



WASHOE COUNTY

Integrity Communication Service
www.washoecounty.gov

STAFF REPORT

BOARD MEETING DATE: *November 15, 2024*

DATE: November 8, 2024

TO: Board of County Commissioners

FROM: Andrew McDonald, Deputy Registrar of Voters
(775) 328-3690, amcdonald@washoecounty.gov

THROUGH: Dave Solaro, Acting County Manager
(775) 328-3624, dsolaro@washoecounty.gov

SUBJECT: Declaration of canvass of local results of General Election 2024 and direction to the Registrar of Voters to certify the abstract of the results and transmit a copy of the certified abstract to the Secretary of State.

Canvassing is the process by which local election results are declared, examined and certified. The canvass is a culmination of all the data generated during an election cycle. The canvass process aggregates and confirms every valid ballot cast and counted, including mail, uniformed and overseas citizen, electronically transmitted ballots, early voting, and Election Day ballots. NRS 293.387 requires the Board of County Commissioners to separately note any clerical errors discovered and take account of those errors, so the result declared represents the true vote cast.

Pursuant to NRS 293.387, the Board of County Commissioners is required to canvass the vote and direct an abstract of votes to be sent to the Secretary of State no later than 10 days following the election, which was held on November 5, 2024.

(All Commission Districts.) FOR POSSIBLE ACTION

SUMMARY

Declaration of canvass of local results of General Election 2024 and direction to the Registrar of Voters to certify the abstract of the results and transmit a copy of the certified abstract to the Secretary of State.

Pursuant to NRS 293.387, the Board of County Commissioners is required to canvass the vote and direct an abstract of votes to be sent to the Secretary of State no later than 10 days following the election, which was held on November 5, 2024.

AGENDA ITEM # _____

Canvassing is the process by which local election results are declared, examined and certified. The canvass is a culmination of all the data generated during an election cycle. The canvass process aggregates and confirms every valid ballot cast and counted, requires the Board to note any clerical errors discovered, and to declare the results reflect the true votes cast.

Washoe County Strategic Objective supported by this item:
Innovative Services – strengthening the culture of service

PREVIOUS ACTION

On February 16, 2024, the Board canvassed the results of the 2024 Presidential Preference Primary Election. The Board canvassed the results of the 2024 Primary Election on June 21, 2024.

BACKGROUND

Staff seeks a declaration of canvass of the results of the General Election 2024 and direction to the Registrar of Voters to certify the abstract of the results and transmit a copy of the certified abstract to the Secretary of State.

Canvassing is the process by which local election results are declared, examined and certified. The canvass is a culmination of all the data generated during an election cycle. The canvass process aggregates and confirms every valid ballot cast and counted, including mail, uniformed and overseas citizen, electronic transmission, early voting, and Election Day ballots.

Since the close of polls on November 5, 2024, the Registrar of Voters' office has counted ballots and released unofficial election results. These results become official when they are certified first by the Commission and then by the State.

For the canvass, election officials will present the election results to the Board. The results are a true and accurate accounting of all votes cast in the 2024 General Election. No clerical errors were discovered, and the results presented are the actual results of the election.

Pursuant to NRS 293.387, the Board of County Commissioners is required to canvass the vote and direct an abstract of votes to be sent to the Secretary of State no later than 10 days following the election, which was held on November 5, 2024.

NRS 293.387 states:

1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the 10th day following the election.
2. In making its canvass, the board shall:
 - (a) Note separately any clerical errors discovered; and
 - (b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and

(b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State,

and transmit them to the Secretary of State on or before the 10th day following the election.

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.

In making its canvass, the Board has the duty to: (1) note separately any clerical errors discovered; and (2) take account of the changes resulting from the discovery of those clerical errors, so that the result declared represents the true vote cast. NRS 293.387. However, in making its canvass, the Board does not have the authority to determine whether any ballots cast were illegal or invalid. Instead, under the Nevada Constitution and the election statutes, the authority to determine whether any ballots cast were illegal or invalid may be exercised only in an election contest that is decided by: (1) the state courts; (2) the Legislature, in joint session of both Houses, for the offices of Governor, Lieutenant Governor, justice of the Supreme Court and judge of the Court of Appeals; and (3) the appropriate House for state legislative offices. NRS 293.407-293.435.

The duty to canvass election returns and certify the winner is ministerial in nature with the power only to accept returns that are in due form and to ascertain and declare the result as it appears therefrom. 26 Am. Jur. 2d Elections §368 (Westlaw 2020).

Accordingly, staff requests that the Board declare the canvass of local results of General Election 2024 and direct the Registrar of Voters to certify the abstract of the results and transmit a copy of the certified abstract to the Secretary of State.

FISCAL IMPACT

The canvass does not have a fiscal impact.

RECOMMENDATION

Recommendation to declare the canvass of local results of General Election 2024 and direct the Registrar of Voters to certify the abstract of the results and transmit a copy of the certified abstract to the Secretary of State. The Board's duty is satisfied by approving the attached Declaration of Canvass of 2024 General Election and Order.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:
"Move to approve the Declaration of Canvass of 2024 General Election and Order".

Washoe County Board of County Commissioners
Declaration of Canvass of 2024 General Election and Order

WHEREAS, an election was held in Washoe County on November 5, 2024.

WHEREAS, the Washoe County Board of County Commissioners has convened a duly noticed meeting on November 15, 2024, to canvass the results of that election.

NOW THEREFORE, pursuant to NRS 293.387 the Washoe County Board of County Commissioners determines, declares and orders as follows:

1. A review of the results of the 2024 General Election has been made, by which any errors within the results, if there were any, could be officially noted.
2. No clerical errors were discovered from the canvass and no resulting changes to the results are necessary.
3. The official 2024 General Election results are hereby declared, and the results declared represent the true votes cast.
4. The Washoe County Registrar of Voters is directed to enter upon the record of the Board an abstract of the results containing the number of votes cast for each candidate and shall certify the abstract.
5. Pursuant to this order hereby entered in the minutes of the Board, the Registrar shall copy the certified abstract and transmit a copy to the Secretary of State on or before the 10th day following the election.

ADOPTED this 15th day of November 2024, by the following vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Alexis Hill, Chair
Washoe County Commission

ATTEST:

Jan Galassini
Washoe County Clerk