

SUMMARY—Revises provisions relating to elections. (BDR 24-569)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.

Effect on the State: Yes.

AN ACT relating to elections; requiring a county clerk in certain counties to establish a certain number of locations for a voter to return his or her mail ballot in a mail ballot drop box during the period between the last day for early voting and the day of a general election; authorizing the county clerk in certain counties to establish such locations; authorizing a person, under certain circumstances, to return a mail ballot to a mail ballot drop box established at such a location on behalf of a voter; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law: (1) requires a general election to be held on the first Tuesday after the first Monday of November in each even-numbered year; and (2) provides that the period for early voting by personal appearance begins the third Saturday preceding a general election and extends through the Friday before election day. (NRS 293.12755, 293.3568) Existing law further requires each county clerk to: (1) establish a certain number of polling places where a person can vote during the period for early voting by personal appearance and on the day of the general election; and (2) requires each county clerk to establish a ballot drop box at every polling place in the county,



including, without limitation, a polling place for early voting. (NRS 293.269921, 293.2731, 293.3564)

**Section 1** of this bill requires each county clerk in certain counties to, for the period beginning on the day after the last day for early voting by personal appearance and ending on the day before the day of the general election, establish a certain number of locations where a voter may return his or her mail ballot in a mail ballot drop box and requires such locations to be open for at least 7 hours each day during that period for certain counties. Specifically, in a county whose population is 700,000 or more (currently only Clark County), a county clerk is required to establish 10 such locations, and in a county whose population is 100,000 or more but less than 700,000 (currently only Washoe County), a county clerk is required to establish 5 such locations. **Section 1** further authorizes a county clerk in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to establish any number of such locations and prescribe the hours for such locations to be open. **Section 2** of this bill provides that a mail ballot dropped in a mail ballot drop box pursuant to **section 1** counts as a vote in the general election. **Section 4** of this bill makes a conforming change to make certain provisions relating to mail ballots generally applicable to **section 1**.

Existing law authorizes, 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 to 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 by the county clerk. (NRS 293.269923) **Section 3** of this bill additionally authorizes a person,



under such circumstances, to return a mail ballot on behalf of a voter by returning the mail ballot to a mail ballot drop box established pursuant to **section 1**.

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

**Section 1.** Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

*For the period beginning on the day after the last day for early voting by personal appearance and ending on the day before the day of the general election, each county clerk:*

*1. In a county whose population is 700,000 or more, shall establish at least 10 locations where a voter may return his or her mail ballot in a mail ballot drop box which must remain open to the public for at least 7 hours each day;*

*2. In a county whose population is 100,000 or more but less than 700,000, shall establish at least 5 locations where a voter may return his or her mail ballot in a mail ballot drop box which must remain open to the public for at least 7 hours each day; and*

*3. In a county whose population is less than 100,000, may provide any number of locations where a voter may return his or her mail ballot in a mail ballot drop box and prescribe the hours that the location is open for voting pursuant to this section.*

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



293.269921 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 county clerk, or any ballot drop box established in the county pursuant to this section ~~§~~ *or section 1 of this act*; or

(b) Mailed to the county clerk, and:

(1) Postmarked on or before the day of the election; and

(2) Received by the clerk not later than 5 p.m. on the fourth day following the election.

2. If a mail ballot is received by mail not later than 5 p.m. on the third day following 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 day of the election.

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. 3.** 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 ~~§~~ *or section 1 of this act.*

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 mail or personal delivery:

(1) 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

(2) Before the deadline established by the United States Postal Service for the mail ballot to be postmarked on the day of the election or before the polls close on the day of the election, as



applicable to the type of delivery, 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. 4.** NRS 293.269925 is hereby amended to read as follows:

293.269925 1. The county clerk shall establish procedures for the processing and counting of mail ballots.

2. The procedures established pursuant to subsection 1:

(a) May authorize mail ballots to be processed, verified and counted by computer or other electronic means; and

(b) Must not conflict with the provisions of NRS 293.269911 to 293.269937, inclusive ~~§~~, *and section 1 of this act.*

**Sec. 5.** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

