

SENATE BILL NO. 79—COMMITTEE ON LEGISLATIVE
OPERATIONS AND ELECTIONS

FEBRUARY 12, 2007

Referred to Committee on Legislative Operations and Elections

SUMMARY—Requires the use of the permanent paper record produced by a mechanical voting system for the recount of ballots cast at an election. (BDR 24-739)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to elections; requiring the use of the permanent paper record produced by a mechanical voting system for the recount of ballots cast at an election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law establishes certain procedures that must be followed when
2 conducting a recount of an election in which the ballots were cast by a mechanical
3 voting system that directly records the votes electronically. (NRS 293.2696,
4 293.404, 293B.084) This bill requires that if a mechanical voting system which
5 directly records the votes electronically produces a paper record when a voter casts
6 a ballot, the paper record that was created will be used to conduct a recount if
7 necessary.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 293.247 is hereby amended to read as follows:
2 293.247 1. The Secretary of State shall adopt regulations, not
3 inconsistent with the election laws of this State, for the conduct of
4 primary, general, special and district elections in all cities and
5 counties. The Secretary of State shall prescribe the forms for a
6 declaration of candidacy, certificate of candidacy, acceptance of



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1 candidacy and any petition which is filed pursuant to the general
2 election laws of this State.

3 2. The regulations must prescribe:

4 (a) The duties of election boards;

5 (b) The type and amount of election supplies;

6 (c) The manner of printing ballots and the number of ballots to
7 be distributed to precincts and districts;

8 (d) The method to be used in distributing ballots to precincts and
9 districts;

10 (e) The method of inspection and the disposition of ballot boxes;

11 (f) The form and placement of instructions to voters;

12 (g) The recess periods for election boards;

13 (h) The size, lighting and placement of voting booths;

14 (i) The amount and placement of guardrails and other furniture
15 and equipment at voting places;

16 (j) The disposition of election returns;

17 (k) The procedures to be used for canvasses, ties, recounts and
18 contests **[H]**, *including, without limitation, for a recount, requiring*
19 *the use of the paper record created when a person casts a ballot on*
20 *a mechanical recording device that directly records the votes*
21 *electronically;*

22 (l) The procedures to be used to ensure the security of the ballots
23 from the time they are transferred from the polling place until they
24 are stored pursuant to the provisions of NRS 293.391 or 293C.390;

25 (m) The procedures to be used to ensure the security and
26 accuracy of computer programs and tapes used for elections;

27 (n) The procedures to be used for the disposition of absent
28 ballots in case of an emergency;

29 (o) The forms for applications to register to vote and any other
30 forms necessary for the administration of this title; and

31 (p) Such other matters as determined necessary by the Secretary
32 of State.

33 3. The Secretary of State may provide interpretations and take
34 other actions necessary for the effective administration of the
35 statutes and regulations governing the conduct of primary, general,
36 special and district elections in this State.

37 4. The Secretary of State shall prepare and distribute to each
38 county and city clerk copies of:

39 (a) Laws and regulations concerning elections in this State;

40 (b) Interpretations issued by the Secretary of State's Office; and

41 (c) Any Attorney General's opinions or any state or federal
42 court decisions which affect state election laws or regulations
43 whenever any of those opinions or decisions become known to the
44 Secretary of State.



1 **Sec. 2.** NRS 293.2696 is hereby amended to read as follows:
2 293.2696 The Secretary of State and each county and city clerk
3 shall ensure that each voting system used in this State:

4 1. Secures to each voter privacy and independence in the act of
5 voting, including, without limitation, confidentiality of the ballot of
6 the voter;

7 2. Allows each voter to verify privately and independently the
8 votes selected by the voter on the ballot before the ballot is cast and
9 counted;

10 3. Provides each voter with the opportunity, in a private and
11 independent manner, to change the ballot and to correct any error
12 before the ballot is cast and counted, including, without limitation,
13 the opportunity to correct an error through the issuance of a
14 replacement ballot if the voter is otherwise unable to change the
15 ballot or correct the error;

16 4. Provides a permanent paper record with a manual audit
17 capacity which must be ~~available as an~~ *used as the* official record
18 for a recount; and

19 5. Meets or exceeds the standards for voting systems
20 established by the Federal Election Commission, including, without
21 limitation, the error rate standards.

22 **Sec. 3.** NRS 293B.084 is hereby amended to read as follows:
23 293B.084 1. A mechanical recording device which directly
24 records votes electronically must:

25 (a) Bear a number which identifies that mechanical recording
26 device.

27 (b) Be equipped with a storage device which:

28 (1) Stores the ballots voted on the mechanical recording
29 device;

30 (2) Can be removed from the mechanical recording device
31 for the purpose of transporting the ballots stored therein to a central
32 counting place; and

33 (3) Bears the same number as the mechanical recording
34 device.

35 (c) Be designed in such a manner that voted ballots may be
36 stored within the mechanical recording device and the storage
37 device required pursuant to paragraph (b) at the same time.

38 (d) Be capable of providing a record printed on paper of:

39 (1) Each ballot voted on the mechanical recording device;
40 and

41 (2) The total number of votes recorded on the mechanical
42 recording device for each candidate and for or against each measure.

43 2. The paper record described in paragraph (d) of subsection 1
44 must ~~be~~



- 1 ~~—(a) Be printed and made available for a manual audit, as~~
- 2 ~~necessary; and~~
- 3 ~~—(b) Be printed and~~ serve as ~~{an}~~ *the* official record for a recount
- 4 ~~. [, as necessary.]~~

