

ASSEMBLY BILL NO. 1—SELECT COMMITTEE ON
REDISTRICTING AND ELECTIONS

NOVEMBER 12, 2021

Referred to Select Committee on Redistricting and Elections

SUMMARY—Revises provisions relating to elections. (BDR 34-8)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 the districts from which the members of the Board of Regents of the University of Nevada are elected; temporarily revising the deadline for a candidate for judicial office to file a declaration of candidacy; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The members of the Board of Regents of the University of Nevada are elected by the voters of this State. (Nev. Const. Art. 11, § 7; NRS 396.040) **Section 1** of this bill revises the boundaries of the 13 Districts from which the members of the Board of Regents are elected by adopting a shapefile that indicates the areas that comprise each of those Districts based upon the data from the Twenty-fourth United States Census, known as the 2020 Census. **Section 9** of this bill provides a graphical representation of the contents of the shapefile for each district and directs the Legislative Counsel to include the graphical representation with the Nevada Revised Statutes.

Section 10 of this bill provides that the members of the Board of Regents who were elected on November 6, 2018, and on November 3, 2020, respectively, shall serve out the term of office for which they were elected by representing the District to which they were elected through January 2, 2023, and representing the corresponding new Districts established by the shapefile adopted by **section 1** from January 3, 2023, until the expiration of their current term of office.

Under existing law, a person shall not use the term “reelect” in any material, statement or publication supporting the election of a candidate unless the candidate: (1) was elected to the identical office with the same district number in the most recent election to fill that office; and (2) is serving and has served continuously in that office from the beginning of the term to which the candidate was elected. (NRS 294A.330) **Section 11** of this bill provides that notwithstanding this prohibition on the use of the term “reelect,” the members who currently serve on the Board of Regents and serve continuously in those offices may use the term “reelect” in the



applicable general election when running for the District from the same new corresponding District if he or she is otherwise qualified for election to that office.

Section 14 of this bill provides that **sections 1-5 and 13** of this bill, which revise the boundaries of the Districts from which the members of the Board of Regents are elected, become effective on January 1, 2022, for the purpose of filing for office and for nominating and electing members of the newly revised Districts, and for all other purposes on January 3, 2023.

Existing law provides that the period for filing a declaration of candidacy: (1) for judicial candidates begins the first Monday in January of the year of the election and ends the second Friday after the first Monday in January; and (2) for all nonjudicial candidates begins the first Monday in March of the year of the election and ends the second Friday after the first Monday in March. (NRS 293.177) **Sections 6-8 and 14** of this bill provide that for the 2022 General Election the period for filing a declaration of candidacy for judicial candidates is the same as the period for filing a declaration of candidacy for all nonjudicial candidates and, thus, the period for filing a declaration of candidacy for both judicial and nonjudicial candidates for the 2022 General Election will begin the first Monday in March of 2022 and end the second Friday after the first Monday in March of 2022.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The shapefile identified as "2021Regents_BDR_Final," filed with the Secretary of State pursuant to NRS 396.0411, is hereby adopted to describe the districts of the Board of Regents in this State.

2. The districts of the Board of Regents described in the shapefile adopted by subsection 1 are hereby created.

Sec. 2. NRS 396.035 is hereby amended to read as follows:

396.035 1. If any area of this state is omitted from the ~~provisions of NRS 396.031 to 396.046, inclusive,~~ *shapefile adopted by section 1 of this act*, the county clerk, the Carson City Clerk or the Director of the Legislative Counsel Bureau, upon discovery of the omission, shall notify the Secretary of State of the omission. The Secretary of State shall attach that area to the appropriate district as follows:

(a) If the area is surrounded by a district, it must be attached to that district.

(b) If the area is contiguous to two or more districts, it must be attached to the district that has the least population.

2. Any attachments made pursuant to the provisions of this section must be certified in writing and filed with the Director of the Legislative Counsel Bureau and with the Secretary of State. No change may be made in any attachments until the districts are again reapportioned.



Sec. 3. NRS 396.040 is hereby amended to read as follows:

396.040 1. The Board of Regents consists of 13 members elected by the registered voters within the districts described in ~~[NRS 396.0415 to 396.046, inclusive.]~~ *the shapefile adopted by section 1 of this act.*

2. The members of the Board of Regents must be elected as follows:

(a) At the general election in 2002, and every 6 years thereafter, one member of the Board of Regents must be elected from districts 2, 3, 5 and 10.

(b) At the general election in 2004, and every 6 years thereafter, one member of the Board of Regents must be elected from districts 6, 7, 8, 11 and 13.

(c) At the general election in 2006, and every 6 years thereafter, one member of the Board of Regents must be elected from districts 1, 4, 9 and 12.

3. Each member of the Board of Regents must be a resident of the district from which the member is elected.

Sec. 4. NRS 396.0411 is hereby amended to read as follows:

396.0411 The Director of the Legislative Counsel Bureau shall:

1. *File a copy of the shapefile adopted by section 1 of this act with the Secretary of State.*

2. Retain in an office of the Legislative Counsel Bureau, copies of maps of the districts described in ~~[NRS 396.0415 to 396.046, inclusive.]~~ *the shapefile adopted by section 1 of this act.*

~~[2.]~~ 3. Make available copies of the maps to any interested person for a reasonable fee, not to exceed the actual costs of producing copies of the maps.

~~[3.]~~ 4. File a copy of the maps with the Secretary of State.

Sec. 5. NRS 396.0413 is hereby amended to read as follows:

396.0413 The Secretary of State shall:

1. Provide to the clerk of each county and the Clerk of Carson City, copies of the *shapefile filed pursuant to subsection 1 of NRS 396.0411* and maps filed pursuant to subsection ~~[3.]~~ 4 of NRS 396.0411.

2. Make available copies of the *shapefile and* maps to any interested person for a reasonable fee, not to exceed the actual costs of producing copies of the *shapefile or* maps.

Sec. 6. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than ~~[5]~~



~~—(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and~~

~~—(b) For all other candidates,]~~ the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the Party nomination for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting



corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my



telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and



(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different



1 address for that purpose, in which case the filing officer shall mail
2 the copy to the last address so designated.

3 7. If the filing officer receives credible evidence indicating that
4 a candidate has been convicted of a felony and has not had his or her
5 civil rights restored, the filing officer:

6 (a) May conduct an investigation to determine whether the
7 candidate has been convicted of a felony and, if so, whether the
8 candidate has had his or her civil rights restored; and

9 (b) Shall transmit the credible evidence and the findings from
10 such investigation to the Attorney General, if the filing officer is the
11 Secretary of State, or to the district attorney, if the filing officer is a
12 person other than the Secretary of State.

13 8. The receipt of information by the Attorney General or
14 district attorney pursuant to subsection 7 must be treated as a
15 challenge of a candidate pursuant to subsections 4 and 5 of NRS
16 293.182 to which the provisions of NRS 293.2045 apply.

17 9. Any person who knowingly and willfully files a declaration
18 of candidacy which contains a false statement in violation of this
19 section is guilty of a gross misdemeanor.

20 **Sec. 7.** NRS 293C.145 is hereby amended to read as follows:

21 293C.145 1. A general city election must be held in each city
22 of population category three on the first Tuesday after the first
23 Monday in November of the first even-numbered year after
24 incorporation, and at each successive interval of 2 years.

25 2. There must be one mayor and three or five council members,
26 as the city council shall provide by ordinance, for each city of
27 population category three. The terms of office of the mayor and the
28 council members are 4 years, which terms must be staggered. The
29 mayor and council members elected to office immediately after
30 incorporation shall decide, by lot, among themselves which two of
31 their offices expire at the next general city election, and thereafter
32 the terms of office must be 4 years. If a city council thereafter
33 increases the number of council members, it shall, by lot, stagger the
34 initial terms of the additional members.

35 3. A candidate for an office to be voted for at the general city
36 election must file a declaration of candidacy with the city clerk not
37 earlier than ~~1:~~

38 ~~—(a) For the office of judge of a municipal court, the first Monday~~
39 ~~in January of the year in which the applicable election is to be held~~
40 ~~and not later than 5 p.m. on the second Friday after the first Monday~~
41 ~~in January.~~

42 ~~—(b) For any other office,~~ the first Monday in March of the year
43 in which the applicable election is to be held and not later than
44 5 p.m. on the second Friday after the first Monday in March.



4. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the city council by ordinance or resolution.

5. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for the city council must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the electors of the city at large in accordance with the provisions of chapter 266 of NRS.

Sec. 8. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. A primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the second Tuesday in June of each even-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. A candidate for an office to be voted for at the primary or general city election must file a declaration of candidacy with the city clerk not earlier than 1:

~~—(a) For the office of judge of a municipal court, the first Monday in January of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January.~~

~~—(b) For any other office,~~ the first Monday in March of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

3. At the time that a candidate files a declaration of candidacy, the city clerk shall charge and collect from the candidate, and the candidate must pay to the city clerk, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

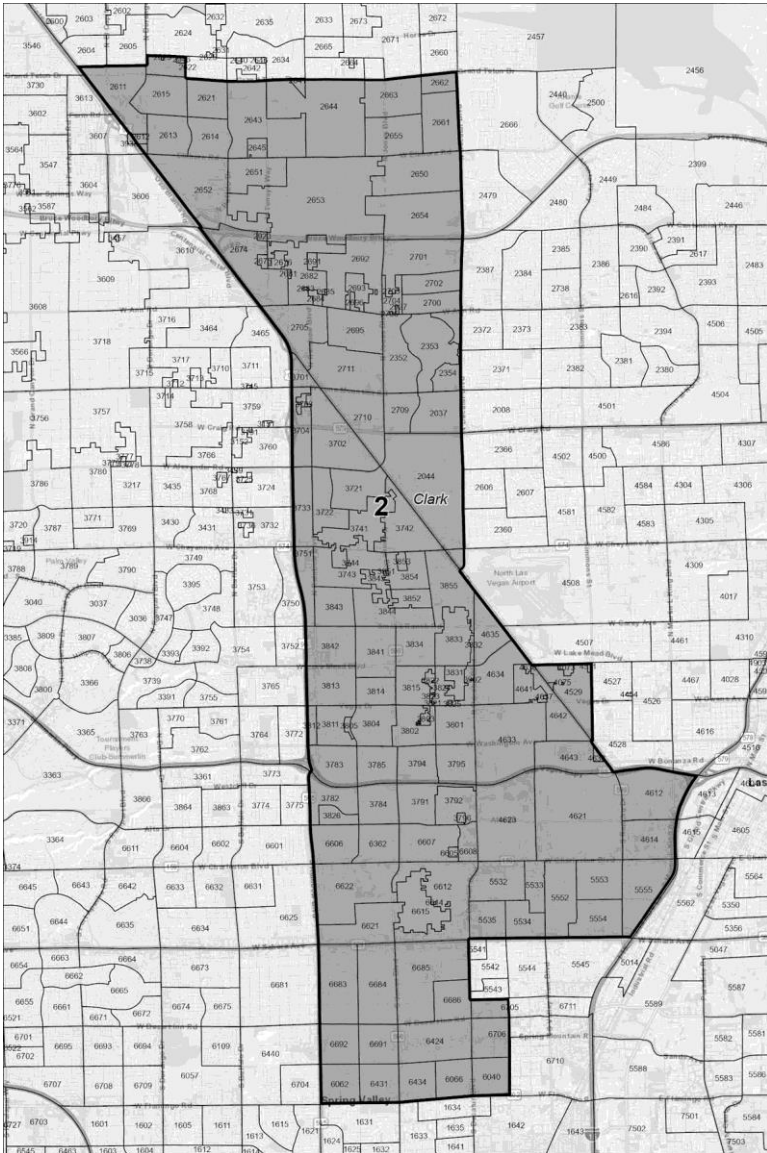
4. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

5. If, in a primary city election held in a city of population category one or two, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

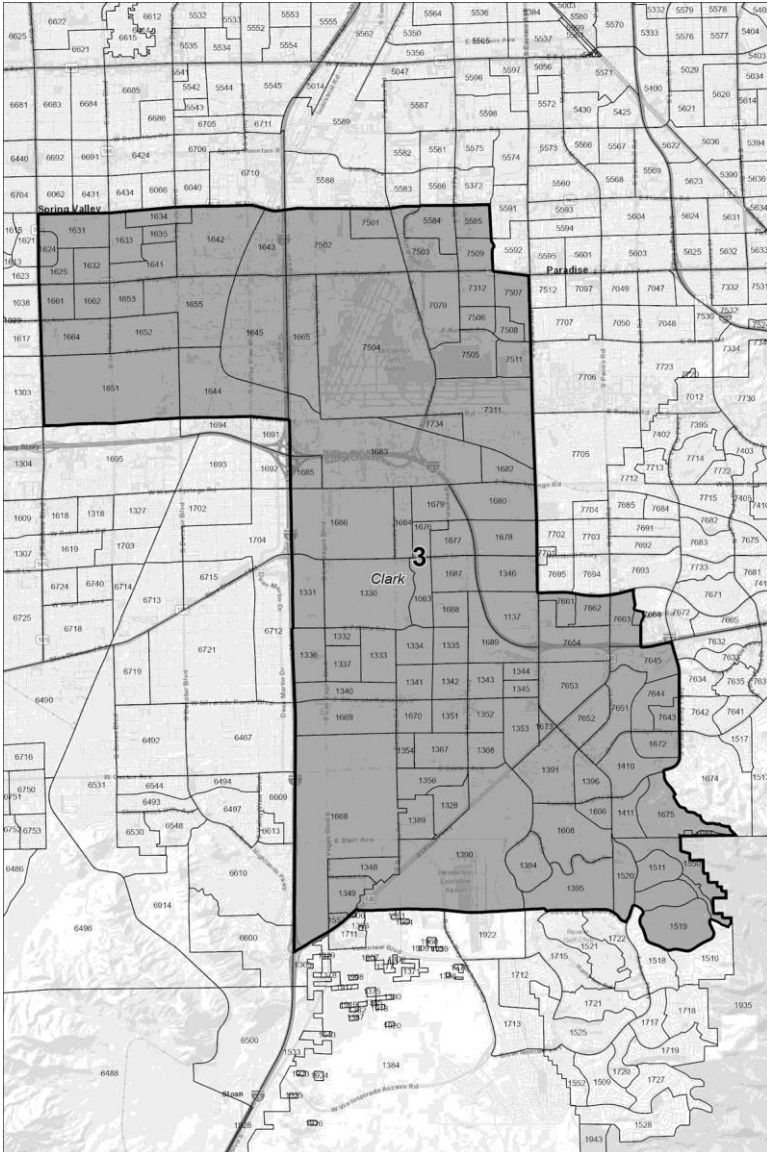
Sec. 9. 1. The Legislative Counsel shall include with the Nevada Revised Statutes the following graphical representations of



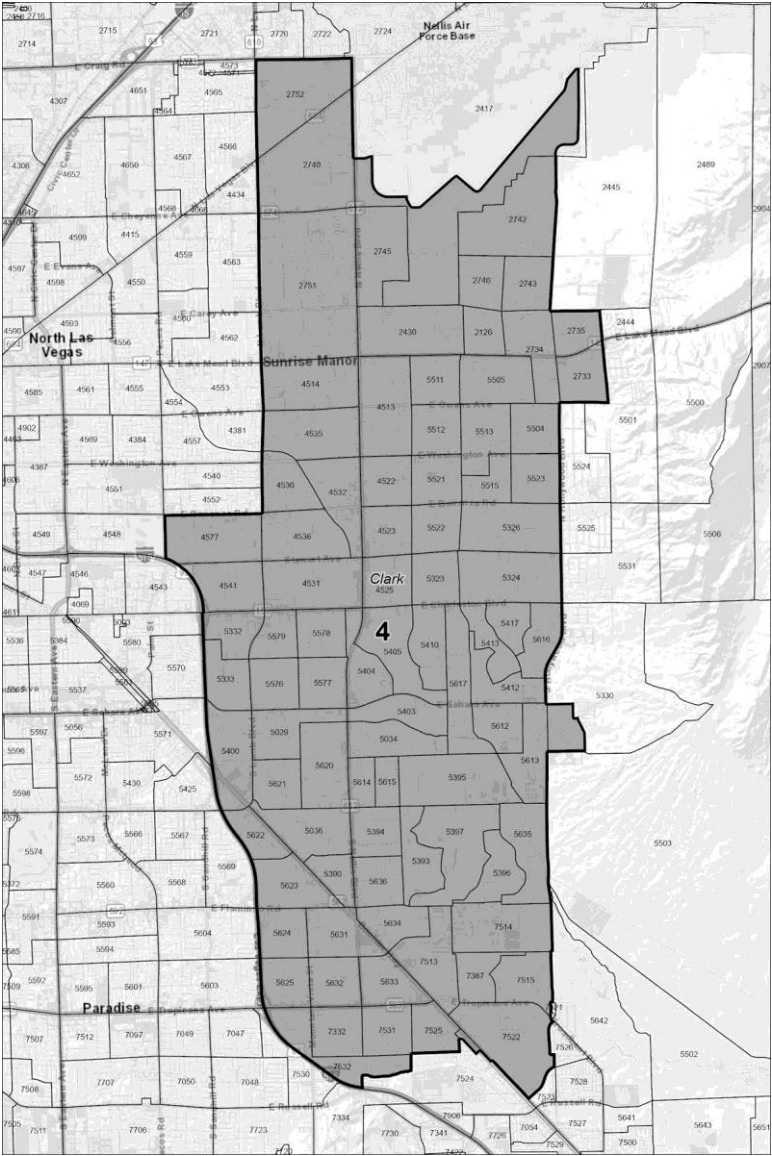
(b) District 2:



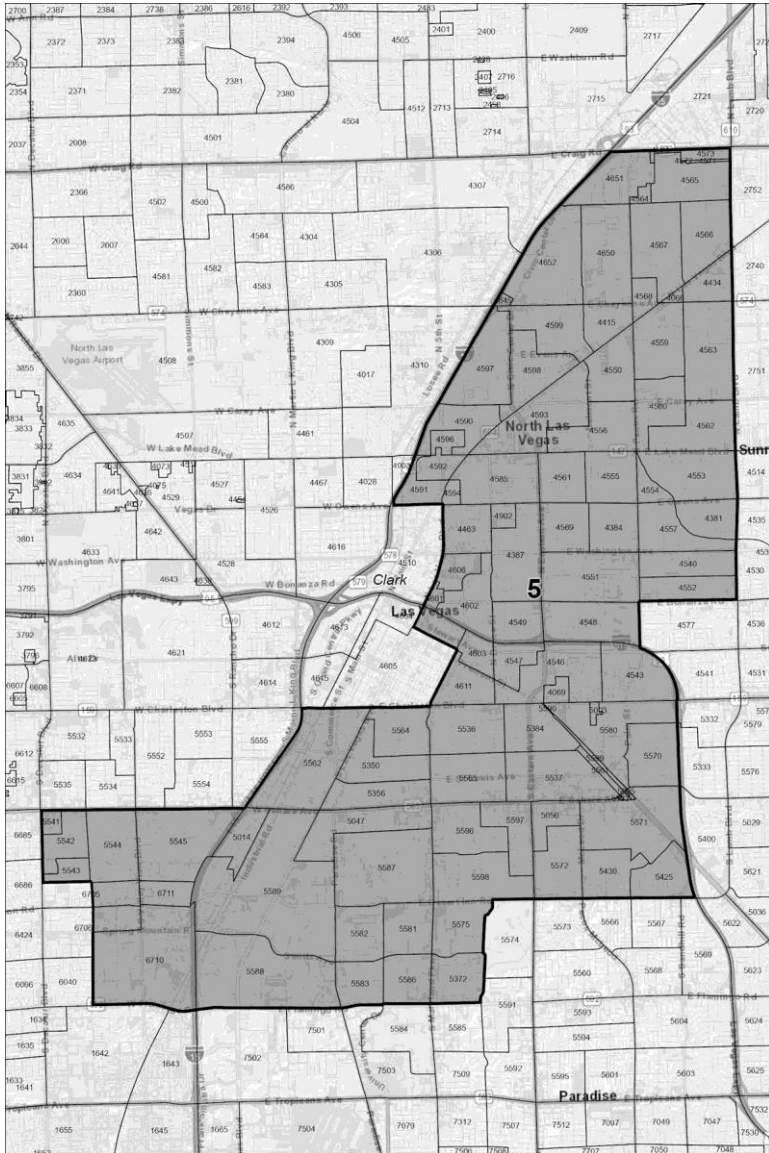
(c) District 3:



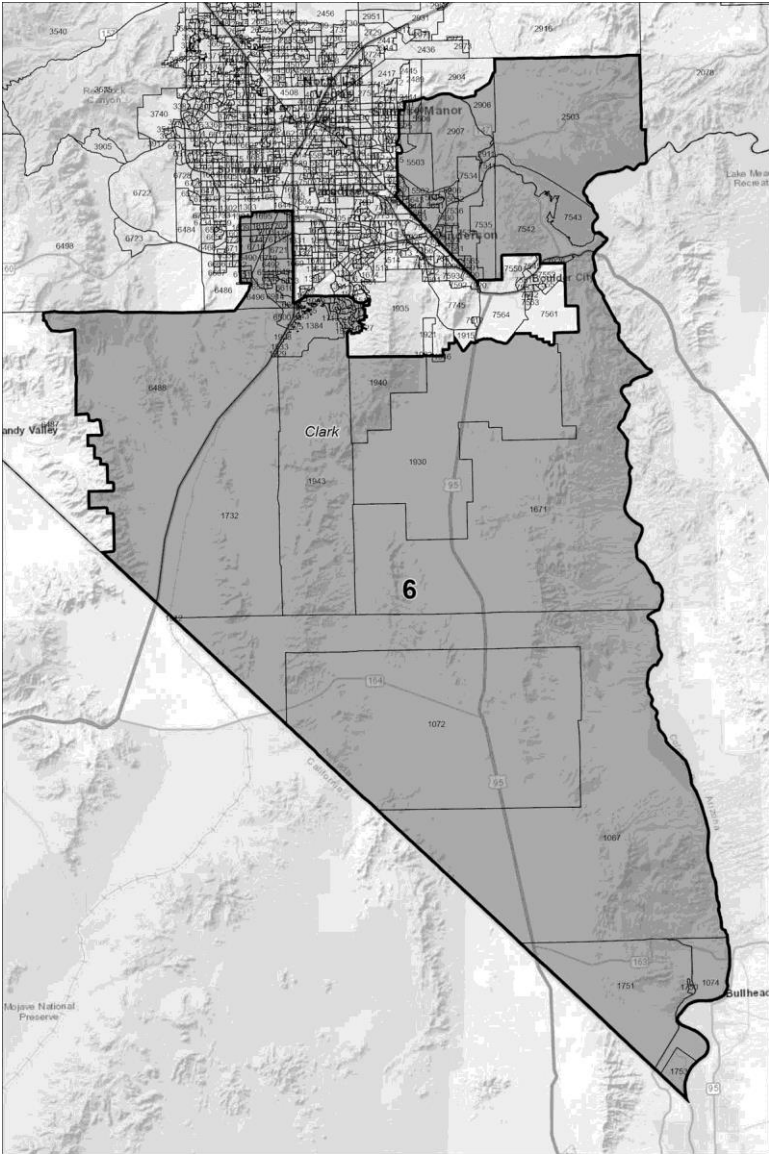
(d) District 4:



(e) District 5:



(f) District 6:

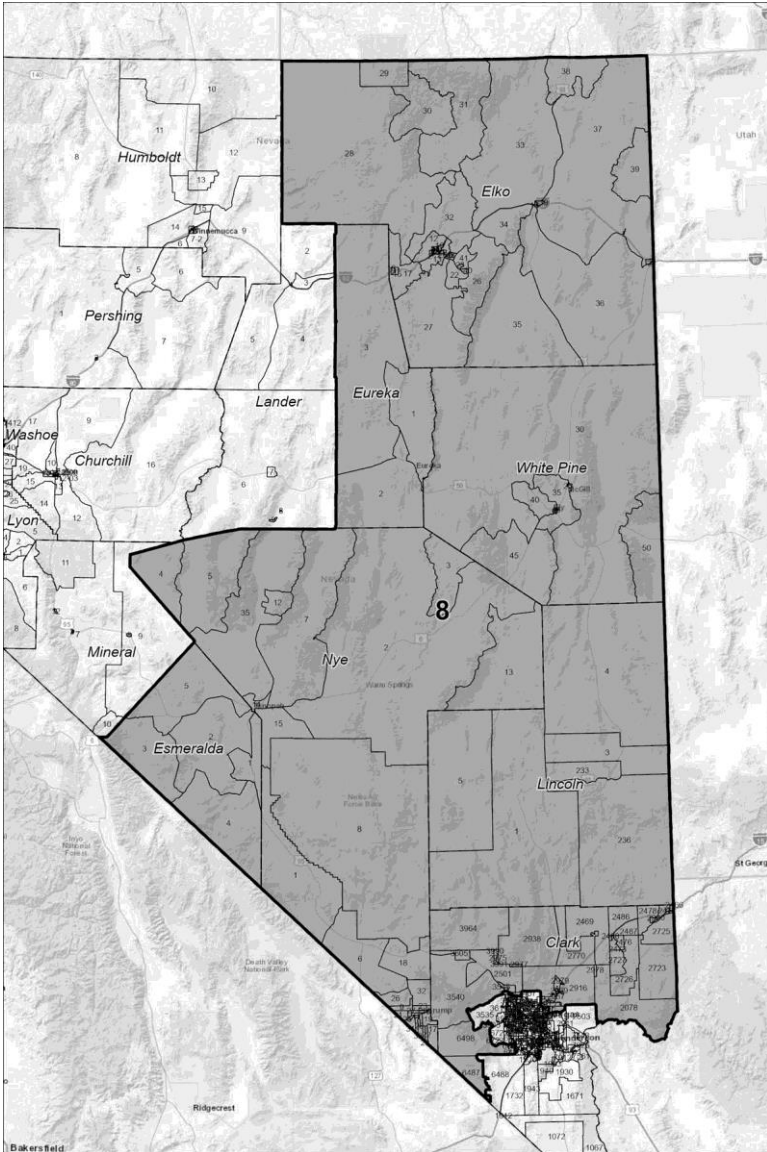


(g) District 7:

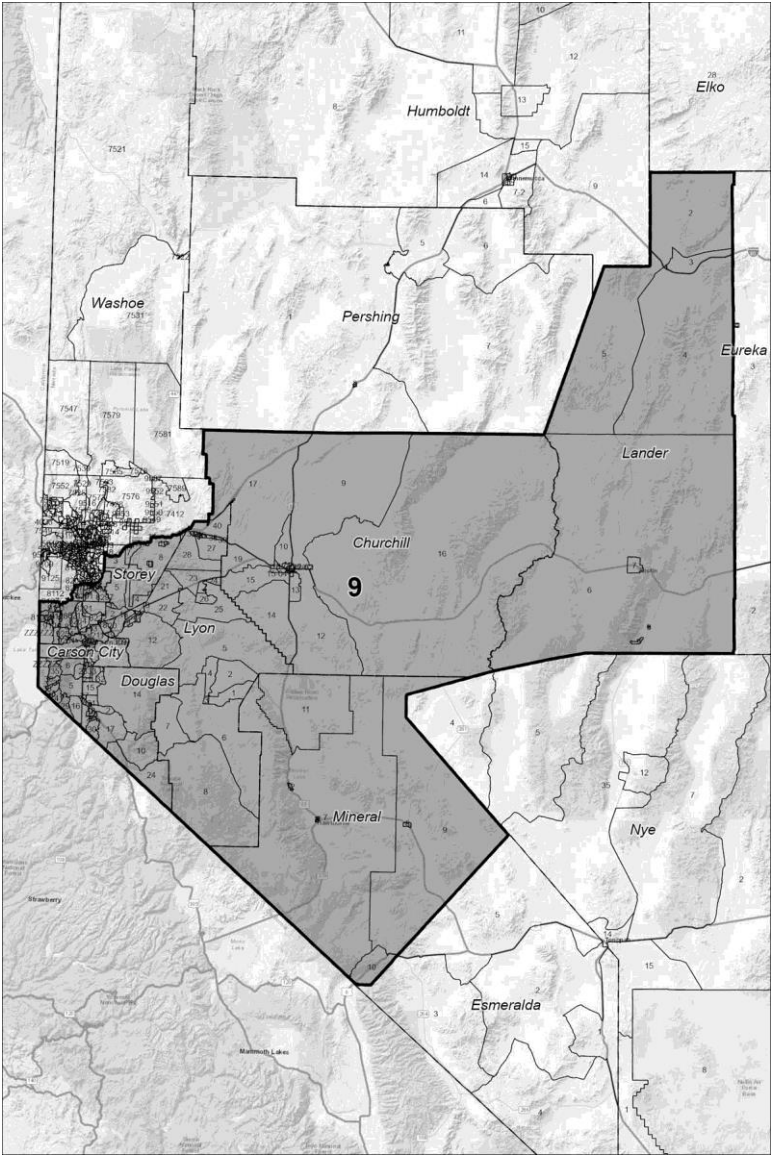


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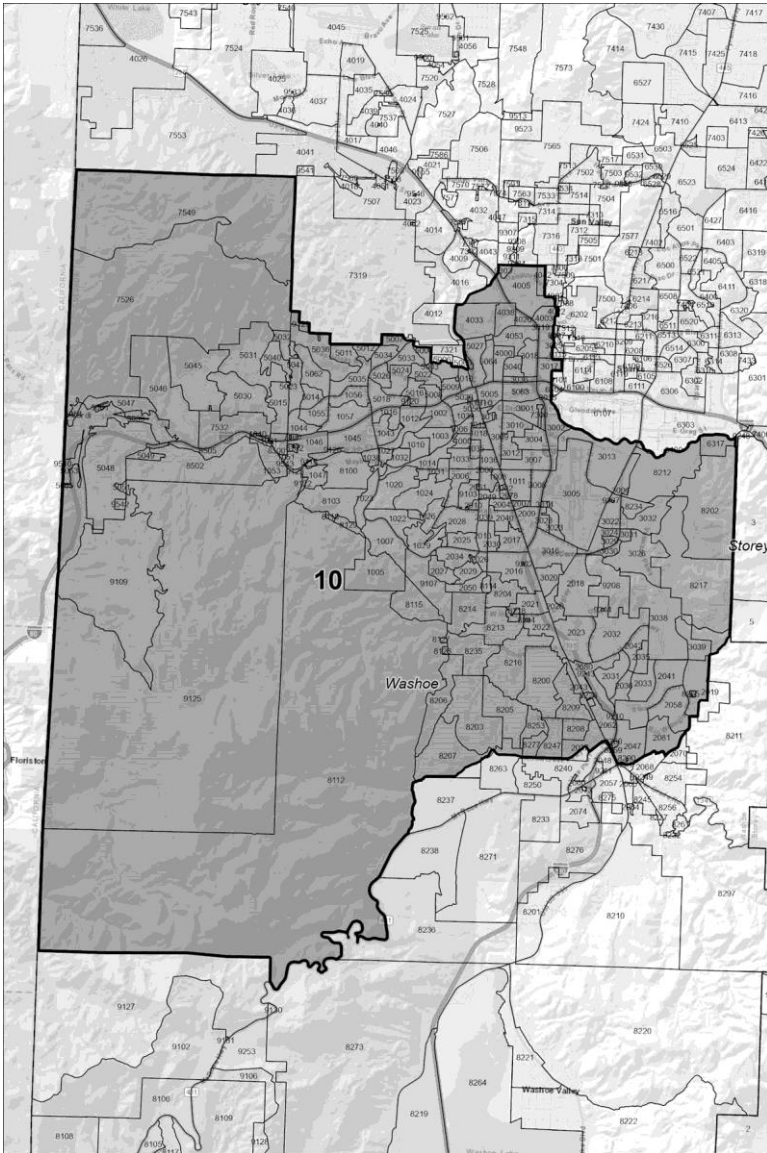
(h) District 8:



(i) District 9:

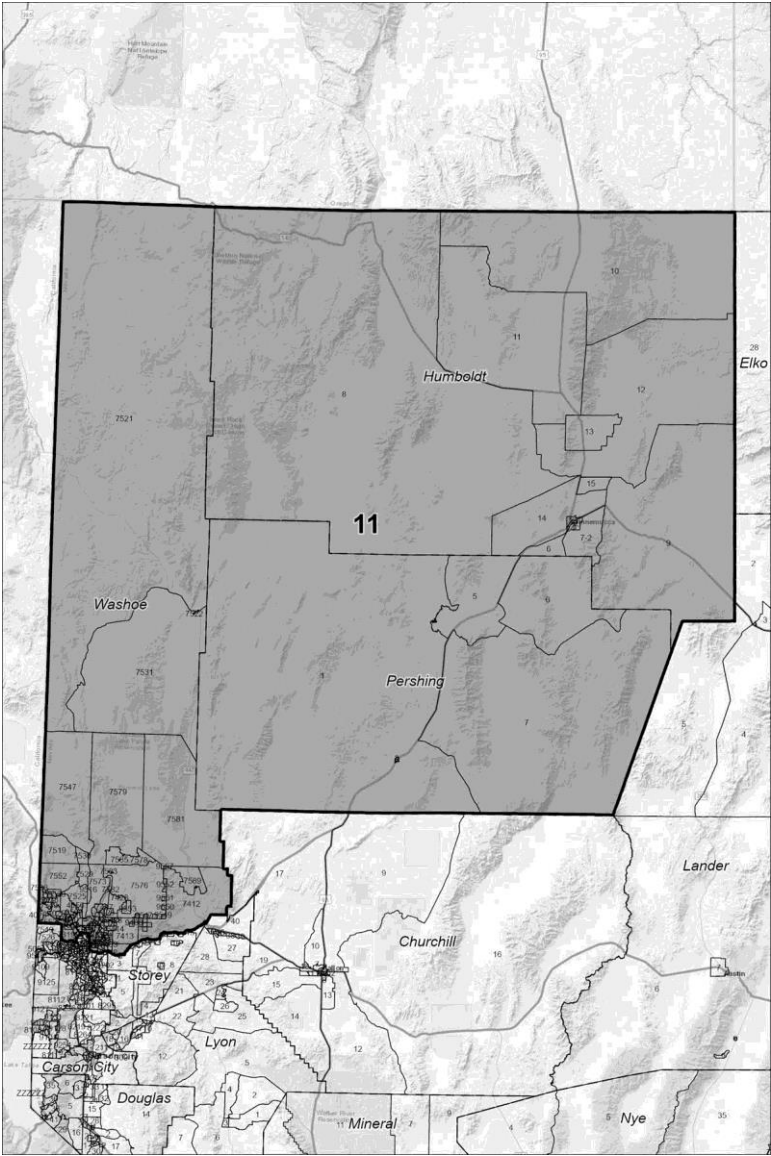


(j) District 10:

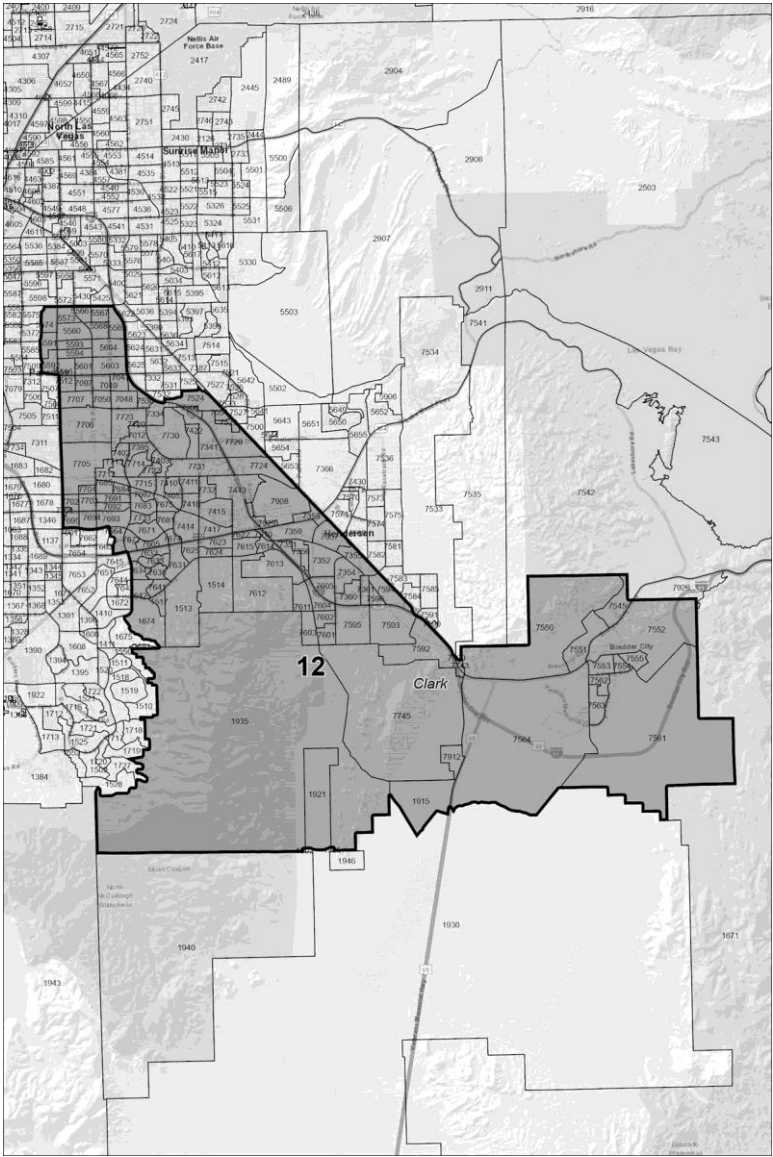


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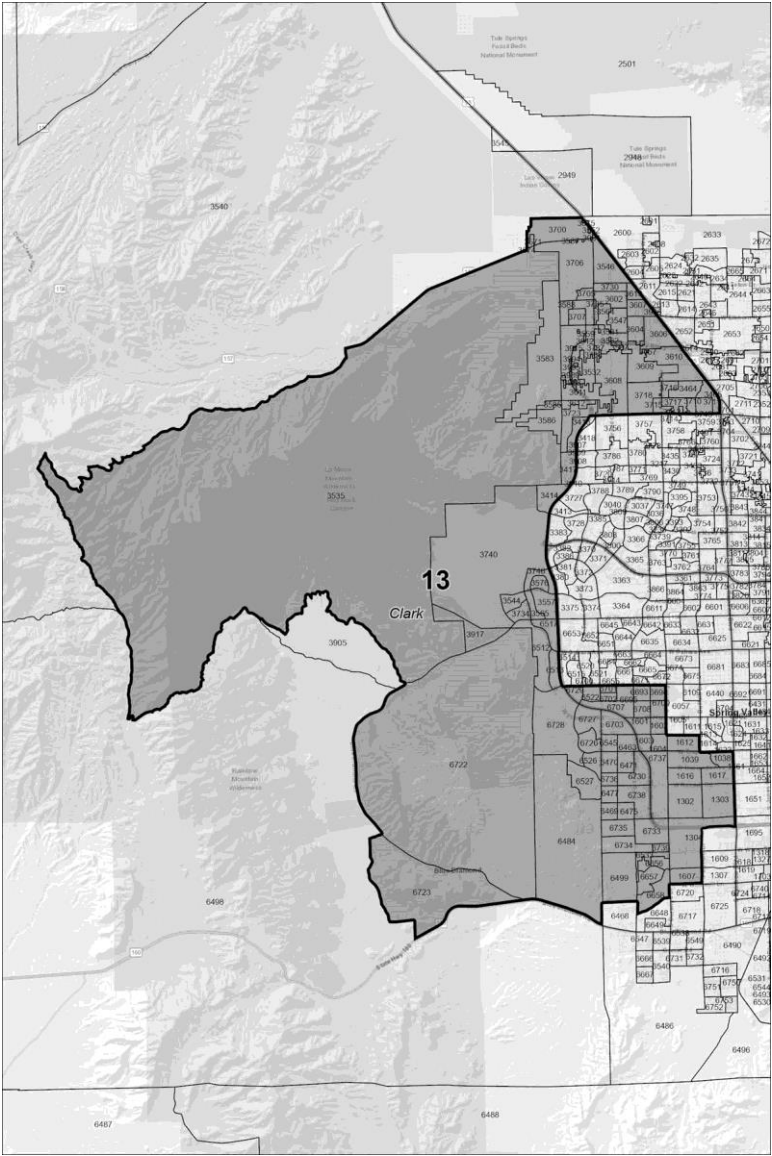
(k) District 11:



(l) District 12:



(m) District 13:



2. To the extent of any conflict between the graphical representation of a district contained in this section and the shapefile adopted by section 1 of this act, the contents of the shapefile prevail.

Sec. 10. 1. Those members of the Board of Regents of the University of Nevada who were elected on November 6, 2018, shall serve out their term of office for which they were elected, and from January 3, 2023, until the expiration of their current term of office, such members shall represent the following districts:

(a) The member elected from District 1 shall represent District 1 described in the shapefile adopted by section 1 of this act.

(b) The member elected from District 4 shall represent District 4 described in the shapefile adopted by section 1 of this act.

(c) The member elected from District 9 shall represent District 9 described in the shapefile adopted by section 1 of this act.

(d) The member elected from District 12 shall represent District 12 described in the shapefile adopted by section 1 of this act.

2. Those members of the Board of Regents of the University of Nevada who were elected on November 3, 2020, shall serve out their term of office for which they were elected, and from January 3, 2023, until the expiration of their current term of office, such members shall represent the following districts:

(a) The member elected from District 2 shall represent District 2 described in the shapefile adopted by section 1 of this act.

(b) The member elected from District 3 shall represent District 3 described in the shapefile adopted by section 1 of this act.

(c) The member elected from District 5 shall represent District 5 described in the shapefile adopted by section 1 of this act.

(d) The member elected from District 10 shall represent District 10 described in the shapefile adopted by section 1 of this act.

Sec. 11. 1. Notwithstanding the provisions of NRS 294A.330, the following members of the Board of Regents of the University of Nevada who were elected on November 8, 2016, may use the term “reelect” in any material, statement or publication supporting the election of members to represent the following districts as members of the Board of Regents:

(a) The member elected from District 6, if seeking election in 2022 to District 6 described in the shapefile adopted by section 1 of this act.

(b) The member elected from District 7, if seeking election in 2022 to District 7 described in the shapefile adopted by section 1 of this act.

(c) The member elected from District 8, if seeking election in 2022 to District 8 described in the shapefile adopted by section 1 of this act.



(d) The member elected from District 11, if seeking election in 2022 to District 11 described in the shapefile adopted by section 1 of this act.

(e) The member elected from District 13, if seeking election in 2022 to District 13 described in the shapefile adopted by section 1 of this act.

2. Notwithstanding the provisions of NRS 294A.330, the following members of the Board of Regents of the University of Nevada who were elected on November 6, 2018, may use the term “reelect” in any material, statement or publication supporting the election of members to represent the following districts as members of the Board of Regents:

(a) The member elected from District 1, if seeking election in 2024 to District 1 described in the shapefile adopted by section 1 of this act.

(b) The member elected from District 4, if seeking election in 2024 to District 4 described in the shapefile adopted by section 1 of this act.

(c) The member elected from District 9, if seeking election in 2024 to District 9 described in the shapefile adopted by section 1 of this act.

(d) The member elected from District 12, if seeking election in 2024 to District 12 described in the shapefile adopted by section 1 of this act.

3. Notwithstanding the provisions of NRS 294A.330, the following members of the Board of Regents of the University of Nevada who were elected on November 3, 2020, may use the term “reelect” in any material, statement or publication supporting the election of members to represent the following districts as members of the Board of Regents:

(a) The member elected from District 2, if seeking election in 2026 to District 2 described in the shapefile adopted by section 1 of this act.

(b) The member elected from District 3, if seeking election in 2026 to District 3 described in the shapefile adopted by section 1 of this act.

(c) The member elected from District 5, if seeking election in 2026 to District 5 described in the shapefile adopted by section 1 of this act.

(d) The member elected from District 10, if seeking election in 2026 to District 10 described in the shapefile adopted by section 1 of this act.

4. This section does not authorize a person to seek election to an office for which he or she is otherwise ineligible.

Sec. 12. 1. The Legislature recognizes that:



(a) NRS 0.020 provides for the severability of the provisions of the Nevada Revised Statutes, including, without limitation, sections 1 to 8, inclusive, and 13 of this act;

(b) NRS 0.020 does not expressly provide for the severability of transitory provisions contained in the Statutes of Nevada, including, without limitation, this section and sections 9, 10, 11 and 14 of this act;

(c) The various provisions of this act are intertwined to the extent that it may appear that the various provisions are inseparable; and

(d) Each district within the plan set forth in this act is subject to challenge and possible close scrutiny under state and federal law by the state and federal courts.

2. It is the intent of the Legislature that each district within the plan set forth in this act should remain effective regardless of the result of any court challenge to any other district within the same plan. To effectuate this intent, given the circumstances set forth in subsection 1, the Legislature sets forth the severability clause set forth in subsection 3.

3. If any provision of this act or the application thereof to any person, thing or circumstance is held invalid, the invalidity does not affect the provisions or application of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Sec. 13. NRS 396.0415, 396.0425, 396.043, 396.0435, 396.044, 396.0445, 396.045, 396.0451, 396.0453, 396.0455, 396.0456, 396.0457 and 396.046 are hereby repealed.

Sec. 14. 1. This section and section 12 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, and 13 of this act become effective on January 1, 2022, for the purpose of filing for office and for nominating and electing members of the Board of Regents of the University of Nevada, and on January 3, 2023, for all other purposes.

3. Sections 9, 10 and 11 of this act become effective on January 1, 2022.

4. Sections 6, 7 and 8 of this act:

(a) Become effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2022, for all other purposes; and

(b) Expire by limitation on December 31, 2022.



LEADLINES OF REPEALED SECTIONS

396.0415 District 1.
396.0425 District 2.
396.043 District 3.
396.0435 District 4.
396.044 District 5.
396.0445 District 6.
396.045 District 7.
396.0451 District 8.
396.0453 District 9.
396.0455 District 10.
396.0456 District 11.
396.0457 District 12.
396.046 District 13.

