

SENATE BILL NO. 135—SENATORS TITUS, KRASNER, GOICOECHEA,
BUCK, STONE; HANSEN AND SEEVERS GANSERT

FEBRUARY 13, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises the deadline for returning mail ballots by
mail. (BDR 24-529)

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 by 5 p.m. on the fourth day following the last
7 day of the period for early voting.

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 the ~~[election;]~~ *last day of the period for early voting*.

2. If a mail ballot is received by mail not later than 5 p.m. on the third day following the ~~[election;]~~ *last day of the period for early voting* 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 ~~[or 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 ~~[election;]~~ *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 polls close 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 the ~~[election;]~~ *last day of the period for early voting*.

2. If a mail ballot is received by mail not later than 5 p.m. on the third day following the ~~[election;]~~ *last day of the period for early voting* 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



1 day. No person other than a clerk may establish a drop box for mail
2 ballots.

3 4. A ballot drop box must be:

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

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

8 5. A ballot drop box must be:

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

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

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

16 293C.26323 1. Except as otherwise provided in subsection 2,
17 at the request of a voter whose mail ballot has been prepared by or
18 on behalf of the voter, a person authorized by the voter may return
19 the mail ballot on behalf of the voter by mail or personal delivery to
20 the city clerk, or any ballot drop box established in the city, pursuant
21 to NRS 293C.26321.

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

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

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

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

31 ~~(I) By mail [or personal delivery:~~

32 ~~—(1)] :~~

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

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

43 ~~(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 polls close on the day of the election, if*
5 *the person receives the mail ballot from the voter three or fewer*
6 *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.

