



Nevada Certification Toolkit

Election certification is mandatory, on purpose

- Nevada state law says the canvass and certification process is a mandatory, ministerial duty – meaning that officials have no discretion to refuse to canvass and certify election results.
- It’s not an accident that certification is mandatory. It’s in direct response to historic attempts to sabotage certification to change election outcomes, which lawmakers and the courts recognized as a threat to democracy.
- Officials who have threatened or refused to complete canvass and certification of an election fundamentally misunderstand or willfully disregard both their legal obligations and the actual purpose of canvass and certification.

	Certification as mandatory, ministerial
State Statutes	<p>The board of county commissioners canvasses the election results in each county and declares the results. The county clerk enters an abstract of the result with the number of votes cast for each candidate. Certification is the step at the end of the canvass, when the board “shall cause the county clerk to certify the abstract.” NRS. § 293.387(3).</p> <p>The board must then transmit the results to the Secretary of State by the 10th day following the election. <i>Id.</i>; NRS § 293.395(1).</p> <p>The Secretary of State and Nevada Supreme Court then canvass the results for statewide and multicounty (including federal) elections in a meeting on the fourth Tuesday of November. NRS § 293.124; NRS § 293.395(2).</p> <p>“The Governor shall issue certificates of election to and commission the persons having the highest number of votes and shall issue proclamations declaring the election of those persons.” NRS § 293.395(3).</p> <p>In the 2024 general election, the canvass and certification deadlines are Nov. 15 for the counties and Nov. 26 for the state.</p>
Legal Background	<p>The canvass and certification duties are non discretionary, as the laws use the verb “shall.” Historic case law also supports this proposition. <i>See, e.g. Reed v. Wheeler</i>, 77 Nev. 6, 8 (1961) (issuing a mandamus to compel a board of county commissioners to perform the canvass); <i>State v. Shaughnessy</i>, 47 Nev. 129, 129 (1923) (“County commissioners are administrative agencies of the state. They are required by the organic law to perform such duties as may be prescribed by law.”).</p>



Opportunities to address alleged fraud or errors exist *outside* the canvass and certification process

- The post-election process leading up to the final canvass and certification includes many steps to ensure that **only valid, legal ballots are counted**.
- There are **legitimate ways to address potential fraud or error**. Delaying the canvass or certification is not one of them.
- **There are two principal ways** to address concerns about election irregularities or potential errors in election results, both of which occur *after* county canvass and certification: recounts and election contests.

Opportunities to address fraud or error	
Recounts	<p>Recounts occur only after county certification and require a re-certification. For presidential electors, a recount must be demanded within 13 days of the election, begun within one day of the request, and completed in no more than five days. NRS § 293.424(1). For the 2024 General election, a presidential recount must be demanded by Nov. 18 and completed by Nov. 24. By law, ballots must be recounted in the same manner as the original tabulation. NRS § 293.404(3).</p> <p>Recount results must then be canvassed and certified by the county within five working days after the completion of the recount. NAC § 293.365. In 2024, the latest a presidential race recount could be certified is Nov. 29, and the latest a non-presidential race recount could be certified is Dec. 6.</p>
Election Contests	<p>Election contests only occur after county certification. They are available for various reasons and the process and timeline is different depending on the position. Nev. Rev. Stat. 293.410. A voter or candidate may file the contest for any race except for U.S. Congress. NRS § 293.407. For presidential electors in 2024, the candidate or voter must file the contest with the district court clerk by two working days after the canvass (Dec. 2), and the court must set a hearing not more than five days after the filing of the statement of contest (at latest Dec. 7) and "must determine the results of the contest before the deadline to issue and submit the certificate of ascertainment pursuant to 3 U.S.C. § 5" (Dec. 11). NRS § 293.424(2).</p> <p>An election contest or any other delay cannot prevent certification if it's clear who won the office: "A certificate of election or commission must not be withheld from the person having the highest number of votes for the office because of any contest of election filed in the election or any defect or informality in the returns of any election, if it can be ascertained with reasonable certainty from the returns [...] who is entitled to the certificate or commission." NRS § 293.397.</p>



Officials may face legal consequences if they refuse to certify

- Any attempt to interfere with the canvass and certification process should be met with **an immediate response**, as failure to certify **is illegal and disruptive**.
- Nevada law and federal law have many safeguards in place to ensure that certification happens, **including civil accountability and criminal penalties**.

	Legal Consequences
Criminal Liability	Those who fail to perform mandatory duties may be subject to prosecution of felonies under the election code , which states, "A public officer or other person, upon whom any duty is imposed by this title, who willfully neglects his or her duty or willfully performs it in such a way as to hinder the objects and purposes of the election laws of this State, except where another penalty is provided, is guilty of a category E felony[.]" NRS § 293.800(2). They may also be liable under other state criminal codes (false or misleading statements in official reports, delaying or obstructing a public officer, willfully disobeying laws regulating conduct, etc). NRS § 197.130; NRS § 197.140; NRS § 197.190; NRS § 197.220.
Civil Liability	A refusal to certify may also expose an official to civil lawsuits under state and federal law. <i>See, e.g.</i> , NRS § 293.840.
Removal from Office	Election officials may also be removed from office if convicted of a criminal offense under NRS § 293.800(2), or removed by the relevant district court for refusal or neglect to perform an official act, or for performing such an act in a wrongful manner. NRS § 283.440(1).



Additional Resources

Election Certification

- [Certification is Not Optional](#)
- [Election certification, explained](#)
- [Nevada Election Certification Processes and Guardrails](#)

Nevada Law

- Nevada Election Code (Title 24)
- Nevada Administrative Code (Chapter 293)
- Secretary of State's [Nevada Election Calendar](#)