

ASSEMBLY BILL NO. 520—COMMITTEE ON ELECTIONS,
PROCEDURES, AND ETHICS

MARCH 12, 1999

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Makes various changes to provisions governing elections. (BDR 24-280)

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 procedure by which independent candidates and candidates of minor parties qualify to appear on the ballot for the general election; revising certain provisions governing challenges to the registration of a voter; enacting certain provisions governing the reporting of election results; revising the procedure for consolidating precincts and for designating a precinct to be a mailing precinct; and providing other matters properly relating thereto.

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

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

Sec. 2. *The secretary of state, a board of county commissioners, a county clerk and any other person who prepares an abstract of votes or other report of votes pursuant to this chapter shall not include in that abstract or report a person designated as an inactive voter pursuant to subsection 7 of NRS 293.530 when determining the percentage of voters who have voted or the total number of voters.*

Sec. 3. 1. *A person who files a written challenge pursuant to NRS 293.547 or an affidavit pursuant to NRS 293.535 may withdraw the challenge or affidavit not later than the 25th day before the date of the election, by submitting a written request to the county clerk. Upon receipt of the request, the county clerk shall:*

(a) Remove the challenge or affidavit from the registrar of voters' register, any election board register and any other record in which the challenge or affidavit has been filed or entered;

1 *(b) If a notice of the challenge or affidavit has been mailed to the*
2 *person who is the subject of the challenge or affidavit, mail a notice and*
3 *a copy of the request to withdraw to that person; and*

4 *(c) If a notice of the challenge has been mailed to the district attorney,*
5 *mail a notice and a copy of the request to withdraw to the district*
6 *attorney.*

7 *2. If the county clerk receives a request to withdraw pursuant to*
8 *subsection 1, the county clerk shall withdraw the person's challenge or*
9 *affidavit.*

10 **Sec. 4.** NRS 293.1715 is hereby amended to read as follows:

11 293.1715 1. The names of the candidates of a minor political party
12 must not appear on the ballot for a primary election.

13 2. The names of the candidates of a minor political party must be
14 placed on the ballot for the general election if the party has filed a
15 certificate of existence and a list of its candidates pursuant to the provisions
16 of NRS 293.1725 with the secretary of state and:

17 (a) At the last preceding general election, the minor political party
18 polled for any of its candidates a number of votes equal to or more than 1
19 percent of the total number of votes cast for the offices of Representative in
20 Congress;

21 (b) On January 1 preceding a primary election, the minor political party
22 has been designated as the political party on the applications to register to
23 vote of at least 1 percent of the total number of registered voters in the
24 state; or

25 (c) Not later than the second Friday in August preceding the general
26 election, files a petition with the secretary of state which is signed by a
27 number of registered voters equal to at least 1 percent of the total number
28 of votes cast at the last preceding general election for the offices of
29 Representative in Congress.

30 3. *The name of a candidate for a minor political party other than a*
31 *candidate for the office of President or Vice President of the United*
32 *States must be placed on the ballot for the general election if the party*
33 *has filed:*

34 *(a) A certificate of existence;*

35 *(b) A list of candidates containing the name of the candidate pursuant*
36 *to the provisions of NRS 293.1725 with the secretary of state; and*

37 *(c) Not earlier than the first Monday in May preceding the general*
38 *election and not later than 5 p.m. on the third Monday in May, a petition*
39 *on behalf of the candidate with the secretary of state containing not less*
40 *than:*

41 *(1) Two hundred fifty signatures of registered voters if the*
42 *candidate is to be nominated for a statewide office; or*

1 ***(2) One hundred signatures of registered voters if the candidate is***
2 ***to be nominated for any office except a statewide office.***
3 ***A minor political party that places names of one or more candidates on***
4 ***the ballot pursuant to this subsection may also place the names of one or***
5 ***more candidates on the ballot pursuant to subsection 2.***

6 **4.** The name of only one candidate of each minor political party for
7 each office may appear on the ballot for a general election.

8 ~~**4.**~~ **5.** A minor political party must file a copy of the petition required
9 by paragraph (c) of subsection 2 **or paragraph (c) of subsection 3** with the
10 secretary of state before the petition may be circulated for signatures.

11 **Sec. 5.** NRS 293.172 is hereby amended to read as follows:

12 293.172 1. A petition filed pursuant to ~~paragraph (c) of~~ subsection
13 **2 or 3** of NRS 293.1715 may consist of more than one document. Each
14 document of the petition must:

15 (a) Bear the name of the ~~county in which it was circulated;~~ **minor**
16 **political party and, if applicable, the candidate and office to which the**
17 **candidate is to be nominated.**

18 (b) Include the affidavit of the person who circulated the document
19 verifying that the signers are registered voters in the state according to his
20 best information and belief and that the signatures are genuine and were
21 signed in his presence . ~~;~~ **and**

22 ~~—(c) Be submitted to~~

23 **(c) Bear the name of a county and be verified by** the county clerk ~~in~~
24 ~~the county in which it is circulated for verification~~ **of that county** in the
25 manner prescribed in NRS 293.1276 to 293.1279, inclusive, ~~not later than~~
26 ~~40 days before the third Tuesday in August.~~ **before the petition is filed**
27 **with the secretary of state pursuant to subsection 2 or 3 of NRS 293.1715.**

28 A challenge to the form of a ~~petition filed pursuant to paragraph (c) of~~
29 ~~subsection 2 of NRS 293.1715~~ **document** must be made in a district court
30 in the county ~~in which the petition was circulated.~~

31 ~~—2.— A document which bears the name of a county may be~~ **that is**
32 **named on the document.**

33 **(d) Be** signed only by registered voters of ~~that county.~~ **the county that**
34 **is named on the document.**

35 **2. If the office to which the candidate is to be nominated is a county**
36 **office, only the registered voters of that county may sign the petition. If**
37 **the office to which the candidate is to be nominated is a district office,**
38 **only the registered voters of that district may sign the petition.**

39 3. Each person who signs a ~~document~~ **petition** shall also provide the
40 address of the place where he resides, the date that he signs and the name of
41 the county in which he is registered to vote.

1 4. The county clerk shall not disqualify the signature of a voter who
2 failed to provide all of the information required by ~~{this section}~~ **subsection**
3 **3** if the voter is registered in the county **that is** named on the document.

4 **Sec. 6.** NRS 293.1725 is hereby amended to read as follows:

5 293.1725 1. Except as otherwise provided in subsection 4, a minor
6 political party ~~{which}~~ **that** wishes to place its candidates on the ballot for a
7 general election and:

8 (a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of
9 NRS 293.1715; ~~{or}~~

10 (b) Files a petition pursuant to paragraph (c) of subsection 2 of NRS
11 293.1715 ~~{;}~~ **; or**

12 **(c) Whose candidates are entitled to appear on the ballot pursuant to**
13 **subsection 3 of NRS 293.1715,**

14 must file with the secretary of state a list of its candidates not earlier than
15 the first Monday in May preceding the election nor later than **5 p.m. on** the
16 ~~{last Friday in June.}~~ **third Monday in May.** The list must be signed by the
17 person so authorized in the certificate of existence of the minor political
18 party before a notary public or other person authorized to take
19 acknowledgments. **The secretary of state shall strike from the list each**
20 **candidate who is not entitled to appear on the ballot pursuant to**
21 **subsection 3 of NRS 293.1715 if the minor political party is not entitled**
22 **to place candidates on the ballot pursuant to subsection 2 of NRS**
23 **293.1715.** The list must not be amended after it is filed.

24 2. The secretary of state shall immediately forward a certified copy of
25 the list of candidates of each minor political party to the filing officer with
26 whom each candidate must file his declaration of candidacy.

27 3. Each candidate on the list must file his declaration of candidacy with
28 the proper filing officer and pay the fee required by NRS 293.193 not
29 earlier than the date on which the list of candidates of his minor political
30 party is filed with the secretary of state nor later than **5 p.m. on** the ~~{first~~
31 ~~Wednesday in July.}~~ **third Monday in May.**

32 4. A minor political party that wishes to place candidates for the offices
33 of President and Vice President of the United States on the ballot and has
34 ~~{otherwise}~~ qualified to place the names of its candidates on the ballot for
35 the general election pursuant to ~~{the provisions of this chapter}~~ **subsection**
36 **2 of NRS 293.1715** must file with the secretary of state a certificate of
37 nomination for these offices not later than the first Tuesday in September.

38 **Sec. 7.** NRS 293.174 is hereby amended to read as follows:

39 293.174 1. If the qualification of a minor political party is
40 challenged, all affidavits and documents in support of the challenge must be
41 filed not later than 5 p.m. on the ~~{3rd}~~ **third** Friday in August. Any judicial
42 proceeding resulting from the challenge must be set for hearing not more
43 than 5 days after the ~~{3rd}~~ **third** Friday in August.

1 ~~[2.—Any such]~~ A challenge *pursuant to this subsection* must be filed
2 with the first judicial district court if the petition was filed with the
3 secretary of state.

4 *2. If the qualification of a candidate of a minor political party other*
5 *than a candidate for the office of President or Vice President of the*
6 *United States is challenged, all affidavits and documents in support of*
7 *the challenge must be filed not later than 5 p.m. on the fourth Monday in*
8 *May. Any judicial proceeding resulting from the challenge must be set*
9 *for hearing not more than 5 days after the fourth Monday in May. A*
10 *challenge pursuant to this subsection must be filed with:*

11 *(a) The first judicial district court; or*

12 *(b) If a candidate who filed a declaration of candidacy with a county*
13 *clerk is challenged, the district court for the county where the declaration*
14 *of candidacy was filed.*

15 **Sec. 8.** NRS 293.175 is hereby amended to read as follows:

16 293.175 1. The primary election must be held on the first Tuesday of
17 September in each even-numbered year.

18 2. Candidates of a major political party and candidates for nonpartisan
19 offices must be nominated at the primary election.

20 3. Candidates of a minor political party must be nominated in the
21 manner prescribed pursuant to NRS 293.171 ~~[]~~ *to 293.174, inclusive.*

22 4. Independent candidates for partisan office must be nominated in the
23 manner provided in NRS 293.200.

24 5. The provisions of NRS 293.175 to 293.203, inclusive, do not apply
25 to:

26 (a) Special elections to fill vacancies.

27 (b) The nomination of the officers of incorporated cities.

28 (c) The nomination of district officers whose nomination is otherwise
29 provided for by statute.

30 **Sec. 9.** NRS 293.200 is hereby amended to read as follows:

31 293.200 1. An independent candidate for partisan office must file
32 with the proper filing officer:

33 (a) A copy of the petition of candidacy that he intends to circulate for
34 signatures. The copy must be filed before the petition may be circulated.

35 (b) *Either of the following:*

36 *(1) A petition of candidacy signed by a number of registered voters*
37 *equal to at least 1 percent of the total number of ballots cast in the state or*
38 *in the county or district electing that officer at the last preceding general*
39 *election in which a person was elected to that office.*

40 *(2) A petition of candidacy signed by 250 registered voters if the*
41 *candidate is a candidate for statewide office, or signed by 100 registered*
42 *voters if the candidate is a candidate for any office other than a statewide*
43 *office.*

- 1 2. The petition may consist of more than one document. Each
2 document must bear the name of the county in which it was circulated and
3 only registered voters of that county may sign the document. The person
4 who circulates the document must be a registered voter of that county. If
5 the office is a district office, only the registered voters of that district may
6 sign the document. The documents ~~[which]~~ *that* are circulated for signature
7 in a county must be ~~[submitted to]~~ *verified by* that county clerk ~~[for~~
8 ~~verification]~~ in the manner prescribed in NRS 293.1276 to 293.1279,
9 inclusive, ~~[not later than 40 days before filing the petition of candidacy~~
10 ~~with the proper filing officer.]~~ *before the petition is filed pursuant to*
11 *subsection 4.* Each signer shall add to his signature the address of the place
12 at which he actually resides, the date that he signs the petition and the name
13 of the county where he is registered to vote for the purpose of determining
14 whether he is a registered voter. The person who circulates each document
15 of the petition shall sign an affidavit attesting that the signatures on the
16 document are genuine to the best of his knowledge and belief and were
17 signed in his presence by persons registered to vote in that county.
- 18 3. The petition of candidacy may state the principle, if any, which the
19 person qualified represents.
- 20 4. Petitions of candidacy must be filed not earlier than the first Monday
21 in May preceding the general election and not later than 5 p.m. on the third
22 ~~[Tuesday in August.]~~ *Monday in May.*
- 23 5. No petition of candidacy may contain the name of more than one
24 candidate for each office to be filled.
- 25 6. A person may not file as an independent candidate if he is proposing
26 to run as the candidate of a political party.
- 27 7. The names of independent candidates must be placed on the general
28 election ballot and must not appear on the primary election ballot.
- 29 8. If the candidacy of any person seeking to qualify pursuant to this
30 section is challenged, all affidavits and documents in support of the
31 challenge must be filed not later than 5 p.m. on the fourth ~~[Tuesday in~~
32 ~~August.]~~ *Monday in May.* Any judicial proceeding resulting from the
33 challenge must be set for hearing not more than 5 days after the fourth
34 ~~[Tuesday in August.]~~ *Monday in May.*
- 35 9. Any challenge pursuant to subsection 8 must be filed with:
36 (a) The first judicial district court if the petition of candidacy was filed
37 with the secretary of state.
38 (b) The district court for the county where the petition of candidacy was
39 filed if the petition was filed with a county clerk.
- 40 10. An independent candidate for partisan office must file a declaration
41 of candidacy with the proper filing officer and pay the fee required by NRS
42 293.193 not earlier than the first Monday in May of the year in which the

1 election is held nor later than 5 p.m. ~~[of the first Wednesday in July.]~~ on
2 *the third Monday in May.*

3 **Sec. 10.** NRS 293.207 is hereby amended to read as follows:

4 293.207 1. Election precincts must be established on the basis of the
5 number of registered voters therein, with a maximum of 600 registered
6 voters per precinct in those precincts in which paper ballots are used, or a
7 maximum of 1,500 registered voters who are not designated inactive
8 pursuant to NRS 293.530 per precinct in those precincts in which a
9 mechanical voting system is used.

10 2. ~~[The]~~ *Except as otherwise provided in subsections 3 and 4, the*
11 county clerk may consolidate two or more contiguous election precincts
12 into a single voting district to conduct a particular election as public
13 convenience, necessity and economy may require.

14 3. *If a county clerk proposes to consolidate two or more contiguous*
15 *election precincts, in whole or in part, pursuant to subsection 2, the*
16 *county clerk shall, at least 14 days before consolidating the precincts,*
17 *cause notice of the proposed consolidation to be:*

18 (a) *Posted in the manner prescribed for a regular meeting of the*
19 *board of county commissioners; and*

20 (b) *Mailed to each assemblyman, state senator, county commissioner*
21 *and, if applicable, member of the governing body of a city who represents*
22 *residents of a precinct affected by the consolidation.*

23 4. *A person may file a written objection to the proposed consolidation*
24 *with the county clerk. The county clerk shall consider each written*
25 *objection filed pursuant to this subsection before consolidating the*
26 *precincts.*

27 **Sec. 11.** NRS 293.213 is hereby amended to read as follows:

28 293.213 1. Whenever there were not more than 20 voters registered
29 in a precinct for the last preceding general election, the county clerk may
30 establish ~~[such]~~ *that* precinct as a mailing precinct, and shall forthwith mail
31 notification to the field registrar for ~~[such]~~ *that* precinct.

32 2. Except as otherwise provided ~~[by]~~ *in* NRS 293.208, the county clerk
33 in any county where an absent ballot central counting board is appointed
34 may abolish two or more existing mailing precincts and combine those
35 mailing precincts into absent ballot precincts . ~~[and those]~~ *Those mailing*
36 *precincts must be designated absent ballot mailing precincts.*

37 3. In any county where an absent ballot central counting board is
38 appointed, any established precinct which had less than 200 ballots cast at
39 the last preceding general election, or any newly established precinct with
40 less than 200 registered voters, may be designated an absent ballot mailing
41 precinct.

42 4. *The county clerk shall, at least 14 days before establishing or*
43 *designating a precinct as a mailing precinct or absent ballot mailing*

1 *precinct or before abolishing a mailing precinct pursuant to this section,*
2 *cause notice of such action to be:*

3 *(a) Posted in the manner prescribed for a regular meeting of the*
4 *board of county commissioners; and*

5 *(b) Mailed to each assemblyman, state senator, county commissioner*
6 *and, if applicable, member of the governing body of a city who represents*
7 *residents of a precinct affected by the action.*

8 **Sec. 12.** NRS 293.547 is hereby amended to read as follows:

9 293.547 1. After the 30th day but not later than the ~~15th~~ **25th** day
10 before any election, a written challenge may be filed with the county clerk.

11 2. A registered voter may file a written challenge if:

12 (a) He is registered to vote in the same precinct or district as the person
13 whose right to vote is challenged; or

14 (b) The challenge is based on the personal knowledge of the registered
15 voter.

16 3. The challenge must be signed and verified by the registered voter
17 and name the person whose right to vote is challenged and the ground of
18 the challenge.

19 4. A challenge filed pursuant to this section must not contain the name
20 of more than one person whose right to vote is challenged. The county
21 clerk shall not accept for filing any challenge which contains more than one
22 such name.

23 5. The county clerk shall ~~file~~ :

24 *(a) File* the challenge in the registrar of voters' register and:

25 ~~[(a)]~~ **(1)** In counties where records of registration are not kept by
26 computer, he shall attach a copy of the challenge to the challenged
27 registration in the election board register.

28 ~~[(b)]~~ **(2)** In counties where records of registration are kept by computer,
29 he shall have the challenge printed on the computer entry for the challenged
30 registration and add a copy of it to the election board register.

31 ~~[(6. — The county clerk shall, within]~~

32 *(b) Within* 5 days after a challenge is filed, mail a notice *in the manner*
33 *set forth in NRS 293.530* to the person whose right to vote has been
34 challenged pursuant to this section informing him of the challenge. *If the*
35 *person fails to respond or appear to vote within the required time, the*
36 *county clerk shall cancel his registration.* A copy of the challenge *and*
37 *information describing how to reregister properly* must accompany the
38 notice.

39 *(c) Immediately notify the district attorney. A copy of the challenge*
40 *must accompany the notice.*

41 **6.** *Upon receipt of a notice pursuant to this section, the district*
42 *attorney shall investigate the challenge within 14 days and, if*
43 *appropriate, cause proceedings to be instituted and prosecuted in a court*

1 *of competent jurisdiction without delay. The court shall give such*
2 *proceedings priority over other civil matters that are not expressly given*
3 *priority by law. Upon court order, the county clerk shall cancel the*
4 *registration of the person whose right to vote has been challenged*
5 *pursuant to this section.*

6 **Sec. 13.** Chapter 293C of NRS is hereby amended by adding thereto a
7 new section to read as follows:

8 *The governing body of a city, a city clerk and any other person who*
9 *prepares an abstract of votes or other report of votes pursuant to this*
10 *chapter shall not include in that abstract or report a person designated as*
11 *an inactive voter pursuant to subsection 7 of NRS 293.530 when*
12 *determining the percentage of voters who have voted or the total number*
13 *of voters.*