

ASSEMBLY BILL NO. 230—ASSEMBLYMEN GRAY, GURR,
YUREK, GALLANT; HANSEN, HIBBETTS AND KOENIG

MARCH 1, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises the deadline for returning mail ballots by mail. (BDR 24-736)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to elections; revising certain deadlines relating to the return of mail ballots by mail; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires that a mail ballot that is mailed to a county or city clerk
2 be postmarked on or before the day of the election and received by 5 p.m. on the
3 fourth day following the election. (NRS 293.269921, 293.269923, 293C.26321,
4 293C.26323) This bill revises this deadline to instead require that a mail ballot that
5 is mailed to a county or city clerk be postmarked on or before the last day of the
6 period for early voting and received before the time set for closing of the polls on
7 the day of the election.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 293.269921 is hereby amended to read as
2 follows:

3 293.269921 1. Except as otherwise provided in subsection 2
4 and chapter 293D of NRS, in order for a mail ballot to be counted
5 for any election, the mail ballot must be:

6 (a) Before the time set for closing of the polls, delivered by hand
7 to the county clerk, or any ballot drop box established in the county
8 pursuant to this section; or

9 (b) Mailed to the county clerk, and:



(1) Postmarked on or before the *last* day of the ~~[election;]~~
period for early voting; and

(2) Received by the clerk ~~[not later than 5 p.m. on the fourth
day following]~~ *before the time set for closing of the polls on the
day of the election.*

2. If a mail ballot is received by mail ~~[not later than 5 p.m. on
the third day following]~~ *before the time set for closing of the polls
on the day of* the election and the date of the postmark cannot be
determined, the mail ballot shall be deemed to have been
postmarked on or before the *last* day of the ~~[election;]~~ *period for
early voting.*

3. Each county clerk must establish a ballot drop box at every
polling place in the county, including, without limitation, a polling
place for early voting. A county clerk may establish a ballot drop
box at any other location in the county where mail ballots can be
delivered by hand and collected during the period for early voting
and on election day. No person other than a clerk may establish a
drop box for mail ballots.

4. A ballot drop box must be:

(a) Constructed of metal or any other rigid material of sufficient
strength and resistance to protect the security of the mail ballots; and

(b) Capable of securely receiving and holding the mail ballots
and being locked.

5. A ballot drop box must be:

(a) Placed in an accessible and convenient location at the office
of the county clerk or a polling place in the county; and

(b) Made available for use during the hours when the office of
the county clerk, or the polling place, is open for business or voting,
as applicable.

Sec. 2. NRS 293.269923 is hereby amended to read as
follows:

293.269923 1. Except as otherwise provided in subsection 2,
at the request of a voter whose mail ballot has been prepared by or
on behalf of the voter, a person authorized by the voter may return
the mail ballot on behalf of the voter by mail or personal delivery to
the county clerk, or any ballot drop box established in the county,
pursuant to NRS 293.269921.

2. Except for an election board officer in the course of the
election board officer's official duties, a person shall not willfully:

(a) Impede, obstruct, prevent or interfere with the return of a
voter's mail ballot;

(b) Deny a voter the right to return the voter's mail ballot; or

(c) If the person receives the voter's mail ballot and
authorization to return the mail ballot on behalf of the voter by mail



or personal delivery, fail to return the mail ballot, unless otherwise authorized by the voter ~~[-, by]~~ :

~~(1) By mail~~ ~~for personal delivery:~~
~~——(1) :~~

(I) Before the end of the third day after the day of receipt, if the person receives the mail ballot from the voter four or more days before the **last** day of the ~~[election;]~~ **period for early voting;** or

~~[(2)] (II) Before the deadline established by the United States Postal Service for the mail ballot to be postmarked on the last day of the [election or before the polls close on the day of the election, as applicable to the type of delivery,]~~ **period for early voting,** if the person receives the mail ballot from the voter three or fewer days before the **last** day of the **period for early voting; or**

(2) By personal delivery:

(I) Before the end of the third day after the day of receipt, if the person receives the mail ballot from the voter four or more days before the day of the election; or

(II) Before the time set for closing of the polls on the day of the election, if the person receives the mail ballot from the voter three or fewer days before the day of the election.

3. A person who violates any provision of subsection 2 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 3. NRS 293C.26321 is hereby amended to read as follows:

293C.26321 1. Except as otherwise provided in subsection 2 and chapter 293D of NRS, in order for a mail ballot to be counted for any election, the mail ballot must be:

(a) Before the time set for closing of the polls, delivered by hand to the city clerk, or any ballot drop box established in the city, pursuant to this section; or

(b) Mailed to the city clerk, and:

(1) Postmarked on or before the **last** day of the ~~[election;]~~ **period for early voting;** and

(2) Received by the clerk ~~[not later than 5 p.m. on the fourth day following]~~ **before the time set for closing of the polls on the day of the election.**

2. If a mail ballot is received by mail ~~[not later than 5 p.m. on the third day following]~~ **before the time set for closing of the polls on the day of** the election and the date of the postmark cannot be determined, the mail ballot shall be deemed to have been postmarked on or before the **last** day of the ~~[election;]~~ **period for early voting.**

3. Each city clerk must establish a ballot drop box at every polling place in the city, including, without limitation, a polling



place for early voting. A city clerk may establish a drop box at any other location in the city where mail ballots can be delivered by hand and collected during the period for early voting and on election day. No person other than a clerk may establish a drop box for mail ballots.

4. A ballot drop box must be:

(a) Constructed of metal or any other rigid material of sufficient strength and resistance to protect the security of the mail ballots; and

(b) Capable of securely receiving and holding the mail ballots and being locked.

5. A ballot drop box must be:

(a) Placed in an accessible and convenient location at the office of the city clerk, or a polling place in the city; and

(b) Made available for use during the hours when the office of the city clerk, or the polling place, is open for business or voting, as applicable.

Sec. 4. NRS 293C.26323 is hereby amended to read as follows:

293C.26323 1. Except as otherwise provided in subsection 2, at the request of a voter whose mail ballot has been prepared by or on behalf of the voter, a person authorized by the voter may return the mail ballot on behalf of the voter by mail or personal delivery to the city clerk, or any ballot drop box established in the city, pursuant to NRS 293C.26321.

2. Except for an election board officer in the course of the election board officer's official duties, a person shall not willfully:

(a) Impede, obstruct, prevent or interfere with the return of a voter's mail ballot;

(b) Deny a voter the right to return the voter's mail ballot; or

(c) If the person receives the voter's mail ballot and authorization to return the mail ballot on behalf of the voter by mail or personal delivery, fail to return the mail ballot, unless otherwise authorized by the voter ~~by~~ :

~~(1) By mail~~ ~~for personal delivery~~:

~~(1)~~ :

~~(I)~~ Before the end of the third day after the day of receipt, if the person receives the mail ballot from the voter four or more days before the ~~last~~ day of the ~~election~~ ~~period for early voting~~; or

~~(2)~~ ~~(II)~~ Before the deadline established by the United States Postal Service for the mail ballot to be postmarked on the ~~last~~ day of the ~~election or before the polls close on the day of the election, as applicable to the type of delivery~~ ~~period for early voting~~, if the person receives the mail ballot from the voter three or fewer days before the ~~last~~ day of the ~~period for early voting~~; or

~~(2) By personal delivery~~:



1 (I) Before the end of the third day after the day of
2 receipt, if the person receives the mail ballot from the voter four or
3 more days before the day of the election; or

4 (II) Before the time set for closing of the polls on the
5 day of the election, if the person receives the mail ballot from the
6 voter three or fewer days before the day of the election.

7 3. A person who violates any provision of subsection 2 is
8 guilty of a category E felony and shall be punished as provided in
9 NRS 193.130.

10 **Sec. 5.** This act becomes effective on July 1, 2023.

