

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:**

1 Existing law authorizes an Indian tribe to submit a request for the establishment  
2 within the boundaries of an Indian reservation or Indian colony of: (1) a polling  
3 place, a ballot drop box, or both, for the day of a primary election, presidential  
4 preference primary election or general election; and (2) a temporary branch polling  
5 place for early voting. A county clerk or city clerk is not required to establish a  
6 polling place or ballot drop box if the county or city clerk establishes a temporary  
7 branch polling place for early voting. (NRS 293.2733, 293.3572, 293C.2675,  
8 293C.3572) **Sections 1 and 3** of this bill require a county clerk and city clerk,  
9 respectively, to establish a polling place and ballot drop box within the boundaries  
10 of an Indian reservation or Indian colony unless an Indian tribe: (1) elects not to  
11 have the polling place and ballot drop box established by submitting notice to the  
12 county clerk or city clerk; or (2) does not provide certain information relating to the  
13 establishment of the polling place and ballot drop box. **Sections 2 and 4** of this bill  
14 require a county clerk and city clerk, respectively, to also establish a temporary  
15 branch polling place for early voting within the boundaries of an Indian reservation  
16 or Indian colony unless an Indian tribe: (1) elects not to have the temporary branch  
17 polling place established by submitting notice to the county clerk or city clerk; or  
18 (2) does not provide certain information relating to the establishment of the  
19 temporary branch polling place.  
20 **Sections 1 and 2** also authorize a county clerk to establish additional polling  
21 places, ballot drop boxes and temporary branch polling places within the



22 boundaries of an Indian reservation or Indian colony upon the request of an Indian  
23 tribe.  
24 **Sections 1-4** set forth the dates by which an Indian tribe must submit a request  
25 to elect not to have a polling place, ballot drop box and temporary branch polling  
26 place established.

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

1 **Section 1.** NRS 293.2733 is hereby amended to read as  
2 follows:  
3 293.2733 1. If an Indian reservation or Indian colony is  
4 located in whole or in part within a county, ~~the Indian tribe may~~  
5 ~~submit a request to~~ the county clerk ~~for the establishment~~ :  
6 *(a) Shall, except as otherwise provided in subsections 2 and 5,*  
7 *establish* within the boundaries of the Indian reservation or Indian  
8 colony *at a location or locations, as applicable, approved by the*  
9 *Indian tribe* for the day of a primary election, presidential  
10 preference primary election or general election ~~of:~~  
11 ~~—(a) A polling place;~~  
12 ~~—(b) A ballot drop box; or~~  
13 ~~—(c) Both~~ a polling place and a ballot drop box ~~;~~ *;* and  
14 *(b) May establish additional polling places or drop boxes*  
15 *within the boundaries of the Indian reservation or Indian colony*  
16 *for the day of a primary election, presidential preference primary*  
17 *election or general election upon the request of an Indian tribe*  
18 *submitted not later than the dates set forth in subsection 2 to elect*  
19 *not to have a polling place and ballot drop box established within*  
20 *the boundaries of the Indian reservation or Indian colony.*  
21 2. ~~A request for the establishment of~~ *An Indian tribe may*  
22 *elect not to have* a polling place ~~[-, a] or~~ ballot drop box ~~for both a~~  
23 ~~polling place and a ballot drop box~~ *established* within the  
24 boundaries of an Indian reservation or Indian colony for the day of a  
25 primary election, presidential preference primary election or general  
26 election ~~;~~  
27 ~~—(a) Must be submitted~~ *by submitting notice* to the county clerk  
28 ~~by the Indian tribe~~ on or before:  
29 ~~{(1)}~~ *(a) If the request notice* is for a primary election,  
30 ~~{March 1}~~ *January 15* of the year in which the primary election is to  
31 be held.  
32 ~~{(2)}~~ *(b) If the request notice* is for a presidential  
33 preference primary election, ~~the first Friday in November~~  
34 *September 15* of the year immediately preceding the year of the  
35 presidential preference primary election.



1 ~~[(3)]~~ (c) If the ~~[request]~~ *notice* is for a general election,  
2 ~~[August 1]~~ *June 15* of the year in which the general election is to be  
3 held.

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

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

11 ~~[(3.— Except as otherwise provided in this subsection, if the~~  
12 ~~county clerk receives a request that satisfies the requirements set~~  
13 ~~forth in subsection 2, the county clerk must establish at least one~~  
14 ~~polling place or ballot box, as applicable, within the boundaries of~~  
15 ~~the Indian reservation or Indian colony at a location or locations, as~~  
16 ~~applicable, approved by the Indian tribe for the day of a primary~~  
17 ~~election, presidential preference primary election or general~~  
18 ~~election. The county clerk is not required to establish a polling place~~  
19 ~~within the boundaries of an Indian reservation or Indian colony for~~  
20 ~~the day of a primary election, presidential preference primary~~  
21 ~~election or general election if the county clerk established a~~  
22 ~~temporary branch polling place for early voting pursuant to NRS~~  
23 ~~293.3572 within the boundaries of the Indian reservation or Indian~~  
24 ~~colony for the same election.)]~~

25 4. ~~[(If the county clerk establishes one or more polling places or~~  
26 ~~ballot drop boxes within the boundaries of an Indian reservation or~~  
27 ~~Indian colony pursuant to subsection 3 for the day of a primary~~  
28 ~~election, presidential preference primary election or general~~  
29 ~~election, the)]~~ *Except as otherwise provided in subsection 5, the*  
30 county clerk must continue to establish one or more polling places  
31 ~~[or]~~ *and* ballot drop boxes within the boundaries of the Indian  
32 reservation or Indian colony at a location or locations approved by  
33 the Indian tribe for the day of any future primary election,  
34 presidential preference primary election or general election unless  
35 otherwise ~~[requested]~~ *notified* by the Indian tribe ~~[.]~~ *pursuant to*  
36 *subsection 2.*

37 5. *Not later than the dates set forth in subsection 2 to elect*  
38 *not to have a polling place and ballot drop box established within*  
39 *the boundaries of the Indian reservation or Indian colony, an*  
40 *Indian tribe that elects to have a polling place and ballot drop box*  
41 *established must submit to the county clerk and the tribal liaison*  
42 *designated by the Office of the Secretary of State pursuant to*  
43 *NRS 233A.260:*

44 (a) *The location or locations for the polling place and ballot*  
45 *drop box and whether each location or locations will have only a*



1 *polling place or ballot drop box or both a polling place and ballot*  
2 *drop box;*

3 (b) *Whether the Indian tribe will select registered voters to be*  
4 *appointed to act as election board officers to staff the polling place*  
5 *within the boundaries of the Indian reservation or Indian colony;*

6 (c) *The proposed days and hours for the operation of the*  
7 *polling place; and*

8 (d) *The proposed number of ballot drop boxes to be established*  
9 *and any other information necessary for establishing such ballot*  
10 *drop boxes.*

11 *↪ If an Indian tribe does not submit the information required*  
12 *pursuant to this subsection, the Indian tribe shall be deemed to*  
13 *have elected not to have a polling place and ballot drop box*  
14 *established within the boundaries of the Indian reservation or*  
15 *Indian colony.*

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

17 293.3572 1. In addition to permanent polling places for early  
18 voting, ~~except as otherwise provided in subsection 4,~~ the county  
19 clerk may establish temporary branch polling places for early voting  
20 which may include, without limitation, the clerk's office pursuant to  
21 NRS 293.3561.

22 2. If an Indian reservation or Indian colony is located in whole  
23 or in part within a county, the ~~Indian tribe may submit a request to~~  
24 ~~the~~ county clerk ~~for the establishment of~~ :

25 (a) *Shall, except as otherwise provided in subsections 3 and 6,*  
26 *establish a temporary branch polling place for early voting at a*  
27 *location or locations, as applicable, approved by the Indian tribe*  
28 *within the boundaries of the Indian reservation or Indian colony* ~~;~~  
29 *and*

30 (b) *May establish additional temporary branch polling places*  
31 *for early voting within the boundaries of the Indian reservation or*  
32 *Indian colony upon the request of an Indian tribe submitted not*  
33 *later than the dates set forth in subsection 3 to elect not to have a*  
34 *polling place and ballot drop box established within the*  
35 *boundaries of the Indian reservation or Indian colony.*

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

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

42 ~~(1)~~ (a) If the ~~request~~ *notice* is for a primary election,  
43 ~~March 1~~ *January 15* of the year in which the general election is to  
44 be held.



1 ~~[(2)]~~ (b) If the ~~request~~ notice is for a presidential  
2 preference primary election, ~~the first Friday in November~~  
3 *September 15* of the year immediately preceding the year of the  
4 presidential preference primary election.

5 ~~[(3)]~~ (c) If the ~~request~~ notice is for a general election,  
6 ~~August 1~~ *June 15* of the year in which the general election is to be  
7 held.

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

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

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

28 5. ~~[If the county clerk establishes one or more temporary~~  
29 ~~branch polling places within the boundaries of an Indian reservation~~  
30 ~~or Indian colony pursuant to subsection 4 for early voting, the]~~  
31 *Except as otherwise provided in subsection 6, the* county clerk  
32 must continue to establish one or more temporary branch polling  
33 places within the boundaries of the Indian reservation or Indian  
34 colony at a location or locations approved by the Indian tribe for  
35 early voting in future elections unless otherwise ~~requested~~ *notified*  
36 by the Indian tribe ~~[.]~~ *pursuant to subsection 3.*

37 6. *Not later than the dates set forth in subsection 3 to elect*  
38 *not to have a polling place and ballot drop box established within*  
39 *the boundaries of the Indian reservation or Indian colony, an*  
40 *Indian tribe that elects to have a temporary branch polling place*  
41 *established must submit to the county clerk and the tribal liaison*  
42 *designated by the Office of the Secretary of State pursuant to*  
43 *NRS 233A.260:*

44 (a) *The location or locations for the temporary branch polling*  
45 *place;*



1 (b) Whether the Indian tribe will select registered voters to be  
2 appointed to act as election board officers to staff the temporary  
3 branch polling place within the boundaries of the Indian  
4 reservation or Indian colony; and

5 (c) The proposed days and hours for the operation of the  
6 temporary branch polling place.

7 ↪ If an Indian tribe does not submit the information required  
8 pursuant to this subsection, the Indian tribe shall be deemed to  
9 have elected not to have a temporary branch polling place  
10 established within the boundaries of the Indian reservation or  
11 Indian colony.

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

17 ~~{7.}~~ 8. The schedules for conducting voting are not required to  
18 be uniform among the temporary branch polling places.

19 ~~{8.}~~ 9. The legal rights and remedies which inure to the owner  
20 or lessor of private property are not impaired or otherwise affected  
21 by the leasing of the property for use as a temporary branch polling  
22 place for early voting, except to the extent necessary to conduct  
23 early voting at that location.

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

25 293C.2675 1. If an Indian reservation or Indian colony is  
26 located in whole or in part within a city, the ~~{Indian tribe may~~  
27 ~~submit a request to the}~~ city clerk ~~{for the establishment}~~ shall,  
28 *except as otherwise provided in subsections 2 and 5, establish*  
29 *within the boundaries of the Indian reservation or Indian colony at a*  
30 *location or locations, as applicable, approved by the Indian tribe*  
31 *for the day of a primary city election or general city election* ~~{of:~~

32 ~~—(a) A polling place;~~

33 ~~—(b) A ballot drop box; or~~

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

35 2. ~~{A request for the establishment of}~~ *An Indian tribe may*  
36 *elect not to have* a polling place ~~{, a}~~ *or* ballot drop box ~~{or both a~~  
37 ~~polling place and a ballot drop box}~~ *established* within the  
38 boundaries of an Indian reservation or Indian colony for the day of a  
39 primary city election or general city election ~~{:~~

40 ~~—(a) Must be submitted}~~ *by submitting notice* to the city clerk ~~{by~~  
41 ~~the Indian tribe}~~ on or before:

42 ~~{(1)}~~ (a) If the ~~{request}~~ *notice* is for a primary city election,  
43 ~~{March 1}~~ *January 15* of the year in which the primary city election  
44 is to be held.



1 ~~[(2)]~~ (b) If the ~~[request]~~ *notice* is for a general city election,  
2 ~~[August 1]~~ *June 15* of the year in which the general city election is  
3 to be held.

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

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

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

23 4. ~~[If the city clerk establishes one or more polling places or~~  
24 ~~ballot drop boxes within the boundaries of an Indian reservation or~~  
25 ~~Indian colony pursuant to subsection 3 for the day of a primary city~~  
26 ~~election or general city election, the] *Except as otherwise provided*~~  
27 ~~*in subsection 5, the* city clerk must continue to establish one or~~  
28 ~~more polling places ~~[or]~~ *and* ballot drop boxes within the~~  
29 ~~boundaries of the Indian reservation or Indian colony at a location or~~  
30 ~~locations approved by the Indian tribe for the day of any future~~  
31 ~~primary city election or general city election unless otherwise~~  
32 ~~[requested] *notified* by the Indian tribe ~~[.]~~ *pursuant to subsection 2.*~~

33 5. *Not later than the dates set forth in subsection 2 to elect*  
34 *not to have a polling place and ballot drop box established within*  
35 *the boundaries of the Indian reservation or Indian colony, an*  
36 *Indian tribe that elects to have a polling place and ballot drop box*  
37 *established must submit to the city clerk and the tribal liaison*  
38 *designated by the Office of the Secretary of State pursuant to*  
39 *NRS 233A.260:*

40 (a) *The location or locations for the polling place and ballot*  
41 *drop box and whether each location or locations will have only a*  
42 *polling place or ballot drop box or both a polling place and ballot*  
43 *drop box;*



1 (b) *Whether the Indian tribe will select registered voters to be*  
2 *appointed to act as election board officers to staff the polling place*  
3 *within the boundaries of the Indian reservation or Indian colony;*

4 (c) *The proposed days and hours for the operation of the*  
5 *polling place; and*

6 (d) *The proposed number of ballot drop boxes to be established*  
7 *and any other information necessary for establishing such ballot*  
8 *drop boxes.*

9 *↳ If an Indian tribe does not submit the information required*  
10 *pursuant to this subsection, the Indian tribe shall be deemed to*  
11 *have elected not to have a polling place and ballot drop box*  
12 *established within the boundaries of the Indian reservation or*  
13 *Indian colony.*

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

15 293C.3572 1. In addition to permanent polling places for  
16 early voting, ~~except as otherwise provided in subsection 4,~~ the city  
17 clerk may establish temporary branch polling places for early voting  
18 pursuant to NRS 293C.3561.

19 2. If an Indian reservation or Indian colony is located in whole  
20 or in part within a city, the ~~Indian tribe may submit a request to the~~  
21 city clerk ~~for the establishment of~~ *shall, except as otherwise*  
22 *provided in subsections 3 and 6, establish* a temporary branch  
23 polling place *for early voting at a location or locations, as*  
24 *applicable, approved by the Indian tribe* within the boundaries of  
25 the Indian reservation or Indian colony.

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

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

32 ~~(1)~~ (a) If the ~~request~~ *notice* is for a primary city election,  
33 ~~March 1~~ *January 15* of the year in which the primary city election  
34 is to be held.

35 ~~(2)~~ (b) If the ~~request~~ *notice* is for a general city election,  
36 ~~August 1~~ *June 15* of the year in which the general city election is  
37 to be held.

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

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





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

13 5. ~~[If the city clerk establishes one or more temporary branch~~  
14 ~~polling places within the boundaries of an Indian reservation or~~  
15 ~~Indian colony pursuant to subsection 4 for early voting, the] *Except*~~  
16 *as otherwise provided in subsection 6, the* city clerk must continue  
17 to establish one or more temporary branch polling places within the  
18 boundaries of the Indian reservation or Indian colony at a location or  
19 locations approved by the Indian tribe for early voting in future  
20 elections unless otherwise ~~[requested]~~ *notified* by the Indian tribe ~~[.]~~  
21 *pursuant to subsection 3.*

22 6. *Not later than the dates set forth in subsection 3 to elect*  
23 *not to have a temporary branch polling place established within*  
24 *the boundaries of the Indian reservation or Indian colony, an*  
25 *Indian tribe that elects to have a temporary branch polling place*  
26 *established must submit to the city clerk and the tribal liaison*  
27 *designated by the Office of the Secretary of State pursuant to*  
28 *NRS 233A.260:*

29 (a) *The location or locations for the temporary branch polling*  
30 *place;*

31 (b) *Whether the Indian tribe will select registered voters to be*  
32 *appointed to act as election board officers to staff the temporary*  
33 *branch polling place within the boundaries of the Indian*  
34 *reservation or Indian colony; and*

35 (c) *The proposed days and hours for the operation of the*  
36 *temporary branch polling place.*

37 *↪ If an Indian tribe does not submit the information required*  
38 *pursuant to this subsection, the Indian tribe shall be deemed to*  
39 *have elected not to have a temporary branch polling place*  
40 *established within the boundaries of the Indian reservation or*  
41 *Indian colony.*

42 7. The provisions of subsection 3 of NRS 293C.3568 do not  
43 apply to a temporary branch polling place. Voting at a temporary  
44 branch polling place may be conducted on any one or more days and



1 during any hours within the period for early voting by personal  
2 appearance, as determined by the city clerk.

3 ~~[7.]~~ 8. The schedules for conducting voting are not required to  
4 be uniform among the temporary branch polling places.

5 ~~[8.]~~ 9. The legal rights and remedies which inure to the owner  
6 or lessor of private property are not impaired or otherwise affected  
7 by the leasing of the property for use as a temporary branch polling  
8 place for early voting, except to the extent necessary to conduct  
9 early voting at that location.

10 **Sec. 5.** The provisions of NRS 354.599 do not apply to any  
11 additional expenses of a local government that are related to the  
12 provisions of this act.





