

SENATE BILL NO. 327—SENATOR OHRENSCHALL

MARCH 20, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.
(BDR 24-892)

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

CONTAINS UNFUNDED MANDATE (§§ 1-4)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 provisions relating to the establishment of a polling place, ballot drop box and temporary branch polling place for early voting within an Indian reservation or Indian colony for an election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an Indian tribe to submit a request for the establishment within the boundaries of an Indian reservation or Indian colony of: (1) a polling place, a ballot drop box, or both, for the day of a primary election, presidential preference primary election or general election; and (2) a temporary branch polling place for early voting. A county clerk or city clerk is not required to establish a polling place or ballot drop box if the county or city clerk establishes a temporary branch polling place for early voting. (NRS 293.2733, 293.3572, 293C.2675, 293C.3572) **Sections 1 and 3** of this bill require a county clerk and city clerk, respectively, to establish a polling place and ballot drop box within the boundaries of an Indian reservation or Indian colony unless an Indian tribe elects not to have the polling place and ballot drop box established by submitting notice to the county clerk or city clerk. **Sections 2 and 4** of this bill require a county clerk and city clerk, respectively, to also establish a temporary branch polling place for early voting within the boundaries of an Indian reservation or Indian colony unless an Indian tribe elects not to have the temporary branch polling place established by submitting notice to the county clerk or city clerk.



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

Section 1. NRS 293.2733 is hereby amended to read as follows:

293.2733 1. If an Indian reservation or Indian colony is located in whole or in part within a county, ~~the Indian tribe may submit a request to~~ the county clerk ~~for the establishment~~ *shall, except as otherwise provided in subsection 2, establish within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe* for the day of a primary election, presidential preference primary election or general election ~~of:~~

- ~~—(a) A polling place;~~
- ~~—(b) A ballot drop box; or~~
- ~~—(c) Both~~ a polling place and a ballot drop box.

2. ~~A request for the establishment of~~ *An Indian tribe may elect not to have* a polling place ~~[-, a]~~ *or* ballot drop box ~~for both a polling place and a ballot drop box~~ *established* within the boundaries of an Indian reservation or Indian colony for the day of a primary election, presidential preference primary election or general election ~~[-~~

~~—(a) Must be submitted~~ *by submitting notice* to the county clerk ~~by the Indian tribe~~ on or before:

~~[(1)]~~ (a) If the ~~request~~ *notice* is for a primary election, March 1 of the year in which the primary election is to be held.

~~[(2)]~~ (b) If the ~~request~~ *notice* is for a presidential preference primary election, the first Friday in November of the year immediately preceding the year of the presidential preference primary election.

~~[(3)]~~ (c) If the ~~request~~ *notice* is for a general election, August 1 of the year in which the general election is to be held.

~~[(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place or ballot drop box.]~~

3. Any ~~proposed~~ *location of a polling place or ballot drop box established pursuant to subsection 1* must satisfy the criteria the county clerk uses for the establishment of any other polling place ~~for~~ *and* ballot drop box, as applicable.

~~[(3.—Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 2, the county clerk must establish at least one polling place or ballot box, as applicable, within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary~~



election, ~~presidential preference primary election or general election.~~ The county clerk is not required to establish a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election, ~~presidential preference primary election or general election if the county clerk established a temporary branch polling place for early voting pursuant to NRS 293.3572 within the boundaries of the Indian reservation or Indian colony for the same election.~~]

4. ~~[If the county clerk establishes one or more polling places or ballot drop boxes within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary election, ~~presidential preference primary election or general election, the~~]~~ *The* county clerk must continue to establish one or more polling places ~~[or]~~ *and* ballot drop boxes within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for the day of any future primary election, presidential preference primary election or general election unless otherwise ~~[requested]~~ *notified* by the Indian tribe ~~[.]~~ *pursuant to subsection 2.*

Sec. 2. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, ~~[except as otherwise provided in subsection 4,]~~ the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a county, the ~~[Indian tribe may submit a request to the]~~ county clerk ~~[for the establishment of]~~ *shall, except as otherwise provided in subsection 3, establish* a temporary branch polling place for early voting *at a location or locations, as applicable, approved by the Indian tribe* within the boundaries of the Indian reservation or Indian colony.

3. ~~[A request for the establishment of]~~ *An Indian tribe may elect not to have* a temporary branch polling place for early voting *established* within the boundaries of the Indian reservation or Indian colony ~~[.]~~

~~—(a) Must be submitted]~~ *by submitting notice* to the county clerk ~~[by the Indian tribe]~~ on or before:

~~[(1)]~~ (a) If the ~~[request]~~ *notice* is for a primary election, March 1 of the year in which the general election is to be held.

~~[(2)]~~ (b) If the ~~[request]~~ *notice* is for a presidential preference primary election, the first Friday in November of the year immediately preceding the year of the presidential preference primary election.



~~[(3)]~~ (c) If the ~~request~~ *notice* is for a general election, August 1 of the year in which the general election is to be held.

~~[(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours of operation thereof.]~~

4. Any ~~proposed~~ *location of a temporary branch polling place for early voting established pursuant to subsection 2* must satisfy the criteria established by the county clerk for the selection of temporary branch polling places pursuant to NRS 293.3561.

~~[4. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 3, the county clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The county clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the county clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.]~~

5. ~~[If the county clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the]~~ *The* county clerk must continue to establish one or more temporary branch polling places within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for early voting in future elections unless otherwise ~~requested~~ *notified* by the Indian tribe ~~[.] pursuant to subsection 3.~~

6. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

7. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

8. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 3. NRS 293C.2675 is hereby amended to read as follows:

293C.2675 1. If an Indian reservation or Indian colony is located in whole or in part within a city, the ~~Indian tribe may~~



~~submit a request to the~~ city clerk ~~for the establishment~~ *shall, except as otherwise provided in subsection 2, establish* within the boundaries of the Indian reservation or Indian colony *at a location or locations, as applicable, approved by the Indian tribe* for the day of a primary city election or general city election ~~of:~~

~~—(a) A polling place;~~

~~—(b) A ballot drop box; or~~

~~—(c) Both~~ a polling place and a ballot drop box.

2. ~~[A request for the establishment of]~~ *An Indian tribe may elect not to have* a polling place ~~[, a]~~ *or* ballot drop box ~~for both a polling place and a ballot drop box~~ *established* within the boundaries of an Indian reservation or Indian colony for the day of a primary city election or general city election ~~;~~

~~—(a) Must be submitted]~~ *by submitting notice* to the city clerk ~~[by the Indian tribe]~~ on or before:

~~[(1)]~~ (a) If the ~~request~~ *notice* is for a primary city election, March 1 of the year in which the primary city election is to be held.

~~[(2)]~~ (b) If the ~~request~~ *notice* is for a general city election, August 1 of the year in which the general city election is to be held.

~~[(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place or ballot drop box.]~~

3. Any ~~proposed~~ location ~~for~~ *of* a polling place or ballot drop box *established pursuant to subsection 1* must satisfy the criteria the city clerk uses for the establishment of any other polling place ~~for~~ *and* ballot drop box, as applicable.

~~[3.—Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place or ballot drop box within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary city election or general city election. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election if the city clerk established a temporary branch polling place for early voting pursuant to NRS 293C.3572 within the boundaries of the Indian reservation or Indian colony for the same election.]~~

4. ~~[If the city clerk establishes one or more polling places or ballot drop boxes within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary city election or general city election, the]~~ *The* city clerk must continue to establish one or more polling places ~~for~~ *and* ballot drop boxes within the boundaries of the Indian reservation or Indian colony at a location or locations approved by the Indian tribe for the day of any



future primary city election or general city election unless otherwise
~~requested~~ *notified* by the Indian tribe ~~[-]~~ *pursuant to subsection 2.*

Sec. 4. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, ~~[except as otherwise provided in subsection 4,]~~ the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a city, the ~~[Indian tribe may submit a request to the]~~ city clerk ~~[for the establishment of]~~ *shall, except as otherwise provided in subsection 3, establish* a temporary branch polling place *for early voting at a location or locations, as applicable, approved by the Indian tribe* within the boundaries of the Indian reservation or Indian colony.

3. ~~[A request for the establishment of]~~ *An Indian tribe may elect not to have* a temporary branch polling place *for early voting established* within the boundaries of an Indian reservation or Indian colony ~~[-]~~

~~—(a) Must be submitted]~~ *by submitting notice* to the city clerk ~~[by the Indian tribe]~~ on or before:

~~[(1)]~~ (a) If the ~~[request]~~ *notice* is for a primary city election, March 1 of the year in which the primary city election is to be held.

~~[(2)]~~ (b) If the ~~[request]~~ *notice* is for a general city election, August 1 of the year in which the general city election is to be held.

~~[(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof.]~~

4. Any ~~[proposed]~~ location *of a temporary branch polling place for early voting established pursuant to subsection 2* must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.

~~[4. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 3, the city clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The city clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the city clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.]~~

5. ~~[If the city clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or~~



~~Indian colony pursuant to subsection 4 for early voting, the~~ *The*
city clerk must continue to establish one or more temporary branch
polling places within the boundaries of the Indian reservation or
Indian colony at a location or locations approved by the Indian tribe
for early voting in future elections unless otherwise ~~requested~~
notified by the Indian tribe ~~[-]~~ *pursuant to subsection 3.*

6. The provisions of subsection 3 of NRS 293C.3568 do not
apply to a temporary branch polling place. Voting at a temporary
branch polling place may be conducted on any one or more days and
during any hours within the period for early voting by personal
appearance, as determined by the city clerk.

7. The schedules for conducting voting are not required to be
uniform among the temporary branch polling places.

8. The legal rights and remedies which inure to the owner or
lessor of private property are not impaired or otherwise affected by
the leasing of the property for use as a temporary branch polling
place for early voting, except to the extent necessary to conduct
early voting at that location.

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.

