

**COMPLAINT AGAINST WASHOE COUNTY'S BALLOT RETURN ENVELOPES AND  
REGISTRATION POSTCARDS**

FROM: Oscar Williams

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TO: Andrew McDonald  
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CC: Dep. Secretary of State Mark Wlaschin

DATE: January 8, 2026

**Subject: Lack of Voter Privacy/Protection, Aiding & Abetting ID Theft and Forgery**

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## **I. Introduction**

Too much of a voter's Personally Identifiable Information (PII) goes unprotected in Washoe County, putting voters at risk of identity theft and forgery in violation of voter and consumer rights, federal laws, and state laws.

A handwritten signature is a biometric identifier and a universally recognized authentication factor for legal, financial, medical, and governmental transactions, including voter registration and voting.

Washoe County previously concealed voter signatures with a privacy flap on the return envelope, but the county discontinued those protections in 2024. [Exh. Images of ballot return envelopes] Change of Address and Voter Verification postcards expose signatures as well. [Exh. Images of postcards]

This complaint respectfully requests you revert to the 2022 envelope design that has an opaque privacy flap covering the signature. There is no impediment to this design change now.

This complaint also requests implementation of federally required privacy/security notices and opt-out of data sharing with third parties on election materials.

The impact that Washoe County’s election system has on a voter’s privacy is not assessed by the Secretary of State. A voter’s PII wafts in the wind, so to speak, as a result.

The issue is not merely one of elections for identity theft and forgery go a long way, accelerated by the advent of Artificial Intelligence and high-resolution cameras on cell phones.

According to a report at TechSpot by Skye Jacobs (<https://www.techspot.com/news/108250-cybercriminals-using-ai-enroll-ghost-students-steal-financial.html>), stating:

“Cybercriminals are using AI-driven bots to impersonate students, enroll in online college courses, and divert financial aid, leaving real individuals with stolen identities and fraudulent debt.”

The stakes are high. In 2022, the total of victim losses due to identity theft in Nevada amounted to \$127,315,394, according to the FBI’s 2022 Internet Crime Report, page 26. ([https://www.ic3.gov/AnnualReport/Reports/2022\\_IC3Report.pdf](https://www.ic3.gov/AnnualReport/Reports/2022_IC3Report.pdf))

This complaint intends to safeguard against identity theft and forgery in pursuit of the purity of elections for all Nevadans.

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## Contents

I. Introduction .....	1
II. Complaint Points .....	3
A. Washoe County’s Lapses in Protection of PII .....	3
B. Nevada and Washoe County’s Lapses in Consumer Notifications and Opt-Out Options by Method of Voting .....	4
C. USPS Mail Imaging & Interstate Routing .....	6
D. eBallots v. Others .....	6
E. Exploits of Unprotected PII .....	7
F. Secretary’s Failure to Uphold State and Federal Laws that Protect PII .....	8
G. Erosion of public trust .....	9
III. Elections Covered by Commerce and Consumer Laws .....	10
IV. State Standards Protecting Signatures and Authentication Identifiers .....	10

A. Privacy and independence in the act of voting .....	11
B. Voter privileged to a secret ballot.....	11
C. Secrecy of mail ballots, electronic equivalents.....	11
D. Protection of personal information within election systems.....	11
V. Federal Standards Protecting Signatures and Authentication Identifiers .....	11
A. Federal PII frameworks .....	11
B. Federal statutes implicated.....	12
C. Pertinent federal case law.....	12
VI. Requested Action .....	13
VII. Conclusion.....	13

## II. Complaint Points

### A. Washoe County’s Lapses in Protection of PII

Washoe County protects the secrecy of *how* one votes but not the voter’s Personally Identifiable Information (PII) required to accept and record their votes or verify/update their registration.

1. Numerous Nevada laws provide for privacy in voting and ballot secrecy (see IV. State Standards below), but there are lapses in the protection of PII as follows:

When signed and returned, Washoe County’s ballot envelopes, Change of Address, and Voter Verification postcards publicly display:

- handwritten signature
- full name
- residential address
- precinct information
- Voter ID number and other registration identifiers
- ballot barcodes tied to a voter’s record

Individuals with access to the above information may include:

- household members
- coworkers
- USPS personnel

- ballot harvesters
- election staff and trainees
- temporary election workers
- volunteers
- vendor representatives
- ballot storage handlers
- observers

It's ironic that Washoe's signature-verification system in elections relies on a handwritten biometric identifier that you have chosen not to protect — even while mandating ballot secrecy.

2. Nevada's primary data-protection statute, NRS 603A.040, applies to private businesses ("data collectors") and the Secretary of State. It defines limited categories of protected information:

- SSNs
- Driver's license/ID numbers
- Financial account numbers
- Medical IDs
- Email + password combinations

The Gap: NRS 603A.040 does NOT protect:

- handwritten signatures
- handwritten signatures in conjunction with name, address, etc.
- authentication-signature data

The disparity between the secrecy of *how* one votes and protection of a voter's PII is a central flaw in the design of Nevada's elections due to the state's lapses in providing necessary and expected consumer and voter protections.

## **B. Nevada and Washoe County's Lapses in Consumer Notifications and Opt-Out Options by Method of Voting**

Former New York Governor Andrew Cuomo once said:

“People showing up, people actually showing ID, is still the easiest system to assure total integrity.”

In-person voting assures total integrity, according to Cuomo. It is widely regarded as the safest, most secure way to verify voters and to cast and collect ballots.

The following screenshot of Nevada's official NVease.gov portal labels return-by-mail as:

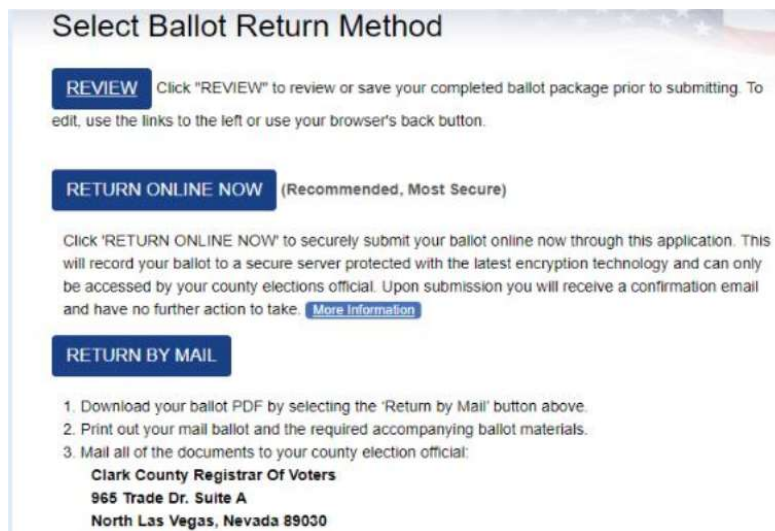
"RETURN BY MAIL — Most Secure"



This notice is only visible online during an election when a covered voter, whose qualification to use the web portal is self-affirming, requests an electronic ballot (eBallot) and they are given choices as how to return their ballot.

Yet, all other forms of voting, including by mail or hand delivery and in-person, have no such security notice.

In the Secretary's posted Visual Guide to NVease.gov<sup>1</sup>, the security is different and no return by fax is shown:



This change in messaging and misinformation regarding the security of eBallots and no others is legally significant and relevant to federal inquiry because:

<sup>1</sup> <https://www.nvsos.gov/sos/home/showpublisheddocument/16072/63879986966910000>

- Voters rely on the State's representation of security.
- Voters are not warned that universal mail balloting exposes their PII.
- The State provides no opt-out from sharing their PII with third parties.
- Voters are not told that in-person voting is the most secure.

Counting votes requires voter verification which relies on signatures and other PII. Nevada and Washoe County have differing systems to verify voters depending on eBallot, paper ballot, and in-person digitized ballot.

Nevada and Washoe County have inconsistent security messaging between the three forms of voting, with those voting by mail and in-person receiving no security notices.

Nevada and Washoe County have no privacy notices or third party opt-out options in elections in violation of consumer protection and anti-ID theft and forgery laws regarding risks to PII and ways to avoid them.

### **C. USPS Mail Imaging & Interstate Routing**

Mail is routinely scanned for metadata; general procedures derive from 39 U.S.C. §§ 401, 403, and USPS operational directives.

The scanned return envelope images that capture a voter's PII and signature may be stored, accessed, or analyzed by personnel or contractors beyond Washoe County's control.

The security of the records and length of retention are not openly disclosed to the voter.

This uncontrolled exposure raises federal privacy implications.

Mail ballots are an interstate matter with Washoe County sending and receiving mail ballots to/from out-of-state and with mail being routed through Sacramento. Federal laws apply.

### **D. eBallots v. Others**

In Nevada, an eBallot (PDF format) can be obtained via NVease.gov<sup>2</sup> or the Clerk/ROV can email it. The PDF ballots are offered to active-duty members of the United States Armed Forces, their spouses and dependents, Nevada voters who are outside of the country (NRS Chapter 293D), tribal voters who live on a colony or reservation in Nevada (NRS 293.269952(1)(a)(2)), and Nevada residents claiming a disability without proof (NRS 293.269951(1)(a)(a); NAC 293.206).

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<sup>2</sup> <https://www.nvsos.gov/sos/elections/voters/uniformed-overseas-citizens/ease-overview>

Online electronic ballots encompass a competing method of voting to vote-by-mail and in-person voting and have a different set of issues regarding protection of a voter's PII. For example, a voter who uses NVease.gov self-affirms a digital image of their signature. Or, they can replace the signature on file. An imposter with the right credentials on a voter can gain access to the signature image by simply applying for an eBallot. Then they self-affirm and obtain a ballot. Or, forge a signature and upload it, then self-affirm, and obtain a ballot.

A cast eBallot may be saved and stored on digital media such as a voter's hard drive. No other form of voting allows a voter to receive a copy of their cast ballot.

Electronic ballots sent electronically are handled and processed internally, out of public view, whereas official mail ballots are sent through the postal service or delivered by hand to a drop box or county office and are processed at intake in a publicly observable way.

Inconsistent with official paper ballots, an electronic ballot returned by mail or fax is self-printed and does not require approved ballot stock nor an official ballot return envelope. The unofficial envelope does not have to be signed. Self-printed ballots require extra processing for extraction, verification, and duplication compared to official ballots and return envelopes, and in-person voting.

Out of the many contrasts and inequalities between eBallots and other forms of voting, the risks to a voter's PII are occurring in cyberspace as opposed to more traditional and tangible forms of voting.

NVease.gov used to label ballots returned by mail as "Most Secure". Now NVEase.gov recommends 'RETURN ONLINE NOW' as "Most Secure". Nevadans rely on those assertions. But in reality, in-person is the most secure and always has been. NVease.gov fails to inform voters of the superior security of in-person voting. But at least the NVease.gov voters get a notice where others do not.

## **E. Exploits of Unprotected PII**

The scope of the problem:

- Easy access to a voter's PII with binding signature significantly increases the risk of identity theft and forgery.
- Voter Assistants and mail handlers public and private have access to the cast ballot return envelope.
- Nevada mails ballots to all active voters, some out-of-state, and with Washoe County's mail going through Sacramento — magnifying systemic exposure.

- USPS imaging and data retention adds external exposure risk.
- Likely, most Nevada voters are unaware of the risks and potential damages from ID theft and forgery when casting mail ballot.

Associated risks potentially resulting in ID theft and financial loss include but are not limited to:

- photograph the signature and envelope
- scan or photocopy the signature and envelope
- sell or share the PII-signature image
- compliment personal data to that found and sold on the Dark Web
- use the signature and other information for identity theft
- AI has already led to identity theft, a tool so powerful the risks cannot be overstated

The ROV, with approval of the Secretary of State, has created a situation ripe for exploitation by persons with ill intent in spite of the problems and risks associated with not protecting PII. Voting-by-mail is a catalyst for identity theft and forgery, with implications that go far beyond elections.

#### **F. Secretary’s Failure to Uphold State and Federal Laws that Protect PII**

There is confusion as to who has authority over the design of ballot return envelopes. The following statutes indicate that the Secretary designs and approves ballot envelopes with privacy in mind:

NRS 293.269913(5). The Secretary of State shall prescribe: (a)  
The form of all envelopes in which mail ballots are sent to voters and return envelopes.

NRS 293D.200(3). The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents. (emphasis added)

A signature on a return ballot envelope is required pursuant to NRS 293.269917(1)(c):

Affix his or her signature on the return envelope in the space provided for the signature.

Prior to the 2024 Primary, the ROV changed the envelope design to expose signatures without legislative approval or a public process. [Exh. Images of ballot return envelopes]

Former Washoe County Deputy DA Mary Kandaras explained to me in her email of 7-17-24:

The reason the signature block was moved to the outside of the envelope related to significant delays caused by the continual malfunction of the laser that cuts the envelope to expose the signature under the flap. It simply couldn't consistently cut large quantities of envelopes reliably.

Whether or not Ms. Kandaras' insight as to the failure of what was a new Model 72 RED with Rapid Extraction by Opex<sup>3</sup> is true, her statements go to the ROV's actions without legislative or public process, putting full responsibility for failure to protect a voter's PII onto Washoe County.

The ROV changed the 2024 envelope to expose the signature. They can just as easily revert back to the prior 2022 version or something akin to it that protects one's signature. There is no legislative impediment that I'm aware of.

If the Secretary ignored his statutory duty to design the ballot return envelope with privacy in mind, I will address that issue under separate cover.

If true, then it is all the more important that you follow the law even if the Secretary doesn't.

### **G. Erosion of public trust**

The lack of protection of PII creates an erosion of trust, while aiding and abetting foreseeable, preventable risks to identity theft and forgery. The lack of proper messaging keeps the public uninformed of the risks in a conscious act to mollify the electorate into thinking their PII is safe and protected when it is not.

Due to a lack of messaging by Washoe County, its voters may be ignorant to the risks associated with exposure of their PII and how that may affect them. If voters knew the risks, it could alter their choice of voting method.

Voters deserve accurate information from which they can make a choice on how to vote.

The Washoe County Registrar of Voters has the power to change the equation by reviewing policies related to a voter's PII and instituting proper notice and safeguards to protect PII, including a change in the ballot return envelope to hide signatures.

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<sup>3</sup> <https://washoe.cobblestone.software/public/ViewFile.aspx?fid=1873&cid=1438>

### **III. Elections Covered by Commerce and Consumer Laws**

Often referred to as suffrage or the franchise, voting and elections are transactional and contractual and are covered by state and federal commerce and consumer protection laws.

- Voters are taxpayers who foot the bill for elections.
- Voters are consumers of a service and a product when registering to vote and voting.
- Voters have a contract with the city/county and state.
- Cities have a contract with the county.
- Counties have contracts with the state.

A voter's use of the franchise is rights-based and supported by numerous U.S. Supreme Court rulings. In *Yick Wo v. Hopkins*, 118 U.S. 356 (1886), the high court ruled that elections are "preservative of all rights," emphasizing the importance of voting to protect one's various rights.

A U.S. citizen and county resident submits a completed voter registration form to the county. Once accepted, the voter is entitled to receive a ballot. NRS 293.485(1) Qualifications: "...who has registered in the manner provided in this chapter, is entitled to vote at that election." The ballot becomes the property of the voter while it is in their possession.

The voter then casts and returns their ballot and is entitled to a fair, secure, accurate, and timely recording of their votes by the county.

Statewide, voters are entitled to a "uniform, statewide standard of counting and recounting all votes..." Nev. Const. art. 2 § 1A(10); NRS 293.2546(10). Other state constitutional rights in art. 2 § 1A go to accuracy, safety, non-discrimination, spoiled ballot replacement, assistance and instruction, complaint resolution, and more.

City-County contracts are interlocal agreements where the city pays the county to conduct their elections for a fee.

County-State contracts relate to funding, ballots, voter registration systems, reporting of results, certifying results, cybersecurity, and the NASPO Purchasing Agreement, along with numerous statutory performance commitments.

### **IV. State Standards Protecting Signatures and Authentication Identifiers**

Nevada law contains a comprehensive body of statutory protections demonstrating clear legislative intent to safeguard voter privacy, ballot secrecy, and confidentiality of personal information associated with elections.

## **A. Privacy and independence in the act of voting**

NRS 293B.065 — Voting systems must secure voter privacy and independence.

## **B. Voter privileged to a secret ballot**

NRS 49.315 "Every person has a privilege to refuse to disclose the tenor of his or her vote at a political election conducted by secret ballot..."

NRS 293.2555 Extends the privilege to all circumstances, prohibiting compelled disclosure of how a voter cast their ballot in any context.

## **C. Secrecy of mail ballots, electronic equivalents**

NRS 293.269913(1)(c) — Ballots must include "an envelope or sleeve... to ensure its secrecy."

NRS 293.269935(2) — Clerks must ensure "each mail ballot is kept secret."

NRS 293.3606(4) — County clerks must ensure ballots are "kept secret."

NRS 293D.200(3) — Secretary shall develop privacy and transmission envelopes and their electronic equivalents.

## **D. Protection of personal information within election systems**

NRS 293.3086(2) — Ballot tracking must ensure secrecy and protect "the confidentiality and integrity of personal information contained therein."

NRS 293.5882(2) — Reinforces identical obligations for all statewide free-access systems.

NRS 602A.040 — Requires data collectors to protect personal data, including the Secretary.

## **V. Federal Standards Protecting Signatures and Authentication Identifiers**

Federal frameworks uniformly recognize handwritten signatures as sensitive identifiers requiring protection.

### **A. Federal PII frameworks**

- OMB Circular A-130 — requires minimizing exposure of biometric identifiers.
- NIST SP 800-122 — classifies signatures as sensitive PII with high misuse risk.
- NIST SP 800-63-3 — Digital Identity Guidelines (Biometric & Authentication Factor Security).

- DOJ/FBI identity-crime guidance — lists signatures as primary fraud vectors. (Referenced for general principles; not a single codified document.)
- 12 CFR 1016 Privacy of Consumer Financial Information: periodic privacy notice (1016.4), opt-out (1016.7)
- 21 CFR Part 11 Electronic Records; Electronic Signatures: agency obligations, definitions, controls for data security

## **B. Federal statutes implicated**

Several federal authorities are relevant:

- Identity Theft and Assumption Deterrence Act of 1998, Pub. L. No. 105-318, 112 Stat. 3007; (f) — aiding & abetting ID theft and forgery
- 52 U.S.C. § 20511— criminal deprivation of a fair election process
- 18 U.S.C. §§ 1028 & 1028A — identity theft & aggravated identity theft
- 18 U.S.C. § 2(a) — aiding & abetting, counseling, commanding, inducing, or procuring an offense
- 15 U.S.C. § 6801 — safeguarding nonpublic personal information
- 15 U.S.C. § 7001(b) — meaningful notice required when using authentication-related identifiers
- 5 U.S.C. § 552a — federal requirements for handling sensitive personal information (Privacy Act)
- 5 U.S.C. § 552a(e)(3) — duty to warn

## **C. Pertinent federal case law**

- *Clapper v. Amnesty International*, 568 U.S. 398 (2013) — substantial future harm is sufficient injury.
- *Remijas v. Neiman Marcus*, 794 F.3d 688 (7th Cir. 2015) — exposure of identifiers creates actionable risk.
- *OPM Data Breach Litigation*, 928 F.3d 42 (D.C. Cir. 2019) — biometric identifiers demand heightened protection.

These authorities demonstrate that exposed signatures constitute a recognized federal privacy risk, particularly when combined with other identifiers.

## **VI. Requested Action**

I respectfully request that you:

1. Review your practices to protect Personally Identifiable Information (PII), including the exposing of handwritten signatures on ballot envelopes and other election mailers, to determine which rights and laws are being violated.
2. A) Change the ballot return envelope design to conceal signatures, similar to the 2022 envelope. B) Provide privacy for return of other election mailers.
3. Assess whether Nevada's "Most Secure" online representations, without warnings, or without invite to vote in-person based on what is most secure, complies with federal consumer and privacy protections.
4. Provide clear disclosures regarding identity theft and forgery risks associated with exposed PII on ballot envelopes and other election mailers.
5. Provide an opt-out option to sharing personal information with third parties.
6. Demand NVease.gov to give notice of the security of in-person voting or official vote-by-mail as an alternative to eBallots.
7. Demand a statewide Privacy Impact Assessment.

## **VII. Conclusion**

Thanks to Washoe County's policy of exposing signatures on election materials, identity theft and forgery are easier and more likely to occur.

With uncontrolled imaging by USPS, ballot harvesters, and anyone with a cell phone who has access to a voter's PII, the situation poses a serious risk of identity theft and forgery — risks that federal statutes aim to prevent.

Moreover, mailed election materials provide no notice of risk of identity theft and no option to opt-out of sharing PII with third parties either, irrespective of consumer and voter protections laws.

The economy of scanning an exposed signature does not outweigh the risks to a voter's PII from an exposed signature with name, address, and so on.

Please, accept this complaint and act accordingly to safeguard Washoe County voters and their PII, including me.

The information provided is accurate and true to the best of my knowledge.

Respectfully submitted,

Oscar Williams

**Exhibits:**

2-Images of 2020 General Envelope

2-Images of 2022 General Envelope

Image of 2024 Primary Envelope

Image of Change of Address postcard

Image of Voter Verification postcard