

# Nevada Tribal Leaders Guide

Requesting Voter Services for Your Reservation or Colony



**JANUARY 2022**

A publication by the Native American Rights Fund and All Voting Is Local Nevada

Native Americans in Nevada have, as a group, a ***harder time voting*** than do other Nevadans.

**Distance:** Native people living on reservations or colonies in Nevada may face long journeys to their nearest polling location or ballot drop box.

**Unreliable Mail Service:** Postal service to and from reservations can be slow and unreliable, making vote-by-mail an inadequate alternative to voting in-person or depositing one's ballot in a drop box.

**Lack of Opportunities to Register:** Although Nevada offers online and same-day registration, Native voters may be less able to use these methods due to limited internet access, long trips to the nearest registration office, and identification requirements (same-day registration is available only to those with a current, state-issued Nevada driver's license or ID card – a tribal ID card is insufficient).

**In short:** knowledge, and resources required to register to vote and cast a ballot prevent some Native voters in Nevada from voting at all. But if there were more polling places and drop boxes on tribal lands, many more Natives living in Nevada would be able to register and vote.

As a tribal leader, there are ***important steps you can take*** to ensure that members of your tribe living within your reservation or colony have a meaningful opportunity to participate in local, state, and federal elections.

As you may already know, Nevada law provides a special process through which any tribe may request that its County Auditor establish a ballot drop box, early voting location, and/or Election Day polling site on tribal lands.

This info sheet is intended to **(1)** provide an overview of this process and **(2)** outline some additional steps your tribe might take in order to help ensure your request for voter services is honored in full. However, additional support and information is available.

If your tribe would like to request on-reservation voter services, please visit [vote@narf.org](mailto:vote@narf.org). **Any assistance NARF provides to your tribe will be entirely free of charge.**





# REQUESTING VOTER SERVICES FOR YOUR RESERVATION OR COLONY

## OVERVIEW

Nevada law provides that any tribe may request that the auditor of the county in which that tribe is located provide voter services located within Tribal lands. To make this request, a tribe must:

**(1) Complete Nevada's "Request for a Polling Location on an Indian Reservation or Colony" form.**

A link to the form is available [here \(https://www.nvsos.gov/sos/home/showpublisheddocument?id=8812\)](https://www.nvsos.gov/sos/home/showpublisheddocument?id=8812). However, please note that, as of January 2022, this form currently reflects an older version of the applicable Nevada law, which allowed tribes to request polling places but did not provide for drop box requests. In its most recent session, the Nevada legislature [amended the law \(https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7842/Text\)](https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7842/Text) to also permit drop box requests by tribes. The form has not yet been revised to include this change.

**(2) Submit the "Request for a Polling Location" form to the county clerk of the county in which your reservation or colony is located by the applicable deadline.**

Contact information and mailing addresses for each county clerk are provided on the second page of the request

## STEP ONE: Completing the Request Form and Supplemental Materials

**First**, your Tribal Council (or relevant tribal officials) should determine what type(s) of voter services would be best for your Tribe. In deciding what voter services to request, your tribe might consider factors including tribal members' voting habits and preferences and the availability of on-reservation sites to serve as voter services locations.

**Nevada law provides that a tribe may request:**

- an Election Day polling place,
- an early voting site,
- a ballot drop box, or
- any combination of the above.

Although the current request form does not include an option to request a ballot drop box, you may write it onto the form and cite to NRS 293.2733 as amended by AB 321 (2021).

**Next**, your tribe should identify where you would like your polling place(s) and/or drop box to be located. Federal, state, and county laws all set special requirements that a building must meet in order to serve as a polling location:

- Federal requirements will apply uniformly to all tribes. Federal law, for example, requires that any building serving as a polling location must be accessible to handicapped and elderly voters (52 U.S.C §20102).
- State requirements will apply only where a tribe seeks to establish a polling place on land located within Nevada. Nevada law, for example, prohibits a building from serving as a polling place if it is named for any candidate appearing on the ballot (NRS 293.2738).
- County requirements may vary considerably county-to-county.

NARF can assist your tribe in identifying suitable sites that satisfy all applicable requirements.

**Finally**, your Tribal Council or applicable governing body should consider enacting a formal resolution to accompany your request. Such a resolution might include:

- a statement of your Tribe's need for and legal right to voter services equal to those available to all Nevadans,
- a reminder of your county official's obligations under Nevada law,
- some details of your Tribe's plans for election administration, including the availability of poll workers and appropriate sites for polling places and drop boxes.

Such a resolution is NOT REQUIRED as part of the request process. However, it will help demonstrate your tribe's resolve and preparedness, encouraging efficiency and cooperation from county officials. NARF can provide template tribal resolutions and/or assist your tribe directly in drafting this resolution.

## **STEP TWO:** Submitting the Request Form and Materials

**The deadline for a Nevada tribe to request on-reservation voter services for the upcoming primary election is March 1, 2022.** The appropriate county clerk must receive your tribe's completed form by this date.

**The deadline for a Nevada tribe to request on-reservation voter services for the upcoming general election is August 1, 2022.** The appropriate county clerk must receive your tribe's completed form by this date.

When submitting your request to the county, we strongly recommend that you also provide a copy to the Nevada Secretary of State's office. This will help ensure that state as well as local authorities are aware of your request and that state officials can provide any oversight that may be needed.

## **Your Tribe's Rights**

Once your Tribe submits a timely application for a polling place or ballot box, the county must work with you and establish some form of on-reservation voter services. Any county that refuses to do so is in violation of Nevada state law.

If your Tribe has had a polling place and/or ballot box in prior elections, the county may not eliminate it for future elections without your tribe's permission. **(If your tribe had no services last time and you are considering applying now, this is one good reason to do so! Your efforts this year will improve voter access for your tribe's members for years to come.)**



## What if my Tribe Had Some Voter Services in the Last Election?

Even if some voter services were available on your tribal lands in the last election, **you can and should ask that your tribal members enjoy services equal to those available to voters outside your reservation or colony.**

If your tribe had only a few days of early voting last election, ask that the county provide as many days of early voting at your tribe's polling place as it does at any of its other polling locations. If you had a polling place that was open for voters on Election Day but did not permit same-day registration, ask that your polling place offer registration services next Election Day.

## After Submitting Your Request: What to Expect

Your county clerk should contact your Chair and/or Tribal Council by the **week of March 2 (for the primary election) or August 2 (for the general election).**

If you do not hear from them by these dates, please reach out to NARF ([delisle@narf.org](mailto:delisle@narf.org)), All Voting is Local ([kerry@allvotingislocal.org](mailto:kerry@allvotingislocal.org)), Nevada Indian Commission ([smontooth@nic.nv.gov](mailto:smontooth@nic.nv.gov)) or the Nevada Secretary of State's office.

After the County Clerk's office reaches out to your Tribal Chair/Council, they will work with your tribe to set up your requested polling location and/or drop box.

