Elections Management Systems shall also maintain and process all of the following information:

1. The voter's Nevada driver's license number, or for voters without a Nevada driver's license number, the last four digits of the voter's social security number, or for voters without a Nevada driver's license or a social security number, a record of whether the voter signed the affidavit required by NRS 293.507(5);

2. Whether the voter is an Active voter or whether critical eligibility criteria are missing;

3. Voting history of each registered voter in the county in which the elections official conducts and administers the elections;

4. Whether any voter failed to provide the requisite identification at the time his voter registration application was submitted;

5. Whether any voter registered by mail after January 1, 2006 and has not previously voted in a federal election;

6. The date and type for each mailing list maintenance notice sent to a voter, whether the voter to whom the list maintenance notice was directed responded to the notice, and any resulting updates to voter registration records;

7. For a voter who is listed in an Elections Management System as an inactive voter, the reason for the change in status to inactive voter and the date of the change;

8. For a voter who is listed in an Elections Management System as having a cancelled or void registration, the reason for the change in status to cancelled or void and the date of the change;

9. For a voter who is listed in an Elections Management System as having a pending registration, the reason for the pending status; and

10. The voter's unique identifier assigned pursuant to Section 29 of these regulations.

Sec. 10. Critically Deficient Registration Records.

A registration record submitted for the purposes of updating NevVoter that does not contain critical eligibility criteria shall be placed on fatal pending status. A County Elections Official shall take all reasonable steps to correct and resubmit the voter's registration record to NevVoter in accordance with the time periods and procedures set

forth in Section 7 of these regulations, and at the latest, by the Wednesday before an election. A voter who is the subject of the critically deficient registration record shall not be deemed eligible to vote until the deficient registration record is corrected, resubmitted to and accepted by NevVoter. This Section shall not preclude the right of an individual to cast a provisional ballot.

Sec. 11. Verification of Nevada Driver's License Numbers on Registration Applications Submitted on or After January 1, 2006.

1. Each business day the Secretary of State shall compare driver's license numbers for each voter in NevVoter with the driver's license data file from the Nevada Department of Motor Vehicles in order to match Nevada driver's license numbers for all registered voters in NevVoter.

2. The Secretary of State shall immediately notify a County Elections Official of any voters who the Secretary of State determines have an unmatched driver's license number as the result of the process in subsection 1 of this section.

3. A County Elections Official noticed pursuant to subsection 2 of this section shall take the necessary steps to correct and resubmit the voter's registration record to NevVoter in accordance with the time periods and procedures set forth in Section 7 of these regulations and the NevVoter Procedures Manual.

4. If, as a result of the procedure set forth in subsection 3 of this section, a County Elections Official determines that an unmatched driver's license number was the result of a data entry error, the County Elections Official shall correct the error and submit a full load file to NevVoter.

5. If a County Elections Official is unable to obtain a driver's license number as the result of the procedure set forth in subsection 3 of this section, a voter shall not be allowed to cast any ballot except a provisional ballot unless the voter has provided his social security number or has signed the affidavit required by NRS 293.507(5). A voter who provides proof of his correct driver's license number at a polling place shall be considered to have provided the correct number as of the last day to register for that election. A County Elections Official shall enter the correct number into a County Elections System and submit a full load file to NevVoter at the next time a full load file is required by these regulations.

6. The provisions of this section apply only to voter registration applications submitted on and after January 1, 2006.

7. The provisions of this section do not apply if a voter has provided a social security number that has been verified pursuant to Section 17 or if a voter has signed the affidavit required by NRS 293.507(5).

8. All voter registration applications submitted on and after January 1, 2006 and before an election must be processed by the date of the close of registration for that election.

Sec. 12. Full Load Files.

Except as provided in Section 5, County Elections Officials shall submit a full load file to NevVoter at least once every twenty-four hours.

Sec. 13. Updating NevVoter with New Registration Records and Changes to Existing Registration Records.

Except as provided in Section 5, whenever a County Elections Official receives a new registration record or a change to an existing registration record or makes a change to an existing registration record, whether in response to a notice from the Secretary of State or otherwise, the County Elections Official shall process such information and transmit a full load file to NevVoter in accordance with Section 12 on the same business day in which the changes are made to the County Elections Management System. Additionally, the County Elections Official shall keep a record of all changes made.

Sec. 14. State Death Records.

1. The Secretary of State shall compare all voter registration records with records of deceased persons from the Department of Health and Human Services each time the Department of Health and Human Services updates its records of deceased persons.

2. Whenever the Secretary of State receives new records of deceased persons from the Department of Health and Human Services the records shall be compared to the voter registration records in NevVoter to identify potential matches.

3. Upon identifying potential matches, the Secretary of State shall transmit notices of the potential matches to the appropriate County Elections Officials.

4. A County Elections Official shall correct and resubmit the voter's registration record to NevVoter in accordance with the time periods and procedures set forth in Section 7 of these regulations and the NevVoter Procedures Manual.

5. If a match is confirmed by the County Elections Official, the County Election Management System shall be updated accordingly and a full load file shall be submitted to NevVoter in accordance with Section 7 and Section 12. If a match is confirmed, a County Elections Official may consider the notice sent by the Secretary of State pursuant to subsection 3 of this section to be a sufficient notice to cancel a registration pursuant to NRS 293.540(1).

6. If a match is not confirmed by the County Elections Official, the County Elections Official shall notify the Secretary of State and shall not list the voter as deceased in a County Election Management System.

Sec. 15. Felony Records.

1. Each County Elections Official shall compare all voter registration records with records of convicted felons received from any law enforcement agency or from the Secretary of State whenever the County Elections Official receives updated felony records.

2. Whenever the County Election Official receives new records of convicted felons the records shall be compared to the voter registration records in County Elections Management System to identify potential matches.

3. Upon identifying potential matches, the County Election Official shall determine whether the convicted felon has had his right to vote restored pursuant to NRS 213.090, 213.155, 213.157 or 293.540.

4. If a County Election Official determines that a convicted felon has had his right to vote restored, the County Election Management System shall be updated accordingly and a full load file shall be submitted to NevVoter in accordance with Section 7 and Section 12.

5. If a County Elections Official determines that a convicted felon has not had his right to vote restored, the County Elections Official shall cancel the registration of that person in a County Election Management System and a full load file shall be submitted to NevVoter in accordance with Section 7 and Section 12.

Sec. 16. Duplicate Registration Records.

1. Each business day, the Secretary of State shall conduct checks within the NevVoter statewide registration list to identify potential duplicate registrations for the same voter within that list, based on established rotating criteria. Upon identification of potential duplicate registration records, the Secretary of State shall automatically send an electronic notice to the county or counties with the record or records created prior to the latest date.

2. A County Elections Official noticed pursuant to subsection 1 of this section shall correct and resubmit the voter's registration record to NevVoter in accordance with the time periods and procedures set forth in Section 7 of these regulations and the NevVoter Procedures Manual.

3. If a County Election Official confirms that duplicate registrations exist, all but the most current registration shall be cancelled in a County Election Management System and a full load file shall be submitted to NevVoter in accordance with Section 7 and Section 12. If a duplicate registration is confirmed, a notice sent pursuant to subsection 1 of this section shall operate as a cancellation notice for purposes of NRS 293.527.

Sec. 17. Verification of Social Security Numbers Listed on Registration Applications Submitted on or After January 1, 2006.

1. Each business day, the Secretary of State shall compare social security numbers for each voter in NevVoter with the social security number data file from the Social Security Administration in order to match social security numbers for all registered voters in NevVoter.

2. The Secretary of State shall immediately notify a County Elections Official of any voters who the Secretary of State determines have an unmatched social security number as the result of the process in subsection 1 of this section. .

3. A County Elections Official noticed pursuant to subsection 2 of this section shall take the necessary steps to correct and resubmit the voter's registration record to NevVoter in accordance with the time periods and procedures set forth in Section 7 of these regulations and the NevVoter Procedures Manual.

4. If, as a result of the procedure set forth in subsection 3 of this section, a County Elections Official determines that an unmatched social security number was the result of a data entry error, the County Elections Official shall correct the error and submit a full load file to NevVoter.

5. If a County Elections Official is unable to obtain a social security number as the result of the procedure set forth in subsection 3 of this section, a voter shall not be allowed to cast any ballot except a provisional ballot unless the voter has provided a Nevada driver's license number or has signed the affidavit required by NRS 293.507(5). A voter who provides proof of the correct social security number at a polling place shall be considered to have provided the correct number as of the last day to register for that election. A County Elections Official shall enter the correct number into a County Elections System and submit a full load file to NevVoter at the next time a full load file is required by these regulations.

6. The provisions of this section apply only to voter registration applications submitted on or after January 1, 2006.

7. The provisions of this section do not apply if a voter has provided a Nevada driver's license number that has been verified pursuant to Section 11 or if a voter has signed the affidavit required by NRS 293.507(5).

8. All voter registration applications submitted on and after January 1, 2006 and before an election must be process by the date of the close of registration for that election.

Sec. 18. Voting History.

A County Elections Official shall submit to the Secretary of State the Voter History of all voters who cast a ballot in each statewide and Federal election by the 45th day after each election.

Sec. 19. Certification of Elections Official.

By submitting a full load file to NevVoter, a County Election Official certifies that the information contained therein is accurate, is in compliance with State and Federal law, and was submitted to NevVoter via secure file transfer protocols and in accordance with applicable law.

Sec. 20. Obligations of State and Local Election Officials.

Any voter registration information obtained by a County Elections Official shall be electronically entered into the County Elections Management System and into NevVoter on an expedited basis at the time the information is provided. The Secretary of State shall provide such support as may be required so County Election Officials are able to submit any voter registration information into NevVoter.

Sec. 21. Computerized List Maintenance and Conduct.

1. A County Election Official is responsible for daily and routine upkeep and maintenance of all voter registration information in an Election Management System and any information that is submitted to NevVoter. Daily and routine upkeep must include efforts to identify and remove ineligible voters from the active voter rolls.

2. Routine upkeep and maintenance must be done in a manner that ensures that the name of each eligible and registered voter appears in NevVoter.

Sec. 22. Pollbooks, Rosters, Master Lists and Posting Logs.

A County Elections Official may print pollbooks, rosters, master lists and posting logs for use at a polling place from an Election Management System so long as the voter information on the Election Management System is identical to the voter information maintained in NevVoter as of the date on which the roster will be used and so long as the County Elections Official has made all certifications required by these regulations.

Sec. 23. Reports.

A County Election Official shall submit to the Secretary of State all reports generated by a County Election Official pursuant to the Data Exchange Standards Document.

Sec. 24. Security.

1. All transmissions of data to and from a County Elections Management System and NevVoter must be secured pursuant to the standards set forth in the Data Exchange Standards Document.

2. A County Elections Official shall ensure that any voter registration information that is deemed confidential by law is not disclosed to unauthorized personnel in any transmissions to and from NevVoter or NevValidator.

3. NevVoter and NevValidator may only be utilized by authorized personnel for election purposes. The Secretary of State may establish minimum criteria, including but not limited to background checks, for any such authorized personnel.

Sec. 25. Confidential Address Program.

All voter records that are confidential pursuant to NRS 293.5002 shall be maintained in a manner ensuring these records are accessible only to authorized personnel and shall not be accessible to the public Confidential voter records under this section shall be maintained only in a County Election Management System and shall not be submitted into NevVoter.

Sec. 26. Confidential Voter Addresses and Telephone Numbers.

A County Elections Management System shall note any voter who has requested that his address and telephone number be kept confidential pursuant to NRS 293.558. Such a notation shall be submitted to NevVoter as part of a full load file.

Sec. 27. County Elections Official Override.

A County Elections Official may override a notice from the Secretary of State or another County Elections Official sent pursuant to Sections 11, 14, 15, 16 or 17 if both the County Elections Official and the Secretary of State agree that the notice was sent in error. In the event of an override, the County Elections Official must maintain in a County Elections Management System a detailed description of the reason for the override, and must also note in the next full load file to NevVoter that an override was executed.

Sec. 28. Voters Who Are Exempt From Identification Requirements.

If a voter is exempt by law from a requirement to show identification at a polling place, such an exemption shall be noted in a County Elections Management System and shall be included in a submission of any full load file.

Sec. 29. Unique Identifier.

Each voter in NevVoter shall be assigned a unique identification number. The uniq identification number shall be assigned pursuant to the procedures set forth in t Nevada Procedures Manual and the Data Exchange Standards.

INFORMATIONAL STATEMENT FOR EMERGENCY REGULATIONS AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB FILE _____

The following statement is submitted for the emergency regulations pertaining to Nevada Administrative Code chapter 293, in accordance with NRS 233B.066(2).

1. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects; and
(b) Both immediate and long-term effects.

These emergency regulations do not have any economic effect on any business or on the public.

2. The estimated cost to the agency for enforcement of the proposed regulation.

No additional cost is anticipated to enforce these emergency regulations. These regulations clarify the procedures by which the statewide voter registration list is maintained. They are applicable only to state and local election officials.

3. A description of any regulations of the state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The emergency regulations do not duplicate or overlap any other state or government agency regulations.

4. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of those provisions.

The emergency regulations do not include provisions that are more stringent than a federal regulation regulating the same activity.

5. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

The emergency regulations do not establish a new fee or increase an existing fee.

APPENDIX F

July 14, 2006 Election Regulations

SECRETARY OF STATE FILING DATA	For Filing Administrative Regulations	FOR EMERGENCY REGULATIONS ONLY
[illegible]	Agency Secretary of State	Effective date
2006 JUL 14 A 10:05		Expiration date
[illegible]		Governor's signature

Classification: ☐ **PROPOSED** : **X ADOPTED BY AGENCY** ☐ **EMERGENCY**

Brief description of action Update election regulations to comply with legislative changes and otherwise clarify various portions of Title 24 pertaining to provisional voting, voter identification, post-election audits, signature stamps, ballot and petition formats, election supplies and reimbursement, polling places, absentee ballots, recounts, election boards, voting conduct, identification numbers, restoration of civil rights, voter registrations, ballot security and equipment testing. These regulations also update campaign finance regulations to comply with legislative changes and otherwise clarify various of Title 24 including updates pertaining to contributions, expenses, reporting and civil penalties.

Authority citation other than 233B: NRS 293.124, 293.247, 293.323, 293. 3677, 293. 507, 293.5235, 293.524, 293B.105, 294A.380 and 295.055.

Notice dates: Workshop 1- 2/15/06; Workshop 2 – 3/9/06; **Date of Adoption by Agency: June 7, 2006**

Adoption Hearing – 4/20/06

Hearing dates: Workshop 1- 3/2/06; Workshop 2 – 3/28/06;

Adoption Hearing – 5/23/06; Adoption Hearing – 6/7/06

REVISED ADOPTED REGULATION OF

THE SECRETARY OF STATE

LCB File No. R072-06

Effective July 14, 2006

(Note: Section 41, pertaining to personal use of campaign funds, has been removed from this regulation and is now located in R164-06)

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

AUTHORITY: §§1, 3, 5, 10, 11, 26, 33, 34, 40, and 47, NRS 293.124; §§2 and 25, NRS 293.124 and 293.507; §§4, 6 and 7, NRS 293.124 and 293.3081; §§8 and 9, 14-21, 35-37 and 39, NRS 293.124 and 293.247; §12, NRS 293.124 and 293.250; §13, NRS.293.124 and 293.565; §22, NRS 293.124, 293.247 and 293B.103; §§23 and 38, NRS 293.124, 293.247 and 293.3677; §24, NRS 293.124 and 293.524; §27, NRS 293.124 and 293.540; §§28-32, NRS 293.124 and 293.5235; §§41-44, NRS 293.124 and 294A.380; §45, NRS 293.124, 294A.380 and 294A.420; §46, NRS 293.124, 293.247 and 295.055.

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

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

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

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

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

(a) A current and valid Nevada driver's license;

(b) A current and valid identification card issued by the Department;

(c) A current and valid identification card issued by a branch of the Armed Forces of the United States;

(d) A current and valid identification card issued by a sheriff of a Nevada county to an employee as a condition of his employment by certain business enterprises;

(e) A current and valid identification card issued by an agency of the State of Nevada or political subdivision thereof or the United States, including, without limitation, a public school, college or university;

(f) A current and valid student identification card from an accredited private school, college or university;

(g) A current and valid United States passport;

(h) A current and valid insurance plan identification card which the county clerk determines, in his discretion, to be a reliable indication of the true name and identity of the person;

(i) A current and valid tribal identification card;

(j) A current and valid employee identification card which the county clerk determines, in his discretion, to be a reliable indication of the true name and identity of the person; or

(k) Any other official article which the county clerk determines, in his discretion, to be a reliable indication of the true name and identity of the person, including, without limitation, an expired article listed in paragraphs (a) to (j), inclusive, if that article has been expired for 30 calendar days or less and is otherwise valid.

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

(a) Any article set forth in subsection 2;

(b) A current and valid utility bill, including, without limitation, a bill for electricity, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television;

(c) A current and valid bank or credit union statement;

(d) A current and valid paycheck;

(e) A current and valid income tax return;

(f) A current and valid statement concerning the mortgage, rental or lease of a residence;

(g) A current and valid motor vehicle registration;

(h) A current and valid document issued by a governmental agency;

(i) A current and valid property tax statement; or

(j) Any other official article which the county clerk determines, in his discretion, to be a reliable indication of the true residential address of the person.

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

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

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

Sec. 4. *1. A person who completes the written affirmation required by NRS 293.3082 must be provided with a provisional ballot, regardless of whether the person is at the wrong polling place or precinct.*

2. If an election official becomes aware that a person appearing to vote is a registered voter who has appeared to vote in the wrong polling place, the election official must inform the person of the location of the correct polling place for the person. The election official must also inform the person that although a provisional ballot may be cast at the incorrect precinct, the provisional ballot will not be counted unless the voter casts the provisional ballot at a polling place that is:

(a) Located in the congressional district in which the voter resides; or

(b) Not located in the congressional district in which the voter resides because the voter was directed to the incorrect polling place by an election official.

3. Except as otherwise provided in subsection 5, a county clerk shall count a provisional ballot if the county clerk determines that all the following requirements were satisfied by the date of the election for which the provisional ballot was cast:

(a) The voter was properly registered in the county where the provisional ballot was cast;

(b) The voter was a citizen of the United States;

(c) The voter was 18 years of age or older;

(d) The voter had continuously resided in the county where he registered to vote for at least 30 days;

(e) The voter had continuously resided in the precinct for which he registered to vote for at least 10 days;

(f) The voter had not been convicted of a felony or, if the voter had been convicted of a felony, the civil rights of the voter had been lawfully restored;

(g) The voter signed the required affirmation;

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

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

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

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

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

5. If a voter is directed by an election official to a polling place that was not located in the congressional district in which the voter resides, the voter may notify the county clerk not later than 5 p.m. on the day after election day. The county clerk must determine not later than 5 p.m. on the Friday immediately following election day whether the voter was directed to an incorrect polling place by an election official. If the county clerk determines that the voter satisfies the requirements of paragraphs (a) to (i), inclusive, of subsection 3 and was directed by an election official to an incorrect polling place not located in the congressional district in which the voter resides, the county clerk shall count the votes cast by the voter for the Office of President of the United States, the Office of Vice President of the United States and the Office of United States Senator.

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

Sec. 6. *The county clerk, or his designee, shall inform any person whose name does not appear on a voter registration list as an eligible voter for a polling place, or 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.*

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

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

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

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

2. A county clerk must conduct a postelection certification audit of a VVPAT by comparing each vote cast for each candidate and on each measure which was electronically recorded on the mechanical recording device to each vote cast for each candidate and on each measure which was recorded on the attached VVPAT. Such comparison may be conducted manually or by a mechanical device determined by the Secretary of State to be capable of

accurately reading the votes cast and printed and otherwise qualified for use in the State pursuant to applicable state and federal law.

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

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

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

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

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

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

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

1. "Ballot stock" means the material upon which:

(a) A ballot is printed; and

(b) A voter directly indicates his vote.

2. "Department" means the Department of Motor Vehicles.

3. ***"Results cartridge" means the cartridge of a mechanical recording device which contains the electronically recorded ballots cast during the election and from which the ballots are tabulated.***

4. "Signature stamp" has the meaning ascribed to it in NRS 426.257.

5. "Voter verifiable paper audit trail printer" or "VVPAT" means the device attached to a mechanical recording device and the paper it prints to record all votes cast by a voter for any and all candidates and for or against any and all measures, enabling that voter to visually verify that the mechanical voting system has accurately recorded the votes of the voter.

6. "Voting booth" means any place or compartment used to screen a voter from the observation of others.

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

293.040 1. The Secretary of State will, not later than March 15 of the year in which a primary election is held, prepare and send to each county clerk a written notice which designates the ***statewide and multicounty district*** offices for which candidates are to be nominated at the primary election.

2. Within 10 days after receipt of the notice required to be sent pursuant to subsection 1, the county clerk shall publish once in a newspaper published in his county that portion of the notice which applies to his county. If no newspaper is published in his county, the publication must be made in any newspaper of general circulation which is published in the nearest county of this State.

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

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

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

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

4. If any question is to be submitted to a vote of the people, it must be printed upon the ballot or ballot page assembly in a manner which enables a voter to vote "Yes" or "No" upon the question submitted.

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

293.120 The county clerk shall:

1. Mail a copy of the sample ballot for the primary election, as provided in NRS 293.565, to each candidate who has filed with him a declaration of candidacy or an acceptance of candidacy.

The copy must be mailed to the mailing address which is stated in the declaration of candidacy or acceptance of candidacy.

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

3. If a candidate's name appears on more than one type of sample ballot, mail a copy of at least one of the sample ballots to the candidate, but the county clerk shall make a copy of each sample ballot available to the candidate upon request.

4. Mail a copy of ***at least five sample ballots and provide an electronic copy of*** each sample ballot for a primary election, as provided in NRS 293.565, to the Secretary of State.

5. Post a copy of the sample ballot or a list of candidates in a conspicuous place in his office.

Sec. 14. NAC 293.150 is hereby amended to read as follows:

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

(a) One flag of the United States.

(b) ~~[Cards for providing:~~

~~(1) The appropriate warning regarding interference with the conduct of the election.~~

~~(2) Notice of the law prohibiting voting more than once.~~

~~(3) Notice of the law prohibiting electioneering within 100 feet from the entrance to the voting area or the building or other structure in which a polling place is located, as applicable.]~~ ***Any notices or other materials required to be posted at each polling place pursuant to NRS 293.177, 293.2549, 293.2955, 293.301, 293.302, 293.3025, 293.361, 293.740 and 293.780.***

(c) One copy of the statutes and regulations governing elections, or one copy of a compilation of the statutes and regulations governing elections.

(d) If a procedure for bilingual voting is used in the county, the required notices in the appropriate foreign language.

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

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

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

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

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

~~7. Before opening the polls, the members of the election board shall carefully inspect the ballot box to ensure that nothing remains in the ballot box from a previous election. The ballot box must be locked after the inspection, and the key to any lock on the ballot box must be delivered to the chairman of the election board or, if there is no lock, the ballot box must be sealed by a seal approved by the Secretary of State. The ballot box must not be opened during the election except as otherwise provided in NRS 293B.325.]~~

Sec. 15. NAC 293.160 is hereby amended to read as follows:

293.160 1. The chairman of the election board shall designate the officer of the election board who is to make the proclamation required pursuant to NRS 293.273. That officer shall make the proclamation at the entrance or inside of the polling place.

2. During the time the polls are open, the members of an election board may take time for meals or personal needs, except that only one member may be absent at any time from a polling place where four or fewer members are employed, and only two members may be absent at any time from a polling place where five or more members are employed.

3. The election board shall, to the extent possible, prevent any person who has given assistance in voting to another from disclosing the nature of the assisted person's vote.

4. ~~[The number of replacement ballots which may be issued to a voter who spoils his ballot may be decided, in good faith, by the election board.~~

~~5. The chairman of the election board shall make a record of the cancelled ballots. The envelope in which cancelled ballots are placed must be marked with the words "cancelled ballots."~~

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

~~7.]~~ ***293.335.***

5. When it is time to close the polls, a member of the election board shall proclaim that the polls are closed for voting.

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

~~[9.]~~ ***7.*** If an absent ballot central counting board is appointed, the members of the board shall meet at a place designated by the county clerk as soon as the polls close. The board of county commissioners shall prepare abstracts of votes on a form which was submitted by the county clerk to and approved by the Secretary of State.

Sec. 16. NAC 293.162 is hereby amended to read as follows:

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

(a) Any candidate whose name appears on a ballot for the election for which the representative is appointed; or

(b) Any political party or committee sponsored by a political party.

2. A representative appointed pursuant to subsection 1:

(a) Shall present a written certificate of his appointment to the chairman of the election board upon his arrival at the polling place. The certificate must contain:

(1) The name and signature of the representative;

(2) The name of the candidate, political party or committee appointing the person as its representative; and

(3) The precinct, polling place and date of the election for which the representative is appointed.

(b) ~~[May sit or stand at such a location near the election board as to observe and hear conveniently the activities conducted at the polling place for which he is appointed without interfering with the voting.]~~ ***Must comply with the same requirements that apply to members of the general public pursuant to NRS 293.274, 293.305 and 293.730.***

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

3. ***The representative shall remain in an area designated by the chairman of the election board to observe and hear conveniently the activities conducted at the polling place for which the representative is appointed without interfering with the voting. The designated area must allow for meaningful observation, but must not be located in an area that would allow an observer to infringe on the privacy and confidentiality of the ballot of the voter.***

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

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

293.169 1. In a county in which the county clerk has appointed an absent ballot central counting board and posted a statement pursuant to subsection 2, the county clerk may, not earlier than 4 working days before election day and not later than 5 p.m. on the second working day before election day, deliver the absent voters' ~~[ballot boxes]~~ ***ballots*** to the absent ballot central counting board. When the ~~[ballot boxes]~~ ***ballots*** are received, the absent ballot central counting board shall:

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

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

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

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

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

~~(f)]~~ ***and***

(d) Place all the ballots ~~[, including any ballots produced pursuant to paragraph (e),]~~ and the statement of ballots into the container provided by the county clerk to transport those items to a central counting place and seal the container. The container and seal used must comply with the provisions of NRS 293.462.

2. Not later than 2 working days before the date of delivery of the ~~[ballot boxes]~~ ***ballots*** pursuant to subsection 1, the county clerk must post a statement in his office that notifies the public of any actions that will be taken pursuant to subsection 1.

3. Any absent ballots received by the county clerk after he delivers the ~~[ballot boxes]~~ ***ballots*** pursuant to subsection 1 must be:

(a) ~~[Deposited into the appropriate absent voters' ballot boxes]~~ ***Stored and secured*** pursuant to the provisions of NRS ~~[293.309 to 293.340, inclusive,]~~ ***293.325*** after those ~~[ballot boxes]~~ ***ballots*** have been returned pursuant to subsection 1; and

(b) Processed pursuant to the provisions of NRS 293.3625 to 293.397, inclusive.

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

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

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

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

(a) Contain sequentially numbered spaces for:

(1) The name of each person signing the petition. ~~[;]~~

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

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

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

(5) The date of the signature.

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

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

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

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

STATE OF NEVADA

COUNTY OF _____

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

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

_____

Signature of circulator

Subscribed and sworn to or affirmed

before me this ____ day of ____, ____.

_____

Notary public or other person licensed

to administer an oath

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

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

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

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

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

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

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

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

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

293.220 1. At least 2 days before any election, the county clerk shall prepare the following supplies for each precinct:

(a) The election ~~[board register;~~

~~(b) Copies of the roster and pollbook in such a quantity and form as the clerk determines appropriate;~~

~~(c)]~~ ***roster;***

(b) A quantity of mechanical voting devices which assures an efficient flow of voters;

~~[(d) A container]~~

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

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

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

~~[(g)]~~ *(f)* One list of the inventory of the supplies provided to the election board. ~~[, including a notation whether the supplies have been inserted into the container for transporting ballots.]~~

2. Each county clerk may prepare for the precincts any additional supplies he considers necessary or desirable for carrying out the election.

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

293.230 1. Each member of the election board must be present in the polling place where he is to serve at least 45 minutes before the time the polling place is to open.

2. The election board shall set up the vote recording devices in a manner which creates the most efficient flow of voters.

~~[3. The election board shall ensure that the correct ballot page assemblies have been properly inserted into the vote recording devices. As a check, the boards shall compare a sample ballot for the particular precinct with the official ballot page assemblies being inserted into the recording devices to assure that they contain the same candidates and questions.]~~

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

293.240 1. After a person is identified as being a registered voter ~~[,]~~ *and has signed the roster,* a member of the election board shall ~~[give him all appropriate ballot cards and a protective sleeve and shall record the number of the card or series of the card in the pollbook opposite the voter's name.~~

~~2. The election board shall direct each voter]~~ *issue the voter a receipt, and direct him* to a voting booth ~~[which contains a vote recording device which is appropriately]~~ equipped to handle the voter's ballot. ~~[card.~~

~~3.]~~ *2.* A member of the election board shall not permit any person to enter a voting booth to vote until he ascertains that the person understands how to operate the vote recording device.

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

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

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

~~5.]~~ *3.* If it is obvious to the members of an election board that a voter is trying to delay an election by repeatedly ~~[spoiling his ballot cards,]~~ *voiding his selections and not casting a ballot, a member of the election board must warn the voter that such actions are unlawful and offer assistance if necessary. If the voter continues to try to delay the election,* the election board may take any appropriate action to expedite the election ~~[. The stub on a spoiled ballot must be left attached to the ballot.~~

~~6.]~~ *, including, without limitation, removing the voter from the polling place if the county clerk has approved his removal.*

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

Sec. 23. NAC 293.250 is hereby amended to read as follows:

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

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

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

4. After closing the polls, the election board shall compare the quantity of its ***results cartridges, VVPATs, mechanical recording devices and other essential election*** supplies which were furnished by the county clerk with the county clerk's inventory, ~~[and]~~ shall note any shortages ~~[.]~~ ***and shall immediately notify the county clerk if any shortages are noted.*** The chairman of the election board is responsible for the safe return of all supplies, including all

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

~~[5. Votes on a ballot card must not be counted if it is impossible or extremely difficult to determine the voter's intention because he has placed his ballot incorrectly in the vote recording device.]~~

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

293.410 1. A voter registration agency shall place in a conspicuous position in each of its offices a sign which indicates that a person may register to vote in that office.

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

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

4. A voter registration agency may not accept an application to register to vote which includes any erasure of or line drawn through information provided by the applicant relating to his political party affiliation.

5. A voter registration agency shall include with each application to register to vote or group of applications which is transmitted to the county clerk or registrar of voters a transmittal form prescribed and provided by the agency.

6. A voter registration agency shall not void an application unless the applicant is present. If the agency voids an application, the agency shall:

(a) Write or stamp the word "void" on the front of the application;

(b) Forward the voided application to the county clerk; and

(c) Maintain a record of the voided application.

7. A voter registration agency shall ascertain whether a file stamp obliterates the portion of the application reserved for the applicant's signature. If a file stamp does obliterate this portion, the voter registration agency shall issue a new application to the applicant.

8. Before each application completed by an employee of the Department is forwarded to the county clerk or registrar of voters, it must be reviewed by a second employee of the Department who shall determine whether the application is legible. If the employee determines that an application is illegible, he shall cause a computer-generated copy of the information contained in the records relating to the applicant's driver's license or identification card to be attached to the application.

9. A voter registration agency shall, in cooperation with the county clerks and registrar of voters, conduct training programs once every 6 months to familiarize the employees of the agency with the required procedures for registering voters through the agency.

10. A voter registration agency shall maintain a record of the transmittal of each application to the county clerk or registrar of voters pursuant to the agency's schedule for the retention and disposal of records.

11. A voter registration agency shall stamp the original and the voter's copy of the completed application with the date of receipt. Except as otherwise provided in this subsection, the stamp used by the agency must not include the name of the agency. The stamp used by the Department may include the name of the Department.

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

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

Sec. 26. NAC 293.412 is hereby amended to read as follows:

293.412 1. A county clerk:

(a) May maintain a separate list of inactive voters or designate inactive voters as such on regular lists of registered voters and election board registers.

(b) Shall, at the request of the Secretary of State, report to the Secretary of State the total number of inactive voters.

2. The name of each inactive voter:

(a) Must be included on any list made available for public inspection pursuant to NRS 293.440 unless the person requesting the list requests the exclusion of those names.

(b) Must not be included on any list made available for public inspection pursuant to NRS 293.557.

3. The signature of an inactive voter shall be deemed to be the signature of a registered voter for all purposes regarding any petition authorized or required pursuant to title 24 of NRS.

4. ~~[Except as otherwise provided in this subsection, for the purpose of mailing sample ballots, an inactive voter shall be deemed not to be a registered voter unless he requests the city or county clerk, in person, in writing or by telephone, to provide him with a sample ballot. A county or city clerk shall mail sample ballots to all inactive voters in a mailing precinct.]~~ ***A city or county clerk is not required to send a sample ballot to an inactive voter.***

5. As used in this section, "inactive voter" means a voter designated as inactive pursuant to NRS 293.530 whose registration has not been cancelled.

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

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

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

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

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

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

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

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

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

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

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

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

(a) An application to register to vote, ***which may be submitted in person or*** by mail ~~[;~~

~~(b) An explanation of Nevada's laws on closed primary elections;~~

~~(c)]~~ ***to the county clerk of the county in which the applicant resides;***

(b) Instructions to assist the applicant in completing the application;

~~[(d)]~~ ***(c)*** A notice stating that the application ~~[will not be processed unless an identification number is on the application;~~

~~(e)]~~ ***must contain the Nevada driver's license number of the applicant or, if the applicant has no Nevada driver's license, at least the last four digits of the social security number of the***

applicant or, if the applicant has no social security number, a unique identification number assigned by the county clerk pursuant to NAC 293.411 and subsection 5 of NRS 293.507;

(d) A list of the addresses and telephone numbers of county election officers;

~~[(f)]~~ *(e)* A notice that ~~[the application must be complete before it is effective;]~~ *if the applicant indicates on the application that the applicant is not a citizen of the United States or will not be at least 18 years of age on or before election day, the applicant may not register to vote;*

(f) The option for the applicant to receive a sample ballot in larger type; and

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

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

3. The control number must be printed:

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) United States Post Offices;

(b) Public libraries;

(c) Local offices of public utilities;

(d) Financial institutions;

(e) Community centers for aging persons;

(f) Educational institutions;

(g) Governmental offices;

(h) Offices of county and state political central committees;

(i) Union halls;

(j) Offices of civic organizations;

(k) Campaign headquarters of presidential, federal and statewide candidates;

(l) Places of worship; and

(m) Such other locations as the county clerk deems appropriate.

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

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

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

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

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

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

293.450 The notice sent pursuant to NRS 293.5235 to an applicant for registration by mail which informs him that his application is incomplete must ~~[contain a detachable portion which:~~

~~1. May be mailed back to the county clerk; and~~

~~2. Is designed to allow the applicant to furnish the necessary information.]~~ ***:***

1. Allow the applicant to provide the information needed to complete his application; or

2. If the applicant is required to complete and submit a new application, include an explanation to the applicant of the reason why a new application is required and a new application form.

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

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

1. "Mechanical recording device" has the meaning ascribed to it in NRS 293B.032.

2. "Mechanical voting system" has the meaning ascribed to it in NRS 293B.033.

3. "Results cartridge" means a cartridge which contains the electronically recorded ballots cast during the election and from which the ballots are tabulated.

4. "Voter verifiable paper audit trail printer" or "VVPAT" means the device attached to a mechanical recording device and the paper it prints to record all votes cast by a voter for any and all candidates and for or against any and all measures, enabling that voter to visually verify that the mechanical voting system accurately recorded the votes of the voter.

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

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

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

(b) Provide for the security and protection of the stored ~~[ballot cards;]~~ *ballots, results cartridges and VVPATs;*

(c) Control access to the stored ~~[ballot cards;]~~ *ballots, results cartridges and VVPATs;* and

(d) Maintain a record of the persons allowed access to the stored ~~[ballot cards.~~

~~2. The ballot statement must include the time that ballot boxes are removed from the polling place to be taken to the central counting place.~~

~~3.]~~ *ballots, results cartridges and VVPATs.*

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

(a) The person who is responsible for transporting the ~~[ballot box]~~ *ballots, results cartridges and VVPATs* from the polling place to the central counting place; *and*

(b) The time allotted for travel from the polling place to the central counting place. ~~[; and~~

~~(c) The method for verifying the number of marked and unmarked ballots.]~~

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

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

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

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

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

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

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

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

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

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

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

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

~~(a) One-fourth of the cards must have the:~~

~~(1) Twelfth, second and sixth positions punched in the first column;~~

~~(2) Eleventh, third and seventh positions punched in the second column;~~

~~(3) Zero, fourth and eighth positions punched in the third column; and~~

~~(4) First, fifth and ninth positions punched in the fourth column.~~

~~(b) One-fourth of the cards must have the:~~

~~(1) Eleventh, third and seventh positions punched in the first column;~~

~~(2) Zero, fourth and eighth positions punched in the second column;~~

~~(3) First, fifth and ninth positions punched in the third column; and~~

~~(4) Twelfth, second and sixth positions punched in the fourth column.~~

~~(c) One-fourth of the cards must have the:~~

~~(1) Zero, fourth and eighth positions punched in the first column;~~

~~(2) First, fifth and ninth positions punched in the second column;~~

~~(3) Twelfth, second and sixth positions punched in the third column; and~~

~~(4) Eleventh, third and seventh positions punched in the fourth column.~~

~~(d) One-fourth of the cards must have the:~~

~~(1) First, fifth and ninth positions punched in the first column;~~

~~(2) Twelfth, second and sixth positions punched in the second column;~~

~~(3) Eleventh, third and seventh positions punched in the third column; and~~

~~(4) Zero, fourth and eighth positions punched in the fourth column.~~

~~3. If the software or system is not designed to allow testing to be conducted in the manner prescribed in subsection 1 or 2, the county clerk shall use the test provided by the seller of the mechanical voting system to determine the accuracy of that system.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A vote for each candidate and a vote for and against each measure on the ballot;

(2) A vote for "None of these candidates" for all statewide contests;

(3) "No selection made" for each contest and ballot measure; and

(4) In all contests in which a voter may vote for more than one candidate, each option available to the voter, from "No selection made" to the total number of candidates a voter may select.

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

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

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

(a) The voter selects his choice;

(b) The mechanical voting system verifies the selection of the voter;

(c) The voter submits his selections; and

(d) The mechanical voting system verifies that the selections have been submitted.

~~[3.]~~ *6.* Each mechanical recording device which directly records votes electronically must include:

(a) Instructions for casting a vote;

(b) A method for a voter to select his vote in each contest;

(c) A method for a voter to change his selection;

(d) A visual verification of the selections made by the voter for each contest;

(e) A visual notice to the voter if the voter has not made a selection in a contest or if the voter has undervoted in a contest in which the voter may select more than one candidate;

(f) Protection from an overvote;

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

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

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

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

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

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

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

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

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

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

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

293C.110 The city clerk shall:

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

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

3. If a candidate's name appears on more than one type of sample ballot, mail a copy of at least one of the sample ballots to the candidate, but the city clerk shall make a copy of each sample ballot available to the candidate upon request.

4. Mail a copy of ***at least five sample ballots and provide an electronic copy of*** each sample ballot for a primary city election, as provided in NRS 293.565, to the Secretary of State.

5. Post a copy of the sample ballot or a list of candidates in a conspicuous place in his office.

Sec. 40. NAC 293C.195 is hereby amended to read as follows:

293C.195 1. In a city in which an absent ballot central counting board has been appointed and the city clerk has posted a statement pursuant to subsection 2, the city clerk may, not earlier than 4 working days before election day and not later than 5 p.m. on the second working day before election day, deliver the absent voters' ballot boxes to the absent ballot central counting board. When the ballot boxes are received, the absent ballot central counting board shall:

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

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

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

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

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

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

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

~~(f)]~~ ***and***

(d) Place all the ballots ~~[, including any ballots produced pursuant to paragraph (e),]~~ and the statement of ballots into the container provided by the city clerk to transport those items to a central counting place and seal the container. The container and seal used must comply with the provisions of NRS 293C.700.

2. Not later than 2 working days before the date of delivery of the ballot boxes pursuant to subsection 1, the city clerk must post a statement in his office that notifies the public of any actions that will be taken pursuant to subsection 1.

3. Any absent ballots received by the city clerk after he delivers the ballot boxes pursuant to subsection 1 must be:

(a) Deposited into the appropriate absent voters' ballot boxes pursuant to the provisions of NRS 293C.305 to 293C.340, inclusive, after those ballot boxes have been returned pursuant to subsection 1; and

(b) Processed pursuant to the provisions of NRS 293C.3615 to 293C.395, inclusive.

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

Sec. 41. NAC 294A.040 is hereby amended to read as follows:

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

2. Reporting requirements are not removed by special circumstances.

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

Sec. 42. NAC 294A.075 is hereby amended to read as follows:

294A.075 The form of the report of campaign expenses required to be filed pursuant to NRS 294A.125, 294A.200, 294A.210, 294A.220, 294A.280 or 294A.360 must include:

1. For each expenditure of more than $100:

(a) The category of the expenditure;

(b) ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** name and address of the person who received payment for the expenditure; and

(c) The amount and date of the payment for the expenditure.

2. The total amount spent for all categories of expenditures.

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

Sec. 43. NAC 294A.080 is hereby amended to read as follows:

294A.080 ~~[1. The form of the report of campaign contributions required to be filed pursuant to NRS 294A.120 or 294A.125 must include the number of contributions of $100 or less that have been received by a candidate.~~

~~2.]~~ On the form of the report of campaign contributions required to be filed pursuant to NRS 294A.120 or 294A.125, if a candidate has received a series of contributions from any natural person or other entity during a reporting period and the contributions total over $100, the series must be treated as a single contribution and be separately identified on the candidate's report, with the name and address of the contributor and the date of each contribution in the series.

Sec. 44. NAC 294A.097 is hereby amended to read as follows:

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

1. Files a written request for a waiver setting forth the basis for the waiver;

2. Properly files the appropriate report pursuant to the applicable provisions of NRS 294A.120, 294A.140, 294A.150, ~~[294A.180,]~~ 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360; and

3. Establishes that:

(a) Within a reasonable time before or on the date the applicable report was due, the candidate or a member of the family of the candidate, within the second degree of consanguinity ~~[,]~~ ***or affinity,*** died, had a serious medical condition or was hospitalized; ~~[or]~~

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

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

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

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

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

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

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

Sec. 45. NAC 294A.098 is hereby amended to read as follows:

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

Sec. 46. NAC 295.020 is hereby amended to read as follows:

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

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

(a) Include sequentially numbered spaces for:

(1) The name of each person who signs the petition.

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

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

(4) The name of the county where the person who signs is a registered voter.

(5) The date of the signature.

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

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

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

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

STATE OF NEVADA

COUNTY OF _____

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

_____

Signature of circulator

Subscribed and sworn to or affirmed

before me this _____ day of _____, _____.

_____

Notary public or other person licensed

to administer an oath

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

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

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

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

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

Sec. 47. NAC 293.100, 293.176, 293.199, 293.290, 293.300, 293.310, 293.340, 293.360, 293.380, 294A.047, 294A.048, 294A.085 and 294A.095 are hereby repealed.

TEXT OF REPEALED SECTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

293.310 Size of ballots. (NRS 293.124, 293.250)

1. Official ballots for elections must be wide enough to comply with the provisions of the election laws, and must be at least 12 inches wide, including the numbered stub and the numbered perforated strip.

2. Official ballots for elections must be of a length which permits the proper placement of the required captions, headings, designations of political parties, directions to voters and names of candidates.

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

1. Each ballot for a special election must have a perforated line extending from top to bottom one-half inch from the right-hand side of the ballot. No writing or printing, except the number of the ballot, may be made upon the 1/2-inch strip formed by the perforated line.

2. The words "Yes" and "No," separated by a light-faced line, must be printed on the ballot after each question. To the right of each word must be printed a light square at least three-eighths of an inch on each side.

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

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

2. The county clerk shall, at least 2 days before the day of any election, prepare the following supplies for each precinct:

(a) The election board register;

(b) Copies of the roster and pollbook in such a quantity and form as the clerk determines appropriate;

(c) A container for transporting ballots which is equipped with a lock and key, numbered seal or other device which prevents unauthorized entry;

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

(e) Such other supplies as are necessary for conducting the election.

3. The county clerk shall print, in plain type, sets of instructions for voters for obtaining and marking their ballots. On the day of an election, the election board shall post at least one set of instructions in each voting booth and at least three additional sets of instructions at places open to public view in or about the polling place.

4. The chairman of each election board shall require the members of his board to prepare the ballots and any other supplies or equipment necessary for voting and may assign specific duties to the members of the election board to complete the preparation.

293.380 Procedures after voting. (NRS 293.124, 293.247)

1. After all eligible voters have cast their votes, the election board shall, in the following manner, count the number of official ballots it received:

(a) The board shall total the number of voters' signatures recorded in the roster book and enter that number on the ballot statement provided by the county clerk.

(b) The board shall then unlock or unseal the ballot box and count the number of official ballots, comparing this number with the number of signatures recorded on the ballot statement.

(c) The numbers of signatures and ballots should be the same. If they are not, the board shall recount the number of signatures and the number of ballots. If a discrepancy still exists, the board shall make a notation to that effect on the ballot statement.

2. Each member of the counting board must be present in the polling place where he is to serve not later than the time set for the closing of the polling place. If any polling place is closed early because all of the voters registered in the precinct have voted, the election board shall immediately notify the members of the counting board of the closing.

3. After the polls are closed, the election board shall compare the quantity of its supplies which were furnished by the county clerk with the county clerk's inventory and make a notation upon the inventory of any materials which were lost, used or stolen.

4. After voting is completed, the chairman of the election board shall deliver the keys to the ballot boxes to the chairman of the counting board.

5. Each chairman of a counting board shall assign duties to the members of his board in a manner which facilitates the counting of votes. If any person interferes in any way with the counting of the votes, the chairman of the counting board shall request a deputy sheriff to remove the person.

6. The members of the counting board shall count and make the record of the votes in the manner prescribed by the county clerk.

7. If the counting board rejects a ballot, it shall place that ballot in a separate envelope, seal the envelope and write upon the envelope the word "Rejected" and the reason for the rejection.

8. Every member of the counting board or the computer program and processing accuracy board as created by the county clerk pursuant to NRS 293B.385 shall sign the copy of the

election return which is required by NRS 293.383 to be posted on the outside of the polling place.

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

1. Every person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party and committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

The form of the report of campaign contributions required pursuant to NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.270 or 294A.360 must include a category for reporting:

1. The opening balance of the campaign fund at the beginning of the first period for which the report is required; and

2. The total amount of interest and income, after deducting any applicable charges, earned from the investment of money received from campaign contributions.

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

1. Files a report pursuant to subsection 2 of NRS 294A.180 which indicates that all the campaign contributions he has received have been expended, committed for expenditure, or otherwise disposed of; and

2. Does not receive any additional campaign contributions after the period to which that report relates,

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

DEAN HELLER
Secretary of State

RENEE L. PARKER
Chief Deputy Secretary of State

PAMELA A. RUCKEL
Deputy Secretary for Southern Nevada

STATE OF NEVADA

OFFICE OF THE
SECRETARY OF STATE

CHARLES E. MOORE
Securities Administrator

SCOTT W. ANDERSON
Deputy Secretary for Commercial Recordings

ELLICK C. HSU
Deputy Secretary for Elections

KIM A. HUYS
Deputy Secretary for Operations

NOTICE OF ADOPTION OF REGULATION

The Secretary of State – Elections Division adopted regulations assigned LCB File No. R072-06 that pertain to chapters 293, 293B, 294A, and 295 of the Nevada Administrative Code on June 7, 2006. A copy of the regulations as adopted are attached hereto.

(b) Testified at each hearing:

March 2, 2006 Workshop: 6
March 28, 2006 Workshop: 4
May 23, 2006 Hearing: 3
June 7, 2006 Hearing: 3

(c) Submitted to the agency written comments:

The American Civil Liberties Union
The Progressive Leadership Alliance of Nevada
Assemblywoman Chris Giunchigliani

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Notices soliciting comments were sent via e-mail and U.S. Mail to those individuals that had requested such notices from the Secretary of State. Notices were also sent to each of the City and County Clerks/Registrars of Voters in Nevada. Notices were also posted at the Capitol Building, State Library, the Legislative Building in Carson City, the Secretary of State's office in Reno, and the Grant Sawyer Building in Las Vegas.

A copy of the submitted written comments may be obtained by calling the Secretary of State, Elections Division at (775) 684-5705 or by writing to the Secretary of State, Elections Division at 101 North Carson Street, Suite 3, Carson City, Nevada 89701

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

Changes were made to the proposed regulations based on comments we received.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects; and
(b) Both immediate and long-term effects.

This regulation does not have any effect on any business.

6. The estimated cost to the agency for enforcement of the proposed regulation.

No additional cost is anticipated to enforce these proposed regulations. These regulations merely further clarify provisions already in place in the NRS or NAC.

7. A description of any regulations of the state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that these regulations duplicate.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of those provisions.

These regulations do not include provisions that are more stringent than a federal regulation which regulates the same activity.

9. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

These regulations do not establish a new fee or increase an existing fee.

List of Bills: (as of 4/11/07)

SB57	AB79	SJR1	AJR1	SCR19
SB78	AB80	SJR2	~~AJR6~~	
SB79	AB121	SJR3	AJR8	
SB80	AB142	SJR4	~~AJR10~~	
SB121	AB160		AJR11	
SB122	AB246		AJR12	
SB144	AB301			
SB149	AB312			
SB230	AB322			
SB248	AB328			
SB303	AB335			
SB371	AB342			
SB385	AB372			
SB401	AB384			
SB411	AB450			
SB423	AB505			
SB425	AB506			
SB489	AB516			
SB492	AB517			
SB493	AB570			
SB494	AB569			
SB495	AB604			
SB517	AB605			
SB549	AB606			

ROSS MILLER
Secretary of State

NICOLE J. LAMBOLEY
Chief Deputy Secretary of State

CHRIS LEE
Deputy Secretary for Southern Nevada

STATE OF NEVADA

OFFICE OF THE
SECRETARY OF STATE

SCOTT W. ANDERSON
Deputy Secretary for Commercial Recordings

MATTHEW M. GRIFFIN
Deputy Secretary for Elections

KATE THOMAS
Deputy Secretary for Operations

December 17, 2007

Thomas R. Wilkey, Executive Director
United States Election Assistance Commission
1225 New York Avenue N.W. Suite 1100
Washington, D.C. 20005

RE: Nevada's FY 2007-2008 State Plan

Dear Mr. Wilkey:

Nevada hereby submits the State Plan for FY 2007-2008, which has been developed pursuant to § 254 of the Help America Vote Act of 2002, P.L. 107-252 (HAVA).

We thank you in advance for arranging the publication in the Federal Register pursuant to § 255 of HAVA.

Please send confirmation that you have received Nevada's Plan, and feel free to contact me at (775) 684-5705 if you have any questions or concerns.

Respectfully,

ROSS MILLER
Secretary of State

By: _____
Matthew M. Griffin , Esq.
Deputy Secretary for Elections

RM:MG:lj

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Carson City, Nevada 89701-4786
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CORPORATIONS: Suite 4000
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SECURITIES SATELLITE OFFICE
1755 E. Plumb Lane, Suite 231
Reno, Nevada 89502-3691
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Secretary of State Ross Miller Seeks Public Comments on

NEVADA'S FY 2007-2008 STATE PLAN FOR ELECTION REFORM

The President signed the Help America Vote Act of 2002 (HAVA) into law October 29, 2002, requiring the 50 States to reform state and local election procedures in order to improve and preserve the integrity of the United States voting process. HAVA affects virtually every element of the voting process, and federal funds have been made available to assist states in this task.

Federally mandated changes include, but are not limited to:

- Implementation of a Statewide Voter Registration System
- Upgrading Voting Machines throughout the State
- Improving Voter Education and Poll Worker Training
- Requiring Provisional Ballots
- Requiring voting accessibility for people with disabilities

HAVA requires each State to form a State Plan describing how the State will implement HAVA and use federal money to carry out HAVA's requirements. The Plan is developed by the Secretary of State's office and the HAVA Advisory Committee, which is made up of election officials and various members of the community. The Committee developed an initial Plan for FY 2003-2004 and finalized it after receiving public comment.

Each State must update its Plan every fiscal year and report on the State's progress toward implementation of HAVA, and the framework for continuing its activities to meet the requirements of HAVA. The HAVA Advisory Committee approved this preliminary version of the FY 2007-2008 State Plan on October 8, 2007. The Secretary of State and the HAVA Advisory Committee are now soliciting comments from the public before finalization of Nevada's FY 2007-2008 State Plan, as required by HAVA.

Accordingly, Nevada's 2007-2008 State Plan for election reform is open to public comment for a thirty day period ending November 21, 2007. **If you are interested in voicing your comments and opinions on the draft of Nevada's State Plan, please submit them in writing to be received by the Secretary of State on or before close of business on November 21, 2007.** Please address your comments to one of the following:

By postal Mail: Nevada Secretary of State Elections Division
101 North Carson Street, Suite 3
Carson City, Nevada 89701-3714

By E-mail: nvelect@govmail.state.nv.us

Copies of this notice have been posted at the following locations listed on page 2:
Nevada State Library and all the main County Libraries, all City Clerks and County Clerks/Registrars of Voters, Washoe County Registrar of Voters, Clark County Election Department, all Nevada Community Colleges, University of Nevada Reno and Las Vegas, the Attorney General's Offices in Carson City and Reno, the Grant Sawyer State Building in Las Vegas, and the Capitol Building and Legislative Counsel Bureau in Carson City.

A free copy of Nevada's draft State Plan also may be obtained by visiting the Secretary of State's office at the above location, by contacting the Elections Division at (775) 684-5705, from the Secretary of State's website at www.secretaryofstate.biz , or from your local Election Department.

State of Nevada

Fiscal Year 2007-2008

State Plan

As required by Public Law 107-252
***Help America Vote Act of 2002*, Section 253 (b)**

Office of the Nevada Secretary of State
101 N. Carson Street, Suite 3
Carson City, NV 89701
October 8, 2007

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STATE OF NEVADA
FISCAL YEAR 2007-2008
STATE PLAN

I. INTRODUCTION

The Help America Vote Act of 2002 (HAVA or Act) requires each state to develop a comprehensive plan for implementing the mandatory changes to the administration of elections that are called for in the legislation. HAVA affects virtually every element of the voting process, focusing on the following areas:

- **Development of a Statewide Voter Registration System**
- **Replacement of Punch Card Voting Machines**
- **Improvement of Voter Education and Poll Worker Training**
- **Establishment of Opportunity to Cast Provisional Ballots**
- **Improved Accessibility for Voters with Disabilities**

Like the previous State Plans developed pursuant to HAVA, this Plan (FY 07-08) was created under the direction of the Secretary of State through a State Plan Advisory Committee (Advisory Committee).

II. THE BACKDROP FOR NEVADA'S STATE PLAN

The Secretary of State is the Chief Officer of Elections for the State of Nevada, and, as such, is responsible for the execution and enforcement of state and federal laws relating to elections.

Nevada remains one of the fastest growing states in the country. Based on figures obtained from Census 2000, Nevada's population increased by 796,424 persons between 1990 and 2000. In 2006, the State's demographer estimated Nevada's population at 2,623,050. Nevada's largest county, Clark County, continues to add approximately 5,000 new citizens per month. Currently, the State has approximately 1.2 million registered voters spread throughout its 17 counties. Moreover, more than 1,500 state, county and municipal political campaigns come under the jurisdiction of local or state election officials during each election cycle.

The Secretary of State's Office will continue to work closely with local election officials, advocacy groups, the State Legislature, and local and state law enforcement agencies to protect the integrity of Nevada's election process. This cooperative effort will include establishing various committees, including but not limited to, the State Training Committee, Election Command Center Committee, State Regulatory & Compliance Committee and the State IT Committee. The State will continue to mitigate costs associated with HAVA implementation and compliance and continue to be fiscally responsible in best utilizing the State's remaining funds.

III. NEVADA'S STATE PLAN

A. Use of Requirements Payments

Section 254(a)(1) requires a description of how the State will use the requirements payment to meet the requirements of Title III, and, if applicable under section 251((b)(2), to carry out other activities to improve the administration of elections. Title III requires the establishment of certain voting system standards, provisional voting, public posting of voting information, a computerized statewide voter registration list, and voter registration application modifications.

1. Voting Systems Standards

Section 301(a) establishes several voting system standards which must be met by January 1, 2006. Under this section, no waiver of the requirements is permitted.

HAVA requires each voting system in the state to: (a) permit voters to verify whom they have voted for and make changes to their vote in a private, secret and independent manner; (b) notify voters if they have overvoted, what happens in instances of an overvote and provide an opportunity to correct the ballot; (c) ensure that any notification to the voter maintains the privacy, secrecy and independence of the voter's ballot; (d) produce a permanent paper record with manual audit capacity; (e) be accessible for people with disabilities through the use of at least one (1) DRE voting system placed at each polling place; (f) provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act of 1965; (g) comply with error rates established by the Federal Elections Commission (FEC) as of the time HAVA was adopted; and (h) have a definition of what constitutes a vote and what will be counted. These requirements have been incorporated into Nevada statutes or regulations.

A significant amount of federal funding that has been appropriated to date was used to upgrade the voting systems throughout the State and to purchase new systems in order to comply with the above requirements. The State implemented uniform DRE voting systems for polling places throughout the state, with all DRE machines being fitted with the voter verifiable paper trail printers.

To ensure proper training for election administrators and the voting citizens of Nevada, the State has used, and depending on the availability of funds, may use additional requirements payments to educate individuals about the proper use of the voting systems. Requirements payments will be used for maintaining, modifying and improving all voting systems in the State to ensure compliance with HAVA Section 301(a) standards. Additional uses include continued education on the operation and maintenance of voting systems.

2. Provisional Voting and Voting Information Requirements

Section 302 requires the establishment of provisional voting and the posting of voting information at polling places by January 1, 2004. Under this section, no waiver permitted.

HAVA requires provisional voting procedures in all states to ensure that no voter who appears at the polls and desires to vote is turned away for any reason. The State adopted legislation proposed by the Secretary of State that enacts procedures to allow

for provisional voting in federal races throughout the State. The procedures[1] that were adopted meet the requirements of Section 302.

The State will continue using requirements payments to maintain the free access system required by HAVA to provide voters who cast provisional ballots the ability to discover whether their ballot was counted. The State also continues to use requirements payments to develop procedures for provisional voting and to plan and conduct training and outreach concerning a voter's ability to receive and cast a provisional ballot. Finally, if adequate federal funding is available, the State may use requirements payments to assist local governments with funding offsets necessary to prepare and process provisional ballots.

Section 302 of HAVA also mandates that a sample ballot and other voting information be posted at polling places on Election Day. The State anticipates using requirements payments to defray the cost of developing, printing and posting this information in the upcoming election cycle.

The State Training Committee will continue to promulgate signage for counties to utilize as well as provide continued assistance in evaluating a county's election signage prior to printing and posting. The Secretary of State will continue to provide guidance and clarification in signage requirements.

3. Computerized Statewide Voter Registration List and Requirements for Voters Who Register by Mail

Section 303 requires the establishment of a computerized statewide voter registration list, first time voters who register by mail to provide identification when they cast their ballots, and changes to be made to the voter registration application by January 1, 2004. A waiver is permitted to extend compliance with Section 303(a) to January 1, 2006.

a. Statewide Voter Registration System (SVRS)

Section 303 of HAVA requires that all states establish a statewide computerized registration list of all eligible voters. This "single, uniform, official, centralized, interactive, computerized statewide voter registration list" must be administered at the State level and is considered the official list of legally registered voters in the State.

The Secretary of State's Office has a HAVA compliant statewide voter registration system in place. The Secretary of State's system was implemented prior to the 2006 election cycle and has the ability to interface with Nevada's Department of Motor Vehicles and other appropriate agencies, as required by HAVA. Additionally, this statewide voter registration database allowed all 17 counties to clear thousands of records, including duplicate records.

The State will continue to expend a portion of its requirements payments and Title I payments to fund additional upgrades and maintenance of the statewide voter registration system. Additionally, the Secretary of State will continue to explore options of database interfacing with other agencies which may not currently have electronic databases. Regulations specific to statewide voter registration maintenance procedures were promulgated prior to the 2006 election cycle.

[1] See Nevada Revised Statutes (NRS) Sections 293.3081 through 293.3086, inclusive.

b. Requirements for Voters Who Register by Mail

With respect to requirements for voters who register by mail, the State revised its voter registration form in May of 2007. These recent revisions include clarifying language for identification requirements as well as providing an opportunity for county election officials to recruit poll workers.

4. Other Activities to Improve the Administration of Elections (Section 251(b)(2))

a. Improving Voting Accessibility for People with Disabilities

Every polling site in the State was surveyed for Americans with Disabilities Act[2] (ADA) accessibility and various types of equipment were purchased to improve access to needed areas. During FY 2007-2008, the Secretary of State will continue to improve accessibility, apply for additional federal funding to ensure ADA compliance and proper training of poll workers, and continue both voter outreach efforts to the people with disabilities community and statewide training on ADA compliance issues.

b. Develop State IT Committee

The Secretary of State will continue to utilize a statewide IT committee comprised of county and Secretary of State IT representatives and elections staff. This committee is headed by the Secretary of State's Office and works to: 1) address overall security improvements to voting equipment and the statewide voter registration database; 2) develop updates to the statewide voter registration database and accompanying changes to county election management systems; 3) coordinate election night reporting; 4) assist state training committee on preparing technical training materials; and 5) testing for voting machine software and state certification.

The State intends to continue using requirements payments to fund other activities to improve the administration of elections, including, but not limited to: (a) establishing a polling place accessibility program to ensure that all polling places in Nevada are and continue to be in compliance with the ADA; (b) providing necessary assistance to persons with limited proficiency in the English language; (c) engaging in a variety of voter education and outreach activities, including public service announcements, voting machine demonstrations, mass mailings and other related media avenues; (d) providing election official and poll worker training initiatives; (e) establishing poll worker recruitment programs; and (f) continuing to develop the Secretary of State's website to offer up-to-date, detailed election information to the public.

The State will also continue using requirements payments to fund staff positions to allow for ongoing operations and maintenance of programs and projects to sustain

[2] Public Law 336 of the 101st Congress, enacted July 26, 1990.

HAVA compliance. The State will continue to evaluate staffing needs to determine if additional positions are needed to fulfill HAVA requirements.

B. Distribution of Requirements Payments and Eligibility for Distribution

Section 254(a)(2) of the act requires a description of how the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in Section 254(a)(1), including a description of—

(A) The criteria to be used to determine the eligibility of such units or entities for receiving the payment; and

(B)The methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under Section 254(a)(8).

The Office of the Secretary of State will centrally manage activities funded by requirements payments. The Secretary of State will be accountable for all expenditures, funding levels and program controls and outcomes. The Secretary of State, in conjunction with local election officials, will determine the appropriate level of support for local activities.

To the extent that a decision is made to distribute requirements payments to units of local government and other entities for carrying out the activities described in Section 254(a)(1), the criteria to be used for determining eligibility include, but are not limited to: (a) the priority of the project to which the distribution is intended to be applied, as it relates to complying with HAVA; (b) the extent to which the recipient is in compliance with Title III of HAVA and all other state and federal election laws; (c) the recipient must maintain its current level of funding for its elections budget outside of any HAVA funds received; (d) the recipient must cooperate with the State in maintaining the statewide voter registration list and must timely implement list purging activities and reporting as required by the Secretary of State; (e) the need for the payment to ensure continued compliance with state and federal elections laws; (f) the availability to the recipient of other funding sources, including other HAVA related grants; (g) the recipient must acknowledge that it will be required to reimburse the State for all federal funds received if it does not meet the deadlines for compliance in HAVA; and (h) the recipient must develop a comprehensive accounting plan in accordance with federal criteria for separately identifying and tracking any federal funds received. The criteria for receipt of requirements payments will be agreed to in writing in advance by the Secretary of State and the unit or entity receiving the payment.

If requirements payments are so distributed, the Secretary of State will monitor the performance of each activity funded by requirements payments on a case-by-case basis. The methods to be used by the State to monitor the performance of the payment recipients may include, without limitation: (a) requiring the recipient to prepare and submit comprehensive timely reports to the Secretary of State detailing the expenditures and their relation to complying with Title III of HAVA; (b) implementing financial controls that establish financial reporting methods; and (c) developing performance indicators on a case-by-case basis for all activities funded.

C. Voter Education, Election Official and Poll Worker Training

Section 254(a)(3) of the Act requires a description of how the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.

1. Voter Education

With voter participation and turnout declining nationally over the last twenty years, the Secretary of State's office is making a concerted effort to expand Nevada's voter outreach and education efforts.

Education is the key to improving Nevada's voter participation rate. Further exploration as to reaching various socio-economic groups as well as providing information for those who have had their rights restored or qualify to have their voting rights restored will also be included.

The Secretary of State's office has produced and published several informative brochures designed to educate Nevada's citizens about the voter registration process, the significance of every single vote, and the requirements of HAVA. The agency's website (http://secretaryofstate.biz) contains a wealth of information useful to individuals and groups seeking to advance voter participation and citizen knowledge of the elections process.

The 2003 Legislature moved the Advisory Committee on Participatory Democracy (ACPD) under the auspices of the Secretary of State's office, and established the goals of 75 percent voter registration and 70 percent voter turnout by those registered voters in Nevada by 2008.

In June 2006, the Advisory Committee for Participatory Democracy (ACPD) solicited grant applications to conduct voter education and outreach to the citizens of Nevada. The grant was funded through Section 101 HAVA with minimum funding requests of $15,000 and a maximum of $65,000. The grant was limited to nonprofit, nonpartisan organizations organized for the purpose of voter education and outreach to increase participation in the election process. The Secretary of State, as recommended by the ACPD, awarded grants to four entities totaling $65,824. Each entity was required to enter into a Notice of Subgrant Award with the Secretary of State, Elections Division to ensure HAVA compliance and for reporting purposes.

The Secretary of State and the ACPD will focus on establishing partnerships with the business sector to enhance voter participation and Election Day support, while also building relationships with educational institutions and community organizations to increase youth voter participation.

2. Election Official and Poll Worker Training

The State, in conjunction with all 17 counties, has instituted a training program to provide a more centralized source of training, versus the more localized training programs that have existed in the past. In lieu of the disproportionate range of

resources available at the local level across the State, building a centralized source of training has been critical in ensuring all 17 counties have access to all the training necessary to maintain their role in achieving HAVA compliance. Centralized training in 2006 covered: 1) maintenance of the statewide voter registration list; 2) DRE maintenance, testing, programming and security; 3) provisional voting and provisional phone line reporting; 4) election date signage requirements; 5) requirements under UOCAVA for overseas citizens and the military, including use of FWAB ballots; 6) ADA accessibility training for poll workers and election staff; 7) general improvements for poll worker recruitment, training and management; 8) overall communication; 9) additional federal reporting requirements; 10) conducting mandatory post election VVPAT audit and 11) additional certifications for various federal and state requirements. The State will continue to revise and update the training materials and procedures created in 2006 through the guidance of a State Training Committee. This committee is comprised of two Secretary of State employees and four County Clerks/Registrar of Voters. Training topics will include but are not limited to: 1) restoration of felon voting rights; 2) voter identification requirements; 3) poll watchers; 4) provisional voting; 5) election security; 6) electioneering; and 7) polling place assistance.

In preparation for the 2008 Elections, comprehensive training sessions and materials addressing election issues will be conducted and distributed to all election officials. These sessions will also include independent training sessions tailored to address the various needs of Nevada's election officials.

D. Voting System Guidelines and Processes

Section 254(a)(4) requires a description of how the State will adopt voting system guidelines and processes which are consistent with the requirements of Section 301.

Nevada law mirrors the voting system guidelines and processes set forth in HAVA section 301, as outlined in Section III(A)(1) of this Plan. In addition, the Secretary of State is responsible for certifying voting systems for use in the State. The Secretary of State, in accordance with state law, cannot certify any voting system in the State unless it meets or exceeds the standards for voting systems established by the FEC. The Secretary of State will develop new guidelines and processes as necessary to ensure all voting systems in the State continue to remain in compliance with Section 301.

E. Establishment of Election Fund

Section 254(a)(5) requires a description of how the State will establish a fund described in Section 254(b) for purposes of administering the State's activities under this part, including information on fund management.

(b) Requirements for Election Fund—

(1) Election Fund Described.—For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

(A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part.

(B) The requirements payment made to the State under this part.

(C) Such other amounts as may be appropriated under law.

(D) Interest earned on deposits of the fund.

The State created a special election fund in the state treasury that provides the Secretary of State with the authority to deposit into this fund all HAVA grants and state matching fund appropriations. This fund is fully compliant with Section 254(b) of HAVA. The Secretary of State works closely with the State's Budget Division and the State Controller's office to implement and enforce all fiscal controls and policies required by both state and federal law.

F. Nevada's Proposed HAVA Budget

Section 254(a)(6) requires a description of the State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on-

(A) The costs of the activities required to be carried out to meet the requirements of Title III

(B) The portion of the requirements payment which will be used to carry out activities to meet such requirements; and

(C) The portion of the requirements payment which will be used to carry out other activities.

1. Total Funding Received to Date:

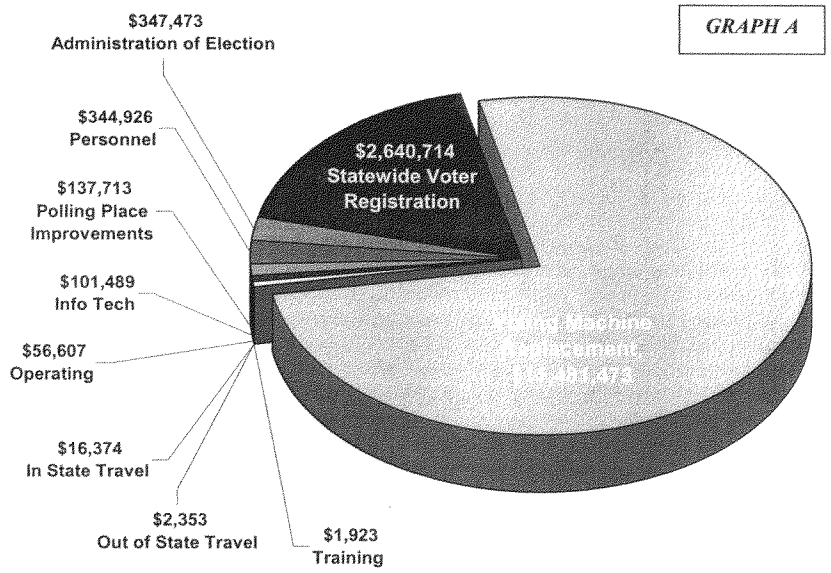
Federal Fiscal Year	Federal Appropriations	Nevada's Share	5% Match
Title I Early Payments	$650 million	$5 million	n/a
2003	$833 million	$5.7 million	$304,313
2004	$1.5 billion	$10.3 million	$546,062
2005	$0	$0	$0
2006	$0	$0	$0
2007	$0	$0	$0
Total	$3.02 billion	$21.2 million	$850,375

The State has also received an additional $500,000, under HAVA Title II, Section 261 for polling place accessibility. The State has been awarded yearly increments of $100,000 over the last five years. The State began drawing these funds for the first time in 2006. These funds will continue to be utilized for voter outreach projects, improved accessibility and poll worker training.

2. Total Funding Expended to Date:

Of the initial HAVA funding received, $15,131,081 has been expended to date to meet the various requirements set forth under HAVA.

Proportionate Breakdown of HAVA Expenditures to Date

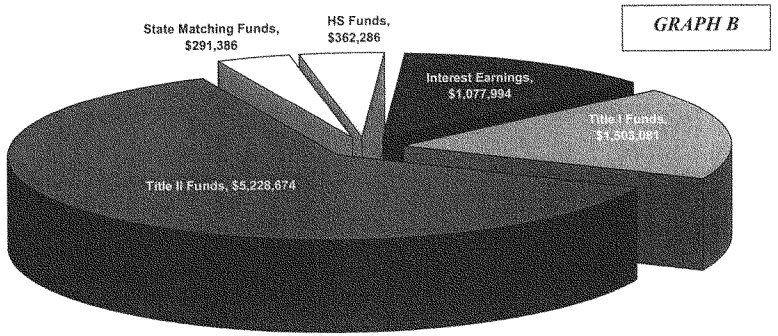


3. Total Funding Remaining to Date:

Budget Account 1051 - HAVA
Funding Received and Remaining as of June 30, 2007

Funding Source	Date Rec'd	Amount Rec'd	Amount Remaining
Title I	05/01/03	$5,000,000	$1,503,081
Title II (Federal FY 03)	08/09/04	$5,785,410	$0
Title II (Federal FY 04)	11/29/04	$10,381,400	$5,228,674
State Match - GF	07/01/04	$299,820	$0
State Match - SS	08/05/04	$550,555	$291,386
HHS Funds - FFY 2003		$100,000	$0
HHS Funds - FFY 2004		$100,000	$62,286
HHS Funds - FFY 2005		$100,000	$100,000
HHS Funds - FFY 2006		$100,000	$100,000
HHS Funds - FFY 2007		$100,000	$100,000
FY 04 Interest Earned	06/30/04	$87,430	$87,430
FY 05 Interest Earned	06/30/05	$214,828	$214,828
FY 06 Interest Earned	06/30/06	$371,193	$371,193
FY 07 Interest Earned	06/30/07	$404,543	$404,543
Totals:		**$23,595,179**	**$8,463,422**

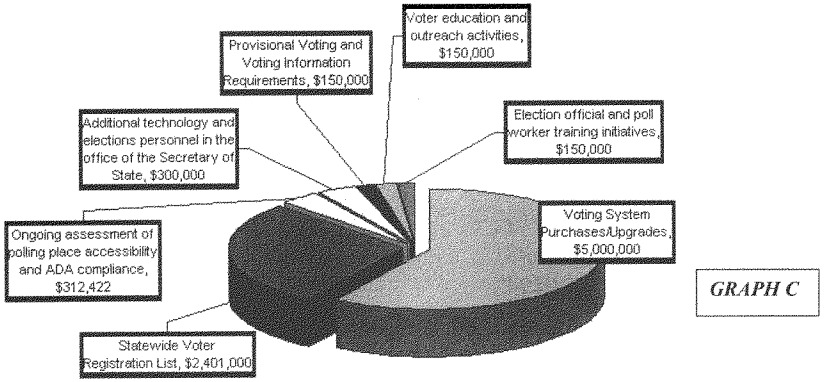
Proportionate Breakdown of Remaining HAVA Funding



4. Allocation of Remaining HAVA Funding For FY 07-08:

The remaining $8,463,422 will be utilized to continue to maintain statewide HAVA compliance. Additionally funding will be set aside to ensure that both the voting systems and the statewide voter registration database can be maintained, updated and adequately supported. As ongoing projects, funding needs have been taken into account post FY 07-08.

Estimated Allocation of Remaining HAVA Funding



GRAPH C

a. Voting System Purchases/Upgrades:
--Continue to develop strategies to obtain funding, to update DRE machines and their respective VVPAT mechanism to ensure continued compliance with both federal and state law. Also provide additional touch screen systems fitted with voter verifiable paper audit trail printers as needed prior to the 2008 and 2010 election cycles.
--To be funded with Title I early payments, Title II requirements payments and State matching funds.
--Cost to date: $11,481,473
--Expected costs for FY 07-08: $2,000,000
--Expected costs for FY 08-09: $3,000,000

b. Establishing and Maintaining a Statewide Voter Registration List:
--Approximately, $4 to $5 million was allocated to cover base cost, with estimated ongoing maintenance costs of approximately $100,000 per year.
--The State will maintain between $2-3 million to cover any additional improvements to be made to the internally built statewide voter registration list and any additional maintenance costs which may arise.
--To be funded with Title I early payments, Title II requirements payments and State matching funds.
--Cost to date: $2,640,714
--Expected costs for FY 07-08: $401,000
--Expected costs for FY 08-09: $2,000,000

c. Provisional Voting and Voting Information Requirements:
--$150,000 was initially allocated to create and develop enhancements to the free-access system, provide necessary training and outreach, and develop voting information.
--To be funded with Title II requirements payments and State matching funds.
--Expected costs for FY 07-08: $150,000

d. Ongoing assessment of polling place accessibility and ADA compliance:
--A significant portion of HAVA Title II, Section 261 funds totaling $362,286 will continue to be allocated to improve polling place accessibility. The expenditures will also include training for election officials and poll workers, along with providing information about polling place accessibility to people with disabilities.
--Expected costs for FY 07-08: $312,422

e. Voter education and outreach activities:
-- $150,000.00 in HAVA funding will be allocated to continue with voter education and outreach activities.
--To be funded with Title I requirements payments and State matching funds.
--Expected costs for FY 07-08: $150,000

f. Election official and poll worker training initiatives:
-- $150,000, in HAVA funding will be allocated to continue training election officials and poll workers.
--To be funded with both Title I and Title II requirements payments and State matching funds.
--Expected costs for FY 07-08: $150,000

g. Additional technology and elections personnel in the office of the Secretary of State:
-- $344,926.00 has been expended on elections personnel since the implementation of HAVA in 2002.
-- Additional considerations include creating a HAVA information technology position to help maintain various aspects of HAVA compliance including programming related to voting equipment as well as statewide voter registration maintenance and further development.
--Expected costs for FY 07-08: $300,000

The State's FY 07-08 Plan, as presented herein, is limited to the extent State appropriations are made available, and is based on the assumption that adequate federal funding will be appropriated. While the State intends to fully comply with HAVA, if adequate federal funding is not made available, the manner in which the funds are disbursed or dedicated and the priorities given to particular projects may be altered from the information contained in this FY 07-08 Plan.

G. Maintenance of Effort

Section 254(a)(7) requires a description of how the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the state for the fiscal year ending prior to November 2000.

Consistent with the maintenance of effort requirement contained in HAVA, in using any requirements payments, the State will maintain expenditures for activities funded by the payment at a level equal to or greater than the level of such expenditures maintained by the State for its fiscal year that ended prior to November 2000. The total expenditures attributable to the Elections Division increased in the State's fiscal years 2001, 2002, 2003, 2004, 2005, 2006 and 2007 and are anticipated to increase in FY 08.

The State Legislature has the authority to approve these funding levels and has been apprised of the maintenance of effort requirements contained in HAVA. At this time, the Secretary of State's total HAVA budget is $8,463,422.00. $5,228,674.00 of this total amount is held in a Title II reserve fund, 1,503,081.00 is held in a Title I reserve fund, $291,386 consists of state match funds, $362,286 is held in HHS funding and $1,077,994.00 consists of accrued interest. Projected state funded expenses for FY 2007-2008 will still exceed $250,000.

H. Performance Goals and Measures

Section 254(a)(8) requires a description of how the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

The Secretary of State, in collaboration with local election officials, has met all critical performance goals and will continue to institute processes to measure additional progress in relation to these time-specific goals, as well as ongoing performance goals. This process will provide local election officials with structure and continued measurable targets for accomplishment. In addition, each local election official will be required to report the progress in meeting the performance goals and measures to the Secretary of State within 60 days following every general election held in the State.

1. Performance Goals

In developing the FY 07-08 update to the State Plan, the strategies for achieving these HAVA compliant goals in the previous State Plans continue to be applicable: (1) obtain federal funding; (2) implement legislation fostering voter participation and compliance with HAVA; (3) conduct an assessment of the condition of the statewide voter registration process given these standards; (4) suggest changes to voting technology and processes to ensure accurate and reliable elections and voter confidence; and (5) develop and implement follow-through accountability activities and feedback mechanisms for complaints.

The State's primary goal is to achieve election reform and compliance with HAVA through the successful implementation of the programs outlined in the State Plan. In addition, having met HAVA compliance, the State will continue to create additional goals to continue Nevada's leadership role in election reform. Following is a description of the timetable for meeting each element of the Plan and the title of the official responsible for ensuring each such element is met:

Element	State/County Official	Timetable
Voting Systems	State Elections Deputy County Election Official	Accomplished September 2004
Voter Registration	State Elections Deputy County Election Official	Accomplished in 2006
Provisional Voting	State Elections Deputy County Election Official	Ongoing
Additional Personnel	State Elections Deputy	Ongoing (as needed)
Polling Place Accessibility	State Elections Deputy County Election Official	Ongoing
Voter Education/Outreach	State Elections Deputy County Election Official	Ongoing
Poll Worker Training	State Elections Deputy County Election Official	Ongoing
Complaint Procedures	Deputy Attorney General	Adopted/Ongoing

2. Performance Measures

The State will use the following criteria to measure performance:
--voter turnout statistics
--functionality of voting systems
--accuracy of the data contained in the statewide voter registration list
--voter satisfaction with equipment (accomplished through surveys or other strategies)
--complaints against poll workers
--complaints received versus complaints resolved
--ADA compliance

These criteria were developed through the State Planning Process. The State is further committed to exploring the use of additional performance measures.

I. State-Based Administrative Complaint Procedure

Section 254(a)(9) requires a description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402. This state-based administrative complaint procedure must be in effect prior to certification of the State Plan, but no later than January 1, 2004; no waiver of the procedure is permitted.

The Advisory Committee has developed and adopted a procedure for complaints that meets HAVA requirements[3]. The Secretary of State adopted regulations to place these procedures into the State Administrative Code prior to submission of the FY 03-04 State Plan. The Secretary of State will continue to review and update regulatory language on an ongoing basis. The Secretary of State has assembled the State Regulatory Committee which will continually review statutes needing clarification and develop regulatory language as needed.

In summary, the procedure provides a uniform, nondiscriminatory procedure for the resolution of any complaint alleging a violation of any provision of Title III of HAVA, including a violation that has occurred, is occurring, or is anticipated to occur. Any person who believes a violation of any provision of Title II has occurred may file a complaint with the Secretary of State. The complaint must be written, signed, sworn to and notarized. At the request of the complainant, the Secretary of State will conduct a hearing on the record that will be conducted in accordance with HAVA requirements. The Secretary of State will provide the appropriate remedy and will provide a final determination within the timeframes specified in HAVA. The procedure provides for alternative dispute resolution if the Secretary of State does not make a timely final determination. Finally, the procedure requires the Secretary of State to make reasonable accommodations to assist persons in need of special assistance for utilizing the complaint procedure.

The Secretary of State's Office has also established a statewide Election Command Center Committee which will further modify and improve various aspects of the complaint procedures to ensure the process remains a uniform and nondiscriminatory state-based administrative process. In addition to coordinating with local law enforcement agencies, the Secretary of State's Office will work closely with local district attorneys and the State's Attorney General to ensure complaints are handled proficiently and swiftly. The Secretary of State will deploy investigators from another division of the office to assist local and state agencies investigative staff and the Elections Division during voting periods to investigate complaints as they are recorded by the Secretary of State's Election Fraud and Complaint Hotline. This committee will be a concerted effort and will work closely with the State Training Committee as well on complaint procedures.

[3] See Appendix A for copy of Administrative Complaint Procedure.

J. Effect of Title I Payments

If the State received payment under Title I, Section 254(a)(10) requires a description of how such payment will affect the activities proposed by the State to be carried out under the plan, including the amount of funds available for such activities.

On April 30, 2003, the State received $5 million in Title I payments. The State has expended a portion of these funds for the voting system upgrades described in this State Plan. In addition, the State has expended these funds for ancillary devices, equipment and services associated with the voting systems contract and for travel and training activities necessary for implementing the new voting systems and the statewide voter registration system. Section 6 of this Plan specifically sets forth the State's intended additional uses for these funds.

K. Ongoing Management of the State Plan

Section 254(a)(11) requires a description of how the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change—

(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;

(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and

(C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

The State intends to use the State Plan as the foundation for its goals in achieving election reform and compliance with HAVA. To achieve these goals, the Secretary of State has appointed an internal committee in his office to be overseen by the Deputy Secretary for Elections. This committee is responsible for conducting ongoing management of the State Plan. To carry out this function, the committee is required to hold meetings as deemed necessary to address HAVA related issues and keep current on the State's progress toward implementation of HAVA. The Deputy Secretary for Elections, or a designee, is to report to the State Advisory Committee the activities involved with the ongoing management of the Plan. The Secretary of State will continue to hold an annual meeting of the State Advisory Committee to review and update the State Plan, as necessary. The Secretary of State may also convene the State Advisory Committee at other times during the year as deemed advisable.

L. Changes to the State Plan from the Previous Fiscal Year

In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, Section 254(a)(12) requires a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

This FY 2007-08 State Plan incorporates the same basic theme as the previous plans, and generally reports on the procedures implemented by the State in carrying out the previous plan, such as upgrades to voting systems throughout the State and specific voter education and outreach efforts undertaken by the State.

This current FY 07-08 State Plan updates the status of State performance goals and the various HAVA compliant projects, such as statewide voter registration. Also provided is a general update of achievements in the areas of training, accessibility, statewide voter registration, voter machine upkeep and maintenance, and outreach. This current plan further takes into consideration the Title II, Section 261 funds which had not been drawn prior to 2006.

M. Committee Description and Development of State Plan

Section 254(a)(13) requires a description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

The State's Advisory Committee consists of fifteen (15) members including the Secretary of State, local election officials from the two largest counties in the State and a variety of other election stakeholders[4]. The Secretary of State selected the committee membership and either he or his Chief Deputy acted as Chairperson for each meeting held.

Members of the State Advisory Committee and their qualifications are as follows:

Ross Miller, Secretary of State
Nicole Lamboley, Chief Deputy Secretary of State
Ned Reed, Senior Deputy Attorney General (Appointee of Attorney General Cortez Masto)
Thomas Allman, Rights Advocate/Project Coordinator, Nevada Disability Advocacy & Law
LaVonne Brooks, Executive Director, High Sierra Industries
Dan Burk, Washoe County Registrar of Voters
Heidi Gansert, Assemblywoman, Washoe District 25
Jan Gilbert, N. NV Coordinator, Progressive Leadership Alliance of NV (PLAN)
Barbara Griffin, Douglas County Clerk
Joshua J. Hicks, Legal Counsel to Governor (Appointee of Governor Jim Gibbons)
Ruben Kihuen, State Assemblyman, District 11
Jennifer Lazovich, Esq., Kummer, Kaempfer Bonner Renshaw
Larry Lomax, Clark County Registrar of Voters
Dr. Richard Siegel, President, American Civil Liberties Union of Nevada
Monica Martinez Simmons, Henderson City Clerk

Advisory Committee Staff in the Office of the Secretary of State and their qualifications are as follows:

Matthew M. Griffin, Esq., Deputy Secretary of State for Elections
Rajinder Rai-Nielsen, Esq., State HAVA Coordinator
Lindy Johnson, State Advisory Committee Secretary

In developing this FY 07-08 State Plan, the State Advisory Committee members, with the assistance of staff, individually proposed revisions necessary to update the plan to reflect current circumstances. The committee met July 26, 2007, to review the initial draft incorporating the member's proposed revisions. The committee met again on October 8, 2007, to review the draft incorporating final proposed revisions by members and to consider comments submitted by the public. The FY 07-08 State Plan was formally adopted by the committee on October 8, 2007. Committee meetings were publicly held and noticed in accordance with Nevada's Open Meeting Law. The FY 07-08 State Plan was then made available for public inspection and comment for a 30-day period prior to submission to the Election Assistance Commission (EAC). The Secretary of State published the draft plan and notice of the comment period on October 23, 2007 in his offices, on his website, in the Nevada State Library, at all main county libraries throughout the State, all city and county clerks' offices, and at various other public agencies throughout the State. The notice made it clear that the Secretary of State would accept public comment in the form of e-mails, letters, faxes, etc. through November 21, 2007. After receiving no public comments, the committee-adopted FY 2007-08 Plan was subsequently submitted to the EAC.

[4] See Appendix B for Advisory Committee biographies and party affiliations.

APPENDIX A

Administrative Complaint Procedure
NAC 293.500 – 293.560, inclusive

COMPLAINTS ALLEGING VIOLATION OF TITLE III OF HELP AMERICA VOTE ACT OF 2002 (need to update)

NAC 293.500 Definitions. (NRS 293.124, 293.4685) As used in NAC 293.500 to 293.560, inclusive, unless the context otherwise requires, the words and terms defined in NAC 293.505 and 293.510 have the meanings ascribed to them in those sections.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.505 "Complainant" defined. (NRS 293.124, 293.4685) "Complainant" means a person who files a complaint with the Secretary of State pursuant to NAC 293.515.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.510 "Respondent" defined. (NRS 293.124, 293.4685) "Respondent" means a state or local election official against whom a complaint is filed pursuant to NAC 293.515.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.515 Filing; form; delivery of copy to respondents. (NRS 293.124, 293.4685)

1. A person who believes that a violation of Title III of the Help America Vote Act of 2002, Public Law 107-252, 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to occur may file a complaint with the Office of the Secretary of State.

2. A complaint filed pursuant to subsection 1 must:

(a) Be in writing, notarized and signed and sworn by the complainant. If the Secretary of State prescribes a form for the complaint, the complaint must be filed on that form.

(b) Provide the name of each respondent and a concise statement of the facts of the alleged violation of 42 U.S.C. §§ 15481 to 15502, inclusive.

(c) Be filed in the Office of the Secretary of State in Carson City:

(1) Not later than 60 days after the occurrence of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, is about to occur; or

(2) Not later than 60 days after the complainant knew or, with the exercise of reasonable diligence, should have known of the action or event that forms the basis for the complaint or for the belief of the complainant that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, is about to occur,

↦ whichever is later.

3. The complainant shall mail or deliver a copy of the complaint to each respondent not later than the date on which the complaint is filed.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.520 Review; dismissal and refiling. (NRS 293.124, 293.4685)

1. The Secretary of State or his designee will review each complaint filed pursuant to NAC 293.515 to determine whether the complaint:

(a) States a violation of 42 U.S.C. §§ 15481 to 15502, inclusive; and

(b) Complies with the requirements of NAC 293.515.

2. If a complaint fails to state a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, or does not comply with the requirements of NAC 293.515, the complaint will be dismissed without further action and notice of the dismissal will be provided to the complainant.

3. Except as otherwise provided in subsection 4, a complainant whose complaint has been dismissed pursuant to this section may refile the complaint within the time set forth in paragraph (c) of subsection 2 of NAC 293.515.

4. A complainant whose complaint has been dismissed for failure to state a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, may refile the complaint only one time.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.525 Consolidation; official record. (NRS 293.124, 293.4685)

1. The Secretary of State may consolidate complaints filed pursuant to NAC 293.515 if the complaints relate to the same action or event or raise a common question of law or fact. The Secretary of State will notify all interested parties if two or more complaints have been consolidated.

2. The Secretary of State will compile and maintain an official record in connection with each complaint filed pursuant to NAC 293.515.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.530 Hearing: Request; date; notice; nature. (NRS 293.124, 293.4685)

1. A complainant may request in a complaint filed pursuant to NAC 293.515 that the Secretary of State hold a hearing on the complaint.

2. If a complainant requests a hearing in accordance with subsection 1, the Secretary of State or his designee will conduct a hearing on the complaint, unless the complaint is dismissed pursuant to NAC 293.520. The hearing will be held not sooner than 10 days but not later than 30 days after a request for a hearing has been made in accordance with subsection 1.

3. The Secretary of State will provide notice of the date, time and place of the hearing at least 10 business days before the hearing:

(a) By mailing a copy of the notice to the complainant, each respondent and any interested person who has requested in writing to be advised of the hearing;

(b) By posting a copy of the notice in a prominent place at the Office of the Secretary of State that is available to the general public; and

(c) By posting a copy of the notice on the website of the Secretary of State.

4. A hearing held pursuant to this section is not a contested case for the purposes of chapter 233B of NRS.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.535 Hearing: Hearing officer; procedure. (NRS 293.124, 293.4685)

1. Except as otherwise provided in this subsection, the Secretary of State or his designee will act as the hearing officer for a hearing held pursuant to NAC 293.530. If the Secretary of State is a respondent in the complaint, the Secretary of State will appoint a designee who is an independent professionally qualified person to act as the hearing officer.

2. The complainant, any respondent and any interested member of the public may appear at the hearing, in person or by teleconference, and testify or present relevant evidence in connection with the complaint. All testimony to be considered in the hearing will be taken under oath. The hearing officer may limit the testimony of witnesses, if necessary, to ensure that all interested persons may present their views. The hearing officer may recess the hearing and reconvene the hearing at a later date, time and place, which must be announced publicly at the hearing.

3. A complainant, respondent or other person who testifies or presents evidence at the hearing may, but need not, be represented by an attorney.

4. Cross-examination at the hearing will be permitted only at the discretion of the hearing officer, but a person may testify or present evidence at the hearing to contradict any other testimony or evidence presented at the hearing. If a person has already testified or presented evidence at the hearing and wishes to contradict testimony or evidence presented subsequently, that person is entitled to be heard again only at the discretion of the hearing officer, who may authorize the person to provide an oral or written response, or both.

5. The hearing will be recorded on audiotape by and at the expense of the Office of the Secretary of State. The recording will not be transcribed, but the Secretary of State, a local board of elections or any party to the hearing may obtain a transcript of the hearing at its own expense. If a board or party obtains a transcript of a hearing, the board or party shall file a copy of the transcript as part of the record and any other interested party may examine the copy of the transcript on record.

6. Any party to the proceeding may file a written brief or memorandum with the hearing officer not later than 5 business days after the conclusion of the hearing. The party shall serve a copy of any such written brief or memorandum on all other parties not later than the time the written brief or memorandum is filed with the hearing officer. No responsive or reply memorandum to such a brief or memorandum will be accepted without the specific authorization of the hearing officer.

7. At the conclusion of the hearing and after any brief or memorandum has been filed pursuant to subsection 6, the hearing officer will determine whether, by a preponderance of the evidence, a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to occur.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.540 Review and determination when no hearing requested. (NRS 293.124, 293.4685) If a complainant has not requested a hearing on a complaint filed pursuant to NAC 293.515, the Secretary of State or his designee will review the complaint and any accompanying record and determine whether, by a preponderance of the evidence, a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to occur. If the Secretary of State is a respondent in the complaint, the Secretary of State will appoint an independent professionally qualified person to act as his designee pursuant to this section.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.545 Remedial action or dismissal; issuance of final determination. (NRS 293.124, 293.4685)

1. If the Secretary of State or his designee, whether acting as a hearing officer pursuant to NAC 293.535 or reviewing a complaint pursuant to NAC 293.540, determines that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, has occurred, is occurring or is about to occur, the Secretary of State or his designee will provide the appropriate remedy, including, without limitation, an order to a respondent commanding the respondent to take specified action or prohibiting the respondent from taking specified action, with respect to a past or future election. Such a remedy will not include an award of money damages or attorney's fees.

2. If the Secretary of State or his designee, whether acting as a hearing officer pursuant to NAC 293.535 or reviewing a complaint pursuant to NAC 293.540, determines that a violation of 42 U.S.C. §§ 15481 to 15502, inclusive, has not occurred, is not occurring or is not about to occur, the Secretary of State or his designee will dismiss the complaint.

3. The Secretary of State or his designee will issue a final determination on a complaint made pursuant to subsection 1 or 2 in writing. The final determination will include an explanation of the reasons for the determination and, if applicable, the remedy selected.

4. Except as otherwise provided in NAC 293.550, a final determination of the Secretary of State or his designee on a complaint will be issued within 90 days after the complaint is filed, unless the complainant consents in writing to an extension. The final determination will be:

(a) Mailed to the complainant, each respondent and any interested person who has requested in writing to be advised of the final determination;

(b) Posted on the website of the Secretary of State; and

(c) Made available by the Secretary of State, upon request, to any interested person.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.550 Proceedings for alternative dispute resolution. (NRS 293.124, 293.4685)

1. If the Secretary of State or his designee does not render a final determination on a complaint filed pursuant to NAC 293.515 within 90 days after the complaint is filed, or within any extension period to which the complainant has consented, the Secretary of State will, on or before the fifth business day after the final determination was due to be issued, initiate proceedings for alternative dispute resolution by:

(a) Retaining an independent, professionally qualified person to act as an arbitrator, if the complainant consents in writing to his appointment as the arbitrator at the time of his appointment; or

(b) Designating in writing to the complainant the name of an arbitrator to serve on an arbitration panel to resolve the complaint. If proceedings for alternative dispute resolution are initiated pursuant to this paragraph, not later than 3 business days after the complainant receives such a designation from the Secretary of State, the complainant shall designate in writing to the Secretary of State the name of a second arbitrator. Not

later than 3 business days after such a designation by the complainant, the two arbitrators so designated shall select a third arbitrator to complete the panel.

2. The arbitrator or arbitration panel may review the record compiled in connection with the complaint, including, without limitation, the audio recording of the hearing, any transcript of the hearing and any briefs or memoranda submitted by the parties but shall not receive any additional testimony or evidence unless the arbitrator or arbitration panel requests that the parties present additional briefs or memoranda.

3. The arbitrator, or arbitration panel by a majority vote, shall determine the appropriate resolution of the complaint.

4. The arbitrator or arbitration panel shall issue a written resolution of the complaint not later than 60 days after the final determination of the Secretary of State was due pursuant to NAC 293.545. This period for issuing a written resolution will not be extended.

5. The final resolution of the arbitrator or arbitration panel will be:

(a) Mailed to the complainant, each respondent and any other person who requested in writing to be advised of the final resolution;

(b) Posted on the website of the Secretary of State; and

(c) Made available by the Secretary of State, upon request, to any interested person.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.555 Final determination or resolution not subject to appeal. (NRS 293.124, 293.4685) A final determination of the Secretary of State or his designee pursuant to NAC 293.535, 293.540 or 293.545 or the final resolution of an arbitrator or arbitration panel pursuant to NAC 293.550 is not subject to appeal in any state or federal court.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

NAC 293.560 Assistance in using procedures. (NRS 293.124, 293.4685) The Secretary of State will make reasonable accommodations to assist persons in using the procedures set forth in NAC 293.500 to 293.560, inclusive.

(Added to NAC by Sec'y of State by R077-03, eff. 12-4-2003)

APPENDIX B

Advisory Committee Biographies and Affiliations

State Plan Advisory Committee: Member Biographies

NAME	TITLE/ ORGANIZATION	BIOGRAPHY
Miller, Ross	Secretary of State	Ross Miller was sworn into office on January 1st 2007. Ross is a third-generation Nevadan who previously served as a Deputy District Attorney in Clark County, Nevada. Ross holds a dual degree, in law (J.D.) and a Masters in Business Administration (M.B.A.), from Loyola Marymount University, in Los Angeles. He completed his undergraduate studies at Stanford University in California, earning a Bachelor of Arts major in English, with minors in Psychology and Political Science. While at Stanford, Ross served as a White House Intern, where he worked under then-Cabinet Liaison Thurgood Marshall, Jr.
Lambotey, Nicole	Chief Deputy Secretary of State	Nicole Lambotey, Chief Deputy Secretary of State, was appointed by Secretary Ross Miller in January 2007. Ms. Lambotey has spent the past 18 years working in different capacities in the area of public and government affairs, about half of which have been spent working in the public sector. Prior to joining Secretary Miller's administration, she served as campaign manager for Attorney General Catherine Cortez Masto. Before that, Ms. Lambotey served as Legislative Affairs Manager for the City of Reno and was in charge of the city's state, federal and intergovernmental lobbying efforts. Her career also includes positions as Senior Regional Manager for the National Association of Manufacturers, Deputy Chief of Staff to former Nevada Governor Bob Miller, and Production Manager for the Harriman Communications' Center. Ms. Lambotey received her Bachelors degree from the University of Notre Dame and her Masters degree in Public Policy from Georgetown University
Allman, Thomas	Rights Advocate/Projects Coordinator, NDALC	Tom has been with Nevada Disability Advocacy & Law Center (NDALC) in Las Vegas. As a Rights Advocate/Projects Coordinator for 4 ½ years where he has been the HAVA (Help America Vote Act) Coordinator. As NDALC's HAVA Coordinator under his agency's -HAVA Grant has been to assure full access to the electoral process so that people with disabilities can register to vote and vote with complete independence and privacy. His duties include conducting voting rights outreach meetings to disability organizations, monitoring through site visits ADA compliance for polling places and providing monitoring and technical assistance of both State and County Election Departments to assure they are in compliance with HAVA sections as they relate to people with disabilities. His other agency duties involve coordinating the annual staff training and resolving many ADA compliance issues regarding access to private and government buildings. He has over 18 years working with people with disabilities including his over 7 years as Director of the Corrections Office for the Massachusetts Rehabilitation Commission in Boston. Both his Doctorate in Rehabilitation and Masters in Education in Counseling Psychology are from Boston College, while his J.D. is from Thomas Jefferson School of Law in San Diego
Brooks, LaVonne	Executive Director, High Sierra Industries (HSI)	Bachelor and Master in Organizational Management and Development. First Hispanic Female appointed to serve as a City of Reno Planning Commissioner and appointed to serve as Vice Chair on the Governor's Task Force for Provider Rates in 2001 & 2002. Prior to joining HSI, LaVonne worked for an international consulting firm for 2 years and spent 14 years with a computer manufacturing company. She then owned her own training & development company specializing in improving performance through computer upgrades.
Burk, Dan	Registrar of Voters, Washoe County	B.A. in Public Administration, U of North Texas (1970). M.A. in History, U of Northern Colorado (1977). Worked over 20 years in all aspects of election procedures in Oregon, from Director of Records and Elections, Liaison Officer in the Archive Division to membership on the committee for the implementation of the ADA (American Disabilities Act) regarding Oregon's standards for handicapped access to polling locations.
Gansert, Heidi	Assemblywoman, Washoe Dist. 25	LEGISLATIVE SERVICE: Nevada Assembly, 2004-2007 (first elected November 2004) - two special and two regular sessions. Assistant Minority Leader, 2007; Minority Whip, 2005. 2007 Session: Member: Assembly Committee on Commerce and Labor; Elections, Procedures, Ethics, and Constitutional Amendments; and Ways and Means. AFFILIATIONS: Advisory Board Member, Angel Kiss Foundation; Advisory Committee Member, Nevada Organ and Tissue Donor Taskforce; Republican Women of Reno; Reno Area Triathletes. PERSONAL AND PROFESSIONAL ACHIEVEMENTS: Freshman Legislator of the Year, The Las Vegas Review Journal, 2004; Freshman Legislator of the Year, Peace Officers Research Association of Nevada; President, Legislative Leadership Academy, The Council of State Governments-WEST; Past Treasurer, College of Business Alumni Association, University of Nevada, Reno; Past President, Casa de Vida Auxiliary; Past Treasurer, Alliance to the Washoe County Medical Society.

State Plan Advisory Committee: Member Biographies

NAME	TITLE/ ORGANIZATION	BIOGRAPHY
Gilbert, Jan	Northern Nevada Coordinator, PLAN	B.A. Economics from UCLA. She co-founded the Progressive Leadership Alliance of Nevada (PLAN). Prior to working on economic and environmental justice issues at the state legislature for 24 years, she began advocacy work for the League of Women Voters. She has received several Humanitarian Awards including the Women's role Model Award from the Attorney General and the Hannah Humanitarian Award from the Committee to Aid Abused Women. She also served on the Department of Human Resources Block Grant Commission for 7 years and was Chairman for two of those years.
Griffin, Barbara	County Clerk, Douglas County	Barbara was first elected Clerk-Treasurer in 1986 but has worked in the Douglas County Clerk-Treasurer's office since November of 1973. Her key interest and commitment is the election process and the advancements currently being taken to allow voters easy accessibility to vote.
Appointment: Hicks, Joshua	General Counsel to the Governor	Joshua Hicks joined the Governor's office as General Counsel in January 2007. He previously served as a Senior Deputy Attorney General in the Nevada Department of Justice, representing the Secretary of State, the Nevada Tax Commission and the Nevada Department of Taxation. While at the Nevada Department of Justice, Josh argued cases in front of various Nevada District Courts, the Nevada Supreme Court, the United States District Court for the District of Nevada, the United States Bankruptcy Court for the District of Nevada, and the United States Court of Appeals for the Ninth Circuit. He was the lead attorney on eight published cases. Josh has also served as a law clerk to both the Nevada Supreme Court and the United States District Court for the District of Nevada. He received his Bachelor of Arts degree from Santa Clara University in 1995 and his Juris Doctorate from Santa Clara University in 1998. He has been a licensed attorney in Nevada since 1998. Hicks' wide ranging areas of practice include administrative and regulatory law, election law, state tax law, bill drafting, state personnel law, open meeting law, constitutional law, and public contracts. Josh lives in Reno and is a third-generation native Nevadan. He is married to KC Hicks, who works as a registered nurse in the oncology department at Renown Health.
Kihuen, Ruben	Assemblyman, Clark District 11	Born: 1980 – Guadalajara, Jalisco, Mexico Educated: Rancho High School, Diploma; University of Nevada, Las Vegas, B.S., Education; University of Oklahoma, Masters in Public Administration (completing). Hobbies/Special Interests: Reading, traveling, motivating youth, soccer, weight lifting and exercising, movies. LEGISLATIVE SERVICE: Nevada Assembly, 2007 (first elected November 2006). AFFILIATIONS: Board of Directors, Volunteer Center of Southern Nevada; Member, Clark County Community Development Advisory Committee; Member, North Las Vegas Citizens Advisory Committee; Volunteer, Professionals and Youth Building a Commitment (PAYBAC); Member, Latin Chamber of Commerce; Member, Nevada Hispanic Democratic Caucus; Member, National Association of Latino Elected and Appointed Officials. PERSONAL AND PROFESSIONAL ACHIEVEMENTS: Former Regional Representative to United States Senator Harry Reid; named DASHPAC National Young Leader, 2004; represented Nevada at the Next Generation Democratic Leaders Conference hosted by Senator Hillary Rodham Clinton, 2004; John F. Kennedy Award, Nevada State Democratic Party, 2006; Mexican Legend Award, Julio Cesar Chavez Educational Foundation, 2006; Community Activist of the Year, Familias Unidas de Nevada, 2005-2006; Outstanding Community Activist, City of Las Vegas, 2005; Grand Marshall, Hispanic Day Parade, 2006; Nevada High Schools Soccer Player of the Year, 1997-1998; worked as Field Organizer for the Democratic National Committee for political campaigns in Virginia, Texas, and Florida.

State Plan Advisory Committee: Member Biographies

NAME	TITLE ORGANIZATION	BIOGRAPHY
Lazovich, Jennifer	Attorney, Kummer Kaempfer Bonner Renshaw & Ferrario	Jennifer Lazovich has been with the Firm since November 2001. She is a member of the Firm's Government Affairs department, and has been practicing in the areas of zoning, land use planning, and government affairs since 1998. Ms. Lazovich holds extensive experience in public affairs and government service. She worked in Washington, D.C. in the Finance Division of the National Republican Senatorial Committee. She also served internships in the Washington, D.C. office of United States Senator Harry Reid, and the Elections Division of the Nevada Secretary of State's Office. Ms. Lazovich was admitted to the Nevada Bar in 1998. She is a member of the American Bar Association, the State Bar of Nevada, and the Clark County Bar Association. She has spoken at the Lied Institute for Real Estate Studies and is a graduate of the Leadership Las Vegas program through the Las Vegas Chamber of Commerce, a member of the North Las Vegas Chamber of Commerce and a member of the North Las Vegas 2025 Visioning Committee. She has presented and published articles on issues covering zoning, land use planning, and the Southern Nevada Public Lands Management Act of 1998.
Lomax, Larry	Registrar of Voters, Clark County	B.A. in English Literature, Stanford University (1967) and Master of Business Administration from University of North Dakota (1977). He was a Distinguished Graduate from the Air Force's Officer Training School and as a pilot flew over 4,000 hours in a 30 year career. He served on the Joint Staff in Washington D.C. and had the opportunity to work with legislators and staff members on a wide range of issues. He began his career as Assistant Registrar for Registrations in January of 1998 overseeing the training of 7,000 election board officers, processing of petitions, and election night logistics and was appointed Registrar of Voters with full responsibility for the County's Election Department in March of 1999.
Appointment: Reed, Ned	Senior Deputy Attorney General	Edward T. "Ned" Reed is a lifelong and fifth-generation Nevadan, currently serving as a Senior Deputy Attorney General representing the Nevada Secretary of State. He grew up in Reno, and graduated from Tulane University in 1975 with a B.A. in Philosophy, and after graduation served 4 years active duty military as a U.S. Army officer at Fort Hood, Texas. He attended McGeorge School of Law in Sacramento, California, graduating in 1985 with a juris doctor. Since becoming an attorney in 1985, he has served as a law clerk to the Honorable Mario Recanzone of the Third Judicial District Court in Fallon, Nevada, Deputy District Attorney in Humboldt County, Nevada, from 1987 to 1990, private practice in Reno from 1990 to 1992, and since 1992 has been a Deputy Attorney General in Carson City.
Siegel, Dr. Richard	President, ACLU of Nevada	Richard Siegel, Ph.D is Professor Emeritus of Political Science at the University of Nevada Reno, President of the American Civil Liberties Union of Nevada and Chairperson of the Nevada Committee on Foreign Relations. He served on the Board of Directors of the National ACLU from 1975 to 1988. A former consultant for the United Nations in the area of human rights, he continues to teach human rights and world politics.
Simmons, Monica M.	City Clerk, City of Henderson	Monica was appointed City Clerk in 1998 by the City Council following 20 years of service in the City Attorney's Office. During her 28-year tenure at the City, she has experienced unprecedented growth (from 23,597 to a current population of 265,000.) Monica serves on the Board of Directors for the International organization of Municipal Clerks and Administrators, representing 15 countries and a membership of 10,000. She was elected president of the Nevada Municipal Clerks' Association in 1994, and she is an active member with the League of Women Voters, Nevada Women's History Project, and the American Bar Association. Monica partnered with the University of Nevada/Reno to establish the first Nevada Municipal and County Clerks' accredited educational institute. At the request of the U.S. Department of State, she pursued the implementation of a full-service U.S. Passport Application Program in 2003. Monica continues her commitment to strengthening community relations through effective outreach programs, including Henderson's nationally recognized "Local Youth Vote" campaign and the recent implementation of "Vote Centers" during Henderson's Municipal Elections.

APPENDIX C

Agenda for July 26, 2007 Advisory Committee Meeting

NEVADA STATE ADVISORY COMMITTEE

AGENDA

Meeting: **Thursday, July 26, 2007 at 2:00 p.m.**

Room 2134	Room 4406
Nevada State Legislature	Grant Sawyer Building
401 South Carson Street	555 East Washington Street
Carson City, Nevada	Las Vegas, Nevada

I. Introduction and Welcome

II. Update on Status of HAVA Compliance and State/Federal Funding

III. First Review of Proposed HAVA State Plan for 2007-08

IV. Comments of Committee Members

V. Public Comment

VI. Adjournment

Notice of this meeting has been posted at the following locations:

Offices of the 17 County Clerks/Registrar of Voters
The Capitol Building, 101 North Carson Street, Carson City, Nevada
Grant Sawyer State Office Building, 555 East Washington Street, Las Vegas, Nevada
Nevada State Legislature, 401 South Carson Street, Carson City, Nevada
Nevada State Library and Archives, 100 North Stewart Street, Carson City, Nevada

Notice of this meeting was posted on the following website:
http://www.secretaryofstate.biz

Posted July 20, 2007

We are pleased to make accommodations for people with disabilities who wish to attend this meeting. Please notify the Elections Division at the Secretary of State's office by calling (775) 684-5705.

APPENDIX D

Agenda for October 8, 2007 Advisory Committee Meeting

NEVADA STATE ADVISORY COMMITTEE

AGENDA

Meeting: **Monday, October 8, 2007 at 2:00 p.m.**

Room 2134	Room 4412
Nevada State Legislature	Grant Sawyer Building
401 South Carson Street	555 East Washington Street
Carson City, Nevada	Las Vegas, Nevada

I. Introduction and Welcome

II. Second Review of Proposed HAVA State Plan for 2007-08

A. Inclusion of more detailed budget information

B. Other changes made in response to member comments

III. Comments of Committee Members*

IV. Committee Vote for Passage of FY 2007-08 State Plan*

V. Public Comment

VI. Adjournment*

Items marked with a "*" are items on which action may be taken.

Notice of this meeting has been posted at the following locations:

Offices of the 17 County Clerks/Registrar of Voters
The Capitol Building, 101 North Carson Street, Carson City, Nevada
Grant Sawyer State Office Building, 555 East Washington Street, Las Vegas, Nevada
Nevada State Legislature, 401 South Carson Street, Carson City, Nevada
Nevada State Library and Archives, 100 North Stewart Street, Carson City, Nevada

Notice of this meeting was posted on the following website:
http://www.secretaryofstate.biz

Posted October 3, 2007

We are pleased to make accommodations for people with disabilities who wish to attend this meeting. Please notify the Elections Division at the Secretary of State's office by calling (775) 684-5705.

APPENDIX E

Temporary Statewide Voter Registration Maintenance Regulations
Effective 5/9/07 – 11/1/07

PROPOSED TEMPORARY REGULATIONS OF

THE SECRETARY OF STATE

LCB File No. T029-07

Effective: May 9, 2007

EXPLANATION – These regulations pertain to the statewide voter registration list required by NRS 293.675 and 42 U.S.C. 15483. Specifically, these regulations set out the procedures by which the statewide voter registration list is maintained and utilized.

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

AUTHORITY: NRS 293.124; 293.675.

A REGULATION relating to elections and providing other matters properly relating thereto.

Section 1. Chapter 293 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 29, inclusive, of this regulation.

Sec. 2. Purpose.

1. The purpose of these temporary regulations is to codify standards and procedures for the processing, transmittal, and maintenance of voter registration records in a manner that conforms with the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 (HAVA) (Pub. L. No. 107-252 (2002) 116 Stat. 1666, 42 U.S.C. § 15483) and NRS 293.675.

2. These regulations apply to the Secretary of State and all elections officials within the State of Nevada responsible for the processing, transmittal, and maintenance of voter registration records in this state.

Sec. 3. Statewide Voter Registration Database.

1. The statewide voter registration list will be maintained in a single, official, uniform, centralized and interactive computerized database administered and maintained by the Secretary of State. The database shall be known as "NevVoter."

2. NevVoter will contain the official and exclusive voter registration list to be used for the conduct of all state and federal elections in Nevada. NevVoter shall contain the name and pertinent registration information of every registered voter in Nevada.

3. Registration information held solely in a county or local database is not considered part of NevVoter unless and until that information is electronically submitted to NevVoter as prescribed by regulation.

4. Registration information maintained in NevVoter will be deemed official for a particular business day as of 9:00 a.m. each business morning. Mechanical and processing errors in the nightly electronic submitting process to NevVoter may affect the official status of registration information maintained in NevVoter for that particular business day.

5. Each county or local election official must maintain interactive and compatible software and protocols that allow a daily transfer of required registration information from County Election Management Systems to NevVoter.

Sec. 4. Definitions.

As used in this Chapter, the following words have the following definitions:

1. "Eligible voter" means any registered voter that is legally entitled to vote.

2. "Business day" means any calendar day except Saturday and Sunday or a legal holiday pursuant to Nevada law.

3. "Canceled" means the status of a voter whose registration has been canceled pursuant to law and is therefore ineligible to vote, including but not limited to convicted felons who have not had their civil rights restored and persons who have been adjudicated mentally incompetent. A voter on canceled status is deemed not registered to vote.

4. "Critical Eligibility Criteria" means voter information that, if missing, renders a person ineligible to vote. Such information includes: name; residence address; date of birth, signature; Nevada driver's license number, last four digits of social security number, unique identification number or indication that person has signed the affidavit prescribed by NRS 293.507(5).

5. "County Elections Management System" means any computerized application and database that manages voter registration and related election functions for a county, other than NevVoter.

6. "County Elections Official" means a county clerk or registrar of voters who is responsible for collecting, maintaining and processing voter registration data within a jurisdiction in the State of Nevada.

7. "Data Exchange Standards" means the document prepared by the Secretary of State that sets forth the technical rules and requirements of NevVoter.

8. "Deficient registration record" means those records submitted to NevVoter that do not meet the NevVoter data exchange standards set forth in the "Data Exchange Standards Document".

9. "Federal election" means any general, special, primary, or runoff election for any Federal office (President, Vice President, U.S. Senator or U.S. Representative), including presidential preference primaries.

10. "Full load file" means an electronic data file containing all county voter registration records. Such a file must adhere to the format standards and requirements set forth in the "Data Exchange Standards Document".

11. "Inactive voter" means a voter whose mail is returned from the address at which he registered to vote and has not provided a County Elections Official with a new residence address. Inactive voters retain the legal right to vote, but need not be mailed election material.

12. "List maintenance notices" mean any notices mailed to a registered voter for the purpose of verifying registration information about a voter and to determine a voter's ongoing eligibility to vote.

13. "Nevada driver's license" means a voter's Nevada driver's license or state identification number that has been issued by the Nevada Department of Motor Vehicles.

14. "NevValidator" means the computer interface by which an election official can compare a Nevada driver's license number or social security number on a voter's registration record with the voter's Nevada driver's license number or social security number recorded with the Nevada Department of Motor Vehicles and the Social Security Administration.

15. "NevVoter Procedures Manual" means the most recent version of the procedures manual prepared by the Secretary of State for use by County Election Officials in the administration of NevVoter.

16. "Official Identification" means the forms of proof of residency and identity required by NRS 293.517.

17. "P-17" means the status for a voter who was under age 18 at the time his voter registration was submitted, but who will be age 18 or older by election day and who has met all other legal requirements to vote.

18. "Pending" means the status for a voter who has submitted a voter registration application that is missing certain information or has incorrect required information and includes:

(a) "Active Pending" means a voter with certain registration information that needs to be confirmed but who has otherwise provided all critical eligibility criteria, or a voter who is required to provide some type of identification before voting but who is otherwise is still eligible to vote; and

(b) "Fatal Pending" means a voter who is missing critical eligibility criteria and who is ineligible to vote until the missing information is submitted to the appropriate County Elections Official.

19. "Registration record" means electronically stored data associated with an individual registered voter.

20. "Social security number" means the last four digits of a voter's social security number issued by the Social Security Administration.

21. "Voided" means the status of a voter whose registration information has been declared void pursuant to law and is therefore ineligible to vote. A voter on voided status is deemed not registered to vote.

22. "Voting History" means the electronic record of each time a voter participates in a state or Federal election.

23. "Active Voter" means an eligible voter whose residence address is current

Sec. 5. Official Statewide Voter Registration List.

1. A County Elections Official shall submit the voter registration information required by the Data Exchange Standards Document for his respective county to NevVoter in accordance with Section 12.

2. The official statewide voter registration list for Federal elections shall be maintained in NevVoter. County Elections Officials must use the NevVoter list to determine eligibility to vote, issuance of ballots, whether or not to count a provisional ballot, and for any other election related functions.

3. For the purposes of establishing the official voter registration list for a Federal election and determining voter eligibility to vote in that election, including determining the validity of any provisional ballot cast in that election, the Secretary of State shall archive a copy of all eligible voters in NevVoter on the 19th day prior to an election. No changes may be made to the archived records prior to the upcoming election except under the following circumstances:

(a) New or updated voter registration data received pursuant to the production and filing of a certified copy of a judgment of a court of competent jurisdiction directing registration to be made;

(b) Voter registration data regarding a voter determined by the Secretary of State or a County Elections Official to have been legally registered to vote as of the close of registration; or

(c) Voter registration data submitted pursuant to NRS 293.502.

4. County Election Officials shall continue to submit information to NevVoter after the 19th day prior to an election but any such records shall not be included in the archived list for the upcoming election created pursuant to subsection 3.

5. The Secretary of State shall prepare an official statewide voter registration list for the upcoming election for distribution to each County Election Official from the archived records created pursuant to subsection 3 and which must be consistent with pollbooks, rosters, master lists, and posting logs generated from a County Elections Management System for use in the upcoming election and for all other official election purposes.

6. Tthe Secretary of State shall prepare a final official statewide voter registration list for use in the upcoming election which reflects the archived records created pursuant to subsection 3, along with any permitted changes to those records, for distribution to each County Election Official and which must be consistent with pollbooks, rosters, master lists and posting logs generated from a County Elections Management System for use on the upcoming election day and for all other official election purposes.

7. Within 45 days of the date the election is certified, a County Elections Official must submit a full load file which includes the Voting History for each voter in a County Election Management System. The Secretary of State shall thereafter update the list created pursuant to subsection 6 with the Voter History of all eligible voters, and the list shall then be archived and preserved.

Sec. 6. Status of Voters in NevVoter.

1. Every person in NevVoter shall be assigned a status that will be used to determine eligibility to vote in an election.

2. Persons with "active," or "inactive" status shall be considered eligible to vote.

3. Persons with "p-17" status shall be considered eligible to vote in any election that takes place on or after that person's eighteenth birthday.

4. Persons with "void" or "cancelled" or "pend" status shall be considered ineligible to vote. A person with any such status may be placed on a different status up to the date of the election if a County Election Official determines pursuant to law that the person's status should be changed, and that change is thereafter made to a County Election Management System and submitted to NevVoter.

5. "Active" and "fatal pends", as defined in Section 4(18) are category statuses not appearing in NevVoter, but which may appear in local election management systems.

Sec. 7. Action Required.

1. A County Elections Official who receives a notice from the Secretary of State or another County Elections Official requesting a change to, or cancellation of, or verification of, a voter's registration record shall commence the requested action, including sending any required notices, within five (5) calendar days after receipt of the notice. A County Elections Officials shall undertake all reasonable and legally required actions to research and comply with the requested action. A County Elections Official shall follow the procedures set forth in the NevVoter Procedures Manual.

2. In the event that a County Elections Official is required by law to provide a notice to a voter in order to comply with the requested action, a County Elections Official must complete the requested action and submit a fully complete and updated full load file to NevVoter within thirty (30) calendar days of the date the County Elections Official receives the notice set forth in subsection 1 of this section.

3. In the event that a County Elections Official is not required by law to provide a notice to a voter in order to comply with the requested action, including but not limited to data entry errors, a County Elections Official must complete the requested action and submit a fully complete and updated full load file to NevVoter within ten (10) calendar days of the date the County Elections Official receives the notice set forth in subsection 1 of this section.

4. A County Elections Official shall give priority to all notices received from the Secretary of State pursuant to subsection 1 of this section which pertain to voter registration applications submitted on and after January 1, 2006.

5. A County Elections Official who receives a notice pursuant to subsection 1 of this section before the date of an election must expedite and complete the required action by the date of the election.

6. A County Elections Official may, in his discretion, resolve any data entry errors regardless of how or by whom such errors were generated.

Sec. 8. Data Exchange Standards.

1. The Secretary of State shall regularly check and identify records that are not compliant with the Data Exchange Standards Document. County Elections Officials must correct deficient registration records in accordance with Section 7.

2. Except as provided in Section 5, County Elections Officials must submit all registration records listed in the Data Exchange Standards Document to NevVoter. Such records shall adhere to proper format as noted in the Data Exchange Standards Document.

3. The Secretary of State shall transmit registration records, notices, and other information regarding NevVoter to County Elections Officials each night.

4. Each County Elections Official must access NevVoter each business day to obtain the most current voter registration information.

5. The Data Exchange Standards Document may be accessed by elections officials by contacting the Secretary of State's Office.

Sec. 9. County Elections Management System Requirements.

Each elections official shall maintain a County Elections Management System that is able to submit information required by the Data Exchange Standards Document to NevVoter in accordance with Section 5 and Section 12. The Elections Management Systems shall also maintain and process all of the following information:

1. The voter's Nevada driver's license number, or for voters without a Nevada driver's license number, the last four digits of the voter's social security number, or for voters without a Nevada driver's license or a social security number, a record of whether the voter signed the affidavit required by NRS 293.507(5);

2. Whether the voter is an Active voter or whether critical eligibility criteria are missing;

3. Voting history of each registered voter in the county in which the elections official conducts and administers the elections;

4. Whether any voter failed to provide the requisite identification at the time his voter registration application was submitted;

5. Whether any voter registered by mail after January 1, 2006 and has not previously voted in a federal election;

6. The date and type for each mailing list maintenance notice sent to a voter, whether the voter to whom the list maintenance notice was directed responded to the notice, and any resulting updates to voter registration records;

7. For a voter who is listed in an Elections Management System as an inactive voter, the reason for the change in status to inactive voter and the date of the change;

8. For a voter who is listed in an Elections Management System as having a cancelled or void registration, the reason for the change in status to cancelled or void and the date of the change;

9. For a voter who is listed in an Elections Management System as having a pending registration, the reason for the pending status; and

10. The voter's unique identifier assigned pursuant to Section 29 of these regulations.

Sec. 10. Critically Deficient Registration Records.

A registration record submitted for the purposes of updating NevVoter that does not contain critical eligibility criteria shall be placed on fatal pending status. A County Elections Official shall take all reasonable steps to correct and resubmit the voter's registration record to NevVoter in accordance with the time periods and procedures set forth in Section 7 of these regulations, and at the latest, by the Wednesday before an election. A voter who is the subject of the critically deficient registration record shall not be deemed eligible to vote until the deficient registration record is corrected, resubmitted to and accepted by NevVoter. This Section shall not preclude the right of an individual to cast a provisional ballot.

Sec. 11. Verification of Nevada Driver's License Numbers on Registration Applications Submitted on or After January 1, 2006.

1. Each business day the Secretary of State shall compare driver's license numbers for each voter in NevVoter with the driver's license data file from the Nevada Department of Motor Vehicles in order to match Nevada driver's license numbers for all registered voters in NevVoter.

2. The Secretary of State shall immediately notify a County Elections Official of any voters who the Secretary of State determines have an unmatched driver's license number as the result of the process in subsection 1 of this section.

3. A County Elections Official noticed pursuant to subsection 2 of this section shall take the necessary steps to correct and resubmit the voter's registration record to NevVoter in accordance with the time periods and procedures set forth in Section 7 of these regulations and the NevVoter Procedures Manual.

4. If, as a result of the procedure set forth in subsection 3 of this section, a County Elections Official determines that an unmatched driver's license number was the result of a data entry error, the County Elections Official shall correct the error and submit a full load file to NevVoter.

5. If a County Elections Official is unable to obtain a driver's license number as the result of the procedure set forth in subsection 3 of this section, a voter shall not be allowed to cast any ballot except a provisional ballot unless the voter has provided his social security number or has signed the affidavit required by NRS 293.507(5). A voter who provides proof of his correct driver's license number at a polling place shall be considered to have provided the correct number as of the last day to register for that election. A County Elections Official shall enter the correct number into a County

Elections System and submit a full load file to NevVoter at the next time a full load file is required by these regulations.

6. The provisions of this section apply only to voter registration applications submitted on and after January 1, 2006.

7. The provisions of this section do not apply if a voter has provided a social security number that has been verified pursuant to Section 17 or if a voter has signed the affidavit required by NRS 293.507(5).

8. All voter registration applications submitted on and after January 1, 2006 and before an election must be processed by the date of the close of registration for that election.

Sec. 12. Full Load Files.

Except as provided in Section 5, or otherwise requested by the Secretary of State, County Elections Officials shall submit a full load file to NevVoter at least once every twenty-four hours, each business day.

Sec. 13. Updating NevVoter with New Registration Records and Changes to Existing Registration Records.

Except as provided in Section 5, whenever a County Elections Official receives a new registration record or a change to an existing registration record or makes a change to an existing registration record, whether in response to a notice from the Secretary of State or otherwise, the County Elections Official shall process such information and transmit a full load file to NevVoter in accordance with Section 12 on the same business day in which the changes are made to the County Elections Management System. Additionally, the County Elections Official shall keep a record of all changes made.

Sec. 14. State Death Records.

1. The Secretary of State shall compare all voter registration records with records of deceased persons from the Department of Health and Human Services each time the Department of Health and Human Services updates its records of deceased persons.

2. Whenever the Secretary of State receives new records of deceased persons from the Department of Health and Human Services the records shall be compared to the voter registration records in NevVoter to identify potential matches.

3. Upon identifying potential matches, the Secretary of State shall transmit notices of the potential matches to the appropriate County Elections Officials.

4. A County Elections Official shall correct and resubmit the voter's registration record to NevVoter in accordance with the time periods and procedures set forth in Section 7 of these regulations and the NevVoter Procedures Manual.

5. If a match is confirmed by the County Elections Official, the County Election Management System shall be updated accordingly and a full load file shall be submitted to NevVoter in accordance with Section 7 and Section 12. If a match is confirmed, a County Elections Official may consider the notice sent by the Secretary of State pursuant to subsection 3 of this section to be a sufficient notice to cancel a registration pursuant to NRS 293.540(1).

6. If a match is not confirmed by the County Elections Official, the County Elections Official shall notify the Secretary of State and shall not list the voter as deceased in a County Election Management System.

Sec. 15. Felony Records.

1. Each County Elections Official shall compare all voter registration records with records of convicted felons received from any law enforcement agency or from the Secretary of State whenever the County Elections Official receives updated felony records.

2. Whenever the County Election Official receives new records of convicted felons the records shall be compared to the voter registration records in County Elections Management System to identify potential matches.

3. Upon identifying potential matches, the County Election Official shall determine whether the convicted felon has had his right to vote restored pursuant to NRS 213.090, 213.155, 213.157 or 293.540.

4. If a County Election Official determines that a convicted felon has had his right to vote restored, the County Election Management System shall be updated accordingly and a full load file shall be submitted to NevVoter in accordance with Section 7 and Section 12.

5. If a County Elections Official determines that a convicted felon has not had his right to vote restored, the County Elections Official shall cancel the registration of that person in a County Election Management System and a full load file shall be submitted to NevVoter in accordance with Section 7 and Section 12.

Sec. 16. Duplicate Registration Records.

1. Each business day, the Secretary of State shall conduct checks within the NevVoter statewide registration list to identify potential duplicate registrations for the same voter within that list, based on established rotating criteria. Upon identification of potential duplicate registration records, the Secretary of State shall automatically send an electronic notice to the county or counties with the record or records created prior to the latest date.

2. A County Elections Official noticed pursuant to subsection 1 of this section shall correct and resubmit the voter's registration record to NevVoter in accordance with the time periods and procedures set forth in Section 7 of these regulations and the NevVoter Procedures Manual.

3. If a County Election Official confirms that duplicate registrations exist, all but the most current registration shall be cancelled in a County Election Management System and a full load file shall be submitted to NevVoter in accordance with Section 7 and Section 12. If a duplicate registration is confirmed, a notice sent pursuant to subsection 1 of this section shall operate as a cancellation notice for purposes of NRS 293.527.

Sec. 17. Verification of Social Security Numbers Listed on Registration Applications Submitted on or After January 1, 2006.

1. Each business day, the Secretary of State shall compare social security numbers for each voter in NevVoter with the social security number data file from the Social Security Administration in order to match social security numbers for all registered voters in NevVoter.

2. The Secretary of State shall immediately notify a County Elections Official of any voters who the Secretary of State determines have an unmatched social security number as the result of the process in subsection 1 of this section.

3. A County Elections Official noticed pursuant to subsection 2 of this section shall take the necessary steps to correct and resubmit the voter's registration record to NevVoter in accordance with the time periods and procedures set forth in Section 7 of these regulations and the NevVoter Procedures Manual.

4. If, as a result of the procedure set forth in subsection 3 of this section, a County Elections Official determines that an unmatched social security number was the result of a data entry error, the County Elections Official shall correct the error and submit a full load file to NevVoter.

5. If a County Elections Official is unable to obtain a social security number as the result of the procedure set forth in subsection 3 of this section, a voter shall not be allowed to cast any ballot except a provisional ballot unless the voter has provided a Nevada driver's license number or has signed the affidavit required by NRS 293.507(5). A voter who provides proof of the correct social security number at a polling place shall be considered to have provided the correct number as of the last day to register for that election. A County Elections Official shall enter the correct number into a County Elections System and submit a full load file to NevVoter at the next time a full load file is required by these regulations.

6. The provisions of this section apply only to voter registration applications submitted on or after January 1, 2006.

7. The provisions of this section do not apply if a voter has provided a Nevada driver's license number that has been verified pursuant to Section 11 or if a voter has signed the affidavit required by NRS 293.507(5).

8. All voter registration applications submitted on and after January 1, 2006 and before an election must be processed by the date of the close of registration for that election.

Sec. 18. Voting History.

A County Elections Official shall submit to the Secretary of State the Voter History of all voters who cast a ballot in each statewide and Federal election by the 45th day after each election.

Sec. 19. Certification of Elections Official.

By submitting a full load file to NevVoter, a County Election Official certifies that the information contained therein is accurate, is in compliance with State and Federal law, and was submitted to NevVoter via secure file transfer protocols and in accordance with applicable law.

Sec. 20. Obligations of State and Local Election Officials.

Any voter registration information obtained by a County Elections Official shall be electronically entered into the County Elections Management System and into NevVoter on an expedited basis at the time the information is provided. The Secretary of State shall provide such support as may be required so County Election Officials are able to submit any voter registration information into NevVoter.

Sec. 21. Computerized List Maintenance and Conduct.

1. A County Election Official is responsible for daily and routine upkeep and maintenance of all voter registration information in an Election Management System and any information that is submitted to NevVoter. Daily and routine upkeep must include efforts to identify and remove ineligible voters from the active voter rolls.

2. Routine upkeep and maintenance must be done in a manner that ensures that the name of each eligible and registered voter appears in NevVoter.

Sec. 22. Pollbooks, Rosters, Master Lists and Posting Logs.

A County Elections Official may print pollbooks, rosters, master lists and posting logs for use at a polling place from an Election Management System so long as the voter information on the Election Management System is identical to the voter information maintained in NevVoter as of the date on which the roster will be used and so long as the County Elections Official has made all certifications required by these regulations.

Sec. 23. Reports.

A County Election Official shall submit to the Secretary of State all reports generated by a County Election Official pursuant to the Data Exchange Standards Document.

Sec. 24. Security.

1. All transmissions of data to and from a County Elections Management System and NevVoter must be secured pursuant to the standards set forth in the Data Exchange Standards Document.

2. A County Elections Official shall ensure that any voter registration information that is deemed confidential by law is not disclosed to unauthorized personnel in any transmissions to and from NevVoter or NevValidator.

3. NevVoter and NevValidator may only be utilized by authorized personnel for election purposes. The Secretary of State may establish minimum criteria, including but not limited to background checks, for any such authorized personnel.

Sec. 25. Confidential Address Program.

All voter records that are confidential pursuant to NRS 293.5002 shall be maintained in a manner ensuring these records are accessible only to authorized personnel and shall not be accessible to the public. Confidential voter records under this section shall be maintained by County Election officials and the Secretary of State will periodically verify status of confidential address program participants as requested by the Secretary of State.

Sec. 26. Confidential Voter Addresses and Telephone Numbers.

A County Elections Management System shall note any voter who has requested that his address and telephone number be kept confidential pursuant to NRS 293.558. Such a notation shall be submitted to NevVoter as part of a full load file.

Sec. 27. County Elections Official Override.

A County Elections Official may override a notice from the Secretary of State or another County Elections Official sent pursuant to Sections 11, 14, 15, 16 or 17 if both the County Elections Official and the Secretary of State agree that the notice was sent in error. In the event of an override, the County Elections Official must maintain a detailed description of the reason for the override.

Sec. 28. Voters Who Are Exempt From Identification Requirements.

If a voter is exempt by law from a requirement to show identification at a polling place, such an exemption shall be noted in a County Elections Management System and shall be included in a submission of any full load file.

Sec. 29. Unique Identifier.

Each voter in NevVoter shall be assigned a unique identification number. The unique identification number shall be assigned pursuant to the procedures set forth in the Nevada Procedures Manual and the Data Exchange Standards.

Office of the Secretary of State
Bill Bradbury
Secretary of State
Jean Straight
Deputy Secretary of State

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February 14, 2008

The Honorable Rosemary Rodriguez, Chair
U.S. Elections Assistance Commission
1225 New York Ave, N.W., Suite 1100
Washington, DC 20005

Dear Chair Rodriguez:

In accordance with section 255 of the Help America Vote Act of 2002, I am pleased to file with the U.S. Election Assistance Commission this letter and the recently revised Sections 1, 6, 12 and 13 of the Oregon State Plan. These revised sections and the remaining unchanged sections constitute the Oregon State Plan.

As required by section 254(a)(12) of the Act, the revised sections include a description of how Oregon succeeded in carrying out elements of the State Plan and the material changes to the State Plan originally filed with the Federal Election Commission in April of 2003. Section 12 describes the State's success in complying with the State Plan and the Act, and Section 1 includes a description of the material changes during this revision process.

Pursuant to Sections 255 and 256 of the Act, these revisions to the Oregon State Plan were developed by the HAVA State Planning Committee and notice of the revisions were published in statewide newspapers. The public comment period ended January 31, 2008 with a public hearing held that day. After reviewing the public comments received it was determined that no changes to the revised sections were necessary.

Thank you for accepting these revisions and for facilitating the publication of the revised sections of the Oregon State Plan in the Federal Register. I look forward to our continued collaboration to improve the administration of elections in Oregon.

Sincerely,

Bill Bradbury
Secretary of State

enclosures

Section 1. ***301. VOTING SYSTEMS STANDARDS.***

Voting System Standards

Section 301 of the Help America Vote Act requires that voters have the opportunity in a private and independent manner to verify the votes they have selected, to change their ballot or correct any errors, and to be notified of the effect of selecting more than one candidate for a single office before a ballot is cast and counted. HAVA also directs states to adopt uniform and nondiscriminatory standards that define what constitutes a vote, requires manual audit capacity and error rates standards of voting systems, and mandates increased access to the elections process by people with disabilities.

Privacy and Independence – Oregon Statutes require that all voting systems approved by the Secretary of State secure the secrecy of voting to each voter. Vote by mail allows voters to easily mark their ballots in a private location, most often within their homes. Voters may also use privacy booths at their county elections office. These booths are available the entire time that ballots are issued and are especially useful to voters visiting the county election office to request a replacement ballot on the day of or near the election. To enhance voter independence and make the process of voting and correcting a ballot more convenient, Oregon has replaced its punchcard voting systems through upgrades to optical scan systems to allow voters to use a pencil or a pen in completing their ballots.

In compliance with HAVA, Oregon intends to develop and implement an Alternate Format Ballot (AFB). The AFB will enable a person that, for whatever reason, is unable to access or mark a regular printed ballot, to mark, print, verify, and cast a ballot using a personal computer, scanner, and printer. The AFB will be designed to easily function across a wide breadth of computer hardware and software, including assistive technologies. This will allow voters with disabilities that have (or have access to) assistive technology in their home to vote from home, which is the cornerstone of vote by mail. To provide services to voters with disabilities that do not have (or have access to) the required technology the State will purchase at least two Accessible Computer Stations (ACS), one permanent and one portable, for each county. The ACS will, with the addition of assistive technology, provide an accessible workstation where voters with disabilities can mark, print, verify, and cast their ballot independently and privately. The voter can vote at the county elections office using the permanent ACS or at a remote location using the portable ACS. County elections staff can transport the portable ACS to a location that will best accommodate the voter.

Access to the Voting Process for People with Disabilities –HAVA requires voting systems to be accessible for voters with disabilities and seniors in a manner that provides the same opportunity for access, participation, privacy, and independence as other voters. This requirement will be met by providing an Alternate Format Ballot (AFB) directly to voters requesting them. Voters with disabilities that have, or have access to a personal computer and printer will be able to vote privately and independently from home just as other voters receiving mail-in ballots do. The AFB will be designed to easily function across a wide range of computer systems, including assistive software and hardware technologies to ensure accessibility of the AFB across a wide range of people with disabilities that use assistive technology to access information. The State will provide each county election office with at least two Accessible Computer Stations (ACS) (one permanent and one portable). The ACS will serve as accessible workstations where voters with disabilities that do not have, or have access to, an accessible computer can vote using the AFB.

1. **Alternate Format Ballot and Accessible Computer Station** – Under Oregon's vote by mail system, elections are not conducted at polling places. The state plans to provide each county with at least two accessible computer stations that will provide access to voting for people with disabilities using the AFB. Each county elections office will also have the ability to create and distribute the

AFB's in order to meet the HAVA Title III requirements for access to voting, including privacy and independence, for people with disabilities. The ACS, in conjunction with the AFB, will serve as important tools to enable voters with disabilities to cast a ballot privately and independently. The state will purchase a minimum of two ACS's per county – one for placement in county elections offices and one portable system that can be strategically deployed in a variety of locations for use by voters with disabilities or can, by request, be taken to the voter that is unable to leave home. The purchase will include training for county elections staff on how to set up, use, and troubleshoot the ACS and provide for ongoing maintenance and support of the ACS. The state will also purchase additional ACS's to be distributed within counties that have needs beyond the minimum requirement. County elections officials will make decisions about the placement of additional systems. The state will require that any ACS's set up for use in public locations outside the county elections office be set up only in those locations that are fully accessible to people with disabilities.

Development of the AFB and purchase of the ACS's will be one of the highest priority projects in Oregon's HAVA plan. The proposed timeline is to have the AFB's and the ACS's ready for beta testing in March of 2008 and implemented statewide no later than the May 2008 Primary Election. Placement of the ACS's will be reevaluated after each election and county elections officials will recommend changes based upon experience.

(Replace DRE with AFB in all other sections of the Plan)

Section 6. *The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on—*

(A) the costs of the activities required to be carried out to meet the requirements of title III;

(B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and

(C) the portion of the requirements payment which will be used to carry out other activities.—

HAVA §254(a)(6)

Anticipated Budget for HAVA Implementation

HAVA Requirements	Section 101 Funds	Section 102 Funds	Section 252 & 257 Funds	Section 261 Funds	5% State Match	Estimated Costs
Voting Systems (S-301)	$1,250,000	$1,822,758	$3,040,000	$194,140	$160,000	**$6,466,800**
Provisional Voting and Voting Information Requirements (S-302)			$1,400,000	$194,140	$70,000	**$1,664,140**
Centralized Voter Registration (S-303)*	$2,200,000		$10,500,000		$1,077,560	**$13,777,560**
Voter Outreach and Election Worker Training (S-254)	$650,000		$1,500,000	194,142	$107,500	**$2,451,642**
State Plan Creation and Management (S-402)	$100,000		$500,000		$30,000	**$630,000**
Other HAVA/State Plan Activities & Administration**			$10,823,941			**$10,823,941**
TOTAL	$4,200,000	$1,822,758	$27,763,941	$582,422	$1,445,060	**$35,814,181**

** Voter Registration costs estimated through state fiscal year (2009)*

*** Some unspent federal funds may be set aside in the state Election Fund for payment of long-term costs of complying with HAVA (Sustainability Funds).*

Section 12. *In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.* ***HAVA §254(a)(12)***

Since the submission of the inaugural State Plan, the State of Oregon HAVA accomplishments include:

Elimination of Punch Card Systems

HAVA Administrative Complaint Procedure implemented

Centralized Voter Registration System implemented

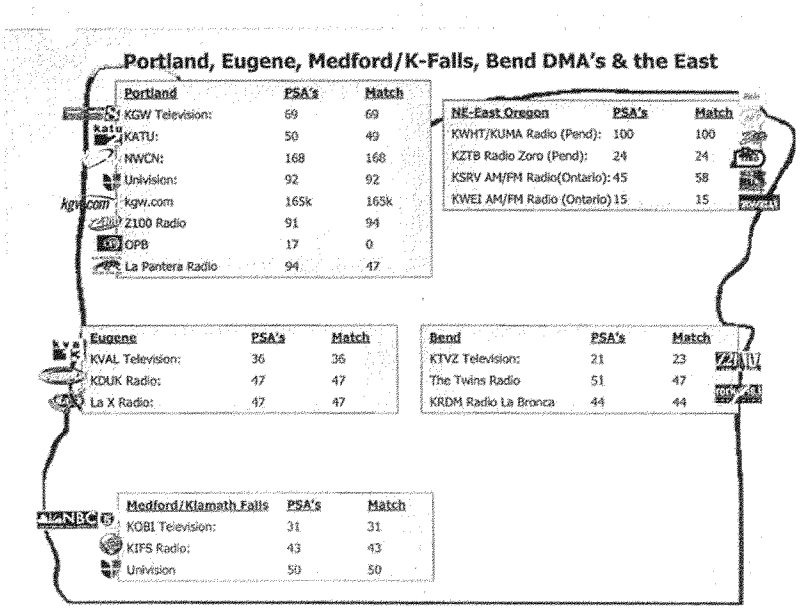
Provisional Voting
- Implemented Elections Call Center to ensure all voters have a way to check whether or not a provisional ballot has been counted.
- The Elections Call Center implemented as a full service call center to provide customer service to voters in Oregon.
- Handled 28,607 calls in October and November 2004 (General Election)
- Provided training for 8 new service representatives for 2006 election cycle
- Updated ballot drop site application for Primary and General Election
- Call Statistics for General Election:
  - The Call Center answered approximately 13,592 calls from October 1 through November 15, 2006
  - Approximately 5500 of these calls occurred over the last six business days leading up to and including Election Day
  - Approximately 75% (10,194) of the calls were served by the call center
  - The Call Center received and served approximately 70 Spanish calls

New HAVA Voter ID Requirements implemented

Education/Outreach
- Voting Your Ballot Instructions (Overvotes)
- Ballot Correction Instruction
- Replacement Ballot Instruction
- Easy to Read Voting Guides and Audio Guides
- Professional Certification for County Clerks and Staff
  - Since 2003, approximately $65,000 has been spent on CERA Professional Certification
  - Approximately 40 elections professionals from Oregon have participated
  - In 2006, of the 51 graduates across the country, 13 were from Oregon
- Media:

Reach general voting population and target audiences (younger, disenfranchised or apathetic voters) through television, radio, and web to increase voter education, registration and voter turnout in the 2006 General Election. Reach Oregonians with disabilities and make them aware of new systems that now allow them to vote privately and independently.
- Media Purchases Focus:
  - Get out the vote (some spots with minority emphasis)
  - Voter Assistance availability
  - Registration Drive

$98,000 Statewide Media Buy (English & Spanish)
21 Media Outlets Partnered in the Campaign Statewide
98% of Oregon Reached
Included Text Messaging Campaign w/Portland Radio Station Z100



Access for People with Disabilities (HHS Grants/Alternate Formats)
- Accessible Voting System
- Accessible Ballot Marking System
- Alternate Format Ballot/Accessible Voting Station

ADA Projects included:
- Installation of elevators
- Paving of a parking lot
- Widening of doorways & installation of lever set doorknobs
- Updating of Ramps & additional ADA Signage
- Installation of ADA Accessible Service Counters
- Installation of Emergency Egress Door w/ Wheel Chair Ramp
- Installation of Hand Rails & Grab Bars
- Purchase of Wheelchair accessible voting booths
- Purchase and Installation of Drive-Up Drop Box/Boxes
- Audio Voters Pamphlet
- Large Print Voter Registration Cards
- Tactile VBM Envelope
- Disability Community Public Meetings
- Vendor Fair

Improving the Overall Administration of Elections
- Elections Business System

Section 13. *A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256 – **HAVA §254(a)(13)***

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SECRETARY OF STATE

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Chris Nelson
Secretary of State

Chad Heinrich
Deputy

December 3, 2007

Commissioner Donetta Davidson
Chair
U.S. Election Assistance Commission
1225 New York Avenue, NW – Suite 1100
Washington, D.C. 20005

Dear Commissioner Davidson:

The State of South Dakota has revised its Help America Vote Act state plan.

In March of this year, South Dakota certified to the EAC South Dakota's implementing of the requirements of HAVA's title III for the purpose of making possible the use of §251 funds for carrying out other activities to improve the administration of elections for federal office as permitted by HAVA §251(b)(2). The State received the EAC's confirmation of South Dakota's certification in July.

In May South Dakota submitted to the EAC an amendment to South Dakota's state plan approved by the State Board of Elections to accommodate our intended enlarged use of §251 funds, expressly permitted by HAVA. In July, South Dakota was informed by the EAC that the amendment to the plan was not sufficient to fulfill HAVA's requirements for state plan revisions.

South Dakota has therefore followed the formal process described in §§254-257 and taken this opportunity to fully update its plan. The details of that process are included in the enclosed state plan.

Thank you in advance for publishing our current plan in the Federal Register as required by HAVA §255(b).

Sincerely,

Chris Nelson
South Dakota Secretary of State

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Fax (605) 773-6580

Corporations
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HAVA State Plan for South Dakota
As required by Public Law 107-252 Section 253(b)
Help America Vote Act of 2002

Chris Nelson
Secretary of State
State Capitol, Suite 204
500 East Capitol
Pierre, SD 57501-5070

Updated October 17, 2007 and November 28, 2007

In October of 2002, the 107th Congress passed and President George W. Bush signed into law the Help America Vote Act of 2002. HAVA was designed to strengthen the integrity of elections in America. HAVA created many new requirements of states and counties regarding federal elections -- including mandates for voter registration, provisional voting, accessible voting, and voter education. HAVA also created a new federal agency, the Election Assistance Commission (EAC), to guide the management of federal elections and administer grants to states for fulfilling the requirements of HAVA's title III.

HAVA requires each state to describe its use of title II section 251 payments from the federal government by writing a "State plan." A 17-member HAVA task force developed South Dakota's first state plan in the Spring of 2003. The state plan was updated in December of 2004 as HAVA projects matured. Federal elections in 2006 demonstrated the completion of all phases of the state plan.

In March of 2007 the Secretary of State certified to the EAC that South Dakota had fulfilled all of title III's requirements. The State also notified the EAC that it intended to expand its use of title II section 251 funds for other improvements to the administration of federal elections as allowed by HAVA §251(b)(2). The EAC notified the State that it must also revise its state plan to describe such use. That is the purpose for this third version of South Dakota's HAVA state plan, which also updates the State's status with respect to HAVA according to the 13 required points of HAVA §254(a):

(1) How the State will use the requirements payment to meet the requirements of title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.

(1.1) Programs to educate, provide required information, eliminate overvotes, and provide replacement ballots

Two posters in 48-point font posted in each polling place and instructions posted in each voting booth inform voters when to vote, how to vote, how not to overvote, how to obtain a replacement ballot, how to obtain assistance, the right to a provisional ballot, how to contact an election official if rights are violated, and how to avoid election crimes. Facsimile ballots are available in county auditor offices prior to elections, posted at each polling place, and published in newspapers. Instructions are printed on all official ballots. AutoMARK ballot marking devices do not mark overvotes. In 2006 the State published full-page newspaper advertisements describing the AutoMARK. The State educates voters through its website at www.sdsos.gov and provides booklets entitled "General Information on South Dakota Elections." In 2004, the Secretary of State prepared a booklet describing election procedure changes, which was also provided in accessible formats including 18-point font, Braille, and audio. The Secretary of State prepares a ballot question pamphlet, also made available in alternate formats. In 2008, the State will provide a voter information portal (VIP) through its website tied to the statewide voter database. VIP will include a polling place locator and sample ballot generated specific to each registered voter.

(1.2) Accessible voting device in each polling place

South Dakota counties currently provide the AutoMARK ballot assistant in every polling place for any federal election. The AutoMARK is available for any voter. It assists a broad range of voters in accessing and marking ballots independently and privately. Counties may select other accessible voting devices approved by the State Board of Elections.

(1.3) Provisional voting

South Dakota Senate Bill 13 became law on July 1, 2003, providing for provisional voting. The processing and counting of provisional ballots is described in SDCL 12-20-5.1 and 12-20-13.1 through 13.4.

(1.4) Computerized statewide voter registration list

Beginning in January of 2004, the State has maintained an electronic statewide voter database of every registered voter updated daily. The statewide file links to the state Unified Judicial System for updates on convicted felons and links to the state Department of Health for updates on deceased persons. Each new voter registration is verified by driver license number or last four digits of social security number. Although the statewide file incorporates many processes to remove duplicate or ineligible registrations, the statewide file relies on local county knowledge for verification. The State continues to seek methods to improve the reliability of the list, including cooperative cross checks with other states.

(1.5) Voter registration cards

The South Dakota voter registration form, prescribed in administrative rule as adopted by the State Board of Elections, has been amended to include the HAVA-required language and check boxes, including: "Are you a citizen of the United

States? Will you be 18 years of age on or before election day? If you checked 'no' in response to either of these questions, do not complete this form."

(1.6) Other activities to improve the administration of federal elections

The State has developed a computerized link between driver license offices and county auditor offices to transmit voter registration data. A voter is able to obtain a driver license and register to vote using one form. An electronic voter registration card is generated complete with digital signature image and sent to the county for validation and then sent to the State.

The State is currently developing project ST25, which will make improvements to election night reporting, canvassing, and voter education and access.

The State may use title II section 251 funds for additional projects to improve federal elections as determined by the Secretary of State. Counties may use title II funds for specific projects to improve federal elections with the approval of the Secretary of State.

(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of—
(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and
(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).

County auditors administer federal elections in South Dakota counties. In order to receive the title II section 251 grant, South Dakota was required to contribute 5% toward a total amount including the federal grant of $11,596,803. The State and counties cooperatively met the match requirement. The state legislature appropriated $198,405.80, which was spent on the statewide electronic voter file. Each county established a reserved account determined by the county's portion of all statewide registered voters. The match contributions from the 66 counties totaled $411,952.20. The amount of federal grant funds reserved by the State for the counties was based on the portion of the total 5% match that the counties contributed. This total was reduced by the cost of the HAVA-required voting system, purchased from Election Systems and Software in December of 2005. The remaining title II amount of $3,235,652.80 was reserved in the state election fund, designated to each county based on its match contribution. The Secretary of State monitors and tracks county expenditures of title II funds for ongoing title III-acceptable expenses via reports sent to the State. Additional documentation is systematically requested to ensure the acceptability of funds use. Counties are required to expend county-held accounts on title III requirements before requesting state-held funds. Counties are reimbursed

semi-annually from the state election fund. Any title II amount in the state election fund not reserved, may be used for title III requirements or for improving the administration of federal elections. The state may determine to increase the amount of the election fund reserved for individual counties.

(3) How the State will provide for programs for voter education, election official education and training, and poll worker training which will assist the State in meeting the requirements of title III.

In addition to the ongoing programs described above in (1.1), the State made special efforts to educate the public on the new voting system used for the first time in 2006. The State and counties demonstrated the AutoMARK to voters throughout the State through a variety of venues. Additional efforts may be made in future years. County auditors are trained by the State on HAVA procedures at election workshops and conventions and through publications and e-mails. Advocates for persons with disabilities assist the State in training. Special regional trainings were given in 2006 for the new voting system. County auditors in turn train precinct officials at county election schools. In 2006, the Secretary of State also gave special trainings to precinct workers at regional sessions explaining the new voting system and proper procedures for meeting the needs of voters with disabilities. Similar trainings may be given in future years.

(4) How the State will adopt voting system guidelines and processes which are consistent with the requirements of section 301.

The HAVA task force guided the State on the voting system that would be selected. South Dakota laws and administrative rules have been passed to provide for all section 301 requirements. The Secretary of State and county auditors manage the processes needed to comply with section 301.

(5) How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management.

An election fund has been established in the South Dakota state treasury containing title II section 251 funds. Expenditures are made as needed by the Secretary of State with oversight by the State Auditor through spending authority granted by the State Legislature. Interest is earned and credited to the fund annually. All expenditures from the fund are subject to state government accounting and audit procedures.

(6) The State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on—
(A) the costs of the activities required to be carried out to meet the requirements of title III;
(B) the portion of the requirements payment which will be used to carry out activities to meet such requirements; and

(C) the portion of the requirements payment which will be used to carry out other activities.

In previous HAVA state plans the State described a budget for projected amounts to fund title III-required programs. All programs were fulfilled within that budget and significant funds remain available to the State and its counties for ongoing HAVA expenses, future voting system purchases, and other improvements to the administration of federal elections.

South Dakota received a title II section 251 payment in April of 2005 in the amount of $11,596,803. Through June 30, 2007:
$6,499,467.23 were total state-held title II funds remaining available, of which
$2,877,600.00 were state-held, county-reserved title II funds remaining available.

As of June 30, 2007, counties reported that $33,791.36 remained in reserved county-held match money accounts.

The State expects that costs to the State to continue HAVA programs will likely be reduced for some time. As current programs mature and become a part of the regular fabric of federal elections, time and effort to the HAVA task should diminish. In the near future, a dedicated state HAVA coordinator may no longer be needed. In the case of the electronic voter file, initial development costs were substantial. Annual costs have been reduced. However, costs will continue and may increase for maintenance, technical support, network connections, and specific design updates. At some future time, the State may need to develop a new computerized voter registration database system. When that might be and what that might cost are imprudent to predict. Potential amendments to HAVA of 2002 may also increase the cost of state compliance with enlarged federal requirements.

The State expects that costs to counties will continue and increase at least at the rate of inflation to prepare and implement individual federal elections within the framework of the current voting system. When new voting systems are required, counties will face significant additional costs in acquiring the new equipment. The State and counties will work to maintain the current voting system for as long as practicable.

Since the State has fulfilled HAVA's requirements and will continue to do so, the State wishes not to restrict itself unnecessarily through this state plan. New programs to improve the administration of federal elections may develop that have not yet been contemplated. The State determines not to narrowly predict what those might be in hopes that this state plan may stand indefinitely without further revision. The State will continue to submit annual financial status and narrative reports to the EAC concerning HAVA grants as required.

With continued conservative management of the HAVA grant funds and the benefit of accumulating interest, the State may be able to indefinitely continue to meet

HAVA obligations and continue to improve the administration of federal elections in South Dakota without needing further state resources or additional federal grants.

The estimate for the development of ST25 is $200,000; support costs will continue. For ST25, South Dakota may use either title I section 101 or title II section 251 funds. South Dakota may effect additional programs as determined useful by the State.

(7) How the State, in using the requirements payment, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000.

In previous HAVA state plans, the State described the expense to the State for the State Election Supervisor. However, in 2007 the EAC advised that maintenance of effort applies specifically to prior expenses that became title III requirements. HAVA's maintenance of effort requirement is designed to ensure that federal grant funds do not replace already occurring state or county expenses. With this new understanding, the State clarifies that it had no such spending prior to HAVA and, therefore, has no level of spending to maintain.

Some counties, however, did have expenses consistent with title III requirements prior to HAVA. The EAC has allowed that South Dakota counties will be responsible for maintenance of effort according to the county fiscal year 1999. Counties have been advised to determine if there existed any spending for title III-type activities in 1999. If any existed in the county, the county will be responsible for maintaining that level every year according to the first year that the county used any federal or county funds dedicated to HAVA title III requirements.

(8) How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

South Dakota has fulfilled the goals described in earlier state plans – including reducing the percentage of overvotes, educating voters on how to avoid and correct ballot errors, providing at least one §301(a)(3)(B) voting device in every polling place for any federal election, providing provisional voting, posting required notices at polling places as described above in (1.1), removing every person convicted of a felony and sentenced to the adult state penitentiary system from the statewide voter registration list, verifying every new voter registration against either the person's driver license or last four digits of social security number, providing voter registration cards as described above in (1.5), and providing quicker, easier one-form voter registration and updating at driver licensing stations as described above in (1.6).

The Secretary of State and county auditors will continue to monitor these processes. South Dakota is in compliance with federal election law and will continue to meet HAVA requirements.

(9) A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under section 402.

South Dakota law was written, effective July 1, 2003, to comply with HAVA section 402. Initial complaints are resolved by the State Board of Elections using an existing administrative complaint process. The alternative dispute process involves judicial appointment of an arbitrator to resolve the complaint.

(10) If the State received any payment under title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

South Dakota received a title I section 101 payment in the amount of $5,000,000 in April of 2003. Title I funds have been used for payments to counties for punchcard voting system buyouts; voter education; statewide voter registration system programming, hardware, and connection costs; training and materials for election personnel; travel for election personnel; salary and expenses for a dedicated state HAVA coordinator; and state plan development. The State may continue to use title I funds on these programs and for other programs permitted by HAVA §101(b).

Through June 30, 2007:
Total title I section 101 funds remaining available were $4,652,191.59.

(11) How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change—
(A) is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;
(B) is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and
(C) takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).

The Secretary of State and county auditors will administer this state plan at the direction of the Secretary of State and the State Board of Elections.

(12) In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal year and of how the State succeeded in carrying out the State plan for such previous fiscal year.

The methods by which the State fulfilled its previous state plans have already been described in this plan. The State anticipates no major changes to its implementation

of HAVA, except that title II section 251 funds may now be used for additional improvements to the administration of federal elections.

The State has also determined that providing voters with the option of an audio interpretation in the Lakota language integrated on the device equipped for individuals with disabilities provided pursuant to HAVA §301(a)(3)(B), an element of South Dakota's voting system, as was done on the AutoMARK ballot marking devices in 11 counties for the Primary and General elections in 2006, is impractical given the amount of effort necessary, the cost to the State and counties, and the extremely limited number of users. The State expects to continue to provide a Lakota translation of the ballot question pamphlet for the General Election to the American Indian radio stations. South Dakota counties required to do so by federal law will continue to provide translations of election announcements on Indian radio stations and continue to provide live interpreters at polling places to assist American Indian voters.

(13) A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

The state plans of 2003 and 2004 were developed with guidance from a HAVA task force comprised of advocates for persons with disabilities and voter participation, representatives of the recognized political parties, state legislators, county auditors including the county auditors of South Dakota's two most populous counties, the State Board of Elections, the State Election Director, and the Secretary of State.

Task force members and other stake holders were notified of the 2007 proposed plan and offered the opportunity to comment. The proposed plan was available for inspection and comment by the public for 30 days. The plan was posted at www.sdsos.gov and was available by request. The State notified the public of the opportunity to also comment on the proposed plan at an open hearing, which was the meeting of the State Board of Elections held in Sioux Falls on November 28, 2007, where the plan and submitted comments were presented and discussed. The State has considered all comments. The State Board of Elections has approved this state plan. This plan is now being sent to the Election Assistance Commission for publication in the Federal Register.

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