

ASSEMBLY BILL NO. 242—ASSEMBLYMEN MCCLAIN, KOIVISTO, FREEMAN, GIUNCHIGLIANI, ARBERRY, PARNELL, PARKS, NEIGHBORS, LEE, BUCKLEY, PERKINS, HETTRICK, CEGAVSKE, HUMKE, CHOWNING, DE BRAGA, MORTENSON, CLABORN, GUSTAVSON, ANGLE, LESLIE, BROWER, EVANS, CARPENTER, WILLIAMS, THOMAS, GIBBONS, PRICE, BEERS AND SEGERBLOM

FEBRUARY 15, 1999

JOINT SPONSORS: SENATORS O'CONNELL, PORTER, AMODEI, SHAFFER, TITUS, WASHINGTON AND WIENER

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Revises period of residency for certain candidates for public office. (BDR 24-1015)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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 period of residency for certain candidates for public office; and providing other matters properly relating thereto.

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

1 **Section 1.** NRS 293.1755 is hereby amended to read as follows:
2 293.1755 1. ~~In addition to any other requirement provided by law,~~
3 ~~no person may~~ ***Except as otherwise provided by specific statute, a person***
4 ***is not eligible to*** be a candidate for any office unless, for at least ~~30 days~~
5 ***6 months*** before the ~~close of filing of declarations~~ ***last day for filing a***
6 ***declaration*** of candidacy or ~~acceptances~~ ***an acceptance*** of candidacy for
7 the office which he seeks, he has been a legal resident of the state, district,
8 county, township or other area prescribed by law to which the office
9 pertains and, if elected, over which he will have jurisdiction or which he
10 will represent.

2. ~~{Any}~~ A person who knowingly and willfully files an acceptance of candidacy or declaration of candidacy which contains a false statement in this respect is guilty of a gross misdemeanor.

3. ~~{Any}~~ A person convicted pursuant to the provisions of this section is disqualified from entering upon the duties of the office for which he was a candidate.

4. The provisions of this section do not apply to candidates for the office of district attorney.

Sec. 2. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, 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 or an acceptance of candidacy ~~{ }~~ and paid the fee required by NRS 293.193 not earlier than the first Monday in May of the year in which the election is to be held ~~{not}~~ **and not** later than 5 p.m. on the third Monday in May.

2. A declaration of candidacy or an acceptance of candidacy required to be filed ~~{by}~~ **pursuant to** this section 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 reside at, in the City or Town of, County of, State of Nevada; that my actual residence in the state, district, county, township ~~{, city}~~ or other area prescribed by law to which the office pertains began ~~{on a date 30 days or more}~~ **at least 6 months** before the ~~{date of the close of filing of declarations}~~ **last day for filing a declaration** of candidacy for this office; that I am registered as a member of the Party; 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 September 1 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

1 not withdraw; that I will not knowingly violate any election law or any law
2 defining and prohibiting corrupt and fraudulent practices in campaigns and
3 elections in this state; that I will qualify for the office if elected thereto,
4 including, but not limited to, complying with any limitation prescribed by
5 the constitution and laws of this state concerning the number of years or
6 terms for which a person may hold the office; and that I understand that
7 my name will appear on all ballots as designated in this declaration.

8
9
10 (Designation of name)

11
12 (Signature of candidate for office)

13
14 Subscribed and sworn to before
15 me this day of, 19...

16
17
18 Notary Public or other person
19 authorized to administer an oath

20
21 (b) For nonpartisan office:

22
23 DECLARATION OF CANDIDACY OF FOR THE
24 OFFICE OF

25
26 State of Nevada

27
28 County of

29
30 For the purpose of having my name placed on the official ballot as a
31 candidate for the office of, I, the undersigned, do
32 swear or affirm under penalty of perjury that I reside at, in the City
33 or Town of, County of, State of Nevada; that my actual
34 residence in the state, district, county, township ~~[, city]~~ or other area
35 prescribed by law to which the office pertains began ~~[on a date 30 days or~~
36 ~~more]~~ **at least 6 months** before the ~~[date of the close of filing of~~
37 ~~declarations]~~ **last day for filing a declaration** of candidacy for this office;
38 that if nominated as a nonpartisan candidate at the ensuing election I will
39 accept the nomination and not withdraw; that I will not knowingly violate
40 any election law or any law defining and prohibiting corrupt and
41 fraudulent practices in campaigns and elections in this state; that I will
42 qualify for the office if elected thereto, including, but not limited to,
43 complying with any

1 limitation prescribed by the constitution and laws of this state concerning
2 the number of years or terms for which a person may hold the office; and
3 my name will appear on all ballots as designated in this declaration.

4
5
6 (Designation of name)

7
8 (Signature of candidate for office)

9
10 Subscribed and sworn to before
11 me this day of, 19...

12
13
14 Notary Public or other person
15 authorized to administer an oath

16
17 3. A person may be a candidate under his given name and surname, a
18 contraction or familiar form of his given name followed by his surname or
19 the initial of his given name followed by his surname. A nickname of not
20 more than 10 letters may be incorporated into ~~{a-candidate's name.}~~ *the*
21 *name of a candidate*. The nickname must be in quotation marks and
22 appear immediately before the ~~{candidate's surname.}~~ *surname of the*
23 *candidate*. A nickname must not indicate any political, economic, social or
24 religious view or affiliation and must not be the name of any person, living
25 or dead, whose reputation is known on a statewide, nationwide or
26 worldwide basis, or in any other manner deceive a voter regarding the
27 person or principles for which he is voting.

28 4. The address of a candidate which must be included in the
29 declaration of candidacy or acceptance of candidacy pursuant to subsection
30 2 must be the street address of the residence where he actually resides, if
31 one has been assigned. The declaration or acceptance of candidacy must
32 not be accepted for filing if the ~~{candidate's}~~ address *of the candidate* is
33 listed as a post office box unless a street address has not been assigned to
34 his residence.

35 **Sec. 3.** NRS 293C.185 is hereby amended to read as follows:

36 293C.185 1. Except as otherwise provided in NRS 293C.190, a
37 name may not be printed on a ballot to be used at a primary city election,
38 unless the person named has filed a declaration of candidacy or an
39 acceptance of candidacy and paid the fee established by the governing
40 body of the city not earlier than 40 days before the primary city election
41 and not later than 5 p.m. on the 30th day before the primary city election.

42 2. A declaration of candidacy required to be filed by this section must
43 be in substantially the following form:

1 DECLARATION OF CANDIDACY OF FOR THE
2 OFFICE OF

3
4 State of Nevada

5
6 City of

7
8 For the purpose of having my name placed on the official ballot as a
9 candidate for the office of, I, the undersigned, do
10 swear or affirm under penalty of perjury that I reside at, in
11 the City or Town of, County of, State of Nevada;
12 that my actual residence in the city, township or other area prescribed by
13 law to which the office pertains began ~~on a date 30 days or more~~ **at least**
14 **6 months** before the ~~date of the close of filing of declarations~~ **last day for**
15 **filing a declaration** of candidacy for this office; that if nominated as a
16 candidate at the ensuing election I will accept the nomination and not
17 withdraw; that I will not knowingly violate any election law or any law
18 defining and prohibiting corrupt and fraudulent practices in campaigns and
19 elections in this state; that I will qualify for the office if elected thereto,
20 including, but not limited to, complying with any limitation prescribed by
21 the constitution and laws of this state concerning the number of years or
22 terms for which a person may hold the office; and my name will appear on
23 all ballots as designated in this declaration.

24
25
26 (Designation of name)

27
28 (Signature of candidate for office)

29
30 Subscribed and sworn to before
31 me this day of, 19...

32
33
34 Notary Public or other person
35 authorized to administer an oath

36
37 3. A person may be a candidate under his given name and surname, a
38 contraction or familiar form of his given name followed by his surname or
39 the initial of his given name followed by his surname. A nickname of not
40 more than 10 letters may be incorporated into ~~the candidate's name~~ **the**
41 **name of a candidate**. The nickname must be in quotation marks and
42 appear immediately before the ~~candidate's surname~~ **surname of the**
43 **candidate**. A nickname must not indicate any political, economic, social or

1 religious view or affiliation and must not be the name of any person, living
2 or dead, whose reputation is known on a statewide, nationwide or
3 worldwide basis, or in any other manner deceive a voter concerning the
4 person or principles for which he is voting.

5 4. The address of a candidate that must be included in the declaration
6 or acceptance of candidacy pursuant to subsection 2 must be the street
7 address of the residence where he actually resides, if one has been
8 assigned. The declaration or acceptance of candidacy must not be accepted
9 for filing if the ~~{candidate's}~~ address *of the candidate* is listed as a post
10 office box unless a street address has not been assigned to his residence.

11 **Sec. 4.** NRS 293C.200 is hereby amended to read as follows:

12 293C.200 1. ~~{In addition to any other requirement provided by law,~~
13 ~~no person may}~~ *Except as otherwise provided by specific statute, a person*
14 *is not eligible to* be a candidate for a city office unless, for at least ~~{30~~
15 ~~days}~~ *6 months* before the ~~{close of filing of declarations or acceptances}~~
16 *last day for filing a declaration* of candidacy *or an acceptance of*
17 *candidacy* for the office that he seeks, he has been a legal resident of the
18 city or other area prescribed by law to which the office pertains and, if
19 elected, over which he will have jurisdiction or which he will represent.

20 2. ~~{Any}~~ **A** person who knowingly and willfully files a declaration of
21 candidacy or an acceptance of candidacy that contains a false statement in
22 this respect is guilty of a gross misdemeanor.

23 3. ~~{Any}~~ **A** person convicted pursuant to the provisions of this section
24 is disqualified from entering upon the duties of the office for which he was
25 a candidate.

26 **Sec. 5.** The amendatory provisions of this act do not apply to offenses
27 that were committed before July 1, 1999.

28 **Sec. 6.** This act becomes effective on July 1, 1999.