

**ADOPTED REGULATION OF  
THE SECRETARY OF STATE**

**LCB File No. R088-25**

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

AUTHORITY: § 1, NRS 293.124, 293.247 and 293.269921; § 2, NRS 293.124, 293.247 and 293C.26321.

A REGULATION relating to elections; setting forth certain requirements for determining the date of the postmark on return envelopes for mail ballots; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that, if a mail ballot is returned by mail to the county or city clerk, in order for the mail ballot to be counted, the mail ballot must be: (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. 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, under existing law, the mail ballot shall be deemed to have been postmarked on or before the day of the election. (NRS 293.269921, 293C.26321) **Sections 1 and 2** of this regulation provide that for the purposes of determining whether a mail ballot is postmarked on or before the day of the election, the county or city clerk, as applicable, shall identify the date on which the mail ballot was mailed to the county or city clerk by reading on the return envelope: (1) the physical postmark applied by the United States Postal Service; or (2) information from a barcode or similar marking used by the United States Postal Service. **Sections 1 and 2** further provide that if the county or city clerk cannot determine whether a mail ballot is postmarked on or before the day of the election by reading such information but the mail ballot is received by the county or city clerk, as applicable, not later than 5 p.m. on the third day following the election, the mail ballot shall be deemed to have been postmarked on or before the day of the election.

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

1. *For the purposes of determining whether a mail ballot is postmarked on or before the day of the election, as required pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 293.269921, the county clerk shall identify the date on which the mail ballot was mailed to the county clerk by reading on the return envelope:*

- (a) The physical postmark applied by the United States Postal Service; or*
- (b) Information from a barcode or similar marking used by the United States Postal Service,*

*↳ that indicates the date on which the United States Postal Service came into official possession of the return envelope.*

2. *If the county clerk cannot determine whether a mail ballot is postmarked on or before the day of the election but the mail ballot is received by the county clerk not later than 5 p.m. on the third day following the election, the mail ballot shall be deemed pursuant to subsection 2 of NRS 293.269921 to have been postmarked on or before the day of the election and may not be rejected solely on the ground that the postmark is illegible, incomplete or otherwise absent.*

Sec. 2. Chapter 293C of NAC is hereby amended by adding thereto a new section to read as follows:

1. *For the purposes of determining whether a mail ballot is postmarked on or before the day of the election, as required pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 293C.26321, the city clerk shall identify the date on which the mail ballot was mailed to the city clerk by reading on the return envelope:*

- (a) The physical postmark applied by the United States Postal Service; or*

*(b) Information from a barcode or similar marking used by the United States Postal Service,*

*↳ that indicates the date on which the United States Postal Service came into official possession of the return envelope.*

*2. If the city clerk cannot determine whether a mail ballot is postmarked on or before the day of the election but the mail ballot is received by the city clerk not later than 5 p.m. on the third day following the election, the mail ballot shall be deemed pursuant to subsection 2 of NRS 293C.26321 to have been postmarked on or before the day of the election and may not be rejected solely on the ground that the postmark is illegible, incomplete or otherwise absent.*