State of Nevada

Fiscal Year 2004-2005

Preliminary State Plan

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

Nevada Secretary of State's Office
101 N. Carson Street, Suite 3
Carson City, NV 89701
June 7, 2004

STATE OF NEVADA FISCAL YEAR 2004-2005 PRELIMINARY 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 will effect 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 will dramatically change the way future elections throughout the nation are conducted.

As required by HAVA, the state of Nevada (State) adopted and submitted to the federal government its 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 State Plan for the State, developed in accordance with Section 254 of the Act, represents an update to the State's FY 2003-04 plan. Like the FY 2003-04 plan, this State Plan (FY 04-05 Plan) was created under the direction of Secretary of State Dean Heller through a State Plan Advisory Committee (Advisory Committee). Nevada's FY 04-05 Plan establishes a framework for the State to continue progress that has already been made in election reform and to achieve compliance with HAVA.

Because HAVA will have a profound impact on virtually every element of the voting process in our State, we anticipate that this plan will 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 dramatically increases 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 will be necessary for the State to meet HAVA's 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. Currently, the State has approximately 1 million registered voters spread throughout its 17 counties and more than 1,500 state,

county and municipal political campaigns come under the jurisdiction of local or state election officials during each election cycle.

Of the 17 counties in the State, seven (7) currently use punch card machines, nine (9) use optical scan machines, and one (1) uses direct record voting machines[1]. Due to requirements outlined in HAVA, the State is taking steps to substantially upgrade systems, redesign processes and provide updated and continual training for election administrators and the citizens of the State. In December 2003, Secretary of State Dean Heller took the first step toward achieving these goals 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. As part of this process, all existing machines statewide must add the printer technology by 2006. The Secretary of State also issued a proclamation decertifying all punch-card voting machines in Nevada as of September 1, 2004. Nevada does not currently have a statewide voter registration system in place. Based on the foregoing, meeting the requirements of HAVA and its ambitious timelines can only be achieved with adequate support, resources and funding from both the federal government and the Nevada State Legislature.

In developing Nevada's FY 04-05 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. The strategies for achieving these goals are to: (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 04-05 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 may be altered from the information contained in this FY 04-05 Plan.

III. NEVADA'S STATE PLAN

1. 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(a)(2)[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] See Appendix A for a summary of the counties' current voting systems, effective until September of 2004, when the DRE's will be implemented statewide.

[2] Reference should be to Section 251(b)(2).

A. 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 the disabled 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. In furtherance of this action, the State is moving forward with implementation of a uniform voting system for polling places throughout the state and a uniform system for absentee voting throughout the state. Specifically, as previously stated, the Secretary of State has entered into a contract to purchase, with HAVA funds, DRE voting systems necessary to create a uniform statewide system. Included in that purchase are optical scan machines to be used for counting all absentee ballots statewide. These new voting systems meet all requirements of Section 301(a). These voting system replacements will be accomplished by September 1, 2004.

To ensure proper training for election administrators and the voting citizens of Nevada, the State will use requirements payments to help educate those individuals about the proper use of the new voting systems. Requirements payments are also expected to be be used for maintaining, modifying and improving all voting systems in the State to ensure compliance with HAVA Section 301(a) standards.

B. 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[3] that were adopted meet the requirements of Section 302.

[3] See Nevada Revised Statutes (NRS) Sections 293.3081 through 293.3086, inclusive.

The State anticipates using 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. The State may also use requirements payments to provide 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[4]. Nevada's "Voters' Bill of Rights[5]" 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 State, in cooperation with county clerks, will design the materials to be posted. The State anticipates using requirements payments to defray the cost of developing, printing and posting this information.

C. 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.

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 does not currently have a statewide voter registration list. Currently, voter registration records are created and maintained separately by each local jurisdiction.

The State will be purchasing a compliant voter registration system to be implemented statewide and administered by the Secretary of State. The Secretary of State has formed a committee comprised of local election officials to recommend a vendor for a HAVA compliant statewide voter registration system. The committee is currently finalizing the requirements for the system and reviewing various vendors. In accordance with Section 303(d)(1)(B) of HAVA, the State submitted its certification

[4] See NRS 293.3025.
[5] See NRS 293.2543 through 293.2549, inclusive.

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. It is our goal to have all counties on-line and trained by January 1, 2006. The chosen system will comply with Section 303(a) of HAVA and will have the ability to interface with Nevada's Department of Motor Vehicles and other appropriate agencies, as required by HAVA.

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

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[6] 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.

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

The State intends to use 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 Americans with Disabilities Act[7] ("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 currently does not have the personnel and technical capacity required to fully achieve HAVA compliance. Ongoing operations and maintenance of the new requirements cannot be supported with the current State and local technical infrastructure and resources. The State anticipates the need for additional technology and elections personnel in the office of the Secretary of State to ensure continued

[6] See NRS293.272 and 293.2725
[7] Public Law 336 of the 101st Congress, enacted July 26, 1990.

compliance with HAVA. The State may use requirements payments to fund these positions.

2. 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.

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.

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 include: (a) requiring the recipient to prepare and submit comprehensive monthly 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.

3. 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.

A. 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.

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 about 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 is 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.

Another voter outreach project the Secretary of State's office has been working closely with is 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 18-24 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* is focusing its attention.

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

B. 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. Currently, training programs in the State are predominantly localized and, in some cases, informal. The State does not have personnel available to take on the sole responsibility for providing training. Nevertheless, the Secretary of State will work with local election officials to produce training standards to be implemented statewide for training election officials and poll workers. This process was incorporated as part of the contract with the vendor for the new statewide voting system. Implementation of election official and poll worker training plans is a significant focus of the contract. All poll workers will be required to adhere to these standards.

4. **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 the disabled 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.

5. 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 is working 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.

6. 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. To date, FY 2005 funding is unknown, and the President is only recommending $40 million for FY 05, rather than the $600 million that is authorized by HAVA. 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	$40 million	$265,000	$15,000
Total	$3.02 billion	$21.2 million	$865,375

Because the actual level of funding that will be authorized through fiscal year 2005 is currently unknown, the State's proposed HAVA budget will be revised over time as actual federal funding becomes known. The State's budget through FY 2005 follows, based on our best estimates of the costs of such activities and the amount of funding as discussed herein:

Title III Requirements:

Voting System Purchases/Upgrades:
--$9.27 million to replace all punch card and optical scan voting systems in the State with new DRE touch screen systems that include voter verifiable paper audit trail printers, and to provide for optical scan absentee systems and tabulation compatibility.
--$4 to $6 million to provide additional touch screen systems for Clark County and to retrofit current systems with voter verifiable paper audit trail printers.
--To be funded with Title I early payments, Title II requirements payments and State matching funds.

Establishing and Maintaining a Statewide Voter Registration List:
--$3 to $4 million base cost, plus ongoing maintenance costs of approximately $100,000 per year.
--To be funded with Title I early payments, Title II requirements payments and State matching funds.

Provisional Voting and Voting Information Requirements:
--$150,000 to create 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:
--Amount to be determined based upon adequate funding.

Voter education and outreach activities:
--$38,000 for *Easy Voter Project*.
--Additional funding to be determined based on adequate funding.

Election official and poll worker training initiatives:
--Amount to be determined based upon adequate funding.

Additional technology and elections personnel in the office of the Secretary of State:
--Amount to be determined based upon adequate funding.

7. 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 of the State 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 fiscal 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 FYs 2001, 2002, 2003 and 2004 and are anticipated to increase in FYs 05 and 06.

The Secretary of State's proposed budget for FYs 2005 and 2006 requests funding for the Elections Division of approximately $294,000 in FY 2005 and $307,000 in FY 06. 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 FYs 2005 and 2006 will still exceed $250,000.

8. 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, will establish performance goals and will institute a process to measure progress toward achieving these 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.

<u>Performance Goals</u>

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. 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	By January 1, 2006
Provisional Voting	State Elections Deputy County Election Official	By January 1, 2004
Additional Personnel	State Elections Deputy	By January 1, 2006
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

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)
--complaints against poll workers
--complaints received versus complaints resolved
--ADA compliance

These criteria were developed through the State Planning Process.

9. 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[8]. 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.

10. 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.

11. 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 will appoint an

[8] See Appendix B for copy of Administrative Complaint Procedure.

internal committee in his office to be overseen by the Deputy Secretary for Elections. This committee will be responsible for conducting ongoing management of the State Plan. To carry out this function, the committee will be required to hold monthly meetings and to hold at least three (3) meetings each fiscal year with local election officials. The Deputy Secretary for Elections, or a designee, will be required to report to the State Advisory Committee the activities involved with the ongoing management of the Plan. The Secretary of State will 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.

12. 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. This FY 2004-05 State Plan incorporates the same basic theme as the FY 03-04 plan, 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 last plan and this plan center around federal funding changes and maintenance of efforts updates..

13. 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[9]. 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:

John Bliss, Esq., Chief Privacy Officer, SRD (Appointee of Senate Majority Leader, William Raggio
LaVonne Brooks, Executive Director, High Sierra Industries
Dan Burk, Washoe County Registrar of Voters
Jan Gilbert, Northern Nevada Coordinator for Progressive Leadership Alliance of Nevada (PLAN)
Dean Heller, Secretary of State
Linda Law, Policy Analyst & Legislative Liaison for the Governor (Appointee of Governor Kenny Guinn)

[9] See Appendix C for Advisory Committee biographies and party affiliation.

Larry Lomax, Clark County Registrar of Voters
Barbara Reed, Douglas County Clerk
Tony F. Sanchez, III, President, Latin Chamber of Commerce; Partner, Jones Vargas Law Firm
Dr. Richard Siegel, President, ACLU of Nevada
Monica Simmons, Henderson City Clerk
Vicky Thimmesch Oldenburg, Senior Deputy Attorney General (Appointee of Attorney General Brian Sandoval)
Scott Wasserman, Chief Deputy Legislative Counsel (Appointee of Assembly Speaker Richard Perkins)

Advisory Committee Staff and their qualifications are as follows:

Renee L. Parker, Esq., Chief Deputy Secretary of State
Ronda L. Moore, Esq., Deputy Secretary of State for Elections
Lindy Johnson, Committee Secretary, Administrative Assistant in the office of the Secretary of State

To develop this FY 04-05 State Plan, the State Advisory Committee met in May and July 2004[10]. The Committee began working from a proposed draft plan submitted by the Secretary of State that incorporated updates to the FY 2003-04 Plan. Committee meetings were publicly held and noticed in accordance with Nevada's Open Meeting Law[11].

The FY 04-05 State Plan will be made available for public inspection and comment for a 30-day period prior to submission of the plan. The Secretary of State will publish notice of such availability in his offices, on his website, in the Nevada State Library, at all main county libraries throughout the State, all city and county clerk's offices throughout the State, and at various other agencies throughout the State. The Secretary of State will accept public comment in the form of e-mails, letters, faxes, etc. Any public comments received will be considered in preparing the final plan.

[10] See Appendix D for schedule of meeting dates and corresponding meeting agenda.
[11] Chapter 241 of the Nevada Revised Statutes.

APPENDIX “A”

APPENDIX A – VOTING SYSTEMS/STATE OF NEVADA

COUNTY	VOTING SYSTEM	TABULATION SYSTEM	VOTER REGISTRATION SYSTEM	SIGNATURE VERIFICATION PROGRAM / SYSTEM
CARSON	PUNCH CARD 218 Units 228 VOTOMATIC BRC / ES&S Year Purchased: 1995 Last Modified: 2000	SEQUOIA PACIFIC SYSTEMS TEAMWORK MODEL 25 Year Purchased: Last Modified:	ES&S Oracle In-House Server	ES&S
CHURCHILL	PUNCH CARD 76 Units SEQUOIA PACIFIC DATA VOTE Year Purchased: 1978 Last Modified: 2000	DOCUMENTATION CARD READER Year Purchased: Last Modified:	IBM AS400 with ADS software	NONE
CLARK	DIRECT RECORDING EQUIPMENT 2186 UNITS SEQUOIA PACIFIC AVC ADVANTAGE Year Purchased: 1994 Last Modified: 2000	SEQUOIA PACIFIC TEAMWORK MODEL 25/ WINEDS Year Purchased: Last Modified:	VOTEC ELECTION MANAGEMENT & COMPLIANCE SYSTEM	VOTEC ELECTION MANAGEMENT & COMPLIANCE SYSTEM
DOUGLAS	PUNCH CARD 200 Units 228 VOTOMATIC BRC / ES&S Year Purchased: 1972 Last Modified: 1997	BRC PERSONAL COMPUTER BALLOT TABULATION (PC/BT) Year Purchased: Last Modified:	ES&S Oracle In-House Server	ES&S
ELKO	OPTICAL SCAN 2 Units AIS 15 Series Model 150 Year Purchased: 1997 (No Modifications)	BRC PERSONAL COMPUTER BALLOT TABULATION 600 (PC/BT) Year Purchased: Last Modified:	COUNTY MAINFRAME AS-400	ADS

COUNTY	VOTING SYSTEM	TABULATION SYSTEM	VOTER REGISTRATION SYSTEM	SIGNATURE VERIFICATION PROGRAM / SYSTEM
EUREKA	OPTICAL SCAN 1 Unit AIS 15 Series Model 150 Year Purchased: 1996 (No Modifications)	AIS 15 Series Model 150 Year Purchased: 1996 (No Modifications)	COUNTY MAINFRAME AS-400	NONE
HUMBOLDT	PUNCH CARD 69 Units SEQUOIA PACIFIC DATA VOTE Year Purchased: 1986 Last Modified: 1996	SEQUOIA PACIFIC TEAMWORK MODEL 25 Year Purchased: Last Modified:	IBM AS-400 with ADS software	DIS ROSETTA 1
LANDER	OPTICAL SCAN 1 Unit AIS 15 Series Model 150 Year Purchased: 1996 (No Modifications)	AIS 15 Series Model 150 Year Purchased: 1996 (No Modifications):	IBM AS400 with ADS software	NONE
LINCOLN	PUNCH CARD 25 Units 228 VOTOMATIC BRC / ES&S Year Purchased: pre-1986 (No Modifications)	BRC PRECINCT BALLOT COUNTER (PBC) MODEL 4 Year Purchased: Last Modified:	IBM AS400 with ADS software	NONE
LYON	PUNCH CARD 163 Units 228 VOTOMATIC BRC / ES&S Year Purchased: 1985 Last Modified: 1999	BRC PERSONAL COMPUTER BALLOT TABULATION 600 (PC/BT) Year Purchased: Last Modified:	IBM AS400 with ADS software	ADS
MINERAL	OPTICAL SCAN 1 Unit AIS Series Model 150 Year Purchased: 1993 Last Modified: 1995	AIS Series Model 150 Year Purchased: 1993 Last Modified: 1995	IBM AS400 with ADS software	NONE

COUNTY	VOTING SYSTEM	TABULATION SYSTEM	VOTER REGISTRATION SYSTEM	SIGNATURE VERIFICATION PROGRAM / SYSTEM
NYE	OPTICAL SCAN 2 Units AIS Series Model 150 Year Purchased: 1996 (No Modifications)	AIS Series Model 150 Year Purchased: 1996 (No Modifications)	IBM AS400 with ADS software	ADS
PERSHING	OPTICAL SCAN 1 Unit AIS Series Model 150 Year Purchased: 1995 (No Modifications)	AIS Series Model 150 Year Purchased: 1995 (No Modifications)	IBM AS400 with ADS software	NONE
STOREY	PUNCH CARD 16 Units 228 VOTOMATIC BRC / ES&S Year Purchased: 1997 (No Modifications)	SEQUOIA PACIFIC TEAMWORK MODEL 25 Year Purchased: Last Modified:	BRC PERSONAL COMPUTER BALLOT TABULATION (PC/BT)	NONE
WASHOE	OPTICAL SCAN 143 Units GES ACCU-VOTE ES 2000 Year Purchased: 1995 Last Modified: 2000	GES ACCU-VOTE ES 2000 Year Purchased: 1995 Last Modified: 2000	DIMS	DIMS
WHITE PINE	OPTICAL SCAN 1 Unit AIS Series Model 150 Year Purchased: 1995 (No Modifications)	DOCUMENTATION COUNTER BRC/m3001 Year Purchased: Last Modified:	IBM AS400 with ADS software	NONE

APPENDIX “B”

ADOPTED REGULATION OF THE

SECRETARY OF STATE

LCB File No. R077-03

Effective December 4, 2003

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

AUTHORITY: §§1-14, NRS 293.124.

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

Sec. 2. ***As used in sections 2 to 14, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.***

Sec. 3. ***"Complainant" means a person who files a complaint with the Secretary of State pursuant to section 5 of this regulation.***

Sec. 4. ***"Respondent" means a state or local election official against whom a complaint is filed pursuant to section 5 of this regulation.***

Sec. 5. ***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.

Sec. 6. *1. The Secretary of State or his designee will review each complaint filed pursuant to section 5 of this regulation 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 section 5 of this regulation.

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 section 5 of this regulation, 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 section 5 of this regulation.

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.

Sec. 7. *1. The Secretary of State may consolidate complaints filed pursuant to section 5 of this regulation 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 section 5 of this regulation.

Sec. 8. *1. A complainant may request in a complaint filed pursuant to section 5 of this regulation 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 section 6 of this regulation. 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.

Sec. 9. *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 section 8 of this regulation. 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.

Sec. 10. ***If a complainant has not requested a hearing on a complaint filed pursuant to section 5 of this regulation, 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.

Sec. 11. ***1. If the Secretary of State or his designee, whether acting as a hearing officer pursuant to section 9 of this regulation or reviewing a complaint pursuant to section 10 of this regulation, 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 section 9 of this regulation or reviewing a complaint pursuant to section 10 of this regulation, 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 section 12 of this regulation, 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.

Sec. 12. *1. If the Secretary of State or his designee does not render a final determination on a complaint filed pursuant to section 5 of this regulation 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 section 11 of this regulation. 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.

Sec. 13. *A final determination of the Secretary of State or his designee pursuant to section 9, 10 or 11 of this regulation or the final resolution of an arbitrator or arbitration panel pursuant to section 12 of this regulation is not subject to appeal in any state or federal court.*

Sec. 14. *The Secretary of State will make reasonable accommodations to assist persons in using the procedures set forth in sections 2 to 14, inclusive, of this regulation.*

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R077-03

The Secretary of State adopted regulations assigned LCB File No. R077-03 which pertain to chapter 293 of the Nevada Administrative Code on November 10, 2003.

Notice date: 10/10/2003 **Date of adoption by agency:** 11/10/2003
Hearing date: 11/10/2003 **Filing date:** 12/4/2003

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

The proposed regulation providing for an Administrative Complaint Procedure to resolve complaints alleging violations of Title 3 of the Help America Vote Act of 2002 (HAVA) was originally developed by the State HAVA Committee, in accordance with its obligations under HAVA, during the course of a number of public meetings and in the context of developing the State Plan for complying with HAVA. State and local election officials are among the members of the HAVA Committee, along with representatives of various organizations interested and involved in the conduct of elections and our system of participatory democracy. The Proposed Regulation was adopted as an Emergency Regulation with the Governor's approval during the requisite period to comply with the requirements of HAVA The Notice of Workshop and Notice of Public Hearing, and the full text of the proposed regulation for permanent adoption were posted at each of the County Clerks and Registrars of Voters, at all the main county libraries in the State, the State Library, the Capitol Building, the Grant Sawyer Building, and the Offices of the Secretary of State, and sent to members of the HAVA Committee and all interested persons on the mailing list.

The public response focused on the clarity and accessibility of the procedure for resolving complaints of individuals alleging violations of Title 3 of HAVA. The comments dealt with the issues of ensuring that the procedures were practicable, speedy and fair to both those submitting a complaint and those election officials alleged in the complaint to have violated HAVA. A copy of the written comments and minutes of the Workshop and the Public Hearing may be obtained by calling the Office of the Secretary of State at (775) 684-5705, or by writing to it at 101 North Carson St., Ste. 3, Carson City, Nevada 89701.

2. The number of persons who:

Attended the Workshop and Public Hearing:	1
Testified at the Workshop and Public Hearing:	1 =
Submitted Written Comments:	1

3. This regulation does not have any effect on any businesses.

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.

The Permanent Regulation was adopted at the Public Hearing on November 10, 2003, with changes improving the clarity and accessibility of the complaint resolution procedures that did not materially alter the substance of the Proposed Regulation based on the written comments that were submitted, and the input received during the Workshop and Public Hearing.

5. This regulation does not have any economic effect on any businesses or the public.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There were no complaints submitted during the period that the regulation was enacted as a Temporary Regulation, and it is difficult to estimate the cost to the Office of the Secretary of State for enforcement, as there is no way to predict the number of complaints that will be submitted or the time and resources necessary to review any complaints received. However, the costs associated with appointing a hearing officer, an arbitrator or an arbitration panel to conduct a review, create a record and render a legally sound decision are not insignificant.

7. There are no other state or government agency regulations that the adopted regulations duplicate.

8. The regulation does not include provisions that are more stringent than a federal regulation that regulates the same activity.

9. The regulation does not provide a new fee or increase an existing fee.

APPENDIX “C”

APPENDIX C

ADVISORY COMMITTEE BIOGRAPHIES AND PARTY AFFILIATIONS

NAME	TITLE - ORGANIZATION	PARTY AFFILIATION	BIOGRAPHY
Brooks, LaVonne	Executive Director, High Sierra Industries (HSI)	Democrat	*Bachelors and Masters 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 HIS, 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 and development company specializing in improving performance through computer upgrades.*
Burk, Dan	Registrar of Voters, Washoe County	Nonpartisan	*B.A. in Public Administration, University of Northern Texas (1970). M.A. in History, University 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 (Americans with Disabilities Act) regarding Oregon's standards for handicapped access to polling locations.*
Gilbert, Jan	Northern Nevada Coordinator PLAN	Democrat	*B.A. Economics from UCLA. She co-founded the Progressive Leadership Alliance of Nevada (PLAN) and the Nevada Empowered Women's Project, a non-profit organization representing low-income women. Prior to working on economic and environmental justice issues at the state legislature for 19 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.*
Guinn, Kenny C.	Governor	Republican	*Undergraduate degree in Physical Education from Fresno State University, doctorate in Education from Utah State University. In 1964 he began working for the Clark County School District and shortly was named Superintendent of Schools for Clark County. He served as Superintendent until 1978 and then began applying his management skills in business for Nevada Savings and Loan in Las Vegas, which later became PriMerit Bank. He soon was appointed Chairman of the Board of Directors of the Las Vegas-based bank and was also recruited to the energy business as the President of Southwest Gas Corporation becoming the Chairman of the Board of Directors of that utility in 1993. In 1994, Guinn was recruited by the University of Nevada Board of Regents to serve as interim president of the University of Nevada-Las Vegas. He was elected Governor of Nevada in 1998.*

NAME	TITLE - ORGANIZATION	PARTY AFFILIATION	BIOGRAPHY
Appointee of Governor: *Linda Law*	Policy Analyst & Legislative Liaison for the Governor	Appointee:	*Linda Law has been involved with the Nevada State Legislature since 1977, including being part of the legislative staff for three sessions, serving with the Legislative Counsel Bureau, Research Division for seven years; and lobbying various issues during three sessions. Linda owned a small-business and computer consulting service for 10 years, holds a private pilot's license, and formerly held real estate and manufactured housing sales licenses. Linda received a degree in Business and Finance from Western Nevada Community College and has completed additional courses in accounting, statistics, and computer applications.*
Heller, Dean	Secretary of State	Republican	*B.A. in Business Administration, specializing in finance and securities analysis from USC in 1985. Assemblyman in the Nevada Legislature from 1990-1994. First elected Secretary of State in 1994 and re-elected in 1998 and 2002. He serves on several boards including the Board of Examiners, State Prison Board, and the Tahoe Regional Planning Agency.*
Lomax, Larry	Registrar of Voters, Clark County	Nonpartisan	*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.*
Perkins, Richard	Assembly Speaker	Democrat	*University of Nevada, Las Vegas, B.A., Criminal Justice, B.A., Political Science. Deputy Police Chief. Speaker of the House. Nevada Assembly 1993-2003.*
Appointee of Speaker:: *Scott Wasserman*	Chief Deputy Legislative Counsel	Appointee: Nonpartisan	*B.A. University of Connecticut (1981) and J.D. University of Pacific, McGeorge School of Law (1985). Chief Deputy Legislative Counsel for the Nevada Legislature. Counsel to the Senate Committee on Government Affairs having jurisdiction over election laws in the Nevada Senate. Past two sessions served as the Committee counsel to the Assembly Committee on Elections, Procedures and Ethics, and Legal Adviser to the Committee on Reapportionment matters since 1987.*

NAME	TITLE - ORGANIZATION	PARTY AFFILIATION	BIOGRAPHY
Raggio, William	Senator	Republican	*Louisiana Tech: University of Oklahoma: University of Nevada, Reno, B.A.; University of California, Berkeley, Boalt Hall School of Law. Senator. Attorney at Law.*
Appointee of Senator: *John Bliss, Esq.*	Chief Privacy Officer, SRD	Appointee: Republican	***Mr. Bliss has more than 20 years of experience in the legal, legislative and political arenas, much of it in the areas of banking, securities and intellectual property law. Before joining SRD, he was a partner in the Washington, D.C. law firm of Higgins, McGovern & Smith, which specializes in government affairs representation of corporate and trade association clients before international, federal, state and local legislative and regulatory bodies. Concurrently, he was also president and CEO of CDO Solutions, LLC, a consulting firm providing technology-enhanced strategies for protecting brand equity, reducing corporate liability, and cutting losses from counterfeiting, diversion, theft and fraud. Earlier, Mr. Bliss served for five years as president of the International AntiCounterfeiting Coalition, Inc., a 180-member trade association dedicated to combating counterfeiting and piracy of U.S. products worldwide. Mr. Bliss started his professional career as a legislative aide to U.S. Senator Arlen Specter (R-PA), and later served as minority chief counsel for the United States Senate Judiciary Committee's Subcommittees on The Constitution, Technology and the Law, and Juvenile Justice. During the same period, he was also chief counsel to Senator Hank Brown (R-CO) and Senate minority staff director for the Congressional Biotechnology Caucus. John Bliss earned a bachelor's degree in history at the University of California, San Diego, and his J.D. at Georgetown University Law Center in Washington, D.C.***
Reed, Barbara	County Clerk, Douglas County	Republican	*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.*
Sanchez, Tony F. III	Attorney, Jones Vargas President, Latin Chamber of Commerce	Democrat	*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 (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-Present); 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.*
Sandoval, Brian	Attorney General	Republican	*Graduated from the University of Nevada and the Ohio State University College of Law. He served two terms in the Nevada Legislature before receiving an appointment to the Nevada Gaming Commission in 1998. One year later, he was named by Governor Guinn as Chairman of the Commission. Sandoval also spent three years as the Nevada at-large member of the Tahoe Regional Planning Agency Governing Board. He is a member of the Nevada State Board of Pardons, Prisons, Examiners, Transportation, Domestic Violence and Private Investigators and on the Boards of Trustees for Children's Cabinet of Reno, KNBP Channel 5, St. Jude's Ranch and the Washoe County, Nevada Law Library.*

			He was sworn in as Nevada's Attorney General on January 6, 2003.
Appointee of Attorney General *Vicky Thimmesch Oldenburg, Esq.*	Senior Deputy Attorney General	Appointee: Nonpartisan	*Vicky joined Brian Sandoval's administration in 2004. She previously served as the Senior Legal & Policy Analyst to Governor Kenny Guinn since April 2001. She earned her J.D. degree and* ***Certificate in Environmental and Natural Resources Law from Lewis and Clark College in 1992. Vicky is a member of the Cornelius Honor Society, and received the American Jurisprudence award for her achievement in the 1991-1992 Environmental Law Natural Resources Attorney for the City of Reno. She subsequently became an associate at the Nevada law firm of McDonald, Carano, Wilson, McCune, Bergin, Frankovich & Hicks, focusing on issues relative to the proposed high-level nuclear waste repository at Yucca Mountain and was the Governor's liaison to the Nevada Department of Conservation and Natural Resources, and the Nevada Department of Business & Industry.***

NAME	TITLE - ORGANIZATION	BIOGRAPHY	
Siegel, Dr. Richard	President, ACLU of Nevada	*Political Scientist 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 Faculty Alliance, the Nevada Committee on Foreign Relations, and the Progressive Leadership Alliance of Nevada.*	
Simmons, Monica	City Clerk, City of Henderson	*Appointed City Clerk for the City of Henderson in 1998, her responsibilities include administration of municipal elections. Monica began her tenure with the City of Henderson City Attorney's Office in 1979 serving through her appointment as City Clerk. Having completed Seattle University's Northwest Academy in 2002, she was accepted into the post-certification Master Municipal Clerk Academy. She received her business accreditation from Southern Utah University in 1977 and is currently completing a degree in Public Administration. She serves as a member of the Clark County Election Department Accuracy & Certification Board and Early Voting Board. She chairs the City of Henderson Latino Advisory Board and remains active in the Election Center, IIMC, Nevada Municipal Clerks Association, and League of Cities. She maintains her legal administrator accreditation and associate membership with the American Bar Association.*	

APPENDIX “D”

AGENDA

HELP AMERICA VOTE ACT

Advisory Committee

Thursday, May 27, 2004 10:30 a.m.

Legislative Building	Grant Sawyer Building (via video-conference)
401 South Carson Street	555 East Washington Street
Carson City, NV	Las Vegas, NV
Room 2134	Room 4406

I. Introduction and Welcome
Dean Heller, Secretary of State
Renee Parker, Chief Deputy Secretary of State

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

III. Review and Approve Proposed HAVA State Plan as Revised for FY 04
A. Committee Discussion/Proposed Amendments
B. Committee Recommendation re: revisions to FY 04 HAVA State Plan
- **Action to be taken.**

IV. Comments of Committee Members

V. Public Comment

VI. Adjournment

Notice of this meeting has been posted at the following locations:
The Capitol Building, 101 North Carson Street, Carson City, NV
Grant Sawyer State Office Building, 555 East Washington Street, Las Vegas, NV
The State Legislative Building, 401 South Carson Street, Carson City, NV
The State Library and Archives, 100 North Stewart Street, Carson City, NV

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

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