

ASSEMBLY BILL NO. 263—ASSEMBLYMEN HANSEN, WHEELER,  
TITUS; HAFEN, KRASNER, LEAVITT, O'NEILL AND ROBERTS

MARCH 15, 2021

JOINT SPONSOR: SENATOR HANSEN

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.  
(BDR 24-537)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 2-4, 9-11)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 county and city clerks to audit the performance of persons who check voter signatures on absent ballots, mailing ballots or mail ballots; setting forth certain requirements for signature verification devices; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes a process for county and city clerks to verify signatures on absent ballots, mailing ballots and mail ballots. (NRS 293.325, 293.355, 293.8874, 293C.325, 293C.352) **Sections 2 and 9** of this bill require the county and city clerks to periodically audit the performance of every person who checks voter signatures on absent ballots, mailing ballots or mail ballots.

**Sections 3 and 10** of this bill provide that if a county or city clerk uses signature verification devices in any election, the clerk must: (1) conduct a test of the accuracy of every signature verification device before the election; and (2) perform regular audits of each signature verification device during the processing of ballots for the election.

**Sections 4 and 11** of this bill require a county or city clerk to conduct an audit of all signatures that have been verified using signature verification devices.

**Sections 5 and 12** of this bill prohibit, with certain exceptions, a signature verification device used in an election from being connected to a network.



**Sections 6 and 13** of this bill require the Secretary of State to adopt regulations to carry out the provisions of this bill, including standards for determining whether a signature verification device has failed an audit.

**Sections 7 and 14** of this bill require that audit reports of signature verification devices must be deposited in the vaults of the county or city clerk along with various other material from the election.

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

**Section 1.** Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

**Sec. 2. 1.** *The county clerk must periodically audit the performance of every person who checks voter signatures on absent ballots, mailing ballots or mail ballots at an election and determine whether the person has an unusually high or low acceptance or rejection rate for signatures.*

**2.** *If the county clerk determines that a person has an unusually high or low acceptance or rejection rate, the county clerk must:*

*(a) Require the person undergo additional training on signature verification; or*

*(b) Remove the person from signature verification duties for the election.*

**Sec. 3.** *If a county clerk uses signature verification devices in an election to verify signatures on absent ballots, mailing ballots or mail ballots:*

**1.** *The county clerk must conduct a test of the accuracy of every signature verification device before the election. The test must be conducted in a manner that ensures the signature verification device will use the same standards for determining the validity of a signature as would be used by a natural person verifying the signature pursuant to NRS 293.325 or 293.8874, as applicable.*

**2.** *The county clerk must perform regular audits of each signature verification device during the processing of ballots for the election. The audit must select a random sample of at least 1 in every 50 return envelopes that have been verified by the signature verification device. The county clerk or an employee in the office of the county clerk must manually review the signatures on the return envelopes selected by random sample in accordance with the procedures set forth in NRS 293.325 or 293.8874, as applicable. The person who manually reviews the signatures must sign and date an audit report of the results of the audit, which*



1 *must be stored and saved by the county clerk with any other the*  
2 *election records.*

3 *3. If a signature verification device fails an audit performed*  
4 *pursuant to subsection 2:*

5 *(a) The signature verification device must not be used for any*  
6 *further signature verifications for the election;*

7 *(b) The county clerk shall notify the Secretary of State; and*

8 *(c) The county clerk and Secretary of State shall jointly*  
9 *identify and implement a solution.*

10 *4. The county clerk shall submit to the Secretary of State a*  
11 *written report that includes the number of discrepancies found by*  
12 *an audit conducted pursuant to this section.*

13 **Sec. 4. 1.** *After the completion of the count of all absent*  
14 *ballots, mailing ballots and mail ballots for an election, the county*  
15 *clerk shall conduct a final audit of the signatures that have been*  
16 *verified by each signature verification device. The final audit must*  
17 *select a random sample of the signatures on at least 150 return*  
18 *envelopes received during the election. The county clerk or an*  
19 *employee of the office of the county clerk must manually review*  
20 *the signatures on the return envelopes selected by random sample*  
21 *in accordance with the procedures set forth in NRS 293.325 or*  
22 *293.8874, as applicable. The person who manually reviews the*  
23 *signatures must sign and date an audit report of the results of the*  
24 *audit, which must be stored and saved by the county clerk with any*  
25 *other election records.*

26 *2. If a signature verification fails an audit conducted*  
27 *pursuant to subsection 1:*

28 *(a) The county clerk shall notify the Secretary of State; and*

29 *(b) The county clerk and Secretary of State shall jointly*  
30 *identify and implement a solution.*

31 *3. The county clerk shall submit to the Secretary of State a*  
32 *written report that includes the number of discrepancies found by*  
33 *an audit conducted pursuant to this section.*

34 **Sec. 5. 1.** *Except as otherwise provided in subsection 2, no*  
35 *signature verification device used in an election may be connected*  
36 *to a network.*

37 *2. If a signature verification device requires maintenance or*  
38 *technical support, the signature verification device may be*  
39 *connected to a secure network behind a firewall that is under the*  
40 *control of the county clerk.*

41 *3. As used in this section:*

42 *(a) "Firewall" means a device used to monitor incoming and*  
43 *outgoing traffic over a network that is capable of allowing or*  
44 *blocking data based on a predefined set of security rules.*



(b) "Network" means a network comprised of one or more computers that may be accessed by a modem, an electronic or optical technology or other similar means.

**Sec. 6.** The Secretary of State shall adopt regulations to carry out the provisions of sections 2 to 5, inclusive, of this act. Such regulations must include, without limitation, standards for determining whether a signature verification device has failed an audit.

**Sec. 7.** NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, *audit reports prepared pursuant to sections 2, 3 and 4 of this act* and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the board of county commissioners, be sealed and deposited in the vaults of the county clerk. The tally lists collected pursuant to this title must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

4. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1 or 2, except the voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk.

5. The voted ballots and records printed on paper of voted ballots collected pursuant to NRS 293B.400 which are deposited with the county clerk are not subject to the inspection of anyone, except in cases of a contested election, and then only by the judge,



body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

**Sec. 8.** Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to 13, inclusive, of this act.

**Sec. 9. 1.** *The city clerk must periodically audit the performance of every person who checks voter signatures on absent ballots, mailing ballots or mail ballots at an election and determine whether the person has an unusually high or low acceptance or rejection rate for signatures.*

*2. If the city clerk determines that a person has an unusually high or low acceptance or rejection rate, the city clerk must:*

*(a) Require that the person undergo additional training on signature verification; or*

*(b) Remove the person from signature verification duties for the election.*

**Sec. 10.** *If a city clerk uses signature verification devices in an election to verify signatures on absent ballots, mailing ballots or mail ballots:*

*1. The city clerk must conduct a test of the accuracy of every signature verification device before the election. The test must be conducted in a manner that ensures the signature verification device will use the same standards for determining the validity of a signature as would be used by a natural person verifying the signature pursuant to NRS 293.8874 or 293C.325, as applicable.*

*2. The city clerk must perform regular audits of each signature verification device during the processing of ballots for the election. The audit must select a random sample of at least 1 in every 50 return envelopes that have been verified by the signature verification device. The city clerk or an employee in the office of the county clerk must manually review the signatures on the return envelopes selected by random sample in accordance with the procedures set forth in NRS 293.325 or 293.8874, as applicable. The person who manually reviews the signatures must sign and date an audit report of the results of the audit, which must be stored and saved by the county clerk with any other the election records.*

*3. If a signature verification device fails an audit performed pursuant to subsection 2:*

*(a) The signature verification device must not be used for any further signature verifications for the election;*

*(b) The city clerk shall notify the Secretary of State; and*

*(c) The city clerk and Secretary of State shall jointly identify and implement a solution.*



4. The city clerk shall submit to the Secretary of State a written report that includes the number of discrepancies found by an audit conducted pursuant to this section.

**Sec. 11.** 1. After the completion of the count of all absent ballots, mailing ballots and mail ballots for an election, the city clerk shall conduct a final audit of the signatures that have been verified by each signature verification device. The final audit must select a random sample of the signatures on at least 150 return envelopes received during the election. The city clerk or an employee of the office of the city clerk must manually review the signatures on the return envelopes selected by random sample in accordance with the procedures set forth in NRS 293C.325. The person who manually reviews the signatures must sign and date an audit report of the results of the audit, which must be stored and saved by the city clerk with any other election records.

2. If a signature verification fails an audit conducted pursuant to subsection 1:

(a) The city clerk shall notify the Secretary of State; and

(b) The city clerk and Secretary of State shall jointly identify and implement a solution.

3. The city clerk shall submit to the Secretary of State a written report that includes the number of discrepancies found by an audit conducted pursuant to this section.

**Sec. 12.** 1. Except as otherwise provided in subsection 2, no signature verification device used in an election may be connected to a network.

2. If a signature verification device requires maintenance or technical support, the signature verification device may be connected to a secure network behind a firewall that is under the control of the city clerk.

3. As used in this section:

(a) “Firewall” means a device used to monitor incoming and outgoing traffic over a network that is capable of allowing or blocking data based on a predefined set of security rules.

(b) “Network” means a network comprised of one or more computers that may be accessed by a modem, an electronic or optical technology or other similar means.

**Sec. 13.** The Secretary of State shall adopt regulations to carry out the provisions of sections 9 to 12, inclusive, of this act. Such regulations must include, without limitation, standards for determining whether a signature verification device has failed an audit.

**Sec. 14.** NRS 293C.390 is hereby amended to read as follows:

293C.390 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots



1 collected pursuant to NRS 293B.400, *audit reports prepared*  
2 *pursuant to sections 9, 10 and 11 of this act* and stubs of the ballots  
3 used, enclosed and sealed, must, after canvass of the votes by the  
4 governing body of the city, be deposited in the vaults of the city  
5 clerk. The records of voted ballots that are maintained in electronic  
6 form must, after canvass of the votes by the governing body of the  
7 city, be sealed and deposited in the vaults of the city clerk. The tally  
8 lists collected pursuant to this title must, after canvass of the votes  
9 by the governing body of the city, be deposited in the vaults of the  
10 city clerk without being sealed. All materials described by this  
11 subsection must be preserved for at least 22 months, and all such  
12 sealed materials must be destroyed immediately after that period. A  
13 notice of the destruction must be published by the city clerk in at  
14 least one newspaper of general circulation in the city or, if no  
15 newspaper is of general circulation in that city, in a newspaper of  
16 general circulation in the nearest city, not less than 2 weeks before  
17 the destruction of the materials.

18 2. Unused ballots, enclosed and sealed, must, after canvass of  
19 the votes by the governing body of the city, be deposited in the  
20 vaults of the city clerk and preserved for at least the period during  
21 which the election may be contested and adjudicated, after which  
22 the unused ballots may be destroyed.

23 3. The rosters containing the signatures of those persons who  
24 voted in the election and the tally lists deposited with the governing  
25 body of the city are subject to the inspection of any elector who may  
26 wish to examine them at any time after their deposit with the city  
27 clerk.

28 4. A contestant of an election may inspect all of the material  
29 relating to that election which is preserved pursuant to subsection 1  
30 or 2, except the voted ballots and records printed on paper of voted  
31 ballots collected pursuant to NRS 293B.400 which are deposited  
32 with the city clerk.

33 5. The voted ballots and records printed on paper of voted  
34 ballots collected pursuant to NRS 293B.400 which are deposited  
35 with the city clerk are not subject to the inspection of any person,  
36 except in cases of a contested election, and only by the judge, body  
37 or board before whom the election is being contested, or by the  
38 parties to the contest, jointly, pursuant to an order of the judge, body  
39 or board.

40 6. As used in this section, "vaults of the city clerk" means any  
41 place of secure storage designated by the city clerk.

42 **Sec. 15.** The provisions of NRS 354.599 do not apply to any  
43 additional expenses of a local government that are related to the  
44 provisions of this act.



- 1     **Sec. 16.** 1. This section becomes effective upon passage and  
2 approval.  
3     2. Sections 1 to 15, inclusive, of this act become effective:  
4     (a) Upon passage and approval for the purpose of adopting any  
5 regulations and performing any other preparatory administrative  
6 tasks that are necessary to carry out the provisions of this act; and  
7     (b) On January 1, 2022, for all other purposes.

