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Office of the Governor

June 1, 2023

The Honorable Steve Yeager
Speaker of the Nevada State Assembly
Nevada Legislature
401 South Carson Street
Carson City, Nevada 89701

Re: Assembly Bill 394 of the 82nd Legislative Session

Dear Speaker Yeager:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 394 ("AB 394"), which is titled as follows:

> AN ACT relating to elections; requiring the Secretary of State to adopt regulations that prescribe the procedure to be used if the abstract or certification of results for any election is not timely prepared or transmitted; prohibiting, with certain exceptions, the counting of ballots more than once; and providing other matters properly relating thereto.

AB 394 is an overreach into the conduct of duly elected county officials and prevents county clerks from using their discretion to determine the most effective way to ensure confidence and security in their election processes.

Specifically, AB 394's total prohibition on counting ballots a second time, unless during an audit or recount, is unfathomable. The most important goal while counting votes should be to ensure that each vote counts the way the voter intended. If certain counties are convinced that counting their votes a second time increases accuracy in their process, the law should not restrict them from so counting.

Since AB 394 does nothing to address the common sense electoral reforms contained in SB 405, my Election Integrity Act, and only serves to decrease voter confidence that their vote will be counted as cast, I cannot support it.

For these reasons, I veto this bill and return it to without my signature or approval.
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Respectfully submitted,

JOE LOMBARDO
Governor of Nevada

Enclosure

cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)
The Honorable Nicole Cannizzaro, Senate Majority Leader (without enclosure)
The Honorable Francisco Aguilar, Secretary of State (without enclosure)
Brendan Bucy, Secretary of the Senate (without enclosure)
Susan Furlong, Chief Clerk of the Assembly (without enclosure)
Brenda Erdoes, Esq., Legislative Counsel (without enclosure)