



OFFICE OF THE
SECRETARY OF STATE

MEMORANDUM

To: Nevada County Clerks & Registrars
From: Mark Wlaschin, Deputy Secretary of State for Elections
Date: May 29, 2024
Subject: Memo 2024-015 – Indeterminate Postmark

The following is provided for consistent and clear guidance regarding the interpretation of [NRS 293.269921\(2\)](#).

For the purposes of accepting a mail ballot pursuant to NRS 293.269921(2), a mail ballot that has no visible postmark should be interpreted to have an indeterminate postmark, and therefore should be accepted if it has been received by the clerk by mail not later than 5 p.m. on the third day following the election.

NRS 293.269921 Procedure for timely returning mail ballot; treatment of mail ballot when postmark cannot be determined; requirements for ballot drop boxes.

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

(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.

(Added to NRS by [2021, 1219](#))

It is the intent of the Office of the Secretary of State that this guidance be submitted as a regulation following the conclusion of the 2024 election cycle. To that end, if any Clerk identifies a means to improve this guidance, please notify the Deputy for Elections prior to December 16, 2024.

If you have any questions regarding this guidance, please contact the Office of the Secretary of State at NVElect@sos.nv.gov or (775) 684-5705.

Respectfully,

Francisco V. Aguilar
Secretary of State

By: _____
Mark Wlaschin, Deputy Secretary for Elections