

SENATE BILL NO. 103—SENATOR KRASNER

PREFILED JANUARY 17, 2025

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to mail ballots. (BDR 24-56)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. 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; revising various requirements relating to mail ballots; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law sets forth certain requirements and deadlines for a mail ballot to be
- 2 returned to be counted for any county or city election. (NRS 293.269921,
- 3 293C.26321) **Sections 1 and 4** of this bill require that a mail ballot must contain
- 4 either a date mark by the county or city clerk or a postmark by the United States
- 5 Postal Service to be counted.
- 6 Existing law requires the county or city clerk to establish procedures for the
- 7 processing and counting of mail ballots. (NRS 293.269925, 293C.26325) **Sections**
- 8 **3 and 6** of this bill require the county or city clerk to establish procedures to date
- 9 mark each mail ballot, other than a mail ballot which contains a postmark by the
- 10 United States Postal Service, with the date the mail ballot was returned by or
- 11 otherwise caused to be returned by a voter.
- 12 Existing law requires that a mail ballot that is mailed to the county or city clerk
- 13 be postmarked on or before the day of the election and received by 5 p.m. on the
- 14 fourth day following an election. (NRS 293.269921, 293.269923, 293C.26321,
- 15 293C.26323) **Sections 1, 2, 4 and 5** of this bill revise this deadline to instead
- 16 require that a mail ballot that is mailed to a county or city clerk be postmarked on
- 17 or before the last day of the period for early voting and received before the time set
- 18 for closing of the polls on the day of the election.
- 19 Existing law provides that a mail ballot received by mail not later than 5 p.m.
- 20 on the third day following the election and on which the postmark cannot be
- 21 determined is deemed to have been postmarked on or before the day of the election.
- 22 (NRS 293.269921, 293C.26321) **Sections 1 and 4** eliminate these provisions and
- 23 instead establish that a mail ballot received later than the day of the election must
- 24 not be counted.



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:

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

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

15 2. ~~[If a]~~ *A mail ballot must not be counted for any election if:*

16 (a) A mail ballot is received ~~[by mail not]~~ later than ~~[5 p.m. on]~~
17 the ~~[third]~~ day ~~[following]~~ of the election ~~[and the date of the~~
18 ~~postmark cannot be determined, the mail ballot shall be deemed to~~
19 ~~have been postmarked on or before the day of the election.] ; or~~

20 (b) *A mail ballot does not contain either a date mark by the*
21 *county clerk or postmark by the United States Postal Service.*

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

29 4. A ballot drop box must be:

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

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

34 5. A ballot drop box must be:

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

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



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

3 293.269923 1. Except as otherwise provided in subsection 2,
4 at the request of a voter whose mail ballot has been prepared by or
5 on behalf of the voter, a person authorized by the voter may return
6 the mail ballot on behalf of the voter by mail or personal delivery to
7 the county clerk, or any ballot drop box established in the county,
8 pursuant to NRS 293.269921.

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

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

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

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

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

19 ~~—(1) :~~

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

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

29 ***(2) By personal delivery:***

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

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

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

39 **Sec. 3.** NRS 293.269925 is hereby amended to read as
40 follows:

41 293.269925 1. The county clerk shall establish procedures
42 for the processing and counting of mail ballots.

43 2. The procedures established pursuant to subsection 1:

44 (a) ***Must include a requirement that the county clerk date mark***
45 ***each mail ballot, other than a ballot which contains a postmark by***



1 *the United States Postal Service, with the date the mail ballot was*
2 *returned by or otherwise caused to be returned by a voter.*

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

5 ~~[(b)]~~ (c) Must not conflict with the provisions of NRS
6 293.269911 to 293.269937, inclusive.

7 **Sec. 4.** NRS 293C.26321 is hereby amended to read as
8 follows:

9 293C.26321 1. Except as otherwise provided in ~~[subsection 2~~
10 ~~and]~~ chapter 293D of NRS, in order for a mail ballot to be counted
11 for any election, the mail ballot must be:

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

15 (b) Mailed to the city clerk, and:

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

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

21 2. ~~[If a]~~ *A mail ballot must not be counted for any election if:*

22 (a) A mail ballot is received ~~[by mail not]~~ later than ~~[5 p.m. on]~~
23 the ~~[third]~~ day ~~[following]~~ of the election ~~[and the date of the~~
24 ~~postmark cannot be determined, the mail ballot shall be deemed to~~
25 ~~have been postmarked on or before the day of the election.]; or~~

26 (b) *A mail ballot does not contain either a date mark by the*
27 *city clerk or postmark by the United States Postal Service.*

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

35 4. A ballot drop box must be:

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

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

40 5. A ballot drop box must be:

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

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



1 **Sec. 5.** NRS 293C.26323 is hereby amended to read as
2 follows:

3 293C.26323 1. Except as otherwise provided in subsection 2,
4 at the request of a voter whose mail ballot has been prepared by or
5 on behalf of the voter, a person authorized by the voter may return
6 the mail ballot on behalf of the voter by mail or personal delivery to
7 the city clerk, or any ballot drop box established in the city, pursuant
8 to NRS 293C.26321.

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

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

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

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

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

19 ~~—(1) :~~

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

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

29 ***(2) By personal delivery:***

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

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

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

39 **Sec. 6.** NRS 293C.26325 is hereby amended to read as
40 follows:

41 293C.26325 1. The city clerk shall establish procedures for
42 the processing and counting of mail ballots.

43 2. The procedures established pursuant to subsection 1:

44 (a) ***Must include a requirement that the city clerk date mark***
45 ***each mail ballot, other than a mail ballot which contains a***



1 *postmark by the United States Postal Service, with the date the*
2 *mail ballot was returned by or otherwise caused to be returned by*
3 *a voter.*

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

6 ~~(b)~~ (c) Must not conflict with the provisions of NRS 293C.263
7 to 293C.26337, inclusive.

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