REQUEST FOR PAPER BALLOTS FOR WASHOE COUNTY FOR 2026

A Continuity of Operations Proposal

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AT-A-GLANCE

Continuity of Operations Plan Proposal

To adopt:

- Human signature verification
- Prohibiting cell phones within proximity of the central processing room
- Strong fiscal oversight
- Minimal use of BMDs
- Precinct Voting
- Hand-marked paper ballots using black ballpoint pen
- Paper backup to voter rosters
- Battery-powered lighting kits for power loss
- Hand-counting ballots
- Separate ballots for local races and questions; self-audit

Additional measures:

- Increase election worker pay
- Allow 6-hour shifts and double shifts

Suggested legislation:

- Restore opt-in absentee mail ballots
- Mail ballots cast inside the polls, no curbside voting
- Count ballots at the precinct location

PAPER BALLOTS FOR WASHOE COUNTY FOR 2026

August 28, 2025

In light of the recent cyberattack against the state of Nevada, coupled with Washoe County's plans to implement new leading-edge technology in elections, the following unsolicited proposal answers the county's need for election integrity and continuity of operations in cases of emergency.

Overview

Washoe County's Continuity of Operations Plan (COOP) does not adequately prepare for widespread cyberattack nor power loss—the most prevalent issue that can interrupt an election. In fact, there was a power loss in the 2024 general that shut down the office of the Registrar of Voters as ballots were being processed, counted, and cured. The backup generator failed and the redundant backup generator was disconnected, too. In such a situation, the COOP directed the movement of ballots to a location where counting could continue. That did not happen and precious time was lost.

On or about August 25, 2025, the state of Nevada experienced a cyberattack that shut down the DMV, the governor's website, and the websites of other government agencies around the state lasting days. Suffice it to say that if an election was occurring and this cyberattack happened, elections would be crippled and would otherwise cease if not for a Continuity of Operations Plan that is effective and properly followed.

This proposal provides safeguards and contingencies in case of emergency that embrace non-electronic methods that keep an election running.

This proposal will also help bring Washoe County into compliance with state and federal laws.

And most importantly, this proposal will strengthen voter confidence and participation.

Nevada Voters Alliance is a Reno-based private grassroots organization that promotes public engagement in politics and government administration. We are not lobbyists. We are voters, taxpayers, and advocates for accurate, transparent, and cost-effective elections.

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I. Automated Signature Verification

Background

Signature verification has historically relied on human validation. In 2020, mail ballots changed from absentee to universal, putting a strain on election workers around the state to handle the increase in mail ballot volume. In the process, signature verification has become a bottleneck to the processing of mail ballots.

The federal Help America Vote Act (HAVA) provides funds to the states to modernize and upgrade their election systems. In 2022, Nevada embarked on a top-down voter registration system called the Voter Registration and Election Management Solution (VREMS). Since then, Nevada counties had to replace equipment with new equipment compatible with VREMS. For example, last year, Washoe County replaced the Fluence Automation Criterion Elevate Sorter with the BlueCrest Vantage Sorter that comes with Relia-Vote 360, Ballot Manager, Strata Cloud service, and a full suite of software/solutions to automate signature verification (ASV), update voter rolls, provide on-screen adjudication, and much more.

Former Registrar of Voters Cari-Ann Burgess explained the need for the BlueCrest Sorter:

> "The new Voter Registration and Election Management System, which is expected in July to upgrade the counting system and prevent future errors, is also not compatible with the current ballot sorter, according to Burgess. The new sorter is expected to be compatible with the VREMS system and BlueCrest is working to ensure this compatibility, she said."[1]

[1] https://www.rgj.com/story/news/2024/05/28/washoe-commissioners-approve-new-ballot-sorter-for-registrars-office/73883788007/

Counties have a choice to use people or machine to verify signatures pursuant to NRS 293.269927.

Forensic signature verification training is required of election workers pursuant to NRS 293.877 and NRS 293C.725. Election workers who verify signatures are audited daily for accuracy. Workers with errant results are removed. The methods and safeguards enabling humans to verify signatures are designed to be transparent and observable by the public.

Note that NRS 293.269927 places electronic verification as primary over human verification: "the clerk or an employee in the office of the clerk shall check the signature used for the mail ballot by electronic means pursuant to subsection 2 or manually pursuant to subsection 3." (emphasis added)

ASV is a solution to the self-made problem of universal mail ballots, irrespective of cybersecurity or power loss that impedes an election. Here are the main concerns:

Cybersecurity

The Internet is widely regarded as not safe:

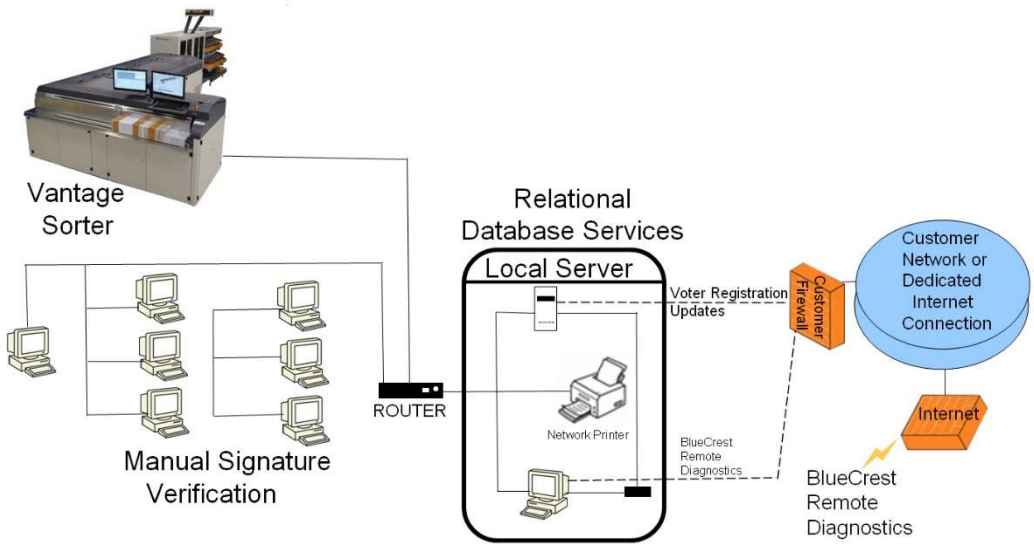
> "[t]here is no realistic mechanism to fully secure vote casting and tabulation computer systems from cyber threats." National Academies of Sciences, Engineering, and Medicine. *Securing the Vote: Protecting American Democracy.* Washington, DC: The National Academies Press, 2018.[2]

As it is, Nevada's modernization of elections can't avoid the Internet and the inherent risks that go with it.

Here is a data flow chart for purposes of discussion:

[2] https://www.nap.edu/catalog/25120/securing-the-vote-protecting-american-democracy

BlueCrest Relia-Vote Inbound Sorter Network Diagram



Sorter Deployment

4.0 Assumptions

- For on premise deployment the client will supply, install and support their own physical or virtual server according to the specifications provided by BlueCrest for this software solution.
- For an on-premise deployment, an internet connection to a secure remote server is required as part of the software solution.
- Reporting and dashboards are accessed through a browser to an external Website
- The professional services will be a combination of both remote and onsite efforts. It is assumed the Client will provide a mechanism for remote access to facilitate remote activities.

The diagram above illustrates the Vantage Sorter in the local network but is not comprehensive as to all devices behind the firewall. Naturally, the network is configured to allow the Vantage Sorter to access the Internet before, during, and after elections. During elections, the equipment is allegedly “hardened” against cybersecurity risks. But what are the risks?

A cyberattack may a) cripple a system, or b) hold it ransom, or c) steal data, or d) delete, change or implant data.

In the ’24 general, workers were allowed to have cell phones in the counting room and they used them to communicate with people from outside. This prompted an observer to give the following public comment to commissioners:

> "The ROV does not meet the standard government requirements for a secure processing facility," said Brian McMahon to the Board, November 15, 2024. Mr. McMahon worked for the Dept of Defense for 34-years. His last role was as chief engineer for a secure computing facility.

Routers, modems, the Albert Sensor, can have dedicated open ports and tunnels to outside the local network, which is information not discoverable by the public. New ports can be opened and then closed without notice. Or maybe the device is relaying through a cell phone which election workers possess without any oversight, bypassing the local network. Because the public's cybersecurity concerns are not answered nor answerable, we cannot fully illustrate the vulnerabilities of Washoe County's election infrastructure and as it relates to the BlueCrest Sorter.

Regardless, the Internet-connected BlueCrest Sorter requires a cyberCOOP that avoids it being accessed remotely, stolen data, and deleted or manipulated data. Problem one is the county's network is connected to the Internet, which can't be avoided. Problem two is multiple access points created by allowing cell phones in close proximity to the Sorter; each phone a potential "personal hot spot" that the user enables.

Legal Issue 1.1 – Connectivity During Elections

NAC 293.338 prohibits transmission of voter data and identifiable information over the Internet when verifying signatures. And, it also limits how the BlueCrest Vantage Sorter is connected during elections:

> "An electronic device that is used to verify signatures on mail ballots may only be connected to a computer network for maintenance and support. When connected to the computer network, the electronic device must be operated on a closed, secure network behind a firewall."

Washoe County's network is never "closed" because various parts conduct business with the public, private companies, and numerous government agencies.

The area where the Sorter is located is not cybersecure.

The Vantage Sorter does far more than mere maintenance and support when connected and thus fails the first clause of NAC 293.338: "may only be connected. . . for maintenance and support."

Here's a clip from BlueCrestInc.com:[3]

In order to maintain 'up-to-date data' and 'lower risk,' the BlueCrest Vantage Sorter is connected to the local network during elections and transmitting sensitive voter data and personally identifiable information.

The BlueCrest Sorter can track ballots, access voter credentials, flag a voter who voted twice, update voter rolls and signatures, run applications on the cloud, and maintain and update its firmware and software, including software fixes, patches, and enhancements. When configured for automated signature verification, the BlueCrest Sorter validates voter signatures and registration data in real-time and updates voter data on the fly, violating NAC 293.338.

Reliance on Electronic Signatures

Voters may struggle to make a good signature impression using a plastic stylus on a glassy surface when using a signature pad like the ones at the DMV (pictured below) or tablet at the polls. At the polls, voters sign a Poll Book, which is an Internet- and WiFi-enabled tablet computer.

The impression is made weak by the clumsiness of pad and stylus versus paper and pen; low resolution of the image; no pressure points or line thickness changes. A weak impression of one's signature caused by electronic signatures hinders the accuracy of verification done by humans and ASV alike.

Here is slide 16 from the Secretary's *2024 Signature Verification 101* presentation, showing the method of recording a signature at the DMV:

[3] https://www.BlueCrestinc.com/applications/elections/

Electronic Signature

Electronic Signatures differ from Digital Signature in that there is a direct input from a device, like a digital signature pad or mouse stroke.

These types of signatures, may have varying degrees of security, and may or may not have a digital security key imbedded in it.

- **We regularly receive electronic signatures from the data pads at DMV. In the future, we may see a significant increase of these signatures through the Automatic Voter Registration (AVR) process as it grows.**

When in doubt, ask the voter to choose one of the three options that are available to them to verify their identity at the polls.

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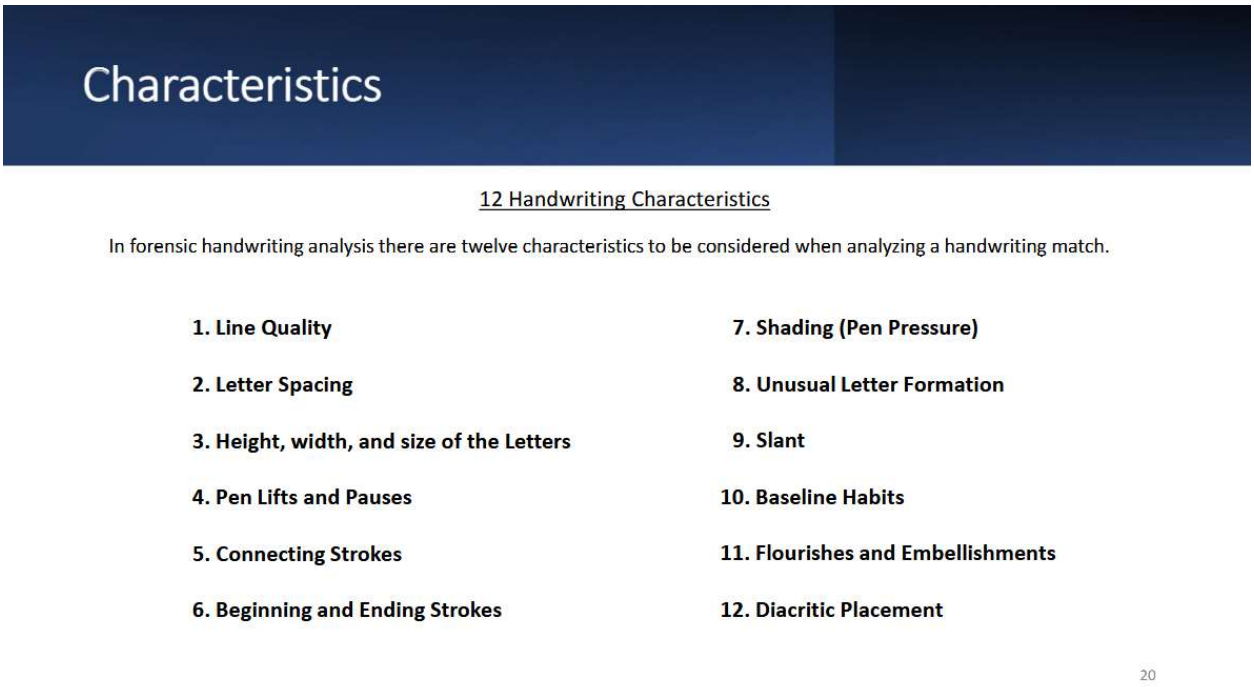
The signature equipment is different between the DMV and when checking-in at the polls. For example, the DMV uses a stylus with firm tip, whereas the check-in at the polls uses a stylus with a fat rubber tip.

Both electronic signature capture systems produce a “close-to” approximation which is second-best to pen and paper, where pressure and line thickness and other ink and paper artifacts necessary for forensic signature verification are made. Here is slide 20 of the Secretary’s forensic signature verification training manual showing the 12-Handwriting Characteristics to be analyzed:



An image resolution setting known as dots-per-inch (dpi), or pixels-per-inch (ppi), is used to capture, store, and compare signatures. DPI and PPI are key imaging and print resolution settings that directly affect the sharpness, clarity, and appearance of images and prints.

Clark County's experience with ASV allegedly relied on inferior signature image resolution settings, according to 8NewsNow in an article updated Feb.8, 2023:[4]

> "…Agilis, was not being used as intended. According to the lawsuit, the DMV signatures the county is using to match ballots is below the 200 dots-per-inch (DPI) requirement.
>
> "Defendant Gloria is using the Agilis signature-verification software in a manner which is contrary to the manufacturer's prescriptions," the lawsuit said. "Specifically, the manufacture requires that signatures be scanned with a resolution of at least 200 DPI Nevertheless, Mr. Gloria has consistently used signature files from the DMV which are all scanned at less than 200 DPI resulting in the Agilis machine being unable to perform its required function (i.e. verifying signatures).""

[4] https://www.8newsnow.com/news/president-trump-campaign-to-hold-news-conference-in-las-vegas-at-830-a-m-lawsuit-update-2/

The Code of Federal Regulations recommends 300 ppi for modern textual paper records, 400 ppi for photographic prints and paper records that have fine details.[5]

The weaknesses of impression of one's electronic signature combined with ASV will not stop forgeries, mistakes will abound, and there will be a high rate of inaccuracy; difficult to correct.

Legal Issue 1.2 – Discrimination caused by ASV

Automated signature verification potentially leads to discrimination of voters who have changed their name and/or altered their signature through a high rate of rejection affecting:

- Those with mental or physical disabilities, stress-related ailments, or who don't write in English,
- Married women, trans people, or domestic abuse survivors.

From an article at VentureBeat.com titled, *"Automatic signature verification software threatens to disenfranchise U.S. voters,"* by Kyle Wiggers, October 25, 2020:[6]

> "Certain voters, such as those with mental or physical disabilities, stress-related ailments, or who don't write in English, are potentially at higher risk of having their ballot rejected. Even voters with short names and hyphens are at a disadvantage since mistakes are more common on signatures with fewer "turning points and intersections."
>
> ""... Even from a nontechnical standpoint, signature verification powered by AI or any form of automation is more likely to flag folks who have undergone a name change. This means that married women, trans people, or domestic abuse survivors will all be disproportionately likely to have their vote cast out.""

The potential for discrimination should be enough to dampen one's enthusiasm for ASV.

The disenfranchisement of voters caused by ASV can be eliminated by adopting precinct voting and human signature verification.

Legal Issue 1.3 – Aiding & Abetting Identity Theft and Forgery

Automated signature verification has no awareness of identity theft or forgery. It merely reports signatures and ballots accepted and rejected based on industry parameters, the laws of Nevada, and user-defined variable settings.

[5] https://www.ecfr.gov/current/title-36/chapter-XII/subchapter-B/part-1236/subpart-E/section-1236.50
[6] https://venturebeat.com/ai/automatic-signature-verification-software-threatens-to-disenfranchise-u-s-voters/

In the wrong hands, because of how it's designed and can connect to the Internet, ASV inherently has the potential to aid and abet identity theft and forgery in violation of the federal Identity Theft and Assumption Deterrence Act.

The security issues cannot be overstated because ASV processes tens of thousands of ballots and can sway an election, leaving voters and candidates with no meaningful recourse if a problem exists because of non-disclosure agreements, laws that shield cybersecurity, and the time needed to make records requests, receive a response, and then react to the response.

Simply put, ASV is a convenient tool fraught with danger. Why add risk and damage the public's trust in the process?

Legal Issue 1.4 – No Observation

Automated signature verification is not observable by the public because it is software-controlled, variable settings are hidden, and it verifies signatures at a rapid pace.

Insurance

The BlueCrest Sorter was purchased under a NASPO Collecting Purchasing Agreement. Nevada signed the state Participating Addendum on 11/24/22, Dept of Administration, Purchasing Division, by Kevin Doty.

The NASPO Agreement (147-pages) has recommended insurance clauses to file claims against Errors & Omissions, cybersecurity intrusions, and crimes. Highlights as follows:

> Technology Professional Liability (Errors & Omissions)/Cyber Liability Insurance
>
> 1) …network security and privacy risks, including but not limited to unauthorized access, failure of security, information theft, damage to destruction of or alteration of electronic information, breach of privacy perils, wrongful disclosure and release of private information, collection, or other negligence in the handling of confidential information, and including coverage for related regulatory fines, defenses, and penalties.
>
> Crime Insurance
>
> 1) …an extended reporting period of no less than two (2) years with respect to events which occurred but were not reported during the term of the policy, and not contain a condition requiring an arrest or conviction.

2) Any crime insurance policy shall contain a Social Engineering Fraud Endorsement with a limit of not less than two hundred and fifty thousand dollars ($250,000).[7]

The need for indemnity coverage is acknowledgement of the prevalence of insecure and inaccurate equipment and that may be prone to negligence, maladministration, or crime.

Costs Never End, Imprudent Expenditures

The exercise to loosen the bottleneck of signature verification of mail ballots by use of automated signature verification is a false economy in terms of expenditure.

The BlueCrest Vantage Sorter has ongoing fees for On Call Service, hands-on specialists, upgrades, enhancements, license, and insurance.

See the enclosed BlueCrest invoice #001515480, which shows current fees for:

OnCallService, Annual Maintenance Agreement:	$19,899.60
SorterSoftwareLLC, Annual Maintenance and License Agreement:	$19,627.68

Washoe pays these amounts between elections when the BlueCrest Sorter is not in use.

Scaled Pricing

ASV by BlueCrest has scaled pricing of $16,667 for processing up to 500,000 signatures and $33,330 for up to 1,000,000 signatures per 12-month period. See Relia-Vote Vantage Investment pricing sheet, Feb. 28, 2024.

Washoe Election Officials Not Fully Trained on BlueCrest

Washoe paid BlueCrest $14,100 for hands-on professional services during the 2024 general election. See BlueCrest Invoice #001278469 of Nov. 21, 2024.

Election workers must be competent and trained but the county needed BlueCrest to provide a skilled technician to operate the equipment at added expense, indicating a failure by the ROV to maintain a skilled staff who could handle the job.

Unknown Costs

Software "Enhancement Releases" by BlueCrest is another source of fee that provides "enhancements or additional features that are otherwise not separately marketed or priced."

[7] Social Engineering Fraud (SEF) is the use of psychology to manipulate someone into following instructions to share confidential information or send money.

See BlueCrest's Exhibit 1 and 2 attachments to the Equipment Service and Software Support Schedule No. AGR-000004134-2 from the 2023 agreement.

Cybersecurity does not come cheap and few, if any, know the true expense. The financial burden of cybersecurity services is allocated to the Technology Services Department in the county's budget, not the ROV. In so doing, the true cost of monitoring and protecting our critical election infrastructure, including cybersecurity for the BlueCrest Sorter, is obfuscated.

The county is obligated to perform fiscal oversight to ensure funds could not be better spent. The time is now to pursue such oversight.

ASV is Unregulated Election Process

Nevada's list of approved election equipment does not include equipment used for signature capture, storage, and retrieval. The Secretary's published list is limited to voting and tabulating systems.[8]

There are no local or state regulations regarding automated signature verification and:

- Image capture resolution setting
- Recommended settings of acceptance-rejection of automated signature verification
- Controlled access to variable settings to set and adjust rates of acceptance-rejection
- Freezing of settings during elections
- Public access to admin logs
- Inaccuracy and acceptable rate of errors

The variable settings for comparing signatures can be set so loose that anything goes, potentially making the act of verification moot, not unlike a lone worker who accepts all signatures, and maybe does so along party lines in an exercise of bias. Though the machine is not biased, the one controlling it could be and that's an issue of integrity that is alleviated by two-person hands-on verification.

Or, as described above in Discrimination, some voters' signatures can be disproportionally rejected by an automated process.

A lack of transparency, along with no federal regulation, is a recipe for unexpected errors:

> "A lack of transparency exacerbates the challenges inherent in automatic signature verification. The U.S. Election Assistance Commission, which serves as a national clearinghouse and resource of information regarding election administration, says

[8] https://www.nvsos.gov/sos/elections/election-resources/voting-system

> software should be set only to accept nearly perfect signature matches and that humans should double-check a sample. But the Commission doesn't lay out acceptable error rates or sample sizes, and vendors of automated signature verification, like Parascript, aren't required to publish their error rates." *Id. "Automatic signature verification software threatens to disenfranchise U.S. voters,"* Kyle Wiggers, October 25, 2020.

That a critical piece of election integrity—verifying voters—is largely unregulated is problematic. Any county that relies on this unreliable and potentially discriminatory technology does so at their own liability.

Legal Issue 1.5 – Uncertified Equipment

ASV is largely unregulated. Its flaws make it uncertifiable. And, the true fact of its accuracy or inaccuracy and its vulnerabilities are not known due to a lack of transparency. In lieu of other established and trusted methods to verify signatures, why would Washoe County spend taxpayer money on something so speculative, and this being a matter of sacred elections?

In *Bush v. Gore*, 531 U.S. 109, the court ruled that procedural safeguards must be "well calculated to sustain the confidence that all citizens must have in the outcome of elections."

The BlueCrest Sorter and ASV are critical parts to the election infrastructure and must adhere to proper certification and approval for use, even if not specifically mandated per statute or code. Considering the vulnerabilities, its connectivity, and issues of accuracy and error, however, ASV is not safe, which brings into question the confidence all voters must have in elections.

Legal Issue 1.6 – Forced Adoption

Nevada's top-down election management push favors remote voting at the expense of precinct voting. This is forcing Washoe County to buy advanced technologies to power elections, such as ASV, that do not conform to Nevada's laws.

Counties have a right to regulate local elections and their business in general pursuant to Nev. Const. art. 4 § 20. But the requirements of VREMS that favors certain election equipment over others interferes with a county's right to choose its election equipment and processes granted to it by numerous state laws and administrative codes.

Solution/Recommendations

- Do not adopt automated signature verification
- Do adopt human signature verification of mail ballots and all who vote
- Train your people well in forensic signature verification as required
- Don't allow cell phones in or near the central processing room

- Pursue fiscal oversight and determine the best use of taxpayer dollars in elections

II. Ballot Marking Device Systems

Background

Ballot Marking Device (BMD) systems have been used in Nevada for years and their popularity is growing. The device offers a virtual ballot that prints on standard ballot stock from an attached printer, satisfying the state's paper audit trail requirement. However, they fail the 'manual audit' provision because the scanner that tally's the votes relies upon a QR or bar code that the BMD prints on the ballot which is unreadable by humans. A voter or election worker has no way of telling if votes have been accurately recorded by the QR or bar code, violating state law.

The Voting Accessibility for the Elderly and Handicapped Act (VAEHA) and NRS 293.2955 require each voting location to have at least one voting system that accommodates the elderly and disabled, including vision- or hearing-impaired voters and those with limited English proficiency (native language ballots).

On a positive note, the BMD with accessories is VAEHA compliant and offers ballots in multiple languages, too.

Accuracy and Vulnerabilities of BMDs

Ballot Marking Device (BMD) systems, which are proposed for use by the Washoe Registrar of Voters for the 2026 elections, are ripe with problems and should not be forced onto the majority of voters.

A reason being, the state of Georgia provides BMD systems to each of its counties. In its 2024 primary election, DeKalb County noted gross errors in their District 2 Commission race and subsequently performed a hand-count and found a 74% error rate in the BMD system, according to DeKalb Board of Elections Attorney, Brent Herrin.[9]

The esteemed Prof. Halderman concluded on pages 4-5 in his 2021 report on the "*Security Analysis of Georgia's ImageCast X Ballot Marking Devices*:"[10]

> "The ICX suffers from critical vulnerabilities that can be exploited to subvert all of its security mechanisms, including: user authentication, data integrity protection, access control, privilege separation, audit logs, protective counters, hash validation, and external firmware validation. It demonstrates that these vulnerabilities provide multiple routes by which attackers can

[9] https://www.sgtreport.com/2025/05/georgia-elections-74-voting-system-error-saved-by-hand-count-video/
[10] https://storage.courtlistener.com/recap/gov.uscourts.gand.240678/gov.uscourts.gand.240678.1681.0.pdf

> install malicious software on Georgia's BMDs, either with temporary physical access or remotely from election management systems (EMSs). This explains how such malware can alter voters' votes while subverting all of the procedural protections practiced by the State, including acceptance testing, hash validation, logic, and accuracy testing, external firmware validation, and risk-limiting audits (RLAs)."

Judge Totenberg noted on page 36 of her November 2023 opinion in *Curling v. Raffensperger*, Georgia District Court-Atlanta, #1:17-cv-2989-AT, that:

> "In its 2020 PI Order, the Court noted that Dr. Halderman's findings were consistent with a "broad consensus" among the nation's cybersecurity experts that electronic voting systems, such as the BMD system, are susceptible to malware."

The biggest companies in the world, with the strongest cybersecurity, continue to suffer from vulnerabilities. For example:

Recently, June 10, 2025, the New York Post reported in an article titled, "*Major data breach exposes 86M AT&T customer records, including social security numbers — here's how to know if you were affected*:"[11]

> "We just learned about claims that AT&T data is being made available for sale on dark web forums, and we are conducting a full investigation."
>
> The original seller of the exposed data claimed that this leak is "originally one of the databases from the Snowflake breach" — but according to Hack Reads analysis, there are about 16 million more records in this breach than the previous one.

And, of course, Nevada's recent statewide cyberattack, affecting numerous offices, including the DMV and the governor.

To think that today BMD systems are safer than before, or safer than the DRE currently used by Washoe, would be inaccurate.

[11] https://nypost.com/2025/06/10/tech/major-data-breach-exposes-86-million-atampt-customer-records-sparking-identity-theft-fears-ssns-among-details-breached-by-hackers/

Legal Issue 2.1 – No Manual Audit

QR and bar codes are not readable by humans though a 'manual audit' capacity is required pursuant to NRS 293.2696(4). Thus, neither voter nor election worker can manually verify that votes cast using a BMD system accurately reflect a voter's will.

Legal Issue 2.2 – Imprudent Use of Taxpayer Money

Allegedly, Washoe County is replacing approximately 1,140 DRE with VVPAT systems, which is excessive considering the minimal requirements of the VAEHA and NRS 293.2955.

The real need for BMDs is for the visually impaired, voters without use of their hands, and those requiring a foreign-language ballot other than Spanish or Tagalog (Pacific Islands). The majority of voters, however, do not need a BMD to vote, and many would prefer paper and pen as evidenced by the popularity of paper ballots in the 2024 general. Based on the EAVS data: 48% of voters in Washoe voted-by-mail; 44% statewide.

Paper and pen are far more economical than electronic systems, are not hackable, do not rely on power, and an EMP blast cannot impair them—things attributed to BMDs. The demands of Continuity of Operations to minimize risk and have a backup plan go against total reliance on electronic voting in general and the costs that go with it.

BMDs can also break down, fail testing, or be tampered with, causing them to be removed from service. This demands extra units be purchased and maintained and then lie in wait to replace a bad unit when needed. This is a hidden cost to any electronic voting system.

BMD systems offer a complex, expensive alternative to hand-marking ballots and are not the best use of taxpayer funds compared to hand-marked ballots.

Solution/Recommendations

- Limit BMDs to one per voting location pursuant to VAEHA requirements
- Pursue fiscal oversight and determine the best use of taxpayer dollars

III. Hand-Marked Paper Ballots

There is no substitute for the simplicity, reliability, security, and cost-effectiveness of hand-marked paper ballots. A basic black ball point pen and a privacy booth are the only tools needed to cast a paper ballot by hand. No QR or bar codes are required.

Regarding BMDs vs. Hand-Marked Paper Ballots, according to the John Locke Foundation, Nov. 7, 2024: [12]

[12] https://www.johnlocke.org/the-2024-election-provides-more-reasons-to-switch-to-hand-marked-paper-ballots/

> Perhaps the most noteworthy moment is a viral video showing a BMD in Kentucky changing an attempt to vote for Donald Trump to one for Kamala Harris. Officials from the Kentucky Attorney General's Office could recreate the error on the BMD on their first attempt but could not recreate it on their second. That particular machine has been taken out of service.
>
> A local newspaper in southern New Jersey reported similar problems with BMDs there, but an election official there attributed them to "instances of user error" and urged voters to check their printed ballots before putting them in the tabulator. Voters in Maryland also reported problems, although the state elections board attributed them to voter errors.
>
> Those incidents highlight the problems inherent to BMDs noted in Locke's report: voters not seeing their official vote, errors on the ballots remaining undetected, and an inability to determine the source of errors on the ballot conclusively.
>
> You never hear about any of those problems with hand-marked paper ballots.

And, of course, paper ballots pose no cybersecurity risk and may contain fraud-prevention elements, too, such as a watermark or embedded fibers.

Separate Ballots

The county has autonomy from the Secretary of State if and when a unique and separate ballot for local elections and ballot questions is used versus a ballot with both state and local elections on it. This enables self-auditing, which is a critical part of election oversight the county performs.

Solution/Recommendation

- Adopt hand-marked paper ballots using black ballpoint pen
- Separate ballots between local and state races and questions

Added suggestions

- Increase election worker pay to attract and hold quality hires
- Allow for 6-hour shifts for the elderly, disabled, or pregnant, and double shifts for those with the stamina

IV. Precinct Voting

Vote Centers v. Precinct Voting

The benefits of Vote Centers at the expense of precinct voting don't outweigh their problems:

Vote Centers do not provide greater access because they cause voters to travel farther and are more likely to have longer wait times than a precinct location.

Vote Centers are an unnecessary risk to the Continuity of Operations Plan because an interruption in voting affects a greater number of voters compared to precinct polls.

A Vote Center that is not fully ADA/VAEHA compliant may deter a voter from casting their ballot. From an online article at AmericanBar.org titled, *"Blocked from the Ballot Box: People with Disabilities,"* by Francine J Lipman, June 25, 2020:[13]

> ". . . people with disabilities have been less likely than the general population to vote.
>
> ". . . According to a 2017 report by the U.S. Government Accountability, "Voters with Disabilities: Observations on Polling Place Accessibility and Related Federal Guidance," roughly two-thirds of the examined polling places had at least one potential barrier such as lack of accessible parking, poor paths to the building, steep ramps, or lack of a clear path to the voting area."

Washoe County's disabled voters have experienced one or more of the above issues. For example, in the 2024 general, an observer at the Vote Center at the Washoe County complex, named Janet Butcher, noted there was no dedicated line or adequate staff for disabled voters as required.

Ballots are sorted by precinct because politicians represent wards and districts comprised of established precincts. However, Vote Centers aggregate voters from multiple precincts, causing their ballots to be sorted by precinct once accepted. Thus, Vote Centers require added labor and equipment to be used to properly sort what is otherwise an innate process when voting at one's precinct.

The current trend is for in-person voting: 55% of Nevada voters cast their ballot in-person in the 2024 general election, according to the 2024 EAV Survey v.1. When delivery to a drop box is added, 75% of voters delivered their ballot to a voting location.

[13] https://www.americanbar.org/groups/crsj/resources/human-rights/archive/blocked-ballot-box-people-disabilities/

Voting at the polls, also known as voting with your feet, is best practice. According to the ACLU: "Florida voters were more likely to have their vote tabulated and validated if they cast their ballot in person at an Early Voting site or at their assigned Election Day polling location." Smith, Daniel, *"Vote-By-Mail Ballots Cast in Florida,"* ACLU-University of Florida, Gainesville, FL (September 18, 2018).[14]

Creating greater access to the polls by having more of them is vital to the needs of the elderly, disabled, handicapped, and those with limited English skills because a poll worker is there to help them hands-on. And, it best adheres to Continuity of Operations because fewer voters would be affected by an interruption in voting.

Precinct voting is the most convenient and accessible in-person voting experience; a little less suffrage.

Legal Issue 3.1 – Discrimination, Deterrence

The Americans with Disabilities and the Aged (ADA) and the VAEHA mandate the requirements of a physical location to meet the needs of the elderly, disabled, or handicapped when registering to vote or voting.

By allowing a voter to vote anywhere, Nevada law skirts the intent of the ADA and VAEHA: to create greater access for the needy. It's a dubious accommodation because the number of locations to vote today is less than before voters were 'allowed to vote anywhere.'

- One or more Vote Centers in Washoe were not fully compliant with federal laws in the 2024 general.
- Voters are more likely to experience longer wait times at a Vote Center because there are fewer machines to serve more voters compared to precinct voting.
- The increase in travel created by Vote Centers disproportionally affects the poor, illiterate, elderly, disabled or handicapped who are less able to afford transportation or travel far.
- Faced with a long wait time, or without proper accommodations, a voter may walk away and not cast their ballot and thus become disenfranchised.

Paper backup to voter rosters

Federal Judge Amy Totenberg, an Obama appointee, has concluded that electronic polls pads coupled with old and new data systems dictates the use of voter rolls on paper, according to the CourthouseNews.com in an article titled, *"Georgia Election Officials Ordered to Keep Paper Backups of Voter Rolls,"* by Kayla Goggin, Sep. 28, 2020:

[14] https://www.aclufl.org/publications/vote-mail-ballots-cast-florida/

> "In a 67-page ruling, Totenberg said the plan will help prevent long lines at the polls caused by difficulties with the state's new voter check-in tablets called Poll Pads.
>
> "The decision will help mitigate "the real potential harms that would otherwise likely transpire at precinct polling locations grappling with the boiling brew created by the combination of new voting equipment issues and old voter data system deficiencies," Totenberg wrote."

Even though the article is from 2020, the situation in Georgia seems similar to Washoe County today in regards to upgrading to the VREMS and implementation of new poll pads and software. We are Georgia.

Judge Totenberg showed concern for delays at the ballot box. But there is also a benefit in regards to COOP. It makes good sense to have voter rolls on paper because a power loss at the poll or at the county's data center would halt the casting of ballots. If voter rolls are on paper, a voter can still be validated and given a ballot and a black ballpoint pen, if it's a paper ballot, of course.

Systemic Waste of Taxpayer Dollars

71.5% of universal mail ballots were wasted statewide in the 2022 general at an approximate cost of $2.27 million, according to research provided by the Public Interest Legal Foundation.[15] *("A Nevada U.S. Senate Race Was Decided by 7,928 Votes. 95,556 Ballots Were Sent to 'Bad' Addresses,"* PILF, March 2023)

68.29% of mail ballots transmitted were not returned in the 2024 general in Nevada (transmitted 2,069,339 – counted 656,140 = 1,413,199 not returned) based on EAVS data.

Mail ballots require significantly more time and money to process compared to ballots cast in-person because mail ballots must first be mailed out at the cost of envelope, instructions, ballot, and postage, and when returned they must be opened and the ballot extracted with ballot secrecy in mind, sorted, signatures verified, etc., etc. In comparison, precinct voting is a simpler ballot collection process that saves money.

We had precinct voting before. It's time to return to this crowd favorite.

Solution/Recommendations

- Adopt precinct voting; outreach to the community

[15] https://publicinterestlegal.org/reports/a-nevada-u-s-senate-race-was-decided-by-7928-votes-95556-ballots-were-sent-to-bad-addresses/

- Offer paper ballots and ballpoint pens at all voting locations
- Voter rolls on paper
- Battery-powered lighting kits in case of power loss

V. Hand-Counting Ballots

In response to public demand for accuracy and transparency, caused by a broad mistrust of electronic voting systems, tabulators, back-room adjudication, ballot duplication methods, risk-limiting audits, and so on, hand-counting can and should be adopted.

Nevada allows for hand-counting ballots. There is no statutory impediment to adoption of hand-counting.

In addition, there are no cybersecurity concerns unlike with electronic systems. Cybersecurity comes at great expense and that money would be better spent on hand-counting.

Hand-counting ballots, when done properly, is accurate, transparent, and efficient. And, it creates shovel-ready jobs too, which is good for the local economy. Though labor intensive, hand-counting ballots is also safer and cheaper than the current system Washoe County maintains and uses. Washoe County would be hard-pressed to prove otherwise.

The methods of hand-counting that satisfy Nevada's stringent requirements have been honed. Here are some brief videos that explain it for your edification:

> Hand Count Road Show (10:11): https://handcountroadshow.org/a-count-able/
>
> Cause of America (9:34): https://rumble.com/v6sfqq3-tally-demo-prove-hand-counting-is-easy-in-2-minutes.html

Hand-counting is used around the country. In fact, one-hundred-seventeen towns in New Hampshire use hand-counting, as one example among many.[16]

Hand-counting in 2026 will take time for preparation. So, now is the time to adopt this tried-and-true method of recording votes.

Solution/Recommendations

- Adopt hand-counting to count all ballots
- Train your people to hand-count ballots

Added suggestions:

[16] https://www.sos.nh.gov/sites/g/files/ehbemt561/files/inline-documents/sonh/towns-and-cities-which-hand-count-ballots_3.pdf

- Increase election worker pay to attract and hold quality hires
- Allow for 6-hour shifts for the elderly, disabled, or pregnant, and double shifts for those with the stamina

VI. Duty to Avoid Violations of Law and Waste of Tax Dollars

Neglect of Duty

If there is a serious problem to investigate, something with evidence behind it, the Board must investigate. To ignore substantive evidence is akin to a neglect of duty: NRS 202.595 as to a ballot as property; NRS 283.440(2b) as to performing official duties.

Washoe County must address the violations of law and rights and foreseeable risks to Continuity of Operations in our elections that exist, including but not limited to that created by adoption of electronic signatures, Vote Centers, no human audit of a cast ballot, computerized vote tallying and adjudication, the BlueCrest Sorter, and soon to include automated signature verification and BMD systems.

Gross Negligence per NV Supreme Court

The Nevada Supreme Court has described gross negligence as an "indifference to present legal duty . . . [an] utter forgetfulness of legal obligations so far as other persons may be affected." *Hart v. Kline*, 61 Nev. 96 (1941).

Transparency and Accountability

> "Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy," *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006).

The transparency and accountability of election systems and of election officials sit at the root of public trust and voter confidence. The issue of trust is defined in NRS 281A.020: "A public office is a public trust and shall be held for the sole benefit of the people."

Dominion, ES&S, Konnech, Bpro-Knowink, Blue Crest, and others shield their equipment from the public and public officials with non-disclosure agreements. The public is not allowed to inspect or audit the equipment.

Remote voting, including online through nvease.gov, occurs outside of public view, depriving voters of their right to openly contest a voter.

Nevada shields cybersecurity information from the public, including vulnerabilities of data transmission.

These built-in opaque technologies and systems, pioneering in some respects, come at the expense of transparency and with that accountability. Though, voters want and expect accountability. Without it, they lose trust.

Those in power must act in the best interest of the local community and their constituents regarding elections and in accordance with Nevada Supreme Court ruling:

> "(T)he county board is bound to consider the interests of all of its citizens," *Clark Cnty. v. City of Las Vegas*, 92 Nev. 323, 550 P.2d 779 (citing *McDonough v. Roach*, 35 N.J. 153, 171 A.2d 307 at 309-310 (1961).

Undue Risk to Election Infrastructure

The U.S. Homeland Security Department classifies state election systems as critical national infrastructure. The importance of the security, reliability, and functionality of Nevada's election system cannot be overstated in a world where cybersecurity challenges have exponentially increased in the last decade.

> "Elections are a high priority target for attackers due to the nature of the data involved." *2024 Nevada Election Procedures Manual*, page 379.[17]

And,

> "Threat actors may use the attacks discussed previously and other tactics to compromise sensitive Voter Data or PII (Personally Identifiable Information). It is our duty as elections workers to safeguard this sensitive information." *2024 Nevada Election Procedures Manual*, page 378.

FBI Director Kash Patel recently stated: "Specifically, these include allegations of plans from the CCP to manufacture fake driver's licenses and ship them into the United States for the purpose of facilitating fraudulent mail-in ballots – allegations which, while substantiated, were abruptly recalled and never disclosed to the public."[18]

Knowing that big forces are out there that wish to interfere in Nevada's elections, every precaution should be considered, including mitigating risks to our election infrastructure and the continuity of operations, starting with approval and acceptance of this proposal.

[17] https://www.nvsos.gov/sos/elections/election-resources/elections-procedures-manual
[18] https://thenationaldesk.com/news/americas-news-now/fbi-reveals-report-on-alleged-chinese-plot-with-fake-us-drivers-licenses

The county chooses what voting system to use. Now is the time to choose wisely for the sake of national security, election integrity, and voter confidence.

Fiscal Oversight

The funding, acquisition, implementation, storage, maintenance, and operation of the election system is in the hands of the county. It is the county's responsibility to keep it all working properly and to account for that. And, the county evaluates, budgets, and audits the expenditure of tax dollars to ensure that that money is not wasted or could be better spent as well. NRS 244.194-Voting or counting devices; NRS 293B.105 and 293B.110-equipment choice; NRS 244.205-Examination and allowance of accounts. And, NRS 293.405(2a) -cost of recount borne by county or city.

One: Most mail ballots are not returned, causing systemic waste of money and resources, and adding to pollution.

Two: The equipment used to prepare, send, track, collect, and process returns is costly to purchase and maintain, to train workers on how to use the equipment, and to store, secure, and insure the equipment.

Three: The Secretary's Top-Down voter registration system has forced Washoe County to adopt cutting edge technology to integrate with it, which is costly to purchase and maintain, to train workers on how to use the new technology, and to store, secure, and insure the equipment.

Washoe County is constantly adding new equipment and software in elections, turning our elections into a technological proving-ground, with limited transparency, and changing the way elections are conducted without voter approval or consent, yet voters foot the bill

Washoe must consider options to spend less on elections, to instill voter confidence, and to deliver the most accurate and transparent results possible. We believe these goals are possible if the solutions provided herein are adopted.

VII. Changes to Legislation

To help solve the systemic waste of mail ballots and deter voting twice, propose or support legislation to revert opt-out universal mail ballots to opt-in absentee.

To help solve the systemic waste of mail ballots and deter voting twice, propose or support legislation to allow mail ballots to be cast inside the polls, no curbside voting.

For COOP and for fast results, propose or support legislation to count ballots at the precinct location.

VIII. Closing

Through adoption of a Continuity of Operations Plan that encompasses non-electronic safeguards and contingencies as outlined in this proposal, Washoe County will be better prepared to conduct an election under a worst-case scenario involving cyberattack or power loss that affects the county's election system(s); allowing the show that must go on to go on.

Furthermore, this proposal will increase access to the polls, mitigate cybersecurity risks, provide accuracy and transparency to signature verification and counting ballots, and save or better use taxpayer dollars in elections. This proposal will help bring Washoe County into compliance with state and federal laws. And most importantly, this proposal will strengthen voter confidence and participation.

This proposal benefits the community and is not partisan.

I ask that you accept this proposal and begin to enact it.

I, Oscar Williams, respectfully submit this proposal on this day, August 28, 2025.

_____

Oscar Williams
[redacted]
Reno, NV[redacted]
info@nevadavotersalliance.com

Attachments

1. BlueCrest invoice #001515480 of May 15, 2025
2. Relia-Vote Vantage Investment pricing sheet, Feb. 28, 2024
3. BlueCrest Invoice #001278469 of Nov. 21, 2024
4. BlueCrest's Equipment Service and Support agreement, with Exhibits 1 and 2 attached, Oct. 19, 2023