PERSON TO CONTACT FOR INFORMATION: Bryan Whitener, Telephone: (202) 566–3100.

Alice Miller,

Chief Operating Officer, U.S. Election Assistance Commission.

[FR Doc. 2010–7623 Filed 3–31–10; 4:15 pm]

BILLING CODE 6820—KF–P

ELECTION ASSISTANCE COMMISSION

Publication of State Plan Pursuant to the Help America Vote Act

AGENCY: U.S. Election Assistance Commission (EAC).

ACTION: Notice.

SUMMARY: Pursuant to sections 254(a)(11)(A) and 255(b) of the Help America Vote Act (HAVA), Public Law 107–252, the U.S. Election Assistance Commission (EAC) hereby causes to be published in the **Federal Register** changes to the HAVA State plan previously submitted by Nevada.

DATES: This notice is effective upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bryan Whitener, Telephone 202–566–3100 or 1–866–747–1471 (toll-free).

Submit Comments: Any comments regarding the plans published herewith should be made in writing to the chief election official of the individual State at the address listed below.

SUPPLEMENTARY INFORMATION: On March 24, 2004, the U.S. Election Assistance Commission published in the **Federal Register** the original HAVA State plans filed by the fifty States, the District of Columbia and the Territories of American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands. 69 FR 14002. HAVA anticipated that States, Territories and the District of Columbia would change or update their plans from time to time pursuant to HAVA section 254(a)(11) through (13). HAVA sections 254(a)(11)(A) and 255 require EAC to publish such updates. This is the sixth revision to the State plan for Nevada.

The amendment to Nevada's State plan changes dollar amount spending to percentage amount spending on various activities; elaborates on the Command Center and the Senate Bill 401 report of the election process in Nevada; provides updated charts and tables to reflect November 2009 funding levels and spending plans; incorporates updates to reflect minority language requirements; and removes the Temporary Statewide Voter Registration List. In accordance with HAVA section 254(a)(12), all the State plans submitted for publication provide information on how the respective State succeeded in carrying out its previous State plan. Nevada confirms that its amendments to the State plan were developed and submitted to public comment in accordance with HAVA sections 254(a)(11), 255, and 256.

Upon the expiration of thirty days from April 2, 2010, the State is eligible to implement the changes addressed in the plan that is published herein, in accordance with HAVA section 254(a)(11)(C). EAC wishes to acknowledge the effort that went into revising this State plan and encourages further public comment, in writing, to the State election official listed below.

Chief State Election Official

The Honorable Ross Miller, Secretary of State, 101 North Carson Street, Suite 3, Carson City, Nevada 89701–3714, Phone: (775) 684–5708, Fax: (775) 684–5725.

Thank you for your interest in improving the voting process in America.

Dated: March 25, 2010.

Thomas R. Wilkey,

Executive Director, U.S. Election Assistance Commission.

BILLING CODE 6820–KF–P

State of Nevada

Fiscal Year 2009-2010

Amended State Plan

Amended January 2010

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

Office of the Nevada Secretary of State
101 N. Carson Street, Suite 3
Carson City, NV 89701
January 2010

FY 2009-2010 Amended State Plan Table of Contents

I. Introduction.....1

II. The Backdrop for Nevada's State Plan Information.....1

III. Nevada's State Plan.....2

A. Use of Requirement Payments.....2
1. Voting System Standards.....2
2. Provisional Voting & Voting Information Requirements.....3
3. Statewide Voter Registration List & Registration by Mail.....4
a. Statewide Voter Registration System
b. Requirements for Voters Who Register by Mail
4. Other Administration of Elections Improvements.....6
a. Accessibility for People with Disabilities
b. State IT Committee

B. Distribution of Requirements Payments & Eligibility.....7

C. Voter Education, Election Official, and Poll Worker Training.....8
1. Voter Education.....9
2. Election Official and Poll Worker Training.....10

D. Voting System Guidelines & Processes.....11

E. Establishment of Election Fund.....11

F. Proposed HAVA Budget.....12
1. Total Funding Received to Date.....12
2. Total Funding Expended to Date.....14
Proportionate Breakdown Graph
3. Total Funding Remaining.....14
Proportionate Breakdown Graph
4. Allocation of Remaining Funding.....15
Proportionate Breakdown Graph
a. Voting Systems Purchases/Upgrades
b. Statewide Voter Registration List Maintenance
c. Provisional Voting & Voting Information
d. Polling Place Accessibility, Ongoing Assessment
e. Voter Education & Outreach Activities
f. Election Official and Poll Worker Training
g. Technology and Personnel
5. Proposed Budget for 2009 Amended Activities.....18

G. Maintenance of Effort.....18

H. Performance Goals and Measures.....19
1. Goals.....19
2. Measures.....20

I. Administrative Complaint Procedure.....21

J. Effect of Title I Payments.....22

K. Ongoing Management of Plan.....23

L. Changes to Plan from Previous Year.....23

M. Committee Description & Development of Plan.....24

Appendix A: Administrative Complaint Procedure

Appendix B: Advisory Committee Biographies & Affiliations

Appendix C: January 2010, Advisory Committee Meeting Agenda

Appendix D: Compliance with Military and Overseas Voter Empowerment Act

Appendix E: Attestation That Nevada is in Compliance with Federal Laws as They Apply to HAVA

STATE OF NEVADA
FISCAL YEAR 2009-2010
Amended STATE PLAN

I. INTRODUCTION

The State of Nevada was informed by the U.S. Election Assistance Commission (EAC) that The Omnibus Appropriations Act for Fiscal Year 2009 (Public Law 110-161) includes $100 million to help states improve the administration of Federal elections. These funds are known as Requirements Payments (hereinafter "Funds"). The funds will be distributed to each State conditioned upon satisfying certain criteria pursuant to Help America Vote Act of 2002 (HAVA) Section 253(b). These funds are limited to specific uses outlined in Section 253(b) and may not be allocated to activities other than those expressly set forth in the EAC announcement regarding the additional funding.

In order to become eligible for the additional funding, States are required to amend their State Plans. Accordingly, only sections of the State of Nevada Fiscal Year 2009-2010 Amended State Plan dated January 2010 that are related to the necessary criteria for eligibility will be amended and incorporated.

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. Currently, the State has approximately 1.2 million registered voters spread throughout its 17 counties. Moreover, more than 1,500 state, county and municipal political campaigns come under the jurisdiction of local or state election officials during each election cycle.

The Secretary of State's Office continues to work closely with local election officials, advocacy groups, the State Legislature, and local and state law enforcement agencies to protect the integrity of Nevada's election process. This cooperative effort includes various committees, such as the State Training Committee, Election Command Center Committee, State Regulatory & Compliance Committee and the State IT Committee. The State continues to mitigate costs associated with HAVA implementation and compliance and continues to be fiscally responsible in best utilizing the State's remaining funds.

III. NEVADA'S STATE PLAN

A. Use of Requirements Payments

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

1. Voting Systems Standards

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

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

A significant amount of federal funding appropriated to date was used to upgrade the voting systems throughout the State and to purchase new systems to comply with the above requirements. The State implemented uniform DRE voting systems for polling places throughout the state, with all DRE machines fitted with the voter verifiable paper trail printers. The State reevaluates its voting system needs before each federal election and purchases additional machines based on need.

To ensure proper training for election administrators and the voting citizens of Nevada, the State uses requirements payments to educate individuals about the proper use of the voting systems. Requirements payments are also used for maintaining, modifying and improving all voting systems in the State to ensure compliance with HAVA Section 301(a) standards. Additional uses include continued education on the operation and maintenance of voting systems.

In 2008, the State proposed to use the requirements payments to continue meeting the requirements of Title III and to carry out other activities to improve the administration of Federal elections. This was accomplished through enhancements to the statewide voting systems, as well as updating the standards and procedures to ensure Nevada voters have a positive experience with the electoral process. The State purchased and maintains ADA-compliant voting machines, and conducts voter education outreach programs in conjunction with various local providers and disability support agencies. Additionally, the State continues to conduct training sessions to ensure information, standards, and procedures related to the voting systems are conveyed and understood by election officials, poll workers and Nevada voters. The State disseminates information using mail and other web-based applications, and provides local election officials with proper resources to accomplish the same. In 2008, the State anticipated allocating the sum of $50,000.00 of the 2008 requirements payments for this endeavor.

2009 Amendment

The State will continue to conduct training sessions, per EAC spending guidelines and advisories, for election officials, poll workers and Nevada voters to ensure information related to the voting systems, the standards and procedures is conveyed and understood. Additionally, the State will enhance its inventory of voting system hardware and software based upon local jurisdiction need. All voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process or voting systems, including ballots, will be provided in minority languages as required by the VRA. Based on historical spending, and future needs, the State anticipates allocating 50% of future requirements payments to update and improve the State's voting systems and training on those systems.

2. Provisional Voting and Voting Information Requirements

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

HAVA requires provisional voting procedures in all states to ensure that no voter who appears at the polls and desires to vote is turned away for any reason. The State adopted legislation proposed by the Secretary of State enacting procedures to allow for provisional voting in federal races throughout the State. The procedures[1] adopted meet the requirements of Section 302.

The State continues to use requirements payments to maintain the free access system required by HAVA to provide voters who cast provisional ballots the ability to discover whether their ballot was counted. The State also uses requirements payments to develop procedures for provisional voting and to plan and conduct training and outreach concerning a voter's ability to receive and cast a provisional ballot. Finally, if adequate federal funding is available, the State may use requirements payments to assist local governments with funding offsets necessary to prepare and process provisional ballots.

Section 302 of HAVA also mandates that a sample ballot and other voting information be posted at polling places on Election Day. The State also uses requirements payments to defray the cost of developing, printing and posting this information in the upcoming election cycle.

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

The State Training Committee will continue to promulgate signage for counties to utilize as well as provide continued assistance in evaluating a county's election signage prior to printing and posting. The Secretary of State continues to provide guidance and clarification in signage requirements.

In 2008, The State made enhancements to the provisional voting system by expanding information pertaining to provisional voting by exploring the addition of Internet based information and education. The State continues to provide training for local election officials and poll workers on the provisional voting procedures, as well as training on the free access system available to voters to determine the status of their cast ballot. In 2008, the State anticipated allocating the sum of $40,113.00 of the 2008 requirements payments for this endeavor.

2009 Amendment

The State will continue to make enhancements to the provisional voting system by expanding the dissemination of information to election workers and voters through traditional print and additional electronic avenues. The State will continue to provide instruction for local election officials and poll workers on the provisional voting procedures. Based on historical spending, and future needs, the State anticipates allocating 3% of future requirements payments for these endeavors.

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

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

a. Statewide Voter Registration System (SVRS)

Section 303 of HAVA requires that all states establish a statewide computerized registration list of all eligible voters. This "single, uniform, official, centralized, interactive, computerized statewide voter registration list" must be administered at the State level and is considered the official list of legally registered voters in the State.

The Secretary of State's Office has a HAVA compliant statewide voter registration system in place. The Secretary of State's system was implemented prior to the 2006 election cycle and has the ability to interface with Nevada's Department of Motor Vehicles and other appropriate agencies, as required by HAVA. Additionally, this statewide voter registration database allows all 17 counties to clear thousands of records, including duplicate records.

The State continues to expend a portion of its requirements payments and Title I payments to fund additional upgrades and maintenance of the statewide voter registration system. Additionally, the Secretary of State continues to explore options of the statewide voter registration database interfacing with other agencies which may not currently have electronic databases. Regulations specific to statewide voter registration maintenance procedures were promulgated prior to the 2006 election cycle.

The State has successfully implemented NevVoter, the statewide voter registration system, and continues to monitor its accuracy and effectiveness. This is accomplished by exploring and developing more efficient and timely methods of verifying statewide voter registration data through State and Federal agency databases. In 2008, the State anticipated allocating the sum of $100,000.00 of the 2008 requirements payments to invest in the maintenance of, as well as enhancements to NevVoter.

2009 Amendment

The State continues to successfully administer NevVoter, the statewide voter registration system, and will continue to monitor its accuracy and effectiveness. This will be accomplished by exploring and developing more efficient and timely methods of verifying statewide voter registration data through State and Federal agency databases. Based on historical spending, and future needs, the State anticipates allocating 11% of future requirements payments to invest in the maintenance of, as well as enhancements to NevVoter.

b. Requirements for Voters Who Register by Mail

With respect to requirements for voters who register by mail, the State revised its voter registration form in May 2007. The revisions include clarifying language for identification requirements and providing an opportunity for county election officials to recruit poll workers.

The State expanded its efforts to ensure the registration process for mail-in, absentee, and overseas voters is efficient and timely, and continues its efforts to increase voter participation in these categories by devising and developing statewide procedures for the receipt and processing of mail-in ballots, absentee ballots and ballots returned via facsimile and other electronic means. Additionally, the State continues work to provide a uniform method of disseminating information on absentee voter information to voters inside and outside the State of Nevada. In 2008, the State anticipated allocating the sum of $50,000.00 of the 2008 requirements payment toward this endeavor.

2009 Amendment

The State will continue to improve its mail-in registration process through traditional and electronic media. Any registration materials or information relating to the registration process will be provided in minority languages pursuant to the VRA. The State will also continue to expand its efforts to ensure the registration process for mail-in, absentee, and overseas voters is efficient and timely. The State intends to continue its efforts to increase voter participation in these categories by devising and developing statewide procedures for the receipt and processing of mail-in ballots, absentee ballots and ballots returned via facsimile. Most recently, the State added approved electronic transmission, including email, as acceptable methods for UOCAVA voters to request, receive, and vote absentee ballots. These new procedures will require absentee information, procedures and notices to

be updated to reflect these recent changes. Based on historical spending, and future needs, the State anticipates allocating 10% of future requirements payments for this endeavor.

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

a. Improving Voting Accessibility for People with Disabilities

Every polling site in the State was surveyed for Americans with Disabilities Act[2] (ADA) accessibility and various types of equipment were purchased to improve access to needed areas. During FY 2009-2010, the Secretary of State will continue to improve accessibility, apply for additional federal funding to ensure ADA compliance and proper training of poll workers, and continue both voter outreach efforts to the people with disabilities community and statewide training on ADA compliance issues.

2009 Amendment

The State will continue to work with local election officials to assess accessibility and usability needs to ensure that voters with disabilities can vote with independence and privacy. While reserving the right to, the State anticipates using minimal requirements payments money to improve voting accessibility for people with disabilities. Instead, due to the current reserve of Department of Health and Human Services/Administration of Children and Families (HHS/ACF) funds, the State anticipates using 100% of current and future HHS/ACF payments to improve voting accessibility for people with disabilities.

b. Develop State IT Committee

The Secretary of State continues to utilize a statewide IT committee comprised of county and Secretary of State IT representatives and elections staff. This committee is headed by the Secretary of State's Office and works to: 1) address overall security improvements to voting equipment and the statewide voter registration database; 2) develop updates to the statewide voter registration database and accompanying changes to county election management systems; 3) coordinate election night reporting; 4) assist state training committee on preparing technical training materials; and 5) testing for voting machine software and state certification.

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

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

In 2008, the State successfully instituted the Command Center, a centralized election information management system to coordinate communications between local election officials, state and federal law enforcement, the Secretary of State and Nevada citizens before, during and after the Primary and General elections of 2008. To aid in the administration of elections, this system included cross-jurisdictional communications, liaisons at the local election official offices, a central information portal. The portal, known as Track-It, included pre- and post- logic and accuracy testing (LAT) information, information on election audits, instructions on hardware and software use, and the development of detailed standard operating procedures pertaining to the security for the operations, transport, and delivery of elections equipment and supplies. The system provides a centralized method for local elections officials to exchange information on Election Day to ensure the efficient and timely notification of voting equipment failure, shortages, or other election-related issues. Additionally, the system provides an improved method of communication between local election officials to expedite corrections in the statewide voter registration list. The State allocated approximately $300,000 of the 2008 requirements payment toward this endeavor.

2009 Amendment

The State will continue its efforts toward refining the Command Center and communications system between state and local elections officials in the upcoming election cycle. Based on historical spending, and future needs, the State anticipates allocating 5% of future requirements payments to continue this endeavor.

B. Distribution of Requirements Payments and Eligibility for Distribution

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

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

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

The Office of the Secretary of State centrally manages activities funded by requirements payments. The Secretary of State is accountable for all expenditures, funding levels and

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

program controls and outcomes. The Secretary of State, in conjunction with local election officials, determines the appropriate level of support for local activities.

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

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

Nevada manages all HAVA funding on a statewide level, and continues to allocate HAVA funds for sub-grants to qualifying entities in the State to carry out activities regarding the administration of Federal elections and voting systems. Due to the relatively small number of counties in Nevada, only seventeen, the administration of Federal elections and voting systems of local governments are coordinated centrally through the Nevada Secretary of State's office.

2009 Amendment

The State proposes no changes to the distribution and monitoring of funds of the requirements payments.

C. Voter Education, Election Official and Poll Worker Training

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

1. Voter Education

With voter participation and turnout declining nationally over the last twenty years, the Secretary of State's office is making a concerted effort to expand Nevada's voter outreach and education efforts.

Education is the key to improving Nevada's voter participation rate. Further exploration as to reaching various socio-economic groups as well as providing information for those who have had their rights restored or qualify to have their voting rights restored are also included.

The State has augmented its efforts to improve its voter outreach programs and increasing the participation of its college student population by developing a partnership between the Secretary of State's office and the Nevada System of Higher Education. The State continues to explore additional voter outreach activities, and to expand information available on the website.

The State intends to develop data collection methods for improving voting system standards and voting information requirements. This includes, but is not limited to, researching and identifying demographic groups that have been disproportionately low in voter turnout rates to capture and report that information. The State has set a goal to meet, or exceed voter turnout rates in these demographic categories. The State allocated the sum of $300,000.00 for these activities.

2009 Amendment

The State will continue to provide for programs for voter education, election official education and training, and poll worker training to meet requirements of title III through traditional print, as well as, the latest electronic methods. The State will improve its voter outreach programs and plans to increase the participation of voters across all age, racial, and socio-economic categories through increased media promotion. The State will additionally continue voter education and outreach efforts with the Nevada System of Higher Education to reach the youth vote. Based on historical spending, and future needs, the State anticipates allocating 10% of future requirements payments to continue these endeavors.

The Secretary of State's office has produced and published several informative brochures designed to educate Nevada's citizens about the voter registration process, the significance of every single vote, and the requirements of HAVA. The agency's website (www.nvsos.gov) contains a wealth of information useful to individuals and groups seeking to advance voter participation and citizen knowledge of the elections process.

The 2003 Nevada Legislature moved the Advisory Committee on Participatory Democracy (ACPD) under the auspices of the Secretary of State's office, and established the goals of 70 percent voter registration and 70 percent voter turnout by those registered voters in Nevada by 2008. The goals established through this committee were realized during the 2008 General Election.

In 2006, the Advisory Committee for Participatory Democracy (ACPD) solicited grant applications to conduct voter education and outreach to the citizens of Nevada. The grant was funded through Section 101 HAVA, and was limited to nonprofit, nonpartisan organizations for the purpose of voter education and outreach to increase participation in the election process. The Secretary of State, as recommended by the ACPD, awarded grants to four entities totaling $65,824. Each entity was required to enter into a Notice of Subgrant Award with the Secretary of State, Elections Division to ensure HAVA compliance and for reporting purposes. The voter education and outreach grant was continued prior to the 2008 General Election, with four organizations receiving in excess of $100,000 in grant funding to assist the State's efforts.

The Secretary of State and the ACPD continue to focus on establishing partnerships with the business sector to enhance voter participation and Election Day support, while also building relationships with educational institutions and community organizations to increase youth voter participation. This was accomplished in 2008 through the creation of a business "tool kit" containing press releases, sample articles, posters and fact sheets to help businesses engage their employees in the process of voter registration and voting. The tool-kit is available on-line at the Secretary of State's website in both English and Spanish.

2009 Amendment

The State will continue working with ACPD to identify and fund voter outreach opportunities throughout Nevada. Based on historical spending, and future needs, the State anticipates allocating 3% of future requirements payments to continue this endeavor.

2. Election Official and Poll Worker Training

The State, in conjunction with all 17 counties, has instituted a training program to provide a more centralized source of training, versus the more localized training programs that have existed in the past. In lieu of the disproportionate range of resources available at the local level across the State, building a centralized source of training is critical in ensuring all 17 counties have access to all the training necessary to maintain their role in achieving HAVA compliance. Centralized training in 2006 and 2008 covered: 1) maintenance of the statewide voter registration list; 2) DRE maintenance, testing, programming and security; 3) provisional voting and provisional phone line reporting; 4) election date signage requirements; 5) requirements under UOCAVA for overseas citizens and the military, including use of FWAB ballots; 6) ADA accessibility training for poll workers and election staff; 7) general improvements for poll worker recruitment, training and management; 8) overall communication; 9) additional federal reporting requirements; 10) conducting mandatory post election VVPAT audit and 11) additional certifications for various federal and state requirements.

For the 2008 Elections, comprehensive training sessions and materials addressing election issues were conducted and distributed to all election officials. These sessions also included independent training sessions tailored to address the various needs of Nevada's election officials.

The State will continue to revise and update the training materials and procedures created in 2008 through the guidance of a State Training Committee. This committee is comprised of two Secretary of State employees and four County Clerks/Registrar of Voters. Training topics will include but are not limited to: 1) restoration of felon voting rights; 2) voter identification requirements; 3) poll watchers; 4) provisional voting; 5) election security; 6) electioneering; and 7) polling place assistance.

2009 Amendment

Regarding election official training, the State will hold annual training sessions to both educate clerks/registrars and their election staff on new statutes and regulation, as well as review existing laws and procedures. These annual training sessions will be supplemented with online training materials and manuals, guides and advisory opinions published by the Secretary of State's office.

In addition to written material, the Secretary of State's office intends to work with the counties in producing a CD or Internet-based poll worker training that will educate poll workers on Election Day procedures, equipment operation, requirements for voters with disabilities, and customer service.

Based on historical spending, and future needs, the State anticipates allocating 8% of current and future requirements payments for voter outreach, election official training and poll worker training.

D. Voting System Guidelines and Processes

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

Nevada law mirrors the voting system guidelines and processes set forth in HAVA section 301, as outlined in Section III(A)(1) of this Plan. In addition, the Secretary of State is responsible for certifying voting systems for use in the State. The Secretary of State, in accordance with state law, cannot certify any voting system in the State unless it meets or exceeds the standards for voting systems established by the FEC. The Secretary of State will develop new guidelines and processes as necessary to ensure all voting systems in the State continue to remain in compliance with Section 301.

E. Establishment of Election Fund

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

(b) Requirements for Election Fund—

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

(A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the requirements payment is made to the State under this part.
(B) The requirements payment made to the State under this part.
(C) Such other amounts as may be appropriated under law.
(D) Interest earned on deposits of the fund.

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

2009 Amendment

This fund is codified in Nevada Revised Statutes ("NRS") as NRS 293.442

F. Nevada's Proposed HAVA Budget

Section 254(a)(6) requires a description of the State's proposed budget for activities under this part, based on the State's best estimates of the costs of such activities and the amount of funds to be made available, including specific information on-
(A) The costs of the activities required to be carried out to meet the requirements of Title III
(B) The portion of the requirements payment which will be used to carry out activities to meet such requirements; and
(C) The portion of the requirements payment which will be used to carry out other activities.

1. Total Funding Received to Date:

Federal Fiscal Year	Federal Appropriations	Nevada's Share	5% Match
Title I Early Payments	$650 million	$5 million	n/a
2003	$830 million	$5.785 million	$304,495
2004	$1.489 billion	$10.381 million	$546,389
2005	$0	$0	$0
2006	$0	$0	$0
2007	$0	$0	$0
2008	$115 million	$798,107	$42,006
Total	$3.084 billion	$21.964 million	$892,381

2009 Amendment

Federal Fiscal Year	*Federal Appropriations*	*Nevada's Share*	*5% Match*
2009	*$100 million*	*$694,006*	*$36,527*
Amended Total	*$3.184 billion*	*$22.658 million*	*$929,417*

The State has also received an additional $500,000, under HAVA Title II, Section 261 for polling place accessibility. The State has been awarded yearly increments of $100,000 over the last five years. The State began drawing these funds for the first time in 2006. These funds will continue to be utilized for voter outreach projects, improved accessibility and poll worker training.

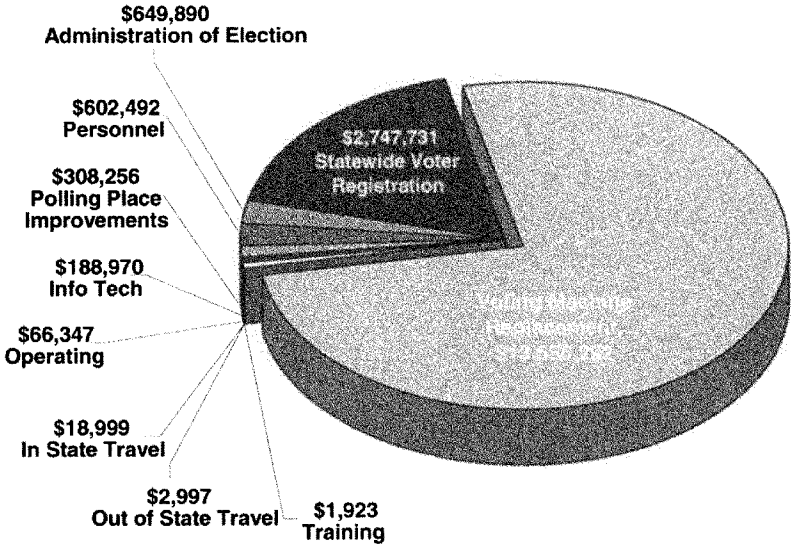
2009 Amendment

The State was awarded another $100,000 in July of 2009. The State has a current balance of $391,743 in Section 261 funds.

2. Total Funding Expended to Date – 2009 Amendment:

Of the HAVA funding received, $18,143,890 has been expended to date to meet the various requirements set forth under HAVA.

HAVA Expenditures to Date

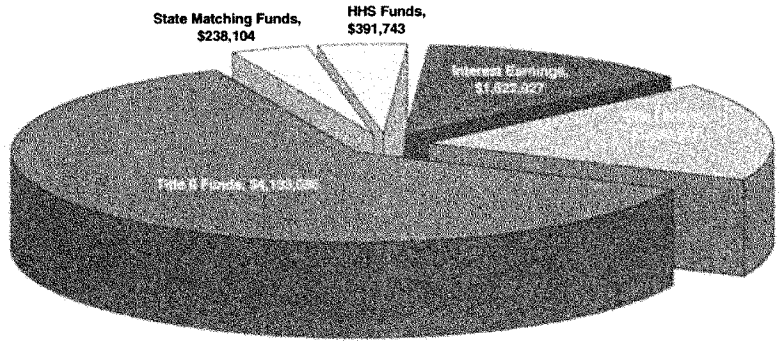


3. Total Funding Remaining to Date:

Budget Account 1051 - HAVA
Funding Received and Remaining as of November 1, 2009

Funding Source	Date Rec'd	Amount Rec'd	Amount Remaining
Title I	05/01/03	$5,000,000	$1,030,947
Title II (Federal FY 03)	08/09/04	$5,785,410	$0
Title II (Federal FY 04)	11/29/04	$10,381,400	$2,610,973
State Match – GF	07/01/04	$299,820	$0
State Match – SS	08/05/04	$550,555	$159,571
Title II – FY 08	05/06/09	$798,107	$798,107
State Match – FY 08		$42,006	$42,006
Title II – FY 09	TBD	$694,006	$694,006
State Match – FY 09		$36,527	$36,527
HHS Funds – FY 2003		$100,000	$0
HHS Funds – FY 2004		$100,000	$0
HHS Funds – FY 2005		$100,000	$0
HHS Funds – FY 2006		$100,000	$91,743.13
HHS Funds – FY 2007		$100,000	$100,000
HHS Funds – FY 2008		$100,000	$100,000
HHS Funds – FY 2009		$100,000	$100,000
FY 04 Interest Earned	06/30/04	$87,430	$87,430
FY 05 Interest Earned	06/30/05	$214,828	$214,828
FY 06 Interest Earned	06/30/06	$371,193	$371,193
FY 07 Interest Earned	06/30/07	$404,543	$404,543
FY 08 Interest Earned	06/30/08	$369,509	$369,509
FY 09 Interest Earned	06/30/09	$145,782	$145,782
FY 10 Interest Earned YTD	11/1/09	$28,742	$28,742
Totals:		**$25,909,858**	**$7,385,907**

Proportionate Breakdown of Remaining HAVA Funding



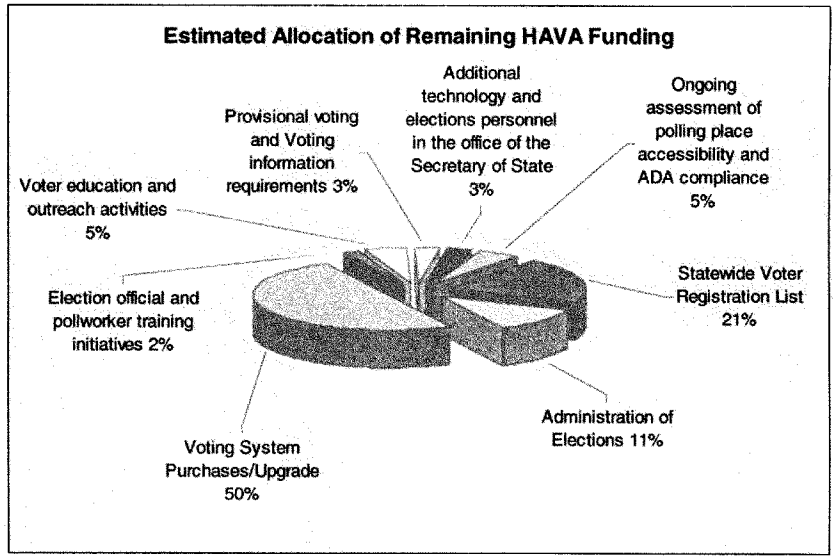
4. Allocation of Remaining HAVA Funding For FY 2009-2010:

The remaining $7,385,907 will be utilized to continue to maintain statewide HAVA compliance. Additionally funding will be set aside to ensure that both the voting systems and the statewide voter registration database can be maintained, updated and adequately supported. As ongoing projects, funding needs have been taken into account post FY 2009-2010.

a. Voting System Purchases/Upgrades:

- Continue to develop strategies to obtain funding, to update DRE machines and their respective VVPAT mechanism to ensure continued compliance with both federal and state law. Also provide additional touch screen systems fitted with voter verifiable paper audit trail printers as needed prior to the 2010 election cycle.
- To be funded with Title I early payments, Title II requirements payments and State matching funds.
- Cost to date: $13,556,292
- The costs of activities required to be carried out to meet this requirement of Title III is estimated to be in excess of $1 million dollars per election cycle.

- The projected portion of the 2009 and future requirements payment which will be used to carry out activities to meet this requirement is estimated to be: 50%



b. Establishing and Maintaining a Statewide Voter Registration List:

- Approximately, $4 to $5 million was allocated to cover base cost, with estimated ongoing maintenance costs of approximately $100,000 per year.
- The State will maintain between $2-3 million to cover any additional improvements to be made to the internally built statewide voter registration list and any additional maintenance costs which may arise.
- To be funded with Title I early payments, Title II requirements payments and State matching funds.
- Cost to date: $2,747,731
- The costs of activities required to be carried out to meet this requirement of Title III is estimated to be in excess of $50,000 dollars per election cycle.
- The projected portion of the 2009 and future requirements payment which will be used to carry out activities to meet this requirement is estimated to be: 21% of total HAVA funds.

c. Provisional Voting and Voting Information Requirements:

- $150,000 was initially allocated to create and develop enhancements to the free-access system, provide necessary training and outreach, and develop voting information.
- To be funded with Title II requirements payments and State matching funds.
- The costs of activities required to be carried out to meet this requirement of Title III is estimated to be in excess of $25,000 dollars per election cycle.
- The projected portion of the 2009 and future requirements payment which will be used to carry out activities to meet this requirement is estimated to be: 3% of total HAVA funds.

d. Ongoing assessment of polling place accessibility and ADA compliance:

- A significant portion of HAVA Title II, Section 261 funds totaling $391,743 will continue to be allocated to improve polling place accessibility. The expenditures will also include training for election officials and poll workers, along with providing information about polling place accessibility to people with disabilities.
- Section 261 funding is provided by the Department of Health and Human Services and is limited for the purposes for which it may be used. The projected percentage of 2009 HHS funds and future HHS awards to be spent in this category: 100 %
- Projected percentage of remaining and future HAVA funding to be spent in this category: 5% of total HAVA funds.

e. Voter education and outreach activities:

- To be funded with Title I requirements payments and State matching funds.
- The costs of activities required to be carried out to meet this requirement of Title III is estimated to be in excess of $40,000 dollars per election cycle.
- The projected portion of the 2009 and future requirements payment which will be used to carry out activities to meet this requirement is estimated to be: 5% of total HAVA funds.

f. Election official and poll worker training initiatives:

- To be funded with both Title I and Title II requirements payments and State matching funds
- The costs of activities required to be carried out to meet this requirement of Title III is estimated to be in excess of $16,000 dollars per election cycle.
- The projected portion of the 2009 and future requirements payment which will be used to carry out activities to meet this requirement is estimated to be: 2% of total HAVA funds.

g. Other Activities - Additional technology and elections personnel in the office of the Secretary of State:

- $602,492 has been expended on elections personnel since the implementation of HAVA in 2002. This money has thus far come from Title I money.
- -- Additional considerations include creating a HAVA information technology position to help maintain various aspects of HAVA compliance including programming related to voting equipment as well as statewide voter registration maintenance and further development.
- Projected percentage of remaining and future HAVA funding to be spent in this category: 3% of total HAVA funds.

h. Other Activities - Administration of Elections

- $648,890 of Title I money to carry out other election activities outside of Title III has been spent to date to assist in the Administration of Elections. This money thus far has come from Title I money.
- Projected percentage of remaining and future HAVA funding to be spent in this category: 11 %

The State's FY 2009-2010 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 requirements, if adequate federal funding is not made available, the manner in which the funds are disbursed or dedicated and the priorities given to particular projects may be altered from the information contained in this FY 2009-2010 Plan.

5. Costs and Portions of State's Proposed Budget for 2009 Amended Activities:

Activity	*Percent of Funds*	*Title I, II, III Classification*
Improvements for statewide voting systems standards	*50%*	*III*
Maintenance and enhancements to NevVoter, Nevada's statewide voter registration list	*21%*	*III*
Provisional Voting and Voting Information Requirements	*3%*	*III*
Ongoing Assessment of Polling Place Accessibility	*5%*	*Sec 261 Funds/Title III*
Voter Education Outreach Activities	*5%*	*III/ Activities to Improve Administration of Federal Elections*
Election Official and Pollworker Training	*2%*	*III/ Activities to Improve Administration of Federal Elections*
Other Activities	*3%*	*Title I*
Other Activities – Administration of Elections	*11%*	*Title I*

G. Maintenance of Effort

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

Consistent with the maintenance of effort requirement contained in HAVA, in using any requirements payments, the State will maintain expenditures for activities funded by the payment at a level equal to or greater than the level of such expenditures maintained by the State for its fiscal year that ended prior to November 2000. The total expenditures attributable to the Elections Division increased in the State's fiscal years 2001, 2002, 2003, 2004, 2005, 2006 and 2007 and are anticipated to increase in FY 2009-2010.

The State Legislature has the authority to approve these funding levels and has been apprised of the maintenance of effort requirements contained in HAVA. At this time, the Secretary of State's total HAVA budget is $8,463,422.00. $5,228,674.00 of this total amount is held in a Title II reserve fund, 1,503,081.00 is held in a Title I reserve fund, $291,386 consists of state match funds, $362,286 is held in HHS funding and $1,077,994.00 consists of accrued interest. Projected state funded expenses for FY 2007-2008 will still exceed $250,000.

Nevada continued to meet its Maintenance of Effort (MOE) requirement with HAVA funds, and not State funds, used for Title III needs. Previously, the Secretary of State's total HAVA budget, excluding the 2008 requirements payment, was $6,922,855.93. $4,030,436.00 of this total amount was held in Title II reserve fund; $1,756,200.00 of this total amount was held in Title I reserve fund; $174,376.00 consisted of the balance remaining in the state match funds; $376,536.48 is held in HHS funding; and $1,388,756.60 consisted of accrued interest. Projected state funded expenses ending in FY 2008-2009 exceeded $250,000.00

2009 Amendment

Nevada will continue to meet its Maintenance of Effort (MOE) requirement in that HAVA funds, and not State funds, will be used for Title III needs. 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, or $151,470.

H. Performance Goals and Measures

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

The Secretary of State, in collaboration with local election officials, has met all critical performance goals and will continue to institute processes to measure additional progress in relation to these time-specific goals, as well as ongoing performance goals. This process will provide local election officials with structure and continued measurable targets for accomplishment. In addition, each local election official will be required to report the progress in meeting the performance goals and measures to the Secretary of State within 60 days following every general election held in the State.

1. Performance Goals

In developing the FY 07-08 update to the State Plan, the strategies for achieving these HAVA compliant goals in the previous State Plans continue to be applicable: (1) obtain federal funding; (2) implement legislation fostering voter participation and compliance with HAVA; (3) conduct an assessment of the condition of the statewide voter registration process given these standards; (4) suggest changes to voting technology and processes to ensure

accurate and reliable elections and voter confidence; and (5) develop and implement follow-through accountability activities and feedback mechanisms for complaints.

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

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

2. Performance Measures

The State will use the following criteria to measure performance:

--voter turnout statistics
--functionality of voting systems
--accuracy of the data contained in the statewide voter registration list
--voter satisfaction with equipment (accomplished through surveys or other strategies)
--complaints against poll workers
--complaints received versus complaints resolved
--ADA compliance

These criteria were developed through the State Planning Process. The State is further committed to exploring the use of additional performance measures. In 2008, Nevada's use of additional requirements payments enhanced current elements of our State Plan, and as such, the performance goals, measurements and timetables already established continue to be used to measure the performance of the additional funding.

2009 Amendment

The 2007 Nevada Legislature passed Senate Bill 401, which requires the Secretary of State to submit a comprehensive report of the election process in Nevada. The S.B. 401 report was presented to the 2009 Session of the Nevada Legislature and included data on the following performance measures:
(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes,
(b) A report on each malfunction of any mechanical voting system, including, without limitation:
(1) Any known reason for the malfunction;
(2) The length of time during which the mechanical voting system could not be used;
(3) Any remedy for the malfunction which was used at the time of the malfunction; and
(4) Any effect the malfunction had on the election process.
(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.
(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.
(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.
(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.
(g) The number of provisional ballots cast and the reason for the casting of each provisional ballot.

The report is made available on the Secretary of State's website for review by the general public.

I. State-Based Administrative Complaint Procedure

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

The Advisory Committee has developed and adopted a procedure for complaints that meets HAVA requirements[3]. The Secretary of State adopted regulations to place these procedures

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

into the State Administrative Code prior to submission of the FY 03-04 State Plan. The Secretary of State will continue to review and update regulatory language on an ongoing basis. The Secretary of State has assembled the State Regulatory Committee which will continually review statutes needing clarification and develop regulatory language as needed.

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

The Secretary of State's Office has also established a statewide Election Command Center Committee which will further modify and improve various aspects of the complaint procedures to ensure the process remains a uniform and nondiscriminatory state-based administrative process. In addition to coordinating with local law enforcement agencies, the Secretary of State's Office will work closely with local district attorneys and the State's Attorney General to ensure complaints are handled proficiently and swiftly. The Secretary of State will deploy investigators from another division of the office to assist local and state agencies investigative staff and the Elections Division during voting periods to investigate complaints as they are recorded by the Secretary of State's Election Fraud and Complaint Hotline. This committee will be a concerted effort and will work closely with the State Training Committee as well on complaint procedures.

J. Effect of Title I Payments

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

On April 30, 2003, the State received $5 million in Title I payments. The State has expended a portion of these funds for the voting system upgrades described in this State Plan. In addition, the State has expended these funds for ancillary devices, equipment and services associated with the voting systems contract and for travel and training activities necessary for implementing the new voting systems and the statewide voter registration system. Section 6 of this Plan specifically sets forth the State's intended additional uses for these funds. In 2008, Nevada had approximately $1,756,200.00 of this total amount held in Title I reserve fund.

2009 Amendment

Nevada has approximately $1,438,800.00 of Title I money remaining. These funds will be used, as needed, for improving the administration of elections, paying personnel, educating voters concerning voting procedures, training election officials and poll workers, improving the accessibility and quantity of polling places, and complying with requirements under Title III.

K. Ongoing Management of the State Plan

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

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

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

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

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

2009 Amendment

Nevada's ongoing management of the plan will not change. Oversight of the State Plan will remain a function of the State Advisory Committee, the Deputy of Elections, and the Secretary of State.

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

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

This FY 2009-2010 State Plan incorporates the same basic theme as the previous plans, and generally reports on the procedures implemented by the State in carrying out the previous plan, such as upgrades to voting systems throughout the State and specific voter education

and outreach efforts undertaken by the State. Additionally, the current FY 2009-2010 State Plan updates the status of State performance goals and the various HAVA compliant projects, such as statewide voter registration. Also provided is a general update of achievements in the areas of training, accessibility, statewide voter registration, voter machine upkeep and maintenance, and outreach, as well as cleaning up of language used in previous versions of the State Plan. The current plan further takes into consideration the Title II, Section 261 funds which had not been drawn prior to 2006.

The 2008 amendment to the State Plan reflects changes from the previous State Plan by increasing spending estimations for: improvements to statewide voting systems; training for local election officials and poll workers on the provisional voting procedures; maintenance and enhancements to NevVoter; expand efforts regarding mail-in, absentee, and overseas voting; centralized Election Information Management System; and outreach activities and data collection. . Additionally, the State Advisory Committee voted to change language in Section III.A.1 pertaining to voting system standards relating to over-voting. The State has succeeded in carrying out the previous State Plan by continuing to meet performance goals, HAVA compliance in expenditure of HAVA funds, and an 11.4% increase in registered voters from June 2007 to June 2008.

2009 Amendment

Upon consultation with the EAC, the 2009-2010 amended State Plan reflects changes from the previous State Plan by switching dollar amount spending to percentage amount spending for: improvements to statewide voting systems; training for local election officials and poll workers on the provisional voting procedures; maintenance and enhancements to NevVoter; expand efforts regarding mail-in, absentee, and overseas voting; centralized Election Information Management System; and outreach activities and data collection. The State Plan also elaborates on the Command Center and the SB 401 report. Financial tables and charts are also updated to reflect November 2009 funding levels and spending plans. The State Plan also incorporates updates to reflect minority language requirements as required by the Voting Rights Act. Lastly, the Temporary Statewide Voter Registration List procedures were removed, as they have been adopted as permanent.

M. Committee Description and Development of State Plan

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

The State's Advisory Committee consists of eleven (11) members including the Secretary of State, local election officials from the two largest counties in the State and a variety of other election stakeholders[4]. The Secretary of State selected the committee membership and either he or his Chief Deputy acted as Chairperson for each meeting held.

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

Ross Miller, Secretary of State
Nicole Lamboley, Chief Deputy Secretary of State
Wayne Howle, Solicitor General
Thomas Allman, Rights Advocate/ADA Coordinator, Nevada Disability Advocacy & Law Center
Dan Burk, Washoe County Registrar of Voters
Jan Gilbert, N. NV Coordinator, Progressive Leadership Alliance of NV (PLAN)
Alan Glover, Carson City Clerk
Kenya Pierce, Community College Professor, College of Southern Nevada
Larry Lomax, Clark County Registrar of Voters
Daniel Wong, Chief Deputy Attorney General/Chief Counsel, NV Dept. of Transportation
Monica Martinez Simmons, Henderson City Clerk

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

Matthew M. Griffin, Deputy Secretary of State for Elections
Ryan High, State HAVA Coordinator
Kimberly Carrubba, State Advisory Committee Secretary

In developing the *State of Nevada Fiscal Year 2009-2010 Amended State Plan,* the State Advisory Committee convened on January 25, 2010. The Committee meeting was publicly held and noticed in accordance with Nevada's Open Meeting Law. The *State of Nevada Fiscal Year 2009-2010 Amended State Plan* will be made available for public inspection and comment for a 30-day period prior to submission to the Election Assistance Commission (EAC). The Secretary of State will publish the adopted Plan and notice of the comment period will commence on or about February 1, 2010, and will be made available for public inspection on the Secretary of State's website and at satellite offices, the Nevada State Library, at all main county libraries, all city and county clerks' offices, and at various other public agencies throughout the State.

2009 Amendment

The amended State Plan reflects changes from the previous State Plan in the members of the State Advisory Committee.

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

APPENDIX B

Advisory Committee Biographies and Affiliations

2009 Amendment

The amended State Plan reflects changes from the previous State Plan to include the biographies of the new Committee members.

Name	Title – Organization	Biography
Ross Miller	Secretary of State	Ross Miller was sworn into office on January 1st 2007. Mr. Miller is a third-generation Nevadan who previously served as a Deputy District Attorney in Clark County, Nevada. He holds a dual degree, in law (J.D.) and a Masters in Business Administration (M.B.A.), from Loyola Marymount University, in Los Angeles, and completed his undergraduate studies at Stanford University in California, earning a Bachelor of Arts major in English, with minors in Psychology and Political Science. While at Stanford, Mr. Miller served as a White House Intern, where he worked under then-Cabinet Liaison Thurgood Marshall, Jr.
Nicole Lamboley	Chief Deputy Secretary of State	Nicole Lamboley, Chief Deputy Secretary of State, was appointed by Secretary Ross Miller in January 2007. Ms. Lamboley has spent the past 18 years working in different capacities in the area of public and government affairs, about half of which have been spent working in the public sector. Prior to joining Secretary Miller's administration, she served as campaign manager for Attorney General Catherine Cortez Masto. Before that, Ms. Lamboley served as Legislative Affairs Manager for the City of Reno and was in charge of the city's state, federal and intergovernmental lobbying efforts. Her career also includes positions as Senior Regional Manager for the National Association of Manufacturers, Deputy Chief of Staff to former Nevada Governor Bob Miller, and Production Manager for the Harriman Communications' Center. Ms. Lamboley received her Bachelors degree from the University of Notre Dame and her Masters degree in Public Policy from Georgetown University.
Thomas Allman	Rights Advocate/ADA Coordinator, NDALC	Thomas Allman has been with Nevada Disability Advocacy & Law Center (NDALC) in Las Vegas as a Rights Advocate/Projects Coordinator for 7½ years where he has been the Help America Vote Act (HAVA) Coordinator. As NDALC's HAVA Coordinator, his agency's priority has been to assure full access to the electoral process so that people with disabilities can register to vote and vote with complete independence and privacy. Mr. Allman's duties include conducting voting rights outreach meetings to disability organizations, monitoring through site visits ADA compliance for polling places and providing monitoring and technical assistance of both State and County Election Departments to assure they are in compliance with HAVA sections as they relate to people with disabilities. His other agency duties involve coordinating the annual staff training and resolving many ADA compliance issues regarding access to private and government buildings. He has over 20 years working with people with disabilities including his over 7 years as Director of the Corrections Office for the Massachusetts Rehabilitation Commission in Boston. Both his Doctorate in Rehabilitation and Masters in Education in Counseling Psychology are from Boston College, while his J.D. is from Thomas Jefferson School of Law in San Diego.
Dan Burk	Registrar of Voters, Washoe County	B.A. in Public Administration, U of North Texas (1970). M.A. in History, U of Northern Colorado (1977). Worked over 20 years in all aspects of election procedures in Oregon, from Director of Records and Elections, Liaison Officer in the Archive Division to membership on the committee for the implementation of the ADA (American Disabilities Act) regarding Oregon's standards for access to polling locations for people with disabilities.
Jan Gilbert	Northern Nevada Coordinator, PLAN	B.A. Economics from UCLA. She co-founded the Progressive Leadership Alliance of Nevada (PLAN). Prior to working on economic and environmental justice issues at the state legislature for 24 years, she began advocacy work for the League of Women Voters. She has received several Humanitarian Awards including the Women's role Model Award from the Attorney General and the Hannah Humanitarian Award from the Committee to Aid Abused Women. She also served on the Department of Human Resources Block Grant Commission for 9 years and was Chairman for two of those years.

Name	Title – Organization	Biography
Alan Glover	Clerk-Recorder, Carson City	Alan Glover, Carson City Clerk-Recorder, is a native of Carson City, attended Carson City schools, and is a graduate of the University of Nevada in Reno. While a senior at the University he was elected to the Nevada State Assembly where he served five terms before being elected to the State Senate. In 1985 Mr. Glover resigned from the Senate and was appointed as the Carson City Recorder. In 1987 the office of Recorder was combined with that of Clerk and Mr. Glover served in that position until 1991 when he went back to private business. In 1994 he was elected Carson City Clerk-Recorder and has served in that capacity since. Mr. Glover is a past president of the County Fiscal Officers Association and the Nevada Association of County Clerks and County Election Officials. Mr. Glover is the Ex-Officio Clerk of: the First Judicial District, Board of Supervisors, Board of Equalization and General Obligation Bond Commission, and is Ex-Officio Public Administrator. Mr. Glover also oversees the operations of the Recorders Office, Marriage Bureau, Elections, and Records Management.
Harvard "Larry" Lomax	Registrar of Voters, Clark County	B.A. in English Literature, Stanford University (1967) and Master of Business Administration from University of North Dakota (1977). He was a Distinguished Graduate from the Air Force's Officer Training School and as a pilot flew over 4,000 hours in a 30 year career. He served on the Joint Staff in Washington D.C. and had the opportunity to work with legislators and staff members on a wide range of issues. He began his career as Assistant Registrar for Registrations in January of 1998 overseeing the training of 7,000 election board officers, processing of petitions, and election night logistics and was appointed Registrar of Voters with full responsibility for the County's Election Department in March of 1999.

Name	Title – Organization	Biography
Wayne Howle	Solicitor General	Wayne Howle is the Solicitor General for Nevada Attorney General Catherine Masto. He is responsible for the Attorney General's appellate advocacy in State and federal courts. He also ensures consistency in the Attorney General's legal policy by overseeing the opinion-writing process for the Office, facilitating an appellate moot court program, and leading an amicus program. He also supervises a large bureau made up of over forty government attorneys. In 1990, Wayne was hired by then-Attorney General Brian McKay, and has worked for five different Nevada Attorneys General. Over the years, he has represented numerous State agencies. His practice has included extensive experience in natural resource law, federal Indian law and public land law. Most recently he has represented the Secretary of State in election law cases. He has appeared in many trial and appellate hearings in tribal, state and federal courts, including appearances in the Nevada and U.S. Supreme Courts. Wayne received his undergraduate degree in political science from the College of Charleston in Charleston, S.C., in 1978. He worked for the U.S. Bureau of Land Management in Ely, Nevada, from 1979 until 1985, where he was the Ely District wilderness program leader. He then attended law school at the University of Idaho, and graduated magna cum laude in 1988. In his first year of practice, he served as law clerk for the Honorable Charles McGee in the Second Judicial District Court of Nevada in Reno, Nevada, and in 1990 was an associate at the Reno law firm Hill Cassas and deLipkau.

Name	Title – Organization	Biography
Kenya Pierce	Community College Professor, College of Southern Nevada	Kenya Pierce is a principal and co-founder of Blackbox Consulting Group and has over 15 years experience in community organizing, non-profit management and higher education. Currently, Kenya Pierce serves as Community Affairs Advisor to State Senate Majority Leader Steven Horsford. In 2007, Kenya was tapped to lead the African American outreach effort for the Nevada State Democratic Party in preparation for the 2008 Presidential Caucus. In 2005, she co-founded TRENDZ Inc. ("Taking Responsibility and Education in New Directions"). This youth-led social activist network recruits young people of color training them in civic engagement. As a tenured Sociology Professor at the College of Southern Nevada, Kenya has been able to help students broaden their social perspective as they prepare to become professionals in their community. Her coursework includes: Teaching Principles of Sociology; Marriage and Family; Race and Ethnicity; and Social Problems. Ms. Pierce holds a bachelors degree in Social Work from the University of Central Missouri and a masters in Social Work from Saint Louis University. Kenya serves on the boards of SAFY (Specialized Alternatives for Families and Youth), PLAN (Progressive Leadership Alliance of Nevada), Western States Center and Pushback Network. She is the mother of two: Jordan, age 10 and Nilah, age 7.
Monica M. Simmons	City Clerk, City of Henderson	Monica was appointed City Clerk in 1998 by the City Council following 20 years of service in the City Attorney's Office. During her 28-year tenure at the City, she has experienced unprecedented growth (from 23,567 to a current population of 265,000.) Monica serves on the Board of Directors for the international organization of Municipal Clerks and Administrators, representing 15 countries and a membership of 10,000. She was elected president of the Nevada Municipal Clerks' Association in 1994, and she is an active member with the League of Women Voters, Nevada Women's History Project, and the American Bar Association. Monica partnered with the University of Nevada/Reno to establish the first Nevada Municipal and County Clerks' accredited educational institute. At the request of the U.S. Department of State, she pursued the implementation of a full-service U.S. Passport Application Program in 2003. Monica continues her commitment to strengthening community relations through effective outreach programs, including Henderson's nationally recognized "Local Youth Vote" campaign and the recent implementation of "Vote Centers" during Henderson's Municipal Elections.
Daniel Wong	Chief Deputy Attorney General/Chief Counsel, Nevada Dept. of Transportation	Daniel Wong earned a B.A. in Political Science from UCLA in 1974 and a Juris Doctor from the University of the Pacific, McGeorge School of Law in 1979. He was a major felony prosecutor for the Washoe County District Attorney's Office, a solo private practitioner and was the first Asian-American to serve as a judge in the State of Nevada serving in Reno Justice Court for 7 ½ years. He has been with the Nevada Attorney General's Office for almost ten years and has served as a Deputy Attorney General, Senior Deputy Attorney General, Assistant Solicitor General, Solicitor General, Chief Solicitor General and Chief Deputy Attorney General of the Litigation Division. He is currently the Chief Deputy Attorney General of the Transportation Division and Chief Counsel to the Nevada Department of Transportation. He has been active in the community having served on the Board of Directors of the Suicide Prevention and Crisis Call Center, Partners in Education, Leadership Reno-Sparks, and KNPB Channel 5 Public Television. He currently serves on the National Board of the Center for Civic Education.

APPENDIX C

Agenda for January 2010 Advisory Committee Meeting

NEVADA STATE ADVISORY COMMITTEE

AGENDA

Meeting: **Monday, January 25, 2010**
9:00 a.m.

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

I. Introduction and Welcome

II. Roll Call

III. Amend State Plan to satisfy eligibility criteria for additional requirement payments*

IV. Comments of Committee Members

V. Public Comment

VI. Adjournment*

* Denotes items on which action may be taken

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

Offices of the 17 County Clerks/Registrar of Voters
The Capitol Building, 101 N. Carson St., Carson City, Nevada
Secretary of State – Reno Office, 1755 East Plumb Ln., Ste. 231, Reno, NV 89502
Grant Sawyer State Office Building, 555 East Washington St., Las Vegas, Nevada
Nevada State Legislature, 401 S. Carson St., Carson City, Nevada
Nevada State Library and Archives, 100 N. Stewart St., Carson City, Nevada

Notice of this meeting was posted on the following website:
http://www.nvsos.gov

Posted: January 19, 2010

We are pleased to make accommodations for people with disabilities who wish to attend this meeting. Please notify the Elections Division at the Secretary of State's office by calling (775) 684-5705.

APPENDIX D

Compliance with Military and Overseas Voter Empowerment Act
(Title 5, Subtitle H, Section 588 of H.R. 2647 of the 111th Congress)

The State will meet MOVE Act compliance through instituting Nevada Laws and regulations that will mirror federal requirements.

[FR Doc. 2010–7479 Filed 4–1–10; 8:45 am]
BILLING CODE 6820–KF–C