

Amendment No. 363

Senate Amendment to Senate Bill No. 216	(BDR 24-364)
Proposed by: Senate Committee on Legislative Operations and Elections	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 216—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS(ON BEHALF OF THE JOINT INTERIM STANDING COMMITTEE
ON LEGISLATIVE OPERATIONS AND ELECTIONS)

MARCH 6, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—Establishes provisions relating to elections. (BDR 24-364)

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

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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; requiring each county and city clerk to establish and maintain a working relationship with each Indian tribe located in whole or in part within the county or city; ~~authorizing~~ requiring the Secretary of State to allow a member of an Indian tribe to submit a request to the Secretary of State to allow the tribal identification card of the Indian tribe to be accepted by the online voter preregistration and registration who resides on an Indian reservation or Indian colony to use the system established by the Secretary of State, of approved electronic transmission to register to vote and request and cast a ballot; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an Indian tribe to submit a request to a county or city clerk to establish a polling place or ballot drop box within the boundaries of an Indian reservation or Indian colony on the day of an election or for early voting. (NRS 293.2733, 293.3572, 293C.2675, 293C.3572) **Sections 2 and 4** of this bill require each county and city clerk to establish and maintain a working relationship with each Indian tribe located in whole or in part within the county or city.

~~Existing law requires the Secretary of State to establish a system on the Internet website of the Office of the Secretary of State to allow a person by computer to: (1) preregister and register to vote; (2) cancel his or her preregistration or voter registration; (3) update his or her preregistration or voter registration; and (4) determine the polling places at which he or she is entitled to vote. (NRS 293.671) Section 3 of this bill authorizes an Indian tribe to submit a request to the Secretary of State to allow a member of the Indian tribe to use a tribal identification card for purposes of using the system established by the Secretary of State to perform any of these same tasks. Section 3 further requires the Secretary of State, under certain circumstances, to ensure that the system allows such a tribal member to use his or her tribal identification card for such purposes.~~ **Sections 2 and 4 require, as part of such a working relationship, each county and city clerk to schedule meetings with each Indian**

tribe to discuss certain topics relating to an election and the establishment of a polling place, temporary branch polling place or ballot drop box within the boundaries of an Indian reservation or Indian colony.

Existing law requires the Secretary of State to establish a system of approved electronic transmission through which certain military and overseas voters and electors and registered voters with a disability may register to vote, apply for a ballot and cast a ballot. (NRS 293.269951, 293D.200) Section 3.5 of this bill requires the Secretary of State to allow electors and registered voters who are tribal members and who reside on an Indian reservation or Indian colony to register to vote and apply for and cast a ballot using the system of approved electronic transmission.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. Each county clerk shall establish and maintain a working relationship with each Indian tribe located in whole or in part within the county. Such a working relationship must include, without limitation, scheduling a meeting with each Indian tribe:

(a) Between June and December of each odd-numbered year to prepare for the election in the following year and to discuss, without limitation:

(1) The establishment of polling places, temporary branch polling places or ballot drop boxes within an Indian reservation or Indian colony and the size requirements for any such polling places and temporary branch polling places;

(2) The dates and times of the upcoming elections;

(3) Responsibilities for the recruitment of election board officers; and

(4) Any other information relating to the establishment of polling places, temporary branch polling places and ballot drop boxes;

(b) During the first quarter of the year of an election to discuss, without limitation:

(1) Whether the Indian tribe will request or has requested to establish any polling places, temporary branch polling places or ballot drop boxes within an Indian reservation or Indian colony and the size requirements for any such polling places and temporary branch polling places;

(2) The days and hours of any polling place or temporary branch polling place established within an Indian reservation or Indian colony;

(3) Election board officers for any polling place or temporary branch polling place established within an Indian reservation or Indian colony; and

(4) The deadlines for an Indian tribe to submit a request pursuant to NRS 293.2733 and 293.3572; and

(c) On an ongoing basis during the year of an election if an Indian tribe elects to establish any polling places or temporary branch polling places within an Indian reservation or Indian colony.

2. If a county clerk:

(a) Is unable to make contact with an Indian tribe to carry out the requirements of subsection 1, the county clerk shall contact the Secretary of State to facilitate contact; or

(b) Has not contacted an Indian tribe, a representative of the Indian tribe may contact the Secretary of State to facilitate contact.

1 3. The tribal liaison designated by the Office of the Secretary Of State
2 pursuant to NRS 233A.260 may assist the county clerk or an Indian tribe to
3 facilitate any contact required pursuant to this section.

4 **Sec. 3.** ~~1. If an Indian reservation or Indian colony is located in whole~~
5 ~~or in part within a county in this State, the respective Indian tribe may submit a~~
6 ~~request to the Secretary of State for approval to allow a member of the Indian~~
7 ~~tribe to use a tribal identification card for the purposes of using the system~~
8 ~~established pursuant to NRS 293.671 to:~~

9 ~~(a) Preregister and register to vote;~~
10 ~~(b) Cancel his or her preregistration or voter registration;~~
11 ~~(c) Update his or her preregistration or voter registration information,~~
12 ~~including, without limitation, the person's name, address and party affiliation;~~
13 ~~and~~

14 ~~(d) Determine at what polling place or places he or she is entitled to vote.~~
15 ~~2. If the Secretary of State determines that the tribal identification cards~~
16 ~~issued by an Indian tribe that submits a request to the Secretary of State pursuant~~
17 ~~to subsection 1 meet the requirements of federal law and this chapter for~~
18 ~~purposes of determining eligibility for voter preregistration and registration, the~~
19 ~~Secretary of State shall ensure that the system established pursuant to NRS~~
20 ~~293.671 allows a member of the Indian tribe to use his or her tribal identification~~
21 ~~card to:~~

22 ~~(a) Preregister and register to vote;~~
23 ~~(b) Cancel his or her preregistration or voter registration;~~
24 ~~(c) Update his or her preregistration or voter registration information,~~
25 ~~including, without limitation, the person's name, address and party affiliation;~~
26 ~~and~~

27 ~~(d) Determine at what polling place or places he or she is entitled to vote.~~
28 ~~3. As used in this section, "tribal identification card" means an~~
29 ~~identification card issued by an Indian tribe located in whole or in part in this~~
30 ~~State and which satisfies the requirements of subsection 3 of NRS 232.006.]~~
31 ~~(Deleted by amendment.)~~

32 **Sec. 3.5. NRS 293.269951 is hereby amended to read as follows:**

33 293.269951 1. The Secretary of State shall allow:

34 (a) ~~[An elector with a disability.]~~ The following electors to use the system of
35 approved electronic transmission established pursuant to NRS 293D.200 to register
36 to vote in every election where the system of approved electronic transmission is
37 available to a covered voter to register to vote ~~[. The deadline for an elector with a~~
38 ~~disability to use the system of approved electronic transmission to register to vote is~~
39 ~~the same as the deadline set forth in NRS 293D.230 for a covered voter to register~~
40 ~~to vote.]~~;

41 (1) An elector with a disability; and

42 (2) An elector who is a tribal member and who resides on an Indian
43 reservation or Indian colony.

44 (b) ~~[A]~~ The following registered ~~[voter with a disability]~~ voters to use the
45 system of approved electronic transmission established pursuant to NRS 293D.200
46 to apply for and cast a ballot in every election where the system of approved
47 electronic transmission is available to a covered voter to request and cast a military-
48 overseas ballot ~~[. The deadlines for a registered voter with a disability to use the~~
49 ~~system of approved electronic transmission to request and cast a ballot are the same~~
50 ~~as the deadlines set forth in NRS 293D.310 and 293D.400 for a covered voter to~~
51 ~~request and cast a military overseas ballot.]~~;

52 (1) A registered voter with a disability; and

(2) A registered voter who is a tribal member and who resides on an Indian reservation or Indian colony.

2. The deadline to use the system of approved electronic transmission:

(a) To register to vote for an elector pursuant to paragraph (a) of subsection 1 is the same as the deadline set forth in NRS 293D.230 for a covered voter to register to vote.

(b) To apply for ballot for a registered voter pursuant to paragraph (b) of subsection 1, is the same as the deadline set forth in NRS 293D.310 for a covered voter to request and cast a military-overseas ballot.

(c) To cast a ballot for a registered voter pursuant to paragraph (b) of subsection 1, is the same as the deadline set forth in NRS 293D.400 for a covered voter to request and cast a military-overseas ballot.

3. Upon receipt of an application and ballot cast by a person ~~[with a disability using]~~ authorized pursuant to subsection 1 to use the system of approved electronic transmission established pursuant to NRS 293D.200, the local elections official shall affix, mark or otherwise acknowledge receipt of the application and ballot by means of a time stamp on the application.

~~[3.]~~ 4. The Secretary of State shall ensure that ~~[an elector with a disability or a registered voter with a disability]~~ a person who is authorized pursuant to subsection 1 may provide his or her digital signature or electronic signature on any document or other material that is necessary for the elector or registered voter to register to vote, apply for a ballot or cast a ballot, as applicable.

~~[4.]~~ 5. The Secretary of State shall prescribe the form and content of a declaration for use by ~~[an elector with a disability or a registered voter with a disability]~~ a person authorized pursuant to subsection 1 to swear or affirm specific representations pertaining to identity, eligibility to vote, status as such an elector or registered voter and timely and proper completion of a ballot.

~~[5.]~~ 6. The Secretary of State shall prescribe the duties of the county clerk upon receipt of a ballot sent by a registered voter ~~[with a disability using]~~ authorized pursuant to subsection 1 to use the system of approved electronic transmission, including, without limitation, the procedures to be used in accepting, handling and counting the ballot.

~~[6.]~~ 7. The Secretary of State shall make available to ~~[an elector with a disability or a registered voter with a disability]~~ a person authorized pursuant to subsection 1 information regarding instructions on using the system for approved electronic transmission to register to vote and apply for and cast a ballot.

~~[7.]~~ 8. The Secretary of State shall adopt any regulation necessary to carry out the provisions of this section.

~~[8.]~~ 9. As used in this section:

(a) "Covered voter" has the meaning ascribed to it in NRS 293D.030.

(b) "Digital signature" has the meaning ascribed to it in NRS 720.060.

(c) "Electronic signature" has the meaning ascribed to it in NRS 719.100.

(d) "Military-overseas ballot" has the meaning ascribed to it in NRS 293D.050.

Sec. 4. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each city clerk shall establish and maintain a working relationship with each Indian tribe located in whole or in part within the city. Such a working relationship must include, without limitation, scheduling a meeting with each Indian tribe:

(a) Between June and December of each odd-numbered year to prepare for the election in the following year and to discuss, without limitation:

(1) The establishment of polling places, temporary branch polling places or ballot drop boxes within an Indian reservation or Indian colony and the size requirements for any such polling places and temporary branch polling places;

(2) The dates and times of the upcoming elections;

(3) Responsibilities for the recruitment of election board officers; and

(4) Any other information relating to the establishment of polling places, temporary branch polling places and ballot drop boxes;

(b) During the first quarter of the year of an election to discuss, without limitation;

(1) Whether the Indian tribe will request or has requested to establish any polling places, temporary branch polling places or ballot drop boxes within an Indian reservation or Indian colony and the size requirements for any such polling places and temporary branch polling places;

(2) The days and hours of any polling place or temporary branch polling place established within an Indian reservation or Indian colony;

(3) Election board officers for any polling place or temporary branch polling place established within an Indian reservation or Indian colony; and

(4) The deadlines for an Indian tribe to submit a request pursuant to NRS 293C.2675 and 293C.3572; and

(c) On an ongoing basis during the year of an election if an Indian tribe elects to establish any polling places or temporary branch polling places within an Indian reservation or Indian colony.

2. If a city clerk:

(a) Is unable to make contact with an Indian tribe to carry out the requirements of subsection 1, the city clerk shall contact the Secretary of State to facilitate contact; or

(b) Has not contacted an Indian tribe, a representative of the Indian tribe may contact the Secretary of State to facilitate contact.

3. The tribal liaison designated by the Office of the Secretary Of State pursuant to NRS 233A.260 may assist a city clerk or an Indian tribe to facilitate any contact required pursuant to this section.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks; and

(b) On January 1, 2024, for all other purposes.