
ASSEMBLY BILL NO. 505—ASSEMBLYMEN HETTRICK AND COLLINS

MARCH 12, 1999

JOINT SPONSORS: SENATORS RHOADS AND WIENER

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Creates presidential preference primary election. (BDR 24-1026)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget.

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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; creating in skeleton form a presidential preference primary election to occur on the same date as the presidential preference primary elections or caucuses of other western states as part of a coordinated western presidential preference primary election; establishing procedures for the selection of candidates for nomination for President of the United States; making an appropriation; 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.** Chapter 293 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 5, inclusive, of this act.
3 **Sec. 2.** *“Presidential preference primary election” means the*
4 *election held pursuant to section 25 of this act.*
5 **Sec. 3.** *Early voting by personal appearance for a presidential*
6 *preference primary election may be conducted only at the office of the*
7 *county clerk.*
8 **Sec. 4.** *The provisions of NRS 293.343 to 293.355, inclusive, do not*
9 *apply to a presidential preference primary election.*
10 **Sec. 5. 1.** *The provisions of NRS 293.3625 to 293.397, inclusive,*
11 *do not apply to a county which has chosen to conduct the presidential*
12 *preference primary election by mail.*

1 **2. The provisions of NRS 293.384 and 293.385 do not apply to a**
2 **presidential preference primary election.**

3 **Sec. 6.** NRS 293.010 is hereby amended to read as follows:

4 293.010 As used in this Title, unless the context otherwise requires,
5 the words and terms defined in NRS 293.013 to 293.121, inclusive, **and**
6 **section 2 of this act** have the meanings ascribed to them in those sections.

7 **Sec. 7.** NRS 293.128 is hereby amended to read as follows:

8 293.128 1. To qualify as a major political party any organization
9 must, under a common name:

10 (a) On January 1 preceding any primary election **or August 1 of the**
11 **year preceding the year in which a presidential preference primary**
12 **election is held,** have been designated as a political party on the
13 applications to register to vote of at least 10 percent of the total number of
14 registered voters in the state; or

15 (b) File a petition with the secretary of state not later than the last
16 Friday in April before any primary election **or not later than December 1**
17 **of the year before the year of a presidential preference primary election**
18 signed by a number of registered voters equal to or more than 10 percent
19 of the total number of votes cast at the last preceding general election for
20 Representative in Congress.

21 2. If a petition is filed pursuant to paragraph (b) of subsection 1, the
22 names of the voters need not all be on one document, but each document
23 of the petition must be verified by at least one of its signers to the effect
24 that the signers are registered voters of the state according to his best
25 information and belief and that the signatures are genuine and were signed
26 in his presence. Each document of the petition must bear the name of a
27 county and only registered voters of that county may sign the document.
28 The documents which are circulated for signature must then be submitted
29 for verification pursuant to NRS 293.1276 to 293.1279, inclusive, not later
30 than 65 days before the last Friday in April preceding a primary election **or**
31 **or not later than 65 days before December 1 of the year before the year**
32 **of a presidential preference primary election.**

33 3. In addition to the requirements set forth in subsection 1, each
34 organization which wishes to qualify as a political party must file with the
35 secretary of state a certificate of existence which includes the:

- 36 (a) Name of the political party;
37 (b) Names and addresses of its officers;
38 (c) Names of the members of its executive committee; and
39 (d) Name of the person who is authorized by the party to act as resident
40 agent in this state.

41 4. A political party shall file with the secretary of state an amended
42 certificate of existence within 5 days after any change in the information
43 contained in the certificate.

1 **Sec. 8.** NRS 293.163 is hereby amended to read as follows:

2 293.163 1. In presidential election years, on the call of a national
3 party convention, ~~{but}~~ **only** one set of party conventions and ~~{but}~~ **only**
4 one state convention ~~{shall}~~ **must** be held on such respective dates and at
5 such places as the state central committee of the party shall designate. If no
6 earlier dates are fixed, the state convention ~~{shall}~~ **must** be held 30 days
7 ~~{prior to}~~ **before** the date set for the national convention and the county
8 conventions ~~{shall}~~ **must** be held 60 days ~~{prior to}~~ **before** the date set for
9 the national convention.

10 2. Delegates to ~~{such conventions shall}~~ **the conventions must** be
11 selected in the same manner as prescribed in NRS 293.130 to 293.160,
12 inclusive, except as to time, and each convention ~~{shall have and}~~ **may**
13 exercise all of the power granted ~~{it under}~~ **to it pursuant to the provisions**
14 **of** NRS 293.130 to 293.160, inclusive. In addition to ~~{such powers granted~~
15 ~~it,}~~ **those powers**, the state convention shall select ~~{the necessary delegates~~
16 ~~and alternates}~~ :

17 (a) **The delegates and alternate delegates** to the national convention of
18 the party ~~{, and,}~~ **if a presidential preference primary election for that**
19 **party is not held; and**

20 (b) **If** consistent with the rules and regulations of the party, ~~{shall select}~~
21 the national committeeman and committeewoman of the party from the
22 State of Nevada.

23 **Sec. 9.** NRS 293.256 is hereby amended to read as follows:

24 293.256 In any election regulated by this chapter ~~{,}~~ **or chapter 298 of**
25 **NRS**, the names of candidates as printed on the ballot ~~{shall}~~ **must** not
26 include any title, designation or other reference which will indicate the
27 profession or occupation of ~~{such}~~ **those** candidates.

28 **Sec. 10.** NRS 293.285 is hereby amended to read as follows:

29 293.285 1. A registered voter applying to vote shall state his name to
30 the election board officer in charge of the election board register , and the
31 officer shall immediately announce the name and take the registered
32 voter's signature. After a registered voter is properly identified at a polling
33 place where paper ballots are used, one partisan ballot and, if required, one
34 nonpartisan ballot, correctly folded , must be given to the voter , and the
35 number of the ballot or ballots must be written by an election board officer
36 upon the pollbook, opposite the name of the registered voter receiving the
37 ballot or ballots.

38 2. **In a presidential preference primary election, unless a major**
39 **political party has notified the secretary of state pursuant to section 30 of**
40 **this act that it will prohibit a nonpartisan voter from voting its ballot, a**
41 **nonpartisan voter may request the ballot for that major political party. If**
42 **a nonpartisan voter requests a ballot for that major political party, the**

1 *election board officer shall issue to the nonpartisan voter a partisan*
2 *ballot for that major political party.*

3 3. In pollbooks in which voters' names have been entered, election
4 officers may indicate the application to vote without writing the name.

5 **Sec. 11.** NRS 293.309 is hereby amended to read as follows:

6 293.309 1. The county clerk of each county shall prepare an absent
7 ballot for the use of registered voters who have requested absent ballots.

8 2. The ballot must be prepared and ready for distribution to a
9 registered voter who:

10 (a) Resides within the state, not later than 20 days before the election in
11 which it is to be used; or

12 (b) Resides outside the state ~~H~~ :

13 *(1) For a primary election or general election,* not later than 40 days
14 before ~~the primary or general~~ *that* election, if possible ~~H~~ ; or

15 *(2) For a presidential preference primary election, not later than 20*
16 *days before that election.*

17 3. Any legal action which would prevent the ballot from being issued
18 pursuant to subsection 2 is moot and of no effect.

19 **Sec. 12.** NRS 293.325 is hereby amended to read as follows:

20 293.325 1. Except as otherwise provided in subsections 2 and 3,
21 when an absent ballot *for an election other than a presidential preference*
22 *primary election* is returned by a registered voter to the county clerk
23 through the mails and record thereof is made in the absent ballot record
24 book, the county clerk shall deliver, or cause to be delivered, that ballot to
25 the precinct or district election board.

26 2. If the county clerk has appointed an absent ballot central counting
27 board, the county clerk shall, upon receipt of each absent voter's ballot,
28 make a record of the return and check the signature on the return envelope
29 against the original signature of the voter on the county clerk's register. If
30 the county clerk determines that the absent voter is entitled to cast his
31 ballot, he shall deposit the ballot in the proper ballot box. On election day
32 the county clerk shall deliver the ballot box to the absent ballot counting
33 board to be counted.

34 3. If the county uses a mechanical voting system, the county clerk
35 shall, upon receipt of each absent voter's ballot, make a record of the
36 return and check the signature on the return envelope against the original
37 signature of the county clerk's register. If the county clerk determines that
38 the absent voter is entitled to cast his ballot, he shall deposit the ballot in
39 the proper ballot box. On election day the county clerk shall deliver the
40 ballot box to the central counting place.

41 *4. When an absent ballot for a presidential preference primary*
42 *election is returned to the county clerk, the county clerk shall process the*
43 *ballot in the manner prescribed in sections 37 to 47, inclusive, of this act.*

1 **Sec. 13.** NRS 293.356 is hereby amended to read as follows:

2 293.356 1. If a request is made to vote early by a registered voter in
3 person, the county clerk shall issue a ballot for early voting to the voter.
4 Such a ballot must be voted on the premises of the clerk's office and
5 returned to the clerk. If the ballot is a paper ballot or a ballot which is
6 voted by punching a card, *or as otherwise provided in subsection 3*, the
7 clerk shall follow the same procedure as in the case of absent ballots
8 received by mail.

9 2. On the dates for early voting prescribed in NRS 293.3568, each
10 county clerk shall provide a voting booth, with suitable equipment for
11 voting, on the premises of his office for use by registered voters who are
12 issued ballots for early voting in accordance with this section.

13 **3. *Upon the return to the county clerk of a ballot for early voting for***
14 ***the presidential preference primary election, the county clerk shall***
15 ***process the ballot in the manner prescribed in sections 37 to 47,***
16 ***inclusive, of this act.***

17 **Sec. 14.** NRS 293.3564 is hereby amended to read as follows:

18 293.3564 1. ~~[The]~~ *Except as otherwise provided in section 3 of this*
19 *act, the* county clerk may establish permanent polling places for early
20 voting by personal appearance at locations designated by him throughout
21 the county. Except as otherwise provided in subsection 2, any person
22 entitled to vote early by personal appearance may do so at any polling
23 place for early voting.

24 2. If it is impractical for the county clerk to provide at each polling
25 place for early voting a ballot in every form required in the county, he
26 may:

27 (a) Provide appropriate forms of ballots for all offices within a
28 township, city, town or county commissioner election district, as
29 determined by the county clerk; and

30 (b) Limit voting at that polling place to registered voters in that
31 township, city, town or county commissioner election district.

32 **Sec. 15.** NRS 293.3568 is hereby amended to read as follows:

33 293.3568 1. The period for early voting by personal appearance
34 begins the third Saturday preceding a ~~[primary or general]~~ *general,*
35 *primary or presidential preference primary* election and extends through
36 the Friday before ~~[election day,]~~ *the day on which the general, primary or*
37 *presidential preference primary election is held*, Sundays and holidays
38 excepted.

39 2. The county clerk may:

40 (a) Include any Sunday or holiday that falls within the period for early
41 voting by personal appearance.

42 (b) Require a permanent polling place for early voting to remain open
43 until 8 p.m. on any Saturday that falls within the period for early voting.

1 3. A permanent polling place for early voting must remain open:

2 (a) On Monday through Friday:

3 (1) During the first week of early voting, from 8 a.m. until 6 p.m.

4 (2) During the second week of early voting, from 8 a.m. until 6 p.m.
5 or until 8 p.m. if the county clerk so requires.

6 (b) On any Saturday that falls within the period for early voting, from
7 10 a.m. until 6 p.m.

8 (c) If the county clerk includes a Sunday that falls within the period for
9 early voting pursuant to subsection 2, during such hours as he may
10 establish.

11 **Sec. 16.** NRS 293.387 is hereby amended to read as follows:

12 293.387 1. As soon as the returns from all the precincts and districts
13 in any county have been received by the board of county commissioners,
14 the board shall meet and canvass the returns. The canvass must be
15 completed on or before the fifth working day following the election.

16 2. In making its canvass, the board shall:

17 (a) Note separately any clerical errors discovered; and

18 (b) Take account of the changes resulting from the discovery, so that
19 the result declared represents the true vote cast.

20 3. The county clerk shall, as soon as the result is declared, enter upon
21 the records of the board an abstract of the result, which must contain the
22 number of votes cast for each candidate. The board, after making the
23 abstract, shall cause the county clerk to certify the abstract and, by an order
24 made and entered in the minutes of its proceedings, to make:

25 (a) A copy of the certified abstract; and

26 (b) A mechanized report of the abstract in compliance with regulations
27 adopted by the secretary of state,
28 and transmit them to the secretary of state within 5 working days after the
29 day after the election.

30 4. ~~[The]~~ *Except as otherwise provided in this subsection, the* secretary
31 of state shall, immediately after any primary election, compile the returns
32 for all candidates voted for in more than one county. He shall make out
33 and file in his office an abstract thereof, and shall certify to the county
34 clerk of each county the name of each person nominated, and the name of
35 the office for which he is nominated. *For a presidential preference*
36 *primary election, the secretary of state shall, immediately after the*
37 *election, compile the returns for all the candidates. He shall make out*
38 *and file in his office an abstract thereof, and shall certify to the county*
39 *clerk of each county the name of the candidate whose delegates and*
40 *alternate delegates will be attending the national party convention for*
41 *each major political party for which a presidential preference primary*
42 *election was held from each congressional district in this state.*

1 **Sec. 17.** NRS 293.400 is hereby amended to read as follows:

2 293.400 1. If, after the completion of the canvass of the returns of
3 any election, two or more persons receive an equal number of votes, which
4 is sufficient for the election of one or more but fewer than all of them to
5 the office, the person or persons elected must be determined as follows:

6 (a) In a general election for a United States Senator, Representative in
7 Congress, state officer who is elected statewide or by district, district
8 judge, or district officer whose district includes area in more than one
9 county, the legislature shall, by joint vote of both houses, elect one of those
10 persons to fill the office.

11 (b) In a primary election for a United States Senator, Representative in
12 Congress, state officer who is elected statewide or by district, district
13 judge, or district officer whose district includes area in more than one
14 county, *or in a presidential preference primary election*, the secretary of
15 state shall summon the candidates who have received the tie votes to
16 appear before him at a time and place designated by him, and he shall
17 determine the tie by lot. If the tie vote is for the office of secretary of state,
18 the governor shall perform these duties.

19 (c) For any office of a county, township, incorporated city, city
20 organized under a special charter where the charter is silent as to
21 determination of a tie vote, or district which is wholly located within one
22 county, the county clerk shall summon the candidates who have received
23 the tie votes to appear before him at a time and place designated by him
24 and determine the tie by lot. If the tie vote is for the office of county clerk,
25 the board of county commissioners shall perform these duties.

26 2. The summons mentioned in this section must be mailed to the
27 address of the candidate as it appears upon his declaration of candidacy at
28 least 5 days before the day fixed for the determination of the tie vote and
29 must contain the time and place where the determination will take place.

30 3. The right to a recount extends to all candidates in case of a tie.

31 **Sec. 18.** NRS 293.403 is hereby amended to read as follows:

32 293.403 1. A candidate defeated at any election may demand and
33 receive a recount of the vote for the office for which he is a candidate if
34 within 3 working days after the canvass of the vote and the certification by
35 the county clerk or city clerk of the abstract of votes:

36 (a) He files in writing his demand with the officer with whom he filed
37 his declaration of candidacy or acceptance of candidacy; and

38 (b) He deposits in advance the estimated costs of the recount with that
39 officer.

40 2. Any voter at an election may demand and receive a recount of the
41 vote for a ballot question if within 3 working days after the canvass of the
42 vote and the certification by the county clerk or city clerk of the abstract of
43 votes:

(a) He files in writing his demand with:

(1) The secretary of state, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) He deposits in advance the estimated costs of the recount with the person to whom he made his demand.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the secretary of state defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election ~~H~~ *or presidential preference primary election*, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the supreme court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 19. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chairman of the recount board unless the recount is for the office of county clerk, in which case the chairman of the board of county commissioners shall act as chairman of the recount board. At least one member of the board of county commissioners must be present at the recount.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chairman of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city shall act as chairman of the recount board. At least one member of the city council

must be present at the recount.

1 Each candidate for the office affected by the recount and the voter who
2 demanded the recount, if any, may be present in person or by an authorized
3 representative, but may not be a member of the recount board.

4 2. Except in counties or cities using a mechanical voting system, the
5 recount must include a count and inspection of all ballots, including
6 rejected ballots, and must determine whether those ballots are marked as
7 required by law.

8 3. If a recount *of the ballots cast in an election other than a*
9 *presidential preference primary election* is demanded in a county or city
10 using a mechanical voting system, the person who demanded the recount
11 shall select the ballots for the office or ballot question affected from 5
12 percent of the precincts, but in no case fewer than three precincts, after
13 consultation with each candidate for the office or his authorized
14 representative. *If a recount of the ballots cast in a presidential preference*
15 *primary election is demanded in a county using a mechanical voting*
16 *system, the county clerk shall select 5 percent of the ballots cast in the*
17 *election to conduct the recount, after consultation with each candidate or*
18 *his authorized representative.* The recount board shall examine the
19 selected ballots, including any duplicate or rejected ballots, shall determine
20 whether the ballots have been voted in accordance with this Title and shall
21 count the valid ballots by hand. A recount by computer must be made of
22 all the selected ballots. If the count of the selected ballots or the recount
23 shows a discrepancy of 1 percent or more for either candidate, or in favor
24 of or against a ballot question, from the original canvass of the returns, the
25 county or city clerk shall order a count by hand of all the ballots for that
26 office. If there is not a discrepancy of 1 percent or more, the county or city
27 clerk shall not order such a count, but shall order a recount by computer of
28 all the ballots for the office.

29 4. The county or city clerk shall unseal and give to the recount board
30 all ballots to be counted.

31 5. In the case of a demand for a recount affecting more than one
32 county, the demand must be made to the secretary of state, who shall notify
33 the county clerks to proceed with the recount.

34 **Sec. 20.** NRS 293.565 is hereby amended to read as follows:

35 293.565 1. Except as otherwise provided in subsection 2, sample
36 ballots must include:

37 (a) The fiscal note, as provided pursuant to NRS 218.443 or 293.250,
38 for each proposed constitutional amendment or statewide measure;

39 (b) An explanation, as provided pursuant to NRS 218.443, of each
40 proposed constitutional amendment or statewide measure, including
41 arguments for and against it; and

42 (c) The full text of each proposed constitutional amendment.

2. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

3. At least 10 days before any election ~~H~~ *other than a presidential preference primary election*, the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in at least 10-point bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

4. The county clerk shall include in each sample ballot for a primary election, *other than a presidential preference primary election*, a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.

5. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 21. NRS 293B.080 is hereby amended to read as follows:

293B.080 A mechanical voting system must, except at ~~primary elections,~~ *a primary election or presidential preference primary election*, permit the voter to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties.

Sec. 22. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election where a mechanical voting system is to be used, the county clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast.

1 The program must cause the computer or counting device to operate in the
2 following manner:

3 (a) All lawful votes cast by each voter must be counted ~~H~~, *including,*
4 *in a presidential preference primary election, votes cast by a nonpartisan*
5 *voter for a candidate of a major political party, unless that party has*
6 *notified the secretary of state pursuant to section 30 of this act that it will*
7 *prohibit nonpartisan voters from voting its ballot.*

8 (b) All unlawful votes, including, but not limited to, overvotes or, in a
9 primary election ~~H~~ *or presidential preference primary election,* votes cast
10 for a candidate of a major political party other than the party, if any, of the
11 registration of the voter, must not be counted.

12 (c) If the election is:

13 (1) A primary election held in an even-numbered year ~~H~~ *other than*
14 *a presidential preference primary election;* or

15 (2) A general election,
16 the total votes, other than absentee votes and votes in a mailing precinct,
17 must be accumulated by precinct.

18 (d) The computer or counting device must halt or indicate by
19 appropriate signal if a ballot is encountered which lacks a code identifying
20 the precinct in which it was voted and, in a primary election, identifying
21 the major political party of the voter.

22 2. The program must be prepared under the supervision of the
23 accuracy certification board appointed pursuant to the provisions of NRS
24 293B.140.

25 3. The county clerk shall take such measures as he deems necessary to
26 protect the program from being altered or damaged.

27 **Sec. 23.** NRS 293B.210 is hereby amended to read as follows:

28 293B.210 1. If a mechanical voting system is used whereby a vote is
29 cast by punching a card, the county or city clerk shall furnish sufficient
30 lists of offices and candidates and the statements of measures to be voted
31 on for the mechanical recording devices used at any election.

32 2. The secretary of state shall provide to or reimburse each county for
33 all cards used in each primary or general election ~~H~~ *or presidential*
34 *preference primary election.* Any reimbursement must be paid from the
35 reserve for statutory contingency account upon recommendation by the
36 secretary of state and approval by the state board of examiners.

37 **Sec. 24.** Chapter 298 of NRS is hereby amended by adding thereto the
38 provisions set forth as sections 25 to 50, inclusive, of this act.

39 **Sec. 25. 1. Not later than November 1 of the year preceding a year**
40 *in which a President of the United States is elected, the state central*
41 *committee of each major political party shall notify the secretary of state,*
42 *in writing, whether the party will participate in the presidential*
43 *preference primary election.*

2. If the secretary of state receives a statement pursuant to subsection 1 which states that a major political party will participate in the presidential preference primary election, a presidential preference primary election for that party must be held on the Friday following the first Tuesday in March of the year in which the presidential election is held.

3. A county may conduct the presidential preference primary election by mail pursuant to the provisions of sections 32 to 35, inclusive, of this act if the county clerk notifies the:

(a) Secretary of state by January 1 of a year in which a presidential preference primary election is held; and

(b) Registered voters of the county pursuant to section 28 of this act, that the county will conduct the presidential preference primary election by mail.

4. No other election may be held at the same time as a presidential preference primary election.

Sec. 26. 1. A person who wishes to be a candidate for the nomination of President of the United States for a major political party for which a presidential preference primary election will be held must, not later than 5 p.m. on the second to the last Friday in December of the year before a year in which a presidential preference primary election is held:

(a) File with the secretary of state a declaration of candidacy on a form prescribed by the secretary of state;

(b) File with the secretary of state a separate list of the names of the delegates and alternate delegates from each of the congressional districts in this state who will be pledged to that candidate if he receives the greatest number of votes in that district; and

(c) Pay to the secretary of state a filing fee of \$1,000.

2. A person whose name is included on a list filed pursuant to paragraph (b) of subsection 1 must be:

(a) A registered voter in the congressional district for which he is listed as a delegate or alternate delegate; and

(b) A member of the political party of the candidate for whom he is listed as a delegate or alternate delegate.

Sec. 27. 1. Not later than December 1 of the year before a year in which a presidential preference primary election is held, the secretary of state shall announce the number of delegates and alternate delegates from each major political party for which a presidential preference primary election will be held who will represent each congressional district in this state.

2. If the number of delegate votes apportioned to this state by the national committee or convention of a major political party is evenly

1 *divisible by the number of congressional districts in this state, each of the*
2 *congressional districts in this state must be represented by an equal*
3 *number of delegates and alternate delegates.*

4 *3. If the number of delegate votes apportioned to this state by the*
5 *national committee or convention of a major political party is not evenly*
6 *divisible by the number of congressional districts in this state, the*
7 *secretary of state shall determine the number of delegates and alternate*
8 *delegates who will represent each district. The secretary of state shall*
9 *ensure that no congressional district in this state receives:*

10 *(a) More than one fewer delegate and alternate delegate than any*
11 *other congressional district in this state; or*

12 *(b) More delegates and alternate delegates than any congressional*
13 *district in this state which has a greater population as determined by the*
14 *last preceding national decennial census conducted by the Bureau of the*
15 *Census of the United States Department of Commerce.*

16 **Sec. 28. 1.** *Not later than the second to last Friday in January of*
17 *each year in which a presidential election is held, the secretary of state*
18 *shall forward to each county clerk a certified list of the names of those*
19 *persons whose names must appear on the ballot for the presidential*
20 *preference primary election for each major political party for which a*
21 *presidential preference primary election will be held.*

22 *2. Immediately upon receipt of the certified list of candidates from*
23 *the secretary of state, the county clerk shall publish a notice of the*
24 *presidential preference primary election in a newspaper of general*
25 *circulation in the county once a week for 2 successive weeks. If no such*
26 *newspaper is published in the county, the publication may be made in a*
27 *newspaper of general circulation in the nearest county in this state.*

28 *3. The notice must state:*

29 *(a) Whether the presidential preference primary election will be*
30 *conducted by mail or by voting in person at polling places on the day of*
31 *the election.*

32 *(b) If a county has indicated that it will conduct the presidential*
33 *preference primary by mail:*

34 *(1) The date the ballots will be mailed to the voters.*

35 *(2) The date by which the ballots must be received from the voters.*

36 *(3) The dates on which and the hours during which a registered*
37 *voter who did not receive a ballot in the mail may vote in person at the*
38 *office of the county clerk.*

39 *(c) The hours during which the polling places will be open.*

40 *(d) The dates for early voting.*

41 *(e) The names of the candidates for the nomination for President of*
42 *the United States of each major political party for which a presidential*
43 *preference primary election will be held.*

1 **Sec. 29. 1.** *The names of the candidates for nomination for*
2 *President of the United States for each major political party for which a*
3 *presidential preference primary election will be held must be printed on*
4 *the official ballots for the election. There must be a separate ballot for*
5 *each major political party.*

6 *2. The name of the major political party must appear at the top of the*
7 *ballot for that party. The names of the candidates of each major political*
8 *party must be printed alphabetically upon the ballot of that party.*

9 *3. If there is no contest for a major political party's nomination for*
10 *President of the United States, a ballot for that party must not be printed*
11 *and an election for that party's nomination must not be held.*

12 **Sec. 30. 1.** *The state central committee of each major political*
13 *party for which a presidential preference primary election will be held*
14 *shall, not later than December 1 of the year before a year in which the*
15 *election is held, notify the secretary of state in writing whether the party*
16 *will prohibit nonpartisan voters from voting its ballot in the presidential*
17 *preference primary election.*

18 *2. Unless a major political party prohibits nonpartisan voters from*
19 *voting its ballot in the presidential preference primary election, a*
20 *nonpartisan voter may vote the ballot of that major political party by*
21 *personal appearance at the polls on the day of the presidential preference*
22 *primary election, by absent ballot, by personal appearance at the polls or*
23 *the county clerk's office for early voting or by mail if the registered voter*
24 *resides in a county which has chosen to conduct the presidential*
25 *preference primary election by mail.*

26 **Sec. 31.** *In a county which has chosen to conduct the presidential*
27 *preference primary election by mail, a nonpartisan voter may, not later*
28 *than 20 days before the presidential preference primary election is held,*
29 *request in writing that the county clerk mail to him the ballot for that*
30 *party's presidential preference primary election. If a nonpartisan voter*
31 *requests to vote a partisan ballot in the presidential preference primary*
32 *election, the county clerk shall, when the ballots are mailed to the*
33 *registered voters of the major political parties pursuant to section 32 of*
34 *this act, mail to the nonpartisan voter the ballot of the party for whose*
35 *candidates he wishes to vote. A nonpartisan voter shall not vote more*
36 *than one partisan ballot in the presidential preference primary election.*

37 **Sec. 32.** *In a county which has chosen to conduct the presidential*
38 *preference primary election by mail, the county clerk shall, not later than*
39 *14 days before the presidential preference primary election is held, mail*
40 *to:*

41 *1. Each registered voter in that county whose affidavit of registration*
42 *indicates that he is affiliated with a major political party for which a*
43 *presidential preference primary election will be held; and*

1 2. Each registered voter who is authorized to vote in a party's
2 primary pursuant to section 31 of this act,
3 an official mailing ballot to be voted by him at the election unless he has
4 already voted or requested an absent ballot.

5 **Sec. 33.** 1. In a county which has chosen to conduct the
6 presidential preference primary election by mail, the county clerk shall:

7 (a) Make certain of the names and addresses of all voters registered to
8 vote in the county;

9 (b) Enroll the name and address of each voter found eligible to vote in
10 that county in the record book for the presidential preference primary
11 election for his party;

12 (c) Mark the number of the ballot on the return envelope; and

13 (d) Mail the ballot to the registered voter.

14 2. Except as otherwise provided in subsection 3, the ballot must be
15 accompanied by:

16 (a) A postage-paid return envelope;

17 (b) Supplies for marking the ballot;

18 (c) An envelope or similar device into which the ballot is inserted to
19 ensure its secrecy; and

20 (d) Instructions regarding the manner of voting and returning the
21 ballot.

22 3. In those counties using a mechanical voting system whereby a vote
23 is cast by punching a card, the ballot must be accompanied by:

24 (a) A sheet of foam plastic or similar backing material attached to the
25 card;

26 (b) A punching instrument;

27 (c) A postage-paid return envelope;

28 (d) An envelope or similar device into which the card is inserted to
29 ensure its secrecy; and

30 (e) Instructions regarding the manner of voting and returning the
31 ballot.

32 **Sec. 34.** In a county which has chosen to conduct the presidential
33 preference primary election by mail, upon receipt of a mailing ballot
34 from the county clerk for a presidential preference primary election, the
35 registered voter must:

36 1. Except as otherwise provided in subsection 2:

37 (a) Immediately after opening the envelope, mark and fold the ballot;

38 (b) Place the ballot in the return envelope;

39 (c) Affix his signature on the back of the envelope; and

40 (d) Mail or deliver the envelope to the county clerk.

41 2. In those counties using a mechanical voting system whereby a vote
42 is cast by punching a card:

43 (a) Immediately after opening the envelope, punch the card;

1 (b) Place the unfolded card in the return envelope;

2 (c) Affix his signature on the back of the envelope; and

3 (d) Mail or deliver the envelope to the county clerk.

4 **Sec. 35.** In a county which has chosen to conduct the presidential
5 preference primary election by mail, the county clerk shall, upon request
6 from a registered voter who does not receive a ballot, issue to that voter a
7 certificate of error and allow that voter to vote on election day at the
8 office of the county clerk.

9 **Sec. 36.** Each registered voter may vote on the partisan ballot for the
10 presidential preference primary election for one person to be the
11 candidate for nomination for President of the United States for that
12 party.

13 **Sec. 37. 1.** When an absent ballot, ballot for early voting or
14 mailing ballot for the presidential preference primary election is returned
15 to the county clerk, the county clerk shall make a record of the fact that
16 the ballot was returned on the absent ballot record book.

17 **2.** On the day of the presidential preference primary election, the
18 county clerk shall deposit the absent ballots, ballots for early voting and
19 mailing ballots in the regular ballot box in the following manner:

20 (a) The name of the voter, as shown on the return envelope, must be
21 called and checked as if the voter were voting in person; and

22 (b) The signature on the back of the return envelope must be
23 compared with that on the original affidavit of registration.

24 **3.** If the county clerk determines that the voter is entitled to cast his
25 ballot, the envelope must be opened, the numbers on the absent ballot,
26 ballot for early voting or mailing ballot and envelope compared, the
27 number strip or stub detached from the ballot and, if the numbers are the
28 same, the ballot deposited in the regular ballot box.

29 **4.** The county clerk shall mark in the pollbook opposite the name of
30 the voter the word "Voted."

31 **5.** When all the absent ballots, ballots for early voting and mailing
32 ballots received by the county clerk have been voted or rejected, the
33 county clerk shall:

34 (a) Note on each envelope containing a rejected ballot the reason for
35 rejection; and

36 (b) Sign each envelope containing a rejected ballot.

37 **Sec. 38.** In any county which has more than one congressional
38 district within its boundaries, the county clerk shall make a separate
39 count of the ballots received from the voters in each of the congressional
40 districts in this state.

41 **Sec. 39. 1.** In a county which has chosen to conduct the
42 presidential preference primary election by voting in person at polling
43 places on the day of the election, the:

1 (a) Ballots voted in person at the polling places must be counted,
2 tallied, filed and canvassed pursuant to the provisions of NRS 293.3625
3 to 293.383, inclusive, and 293.387 to 293.397, inclusive; and

4 (b) Absent ballots and ballots for early voting must be counted, tallied,
5 filed and canvassed pursuant to the provisions of sections 37 to 47,
6 inclusive, of this act.

7 2. In a county which has chosen to conduct the presidential
8 preference primary election by mail, the mailing ballots, absent ballots
9 and ballots for early voting must be counted, tallied, filed and canvassed
10 pursuant to the provisions of sections 37 to 47, inclusive, of this act.

11 **Sec. 40.** When the polls are closed, the county clerk shall prepare to
12 count the ballots returned to him. The counting procedure must be public
13 and continue without adjournment until completed. The county clerk
14 shall prepare in the following manner:

15 1. The ballot box must be opened and the ballots contained therein
16 counted by the county clerk and opened far enough to ascertain whether
17 each ballot is single. If two or more ballots are found folded together to
18 present the appearance of a single ballot, they must be laid aside until the
19 count of the ballots is completed. If, on comparison of the count with the
20 record books, the county clerk is of the opinion that the ballots folded
21 together were voted by one person, the ballots must be rejected and
22 placed in an envelope, upon which must be written the reason for their
23 rejection. The envelope must be signed by the county clerk and placed in
24 the ballot box after the count is completed.

25 2. If the ballots in the box are found to exceed the number of names
26 on the record books, the ballots must be replaced in the box, and the
27 county clerk with his back turned to the box, shall draw out a number of
28 ballots equal to the excess. The excess ballots must be marked on the
29 back thereof with the words "Excess ballots not counted." The ballots
30 when so marked must be immediately sealed in an envelope.

31 3. When it has been determined that the record books and the
32 number of ballots agree with the number of names of registered voters
33 shown to have voted, the county clerk shall proceed to count. If there is a
34 discrepancy between the number of ballots and the number of voters, a
35 record of the discrepancy must be made.

36 **Sec. 41.** The county clerk in any county in which paper ballots are
37 used shall not begin counting the votes until all ballots which were
38 returned by the voters and all ballots which were not mailed by the
39 county clerk are accounted for.

40 **Sec. 42.** The basic factor to be considered by a county clerk when
41 determining whether a particular ballot must be rejected is whether any
42 identifying mark appears on the ballot which, in the opinion of the
43 county clerk, constitutes an identifying mark such that there is a

1 *reasonable belief entertained in good faith that the ballot has been*
2 *tampered with and, as a result of the tampering, the outcome of the*
3 *election would be affected.*

4 **Sec. 43.** *When all the votes have been tallied, the county clerk shall*
5 *enter on the tally lists by the name of each candidate the number of votes*
6 *he received. The number must be expressed in words and figures.*

7 **Sec. 44.** 1. *After the tally lists have been completed, the county*
8 *clerk shall:*

9 (a) *File the voted ballots on a string, enclose and seal them in an*
10 *envelope marked "Election returns, voted ballots."*

11 (b) *File the rejected ballots on a string, enclose and seal them in an*
12 *envelope marked "Election returns, rejected ballots."*

13 (c) *Place one of the tally lists for regular ballots and one of the*
14 *pollbooks in an envelope marked "Election returns" and seal the*
15 *envelope.*

16 2. *The voted ballots, rejected ballots, tally lists for regular ballots,*
17 *tally list for rejected ballots, challenge list, stubs of used ballots, spoiled*
18 *ballots and ballots which were not mailed by the county clerk must be*
19 *sealed under cover by the county clerk.*

20 **Sec. 45.** 1. *Except as otherwise provided in subsection 2, each*
21 *county clerk shall post a copy of the voting results in a conspicuous place*
22 *on the outside of the place where the votes were counted.*

23 2. *When votes are cast on ballots which are mechanically or*
24 *electronically tabulated in accordance with the provisions of chapter*
25 *293B of NRS, the county clerk shall, as soon as possible, post copies of*
26 *the tabulated voting results in a conspicuous place on the outside of the*
27 *counting facility.*

28 3. *Each copy of the voting results posted in accordance with*
29 *subsections 1 and 2 must set forth the accumulative total of all the votes*
30 *cast within the county and must be signed by the county clerk or the*
31 *computer program and processing accuracy board.*

32 **Sec. 46.** 1. *As soon as the returns from the county have been*
33 *received by the board of county commissioners, the board shall meet and*
34 *canvass the returns. The canvass must be completed on or before the*
35 *fifth working day after the election.*

36 2. *In making its canvass, the board shall:*

37 (a) *Note separately any clerical errors discovered; and*

38 (b) *Take account of the changes resulting from the discovery, so that*
39 *the result declared represents the true vote cast.*

40 3. *The county clerk shall, as soon as the result is declared, enter*
41 *upon the records of the board an abstract of the result, which must*
42 *contain the number of votes cast for each candidate. The board, after*
43 *making the abstract, shall cause the county clerk to certify the abstract*

1 *and, by an order made and entered in the minutes of its proceedings, to*
2 *make:*

3 *(a) A copy of the certified abstract; and*

4 *(b) A mechanized report of the abstract in compliance with*
5 *regulations adopted by the secretary of state,*
6 *and transmit them to the secretary of state within 6 working days after*
7 *the election.*

8 *4. The secretary of state shall, immediately after the election, compile*
9 *the returns for all the candidates. He shall make out and file in his office*
10 *an abstract thereof, and shall certify to the county clerk of each county*
11 *the name of the candidate whose delegates and alternate delegates will be*
12 *attending the national party convention for each major political party for*
13 *which a presidential preference primary election was held from each*
14 *congressional district in this state.*

15 **Sec. 47. 1.** *The voted ballots, rejected ballots, spoiled ballots,*
16 *ballots which were not mailed by the county clerk, tally lists, pollbooks,*
17 *challenge lists and stubs of the ballots used, enclosed and sealed, must,*
18 *after canvass of the votes by the board of county commissioners, be*
19 *deposited in the vaults of the county clerk, and preserved for at least 22*
20 *months. All sealed materials must be destroyed immediately after the*
21 *preservation period. A notice of the destruction must be published by the*
22 *county clerk in at least one newspaper of general circulation in the*
23 *county not less than 2 weeks before the destruction.*

24 *2. The pollbooks containing the signatures of those persons who*
25 *voted in the election and the tally lists deposited with the board of county*
26 *commissioners are subject to the inspection of any elector who wishes to*
27 *examine them at any time after their deposit with the county clerk.*

28 *3. A contestant of an election may inspect all the material regarding*
29 *that election which is preserved pursuant to subsection 1, except the*
30 *voted ballots.*

31 *4. The voted ballots deposited with the county clerk are not subject to*
32 *the inspection of any person, except in cases of contested election, and*
33 *then only by the judge, body or board before whom the election is being*
34 *contested, or by the parties to the contest, jointly, pursuant to an order of*
35 *that judge, body or board.*

36 **Sec. 48. 1.** *The delegates and alternate delegates of the candidate*
37 *who receives the greatest number of votes in each congressional district*
38 *in the state will be certified by the secretary of state as the delegates and*
39 *alternate delegates from this state to the national convention of that*
40 *party.*

41 *2. If there is no contest for a major political party's nomination for*
42 *President of the United States, the delegates and alternate delegates of*
43 *the only candidate to file a declaration must be certified as the delegates*

1 *and alternate delegates from this state to that party's national*
2 *convention.*

3 *3. If there are no declarations of candidacy filed with the secretary of*
4 *state for a major political party's nomination for President of the United*
5 *States, the state central committee shall designate the party's delegates*
6 *and alternate delegates to the national convention.*

7 *4. The delegates and alternate delegates of the candidate who*
8 *received the greatest number of votes at the presidential preference*
9 *primary election must be pledged to that candidate for the first*
10 *convention ballot unless the candidate releases those delegates and*
11 *alternate delegates pursuant to subsection 5.*

12 *5. At any time after the presidential preference primary election, the*
13 *candidate who received the greatest number of votes in the election may*
14 *release his delegates and alternate delegates from their pledge to support*
15 *him at the national convention. The delegates and alternate delegates of*
16 *a candidate shall be deemed to be released when the candidate notifies*
17 *the chairman of the state delegation of his party, in writing, that he*
18 *wishes to release his delegates and alternate delegates.*

19 *6. The candidate who receives the greatest number of votes in a*
20 *presidential preference primary election may change the names on the*
21 *list of delegates and alternate delegates who will be pledged to him at the*
22 *national convention at any time before the national convention is held by*
23 *notifying the secretary of state, in writing, that he wishes to make a*
24 *change to his list of delegates and alternate delegates. A delegate or*
25 *alternate delegate whose name is included on the list after the*
26 *presidential preference primary election must meet the qualifications for*
27 *delegates and alternate delegates prescribed in section 26 of this act.*

28 *7. A person who is certified by the secretary of state as a delegate or*
29 *alternate delegate from this state to the national convention of a major*
30 *political party shall, within 2 weeks after his certification, file with the*
31 *secretary of state a pledge to act in accordance with the provisions of*
32 *sections 25 to 50, inclusive, of this act.*

33 **Sec. 49.** *If a presidential preference primary election is held*
34 *pursuant to sections 25 to 50, inclusive, of this act, the cost of the election*
35 *is a charge against the state and must be paid from the reserve for*
36 *statutory contingency account upon recommendation by the secretary of*
37 *state and approval by the state board of examiners.*

38 **Sec. 50.** *The secretary of state may adopt regulations to carry out the*
39 *provisions of sections 25 to 50, inclusive, of this act.*

40 **Sec. 51.** NRS 353.264 is hereby amended to read as follows:

41 353.264 1. The reserve for statutory contingency account is hereby
42 created in the state general fund.

1 2. The state board of examiners shall administer the reserve for
2 statutory contingency account, and the money in the account must be
3 expended only for:

4 (a) The payment of claims which are obligations of the state pursuant to
5 NRS 41.03435, 41.0347, 176.485, 179.310, 212.040, 212.050, 212.070,
6 214.040, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120,
7 353.262, 412.154 and 475.235 ~~H~~ **and section 49 of this act;**

8 (b) The payment of claims which are obligations of the state pursuant
9 to:

10 (1) Chapter 472 of NRS arising from operations of the division of
11 forestry of the state department of conservation and natural resources
12 directly involving the protection of life and property; and

13 (2) NRS 7.155, 34.750, 176A.640, 178.465, 179.225, 213.153 and
14 293B.210,

15 but the claims must be approved for the respective purposes listed in this
16 paragraph only when the money otherwise appropriated for those purposes
17 has been exhausted;

18 (c) The payment of claims which are obligations of the state pursuant to
19 NRS 41.0349 and 41.037, but only to the extent that the money in the fund
20 for insurance premiums is insufficient to pay the claims; and

21 (d) The payment of claims which are obligations of the state pursuant to
22 NRS 535.030 arising from remedial actions taken by the state engineer
23 when the condition of a dam becomes dangerous to the safety of life or
24 property.

25 **Sec. 52.** Section 1 of chapter 367, Statutes of Nevada 1997, at page
26 1311, is hereby amended to read as follows:

27 Section 1. 1. Six members from this state must be appointed
28 to the Rocky Mountain Presidential Primary Task Force by the
29 following persons:

30 (a) One member of the Assembly appointed by the Speaker of
31 the Assembly.

32 (b) One member of the Senate appointed by the Majority Leader
33 of the Senate.

34 (c) One member of the Assembly appointed by the Minority
35 Leader of the Assembly.

36 (d) One member of the Senate appointed by the Minority Leader
37 of the Senate.

38 (e) Two members, one from each major political party,
39 appointed by the Governor.

40 2. The members appointed to the task force shall, in
41 cooperation with the members appointed to the task force from
42 other

states:

(a) Propose a common date for a presidential preference caucus or primary election, to be known, as applicable, as the ~~Rocky Mountain~~ Western Presidential Preference Caucus or Primary Election;

(b) Assist other states that have appointed members to the task force in proposing legislation that authorizes the participation of those states and this state in the ~~Rocky Mountain~~ Western Presidential Preference Caucus or Primary Election; and

(c) Recommend methods to increase:

(1) The interaction between candidates for President of the United States and the voters in the western states; and

(2) The attention that candidates for President of the United States devote to issues of concern to the voters in the western states, including, but not limited to, the management and use of public land, water and natural resources.

3. The membership of any member of the Nevada Legislature who is appointed to the task force pursuant to subsection 1 who does not become a candidate for reelection or who is defeated for reelection continues until the next session of the Legislature is convened.

4. The members appointed to the task force pursuant to subsection 1 serve without compensation. While engaged in the business of the task force, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowances and the travel expenses must be paid from the legislative fund.

Sec. 53. Section 3 of chapter 367, Statutes of Nevada 1997, at page 1312, is hereby amended to read as follows:

Sec. 3. This act becomes effective on July 1, 1997, and expires by limitation on ~~January 1,~~ June 30, 2000.

Sec. 54. 1. There is hereby appropriated from the state general fund to the Interim Finance Committee the sum of \$1,400,000 to be used to pay the cost of conducting a presidential preference primary election, which must be held on March 10, 2000, if the Interim Finance Committee determines that a significant enough number of western states are holding a presidential preference primary election on March 10, 2000, as to make conducting a presidential preference primary election in Nevada beneficial to the interests of this state.

2. On or before September 1, 1999, the Secretary of State shall report to the Interim Finance Committee the number of western states that will be holding a presidential preference primary election on March 10, 2000, and his opinion as to whether such an election would be beneficial to the interests of this state.

1 3. If the Interim Finance Committee determines that a presidential
2 preference primary election will be held on March 10, 2000, the money
3 appropriated by subsection 1 must be distributed to the reserve for
4 statutory contingency account created pursuant to NRS 353.264.

5 4. Any remaining balance of the appropriation made by subsection 1
6 must not be committed for expenditure after June 30, 2000, and reverts to
7 the state general fund as soon as all payments of money committed have
8 been made.

9 **Sec. 55.** This act becomes effective on July 1, 1999.

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