

ASSEMBLY BILL NO. 137—ASSEMBLYMAN WATTS

FEBRUARY 14, 2019

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to certain polling places. (BDR 24-800)

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

CONTAINS UNFUNDED MANDATE (§§ 10, 21, 42, 48) (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 certain provisions related to establishing polling places within the boundaries of Indian reservations and Indian colonies; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires, under certain circumstances, county and city clerks to  
 2 establish at least one polling place for the day of a primary election, general  
 3 election, primary city election or general city election, as applicable, within the  
 4 boundaries of an Indian reservation or Indian colony at a location or locations  
 5 approved by the Indian tribe upon the request of the Indian tribe. (NRS 293.2733,  
 6 293C.2675) Existing law also requires, under certain circumstances, county and  
 7 city clerks to establish at least one temporary branch polling place for early voting  
 8 within the boundaries of an Indian reservation or Indian colony upon the request of  
 9 an Indian tribe. (NRS 293.3572, 293C.3572) **Sections 10, 21, 42 and 48** of this bill  
 10 provide that if a county or city clerk establishes a polling place for the day of an  
 11 election or for early voting upon the request of an Indian tribe, the county or city  
 12 clerk shall continue to establish such a polling place within the boundaries of the  
 13 Indian reservation or Indian colony for future elections or early voting, unless  
 14 otherwise requested by the Indian tribe.

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

1 **Section 1.** (Deleted by amendment.)  
 2 **Sec. 2.** (Deleted by amendment.)



1     **Sec. 3.** (Deleted by amendment.)

2     **Sec. 4.** (Deleted by amendment.)

3     **Sec. 5.** (Deleted by amendment.)

4     **Sec. 6.** (Deleted by amendment.)

5     **Sec. 7.** (Deleted by amendment.)

6     **Sec. 8.** (Deleted by amendment.)

7     **Sec. 9.** (Deleted by amendment.)

8     **Sec. 10.** NRS 293.2733 is hereby amended to read as follows:

9     293.2733 1. If an Indian reservation or Indian colony is  
10 located in whole or in part within a county, the Indian tribe may  
11 submit a request to the county clerk for the establishment of a  
12 polling place within the boundaries of the Indian reservation or  
13 Indian colony for the day of a primary election or general election.

14     2. A request for the establishment of a polling place within the  
15 boundaries of an Indian reservation or Indian colony for the day of a  
16 primary election or general election:

17     (a) Must be submitted to the county clerk by the Indian tribe on  
18 or before:

19         (1) If the request is for a primary election, the first Friday in  
20 January of the year in which the primary election is to be held.

21         (2) If the request is for a general election, the first Friday in  
22 July of the year in which the general election is to be held.

23     (b) May include one or more proposed locations within the  
24 boundaries of the Indian reservation or Indian colony for the polling  
25 place. Any proposed location must satisfy the criteria the county  
26 clerk uses for the establishment of any other polling place.

27     3. Except as otherwise provided in this subsection, if the  
28 county clerk receives a request that satisfies the requirements set  
29 forth in subsection 2, the county clerk must establish at least one  
30 polling place within the boundaries of the Indian reservation or  
31 Indian colony at a location or locations, as applicable, approved by  
32 the Indian tribe for the day of a primary election or general election.  
33 The county clerk is not required to establish a polling place within  
34 the boundaries of an Indian reservation or Indian colony for the day  
35 of a primary election or general election if the county clerk  
36 established a temporary branch polling place for early voting  
37 pursuant to NRS 293.3572 within the boundaries of the Indian  
38 reservation or Indian colony for the same election.

39     4. *If the county clerk establishes one or more polling places*  
40 *within the boundaries of an Indian reservation or Indian colony*  
41 *pursuant to subsection 3 for the day of a primary election or*  
42 *general election, the county clerk must continue to establish one*  
43 *or more polling places within the boundaries of the Indian*  
44 *reservation or Indian colony at a location or locations approved by*



*the Indian tribe for the day of any future primary election or general election unless otherwise requested by the Indian tribe.*

**Sec. 11.** (Deleted by amendment.)

**Sec. 12.** (Deleted by amendment.)

**Sec. 13.** (Deleted by amendment.)

**Sec. 14.** (Deleted by amendment.)

**Sec. 15.** (Deleted by amendment.)

**Sec. 16.** (Deleted by amendment.)

**Sec. 17.** (Deleted by amendment.)

**Sec. 18.** (Deleted by amendment.)

**Sec. 19.** (Deleted by amendment.)

**Sec. 20.** (Deleted by amendment.)

**Sec. 21.** 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 3, 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 a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony.

3. A request for the establishment of a temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony:

(a) Must be submitted to the county clerk by the Indian tribe on or before:

(1) If the request is for a primary election, the first Friday in January of the year in which the general election is to be held.

(2) If the request is for a general election, the first Friday in July 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. Any proposed location 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



1 is not required to establish a temporary branch polling place within  
2 the boundaries of the Indian reservation or Indian colony if the  
3 county clerk determines that it is not logistically feasible to establish  
4 a temporary branch polling place within the boundaries of the Indian  
5 reservation or Indian colony.

6 *5. If the county clerk establishes one or more temporary*  
7 *branch polling places within the boundaries of an Indian*  
8 *reservation or Indian colony pursuant to subsection 4 for early*  
9 *voting, the county clerk must continue to establish one or more*  
10 *temporary branch polling places within the boundaries of the*  
11 *Indian reservation or Indian colony at a location or locations*  
12 *approved by the Indian tribe for early voting in future elections*  
13 *unless otherwise requested by the Indian tribe.*

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

19 ~~6.]~~ **7.** The schedules for conducting voting are not required to  
20 be uniform among the temporary branch polling places.

21 ~~7.]~~ **8.** The legal rights and remedies which inure to the owner  
22 or lessor of private property are not impaired or otherwise affected  
23 by the leasing of the property for use as a temporary branch polling  
24 place for early voting, except to the extent necessary to conduct  
25 early voting at that location.

26 **Sec. 22.** (Deleted by amendment.)

27 **Sec. 23.** (Deleted by amendment.)

28 **Sec. 24.** (Deleted by amendment.)

29 **Sec. 25.** (Deleted by amendment.)

30 **Sec. 26.** (Deleted by amendment.)

31 **Sec. 27.** (Deleted by amendment.)

32 **Sec. 28.** (Deleted by amendment.)

33 **Sec. 29.** (Deleted by amendment.)

34 **Sec. 30.** (Deleted by amendment.)

35 **Sec. 31.** (Deleted by amendment.)

36 **Sec. 32.** (Deleted by amendment.)

37 **Sec. 33.** (Deleted by amendment.)

38 **Sec. 34.** (Deleted by amendment.)

39 **Sec. 35.** (Deleted by amendment.)

40 **Sec. 36.** (Deleted by amendment.)

41 **Sec. 37.** (Deleted by amendment.)

42 **Sec. 38.** (Deleted by amendment.)

43 **Sec. 39.** (Deleted by amendment.)

44 **Sec. 40.** (Deleted by amendment.)

45 **Sec. 41.** (Deleted by amendment.)



1     **Sec. 42.** NRS 293C.2675 is hereby amended to read as  
2 follows:

3     293C.2675 1. If an Indian reservation or Indian colony is  
4 located in whole or in part within a city, the Indian tribe may submit  
5 a request to the city clerk for the establishment of a polling place  
6 within the boundaries of the Indian reservation or Indian colony for  
7 the day of a primary city election or general city election.

8     2. A request for the establishment of a polling place within the  
9 boundaries of an Indian reservation or Indian colony for the day of a  
10 primary city election or general city election:

11     (a) Must be submitted to the city clerk by the Indian tribe on or  
12 before:

13         (1) If the request is for a primary city election that is held:

14             (I) On the dates set forth for primary elections pursuant to  
15 the provisions of chapter 293 of NRS, the first Friday in January of  
16 the year in which the primary city election is to be held.

17             (II) On the dates set forth for primary city elections  
18 pursuant to the provisions of this chapter, the first Friday in  
19 December of the year immediately preceding the year in which the  
20 primary city election is to be held.

21         (2) If the request is for a general city election that is held:

22             (I) On the dates set forth for general elections pursuant to  
23 the provisions of chapter 293 of NRS, the first Friday in July of the  
24 year in which the general city election is to be held.

25             (II) On the dates set forth for general city elections  
26 pursuant to the provisions of this chapter, the first Friday in January  
27 of the year in which the general city election is to be held.

28     (b) May include one or more proposed locations within the  
29 boundaries of the Indian reservation or Indian colony for the polling  
30 place. Any proposed location for a polling place must satisfy the  
31 criteria the city clerk uses for the establishment of any other polling  
32 place.

33     3. Except as otherwise provided in this subsection, if the city  
34 clerk receives a request that satisfies the requirements set forth in  
35 subsection 2, the city clerk must establish at least one polling place  
36 within the boundaries of the Indian reservation or Indian colony at a  
37 location or locations, as applicable, approved by the Indian tribe for  
38 the day of a primary city election or general city election. The city  
39 clerk is not required to establish a polling place within the  
40 boundaries of the Indian reservation or Indian colony for the day of  
41 a primary city election or general city election if the city clerk  
42 established a temporary branch polling place for early voting  
43 pursuant to NRS 293C.3572 within the boundaries of the Indian  
44 reservation or Indian colony for the same election.



1 *4. If the city clerk establishes one or more polling places*  
2 *within the boundaries of an Indian reservation or Indian colony*  
3 *pursuant to subsection 3 for the day of a primary city election or*  
4 *general city election, the city clerk must continue to establish one*  
5 *or more polling places within the boundaries of the Indian*  
6 *reservation or Indian colony at a location or locations approved by*  
7 *the Indian tribe for the day of any future primary city election or*  
8 *general city election unless otherwise requested by the Indian*  
9 *tribe.*

10 **Sec. 43.** (Deleted by amendment.)

11 **Sec. 44.** (Deleted by amendment.)

12 **Sec. 45.** (Deleted by amendment.)

13 **Sec. 46.** (Deleted by amendment.)

14 **Sec. 47.** (Deleted by amendment.)

15 **Sec. 48.** NRS 293C.3572 is hereby amended to read as  
16 follows:

17 293C.3572 1. In addition to permanent polling places for  
18 early voting, except as otherwise provided in subsection 3, the city  
19 clerk may establish temporary branch polling places for early voting  
20 pursuant to NRS 293C.3561.

21 2. If an Indian reservation or Indian colony is located in whole  
22 or in part within a city, the Indian tribe may submit a request to the  
23 city clerk for the establishment of a temporary branch polling place  
24 within the boundaries of the Indian reservation or Indian colony.

25 3. A request for the establishment of a temporary branch  
26 polling place within the boundaries of an Indian reservation or  
27 Indian colony:

28 (a) Must be submitted to the city clerk by the Indian tribe on or  
29 before:

30 (1) If the request is for a primary city election that is held:

31 (I) On the dates set forth for primary elections pursuant to  
32 the provisions of chapter 293 of NRS, the first Friday in January of  
33 the year in which the primary city election is to be held.

34 (II) On the dates set forth for primary city elections  
35 pursuant to the provisions of this chapter, the first Friday in  
36 December of the year immediately preceding the year in which the  
37 primary city election is to be held.

38 (2) If the request is for a general city election that is held:

39 (I) On the dates set forth for general elections pursuant to  
40 the provisions of chapter 293 of NRS, the first Friday in July of the  
41 year in which the general city election is to be held.

42 (II) On the dates set forth for general city elections  
43 pursuant to the provisions of this chapter, the first Friday in January  
44 of the year in which the general city election is to be held.



1 (b) May include one or more proposed locations within the  
2 boundaries of the Indian reservation or Indian colony for the  
3 temporary branch polling place and proposed hours thereof. Any  
4 proposed location must satisfy the criteria established by the city  
5 clerk pursuant to NRS 293C.3561.

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

18 5. *If the city clerk establishes one or more temporary branch*  
19 *polling places within the boundaries of an Indian reservation or*  
20 *Indian colony pursuant to subsection 4 for early voting, the city*  
21 *clerk must continue to establish one or more temporary branch*  
22 *polling places within the boundaries of the Indian reservation or*  
23 *Indian colony at a location or locations approved by the Indian*  
24 *tribe for early voting in future elections unless otherwise requested*  
25 *by the Indian tribe.*

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

31 ~~6.]~~ 7. The schedules for conducting voting are not required to  
32 be uniform among the temporary branch polling places.

33 ~~7.]~~ 8. The legal rights and remedies which inure to the owner  
34 or lessor of private property are not impaired or otherwise affected  
35 by the leasing of the property for use as a temporary branch polling  
36 place for early voting, except to the extent necessary to conduct  
37 early voting at that location.

38 **Sec. 49.** (Deleted by amendment.)

39 **Sec. 50.** (Deleted by amendment.)

40 **Sec. 51.** (Deleted by amendment.)

41 **Sec. 52.** (Deleted by amendment.)

42 **Sec. 53.** (Deleted by amendment.)

43 **Sec. 54.** (Deleted by amendment.)

44 **Sec. 55.** (Deleted by amendment.)

45 **Sec. 56.** (Deleted by amendment.)



1       **Sec. 57.** (Deleted by amendment.)

2       **Sec. 58.** The provisions of NRS 354.599 do not apply to any  
3 additional expenses of a local government that are related to the  
4 provisions of this act.

