

**PROPOSED REGULATION OF  
THE SECRETARY OF STATE**

**LCB File No. R087-21**

December 20, 2021

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

AUTHORITY: § 1, NRS 236.015, 293.124 and 293.247 and sections 8 and 11 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1219-20 (NRS 293.269921 and 293.269927); § 2, NRS 236.015, 293.124 and 293.247 and sections 56 and 59 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1246-47 (NRS 293C.26321 and 293C.26327); § 3, NRS 293.124.

A REGULATION relating to elections; providing that certain deadlines related to mail ballots must be extended under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides that in order for a mail ballot to be counted for any election, the mail ballot must be: (1) delivered by hand before the time set for closing of the polls; or (2) mailed to the county or city clerk, as applicable. If a mail ballot is mailed to the county or city clerk, 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. (Sections 8 and 56 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1219 and 1246 (NRS 293.269921 and 293.269927))

Existing law provides that if a county or city clerk determines when checking the signature used for the mail ballot that: (1) the voter failed to affix his or her signature or failed to affix it in the manner required by law; or (2) there is a reasonable question of fact as to whether the signature matches the signature of the voter, the clerk must contact the voter and advise the voter of the procedures to provide a signature or confirmation that the signature used belongs to the voter, as applicable. For the mail ballot to be counted, the voter must provide a signature or confirmation, as applicable, not later than 5 p.m. on the sixth day following the election. (Sections 11 and 59 of Assembly Bill No. 321, chapter 248, Statutes of Nevada 2021, at pages 1220 and 1247 (NRS 293.269921 and 293.269927))

This regulation provides that if any such deadline falls on a legal holiday, the deadline is extended until 5 p.m. on the next working day.

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

*1. If the deadline for:*

*(a) The county clerk to receive a mail ballot that has been mailed to the county clerk; or*

*(b) A registered voter to provide to the county clerk a signature on a mail ballot or a confirmation that the signature used for a mail ballot belongs to the voter, as applicable, ↪ is a legal holiday, such deadline is extended until 5 p.m. on the next working day.*

*2. As used in this section, “legal holiday” means any day declared to be a legal holiday pursuant to NRS 236.015.*

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

*1. If the deadline for:*

*(a) The city clerk to receive a mail ballot that has been mailed to the city clerk; or*

*(b) A registered voter to provide to the city clerk a signature on a mail ballot or a confirmation that the signature used for a mail ballot belongs to the voter, as applicable, ↪ is a legal holiday, such deadline is extended until 5 p.m. on the next working day.*

*2. As used in this section, “legal holiday” means any day declared to be a legal holiday pursuant to NRS 236.015.*

**Sec. 3.** This regulation becomes effective on the later of:

1. January 1, 2022; or

2. The date on which the regulation is filed with the Secretary of State.