

ASSEMBLY BILL NO. 615—COMMITTEE ON ELECTIONS,
PROCEDURES, AND ETHICS

(ON BEHALF OF SECRETARY OF STATE)

MARCH 18, 1999

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Makes various changes to provisions relating to elections. (BDR 24-629)

FISCAL NOTE: Effect on Local Government: Yes.
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; authorizing certain special elections to be conducted by mail; revising provisions governing the recall of public officers; revising various provisions governing the circulation of petitions and verification of signatures on petitions; revising various deadlines and procedures relating to the filing and amendment of applications to register to vote, petitions, challenges, lists of candidates and reports of campaign contributions and expenditures; prohibiting the solicitation of certain contributions; revising certain provisions governing the testing of mechanical voting systems; providing a penalty; 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 and 3 of this act.
3 **Sec. 2. 1. *A county may conduct a special election by mail. To the***
4 ***extent applicable, the provisions of this chapter governing voting by mail***
5 ***and absent ballot apply to a special election conducted by mail pursuant***
6 ***to this section.***
7 **2. *The secretary of state shall adopt regulations to carry out the***
8 ***provisions of this section.***
9 **Sec. 3. *A person may sign a petition required under the election laws***
10 ***of this state on or after the date he is deemed to be registered to vote***
11 ***pursuant to subsection 5 of NRS 293.517 or subsection 5 of NRS***
12 ***293.5235.***

1 **Sec. 4.** NRS 293.1276 is hereby amended to read as follows:

2 293.1276 1. Within 4 days , excluding Saturdays, Sundays and
3 holidays, after the submission of a petition containing signatures which are
4 required to be verified pursuant to NRS 293.128, **293.165**, 293.172,
5 293.200, 295.056, 298.109 or 306.035, the county clerk shall determine
6 the total number of signatures affixed to the documents and forward that
7 information to the secretary of state.

8 2. If the secretary of state finds that the total number of signatures filed
9 with all the county clerks is less than 100 percent of the required number
10 of registered voters, he shall so notify the person who submitted the
11 petition and the county clerks and no further action may be taken in regard
12 to the petition. If the petition is a petition to recall a county, district or
13 municipal officer, the secretary of state shall also notify the officer with
14 whom the petition is to be filed.

15 3. After the petition is submitted to the county clerk it must not be
16 handled by any other person except by an employee of the county clerk's
17 office until it is filed with the secretary of state.

18 **Sec. 5.** NRS 293.1277 is hereby amended to read as follows:

19 293.1277 1. If the secretary of state finds that the total number of
20 signatures submitted to all the county clerks is 100 percent or more of the
21 number of registered voters needed to declare the petition sufficient, he
22 shall immediately so notify the county clerks. Within 9 days , excluding
23 Saturdays, Sundays and holidays , after notification, each of the county
24 clerks shall determine the number of registered voters who have signed the
25 documents submitted in his county.

26 2. If more than 500 names have been signed on the documents
27 submitted to him, a county clerk shall examine the signatures by sampling
28 them at random for verification. The random sample of signatures to be
29 verified must be drawn in such a manner that every signature which has
30 been submitted to the county clerk is given an equal opportunity to be
31 included in the sample. The sample must include an examination of at least
32 500 or 5 percent of the signatures, whichever is greater.

33 3. In determining from the records of registration the number of
34 registered voters who signed the documents, the county clerk may use the
35 signatures contained in the file of applications to register to vote. If the
36 county clerk uses that file, he shall ensure that every application in the file
37 is examined, including any application in his possession which may not yet
38 be entered into his records. The county clerk shall rely only on the
39 appearance of the signature and the address and date included with each
40 signature in making his determination.

41 4. Except as otherwise provided in subsection 6, upon completing the
42 examination, the county clerk shall immediately attach to the documents a

1 certificate properly dated, showing the result of his examination and
2 transmit the documents with the certificate to the secretary of state. A copy
3 of this certificate must be filed in the clerk's office.

4 5. A person who submits a petition to the county clerk which is
5 required to be verified pursuant to NRS 293.128, **293.165**, 293.172,
6 293.200, 295.056, 298.109 or 306.035 must be allowed to witness the
7 verification of the signatures. A public officer who is the subject of a recall
8 petition must also be allowed to witness the verification of the signatures
9 on the petition.

10 6. For any petition containing signatures which are required to be
11 verified pursuant to the provisions of NRS **293.165**, 293.200 or 306.035
12 for any county, district or municipal office within one county, the county
13 clerk shall not transmit to the secretary of state the documents containing
14 the signatures of the registered voters.

15 7. The secretary of state may by regulation establish further
16 procedures for carrying out the provisions of this section.

17 **Sec. 6.** NRS 293.1279 is hereby amended to read as follows:

18 293.1279 1. If the statistical sampling shows that the number of valid
19 signatures filed is 90 percent or more but less than 100 percent of the
20 number of signatures of registered voters needed to declare the petition
21 sufficient, the secretary of state shall order the county clerks to examine
22 the signatures for verification. The county clerks ~~must~~ **shall** examine the
23 signatures for verification until they determine that 100 percent of the
24 number of signatures of registered voters needed to declare the petition
25 sufficient are valid.

26 2. If the statistical sampling shows that the number of valid signatures
27 filed in any county is 90 percent or more but less than 100 percent of the
28 number of signatures of registered voters needed to constitute 10 percent
29 of the number of voters who voted at the last preceding general election in
30 that county, the secretary of state may order the county clerk in that county
31 to examine every signature for verification.

32 3. Within 12 days, excluding Saturdays, Sundays and holidays, after
33 receipt of such an order, the clerk shall determine from the records of
34 registration what number of registered voters have signed the petition. If
35 necessary, the board of county commissioners shall allow the county clerk
36 additional assistants for examining the signatures and provide for their
37 compensation. In determining from the records of registration what
38 number of registered voters have signed the petition, the clerk may use any
39 file or list of registered voters maintained by his office or facsimiles of
40 voters' signatures. The county clerk may rely on the appearance of the
41 signature and the address and date included with each signature in
42 determining the number of registered voters that signed the petition.

1 4. Except as otherwise provided in subsection 5, upon completing the
2 examination, the county clerk shall immediately attach to the documents of
3 the petition an amended certificate properly dated, showing the result of
4 the examination and shall immediately forward the documents with the
5 amended certificate to the secretary of state. A copy of the amended
6 certificate must be filed in the county clerk's office.

7 5. For any petition containing signatures which are required to be
8 verified pursuant to the provisions of NRS ~~293.165~~, 293.200 or 306.035
9 for any county, district or municipal office within one county, the county
10 clerk shall not forward to the secretary of state the documents containing
11 the signatures of the registered voters.

12 6. Except for a petition to recall a county, district or municipal officer,
13 the petition shall be deemed filed with the secretary of state as of the date
14 on which he receives certificates from the county clerks showing the
15 petition to be signed by the requisite number of voters of ~~the~~ *this* state.

16 7. If the amended certificates received from all county clerks by the
17 secretary of state establish that the petition is still insufficient, he shall
18 immediately so notify the petitioners and the county clerks. If the petition
19 is a petition to recall a county, district or municipal officer, the secretary of
20 state shall also notify the officer with whom the petition is to be filed.

21 **Sec. 7.** NRS 293.12793 is hereby amended to read as follows:

22 293.12793 1. If the secretary of state determines that the total
23 number of signatures that the county clerks have certified pursuant to NRS
24 293.1277 or 293.1279 is less than 100 percent of the number of registered
25 voters needed to make the petition sufficient, the person who submitted the
26 petition may contest the verification of the ~~votes~~ *signatures* by filing an
27 appeal with the secretary of state. The appeal must:

28 (a) Be filed within 5 working days after receipt of notification of the
29 determination of the secretary of state;

30 (b) Include each reason for the appeal; and

31 (c) Include a statement of the number of signatures, if any, that the
32 county clerk determined were invalid.

33 2. The secretary of state shall ~~consider~~ :

34 *(a) If the petition was circulated pursuant to chapter 306 of NRS,*
35 *immediately notify the public officer who is the subject of the petition of*
36 *the appeal by the person who submitted the petition; and*

37 *(b) Consider* the allegations and conduct an investigation , if necessary.

38 **Sec. 8.** NRS 293.128 is hereby amended to read as follows:

39 293.128 1. To qualify as a major political party any organization
40 must, under a common name:

41 (a) On January 1 preceding any primary election, have been designated
42 as a political party on the applications to register to vote of at least 10
43 percent of the total number of registered voters in ~~the~~ *this* state; or

(b) File a petition with the secretary of state not later than the last Friday in April before any primary election signed by a number of registered voters equal to or more than 10 percent of the total number of votes cast at the last preceding general election for *the offices of* Representative in Congress.

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

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

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

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

Sec. 9. NRS 293.165 is hereby amended to read as follows:

293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for *a partisan* office may be filled by a candidate designated by the party central committee of the county or state, as the case may be, subject to the provisions of subsections 4 and 5.

2. A vacancy occurring in a nonpartisan nomination after the close of filing and before the first Tuesday in September must be filled by filing a nominating petition that is signed by at least 1 percent of the *number of* persons ~~{who are registered to vote and}~~ who *actually* voted ~~{for the office in question in the}~~ *in this* state, *or the* county, district or municipality *in question*, at the last preceding general election. The petition must be filed not earlier than the first Tuesday in June and not later than the third Tuesday in September. *The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated and only registered voters of that county may sign the*

1 *document. If the office is not a statewide office, only the registered voters*
2 *of the county, district or municipality in question may sign the document.*
3 *The documents which are circulated for signature in a county must be*
4 *submitted to that county clerk for verification in the manner prescribed*
5 *in NRS 293.1276 to 293.1279, inclusive, not later than 25 days before the*
6 *third Tuesday in September. Each person who signs the petition shall add*
7 *to his signature the address of the place at which he actually resides, the*
8 *date that he signs the petition and the name of the county where he is*
9 *registered to vote. The person who circulates each document of the*
10 *petition shall sign an affidavit attesting that the signatures on the*
11 *document are genuine to the best of his knowledge and belief and were*
12 *signed in his presence by persons registered to vote in that county. A*
13 candidate nominated pursuant to the provisions of this subsection may be
14 elected only at a general election and his name must not appear on the
15 ballot for a primary election.

16 3. A vacancy occurring in a nonpartisan nomination after a primary
17 election and before the second Tuesday in September must be filled by the
18 person who received the next highest vote for the nomination in the
19 primary.

20 4. Except to place a candidate nominated pursuant to subsection 2 on
21 the ballot, no change may be made on the ballot after the second Tuesday
22 in September of the year in which the general election is held. If a nominee
23 dies after that date, his name must remain on the ballot and, if elected, a
24 vacancy exists.

25 5. ~~{All designations provided for in this section must be filed}~~ A
26 *candidate nominated pursuant to subsection 2 or designated pursuant to*
27 *subsection 1 must file a declaration of candidacy or acceptance of*
28 *candidacy, and pay the statutory filing fee, before 5 p.m. on the second*
29 *Tuesday in September. ~~{In each case, the statutory filing fee must be paid~~*
30 *~~and an acceptance of the designation must be filed before 5 p.m. on that~~*
31 *~~date.~~*

32 **Sec. 10.** NRS 293.171 is hereby amended to read as follows:

33 293.171 1. To qualify as a minor political party an organization must
34 file with the secretary of state a certificate of existence which includes the:

- 35 (a) Name of the political party;
36 (b) Names of its officers;
37 (c) Names of the members of its executive committee; and
38 (d) Name of the person authorized to file the list of its candidates *for*
39 *partisan office* with the secretary of state.

40 2. A copy of the constitution or bylaws of the party must be affixed to
41 the certificate.

1 3. A minor political party shall file with the secretary of state an
2 amended certificate of existence within 5 days after any change in the
3 information contained in the certificate.

4 4. The constitution or bylaws of a minor political party must provide a
5 procedure for the nomination of its candidates in such a manner that only
6 one candidate may be nominated for each office.

7 5. A minor political party whose candidates *for partisan office* do not
8 appear on the ballot for the general election must file a notice of continued
9 existence with the secretary of state not later than the second Friday in
10 August preceding the general election.

11 6. A minor political party which fails to file a notice of continued
12 existence as required by subsection 5 ceases to exist as a minor political
13 party in this state.

14 **Sec. 11.** NRS 293.1715 is hereby amended to read as follows:

15 293.1715 1. The names of the candidates *for partisan office* of a
16 minor political party must not appear on the ballot for a primary election.

17 2. The names of the candidates *for partisan office* of a minor political
18 party must be placed on the ballot for the general election if the party has
19 filed a certificate of existence and a list of its candidates *for partisan office*
20 pursuant to the provisions of NRS 293.1725 with the secretary of state and:

21 (a) At the last preceding general election, the minor political party
22 polled for any of its candidates *for partisan office* a number of votes equal
23 to or more than 1 percent of the total number of votes cast for the offices of
24 Representative in Congress;

25 (b) On January 1 preceding a primary election, the minor political party
26 has been designated as the political party on the applications to register to
27 vote of at least 1 percent of the total number of registered voters in ~~the~~
28 *this* state; or

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

34 3. The name of only one candidate of each minor political party for
35 each *partisan* office may appear on the ballot for a general election.

36 4. A minor political party must file a copy of the petition required by
37 paragraph (c) of subsection 2 with the secretary of state before the petition
38 may be circulated for signatures.

39 **Sec. 12.** NRS 293.172 is hereby amended to read as follows:

40 293.172 1. A petition filed pursuant to paragraph (c) of subsection 2
41 of NRS 293.1715 may consist of more than one document. Each document
42 of the petition must:

43 (a) Bear the name of the county in which it was circulated;

1 (b) Include the affidavit of the person who circulated the document
2 verifying that the signers are registered voters in ~~the~~ *this* state according
3 to his best information and belief and that the signatures are genuine and
4 were signed in his presence; and

5 (c) Be submitted to the county clerk in the county in which it is
6 circulated for verification in the manner prescribed in NRS 293.1276 to
7 293.1279, inclusive, not later than ~~40~~ *25* days before the third Tuesday in
8 August. A challenge to the form of a petition filed pursuant to paragraph
9 (c) of subsection 2 of NRS 293.1715 must be made in a district court in the
10 county in which the petition was circulated.

11 2. A document which bears the name of a county may be signed only
12 by registered voters of that county.

13 3. Each person who signs a document shall also provide the address of
14 the place where he resides, the date that he signs and the name of the
15 county in which he is registered to vote.

16 4. The county clerk shall not disqualify the signature of a voter who
17 failed to provide all ~~to~~ the information required by this section if the
18 voter is registered in the county named on the document.

19 **Sec. 13.** NRS 293.1725 is hereby amended to read as follows:

20 293.1725 1. Except as otherwise provided in subsection 4, a minor
21 political party which wishes to place its candidates *for partisan office* on
22 the ballot for a general election and:

23 (a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2
24 of NRS 293.1715; or

25 (b) Files a petition pursuant to paragraph (c) of subsection 2 of NRS
26 293.1715,
27 must file with the secretary of state a list of its candidates *for partisan*
28 *office* not earlier than the first Monday in May preceding the election nor
29 later than the last Friday in June. The list must be signed by the person so
30 authorized in the certificate of existence of the minor political party before
31 a notary public or other person authorized to take acknowledgments. The
32 list must not be amended after it is filed.

33 2. The secretary of state shall immediately forward a certified copy of
34 the list of candidates *for partisan office* of each minor political party to the
35 filing officer with whom each candidate must file his declaration of
36 candidacy.

37 3. Each candidate on the list must file his declaration of candidacy
38 with the ~~proper~~ *appropriate* filing officer and pay the fee required by
39 NRS 293.193 not earlier than the date on which the list of candidates *for*
40 *partisan office* of his minor political party is filed with the secretary of
41 state nor later than the first Wednesday in July.

42 4. A minor political party that wishes to place candidates for the
43 offices of President and Vice President of the United States on the ballot

1 and has otherwise qualified to place the names of its candidates *for*
2 *partisan office* on the ballot for the general election pursuant to the
3 provisions of this chapter must file with the secretary of state a certificate
4 of nomination for these offices not later than the first Tuesday in
5 September.

6 **Sec. 14.** NRS 293.175 is hereby amended to read as follows:

7 293.175 1. The primary election must be held on the first Tuesday of
8 September in each even-numbered year.

9 2. Candidates *for partisan office* of a major political party and
10 candidates for nonpartisan ~~offices~~ *office* must be nominated at the
11 primary election.

12 3. Candidates *for partisan office* of a minor political party must be
13 nominated in the manner prescribed pursuant to NRS 293.171.

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

16 5. The provisions of NRS 293.175 to 293.203, inclusive, do not apply
17 to:

18 (a) Special elections to fill vacancies.

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

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

22 **Sec. 15.** NRS 293.176 is hereby amended to read as follows:

23 293.176 1. Except as otherwise provided in subsection 2, no person
24 may be a candidate *for partisan office* in any election if he has changed:

25 (a) The designation of his political party affiliation; or

26 (b) His designation of political party from nonpartisan to a designation
27 of a political party affiliation,

28 on an application to register to vote in the State of Nevada or in any other

29 state ~~since the~~ *during the time beginning on* September 1 ~~next~~

30 preceding the closing filing date for ~~the~~ *that election and ending on the*
31 *date of that* election ~~if~~ whether or not his previous registration was still
32 effective at the time of the change in party designation.

33 2. The provisions of subsection 1 do not apply to any person who is a
34 candidate of a political party that was not qualified pursuant to NRS
35 293.171 on the September 1 next preceding the closing filing date for the
36 election.

37 **Sec. 16.** NRS 293.187 is hereby amended to read as follows:

38 293.187 1. ~~On or before the third Tuesday in June, the~~ *The*

39 secretary of state shall forward to each county clerk a certified list
40 containing the name and mailing address of each person for whom

41 candidacy papers have been filed in the office of the secretary of state, and
42 who is entitled to be voted for in the county at the next succeeding primary

43 election, together with the title of the office for which the person is a

1 candidate and the party or principles he represents. *The secretary of state*
2 *shall forward the certified list not later than 5 working days after the last*
3 *day upon which any candidate on the list may withdraw his candidacy*
4 *pursuant to NRS 293.202.*

5 2. There must be a party designation only for candidates for partisan
6 offices.

7 **Sec. 17.** NRS 293.197 is hereby amended to read as follows:

8 293.197 1. In any judicial district that has more than one district
9 judge, each department is a separate office for the purposes of nominating
10 and electing the district judge of that department.

11 2. In any judicial district that includes a county whose population is
12 100,000 or more:

13 (a) The departments of the family division of the district court must be
14 denoted as such on all ballots and sample ballots, using the words “district
15 court judge, family division, department” Each such department must
16 be *separately* designated. ~~with a letter, beginning with “A” and~~
17 ~~continuing in sequence for each department.~~

18 (b) The remaining departments of the district court must be denoted as
19 such on all ballots and sample ballots, using the words “district court
20 judge, department” Each such department must be designated with a
21 numeral, beginning with “1” and continuing in sequence for each
22 department.

23 **Sec. 18.** NRS 293.200 is hereby amended to read as follows:

24 293.200 1. An independent candidate for partisan office must file
25 with the ~~proper~~ *appropriate* filing officer:

26 (a) A copy of the petition of candidacy that he intends to circulate for
27 signatures. The copy must be filed *not earlier than the January 2*
28 *preceding the date of the election and not later than 25 days before the*
29 *last day to file the petition pursuant to subsection 4. The copy must also*
30 *be filed* before the petition may be circulated.

31 (b) A petition of candidacy signed by a number of registered voters
32 equal to at least 1 percent of the total number of ballots cast in ~~the~~ *this*
33 state or in the county or district electing that officer at the last preceding
34 general election in which a person was elected to that office.

35 2. The petition may consist of more than one document. Each
36 document must bear the name of the county in which it was circulated and
37 only registered voters of that county may sign the document. ~~The person~~
38 ~~who circulates the document must be a registered voter of that county.~~ If
39 the office is ~~a district~~ *not a statewide* office, only the registered voters of
40 ~~that~~ *the county, district or municipality in question* may sign the
41 document. The documents which are circulated for signature in a county
42 must be submitted to that county clerk for verification in the manner
43 prescribed in NRS 293.1276 to 293.1279, inclusive, not later than ~~40~~ *25*

1 days before ~~filing~~ *the last day to file* the petition of candidacy with the

1 ~~{proper}~~ *appropriate* filing officer ~~[- Each signer]~~ *pursuant to subsection*
2 *4. Each person who signs the petition* shall add to his signature the
3 address of the place at which he actually resides, the date that he signs the
4 petition and the name of the county where he is registered to vote . ~~{for the~~
5 ~~purpose of determining whether he is a registered voter.}~~ The person who
6 circulates each document of the petition shall sign an affidavit attesting
7 that the signatures on the document are genuine to the best of his
8 knowledge and belief and were signed in his presence by persons
9 registered to vote in that county.

10 3. The petition of candidacy may state the principle, if any, which the
11 person qualified represents.

12 4. Petitions of candidacy must be filed not earlier than the first
13 Monday in May preceding the general election and not later than 5 p.m. on
14 the third Tuesday in August.

15 5. No petition of candidacy may contain the name of more than one
16 candidate for each office to be filled.

17 6. A person may not file as an independent candidate if he is
18 proposing to run as the candidate of a political party.

19 7. The names of independent candidates must be placed on the general
20 election ballot and must not appear on the primary election ballot.

21 8. If the candidacy of any person seeking to qualify pursuant to this
22 section is challenged, all affidavits and documents in support of the
23 challenge must be filed not later than 5 p.m. on the fourth Tuesday in
24 August. Any judicial proceeding resulting from the challenge must be set
25 for hearing not more than 5 days after the fourth Tuesday in August.

26 9. Any challenge pursuant to subsection 8 must be filed with:

27 (a) The first judicial district court if the petition of candidacy was filed
28 with the secretary of state.

29 (b) The district court for the county where the petition of candidacy was
30 filed if the petition was filed with a county clerk.

31 10. An independent candidate for partisan office must file a
32 declaration of candidacy with the ~~{proper}~~ *appropriate* filing officer and
33 pay the fee required by NRS 293.193 not earlier than the first Monday in
34 May of the year in which the election is held nor later than 5 p.m. of the
35 first Wednesday in July.

36 **Sec. 19.** NRS 293.3606 is hereby amended to read as follows:

37 293.3606 1. After 8 a.m. on election day, the appropriate board shall
38 count in public the returns for early voting.

39 2. The returns for early voting must not be reported until after the polls
40 have closed on election day.

41 3. The returns for early voting ~~{may}~~ *must* be reported separately from
42 the regular votes of the precinct, unless reporting the returns separately
43 would violate the secrecy of the voter's ballot.

1 4. The county clerk shall develop a procedure to ensure that each
2 ballot is kept secret.

3 5. Any person who disseminates to the public information relating to
4 the count of returns for early voting before the polls close is guilty of a
5 gross misdemeanor.

6 **Sec. 20.** NRS 293.387 is hereby amended to read as follows:

7 293.387 1. As soon as the returns from all the precincts and districts
8 in any county have been received by the board of county commissioners,
9 the board shall meet and canvass the returns. The canvass must be
10 completed on or before the fifth working day following the election.

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

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

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

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

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

21 (b) A mechanized report of the abstract in compliance with regulations
22 adopted by the secretary of state,
23 and transmit them to the secretary of state ~~[within 5]~~ **not more than 6**
24 working days after ~~[the day after]~~ the election.

25 4. The secretary of state shall, immediately after any primary election,
26 compile the returns for all candidates voted for in more than one county.
27 He shall make out and file in his office an abstract thereof, and shall certify
28 to the county clerk of each county the name of each person nominated, and
29 the name of the office for which he is nominated.

30 **Sec. 21.** NRS 293.507 is hereby amended to read as follows:

31 293.507 1. The secretary of state shall prescribe:

32 (a) A standard form for applications to register to vote; and

33 (b) A special form for registration to be used in a county where
34 registrations are performed and records of registration are kept by
35 computer.

36 2. The county clerks shall provide forms for applications to register to
37 vote to field registrars in the form and number prescribed by the secretary
38 of state.

39 3. A form for an application to register to vote must include a
40 duplicate copy marked as the receipt to be retained by the applicant upon
41 completion of the form.

42 4. The form for an application to register to vote must include:

(a) A line on which to enter the number on the voter's social security card, driver's license, ~~for~~ identification card issued by the department of motor vehicles and public safety ~~or~~ *or other identification card issued by an agency of this state or the Federal Government that contains:*

(1) A unique number; and

(2) A photograph or physical description of the voter.

(b) A line on which to enter the address at which the voter actually resides. The application must not be accepted if the address is listed as a post office box unless a street address has not been assigned to his residence.

(c) A notice that the voter may not list his address as a business unless he actually resides there.

Sec. 22. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the ~~15th~~ *20th* day before any election, a written challenge may be filed with the county clerk.

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

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

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

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

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

5. The county clerk shall file the challenge in the registrar of voters' register and:

(a) In counties where records of registration are not kept by computer, he shall attach a copy of the challenge to the challenged registration in the election board register.

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

6. The county clerk shall, within 5 days after a challenge is filed, mail a notice to the person whose right to vote has been challenged pursuant to this section informing him of the challenge. A copy of the challenge must accompany the notice.

Sec. 23. NRS 293.820 is hereby amended to read as follows:

293.820 1. It is unlawful for any person to solicit ~~any money~~ *a contribution* for any organization the title of which incorporates the name, or any form of the name, of any political party in this state without first

1 having obtained written approval therefor, or a charter for that
2 organization, from the central or executive committee of that political party
3 the name of which is being used or incorporated in the title of that
4 organization for the county in which the money is being solicited.

5 2. This section does not require any person or organization to obtain a
6 charter or written approval if that person or organization is:

7 (a) Publicly organized for the sole and limited purpose of supporting the
8 candidacy of a particular candidate in a single election.

9 (b) Chartered by a national political party or organization.

10 (c) Chartered by a state central committee in Nevada.

11 3. Any person who violates any provision of this section is guilty of a
12 gross misdemeanor.

13 **4. As used in this section, “contribution” has the meaning ascribed**
14 **to it in NRS 294A.007.**

15 **Sec. 24.** NRS 293B.150 is hereby amended to read as follows:

16 293B.150 Not earlier than 2 weeks before and not later than 5 p.m. on
17 the day before the first day of early voting, the county or city clerk ~~of a~~
18 ~~county or city that uses a~~ **shall test:**

19 **1. The** mechanical recording device which directly records votes
20 electronically ~~shall test the~~, **if any; or**

21 **2. The** automatic tabulating equipment and programs, **if any,**
22 to ascertain that the **device or** equipment and programs will correctly count
23 the votes cast for all offices and on all measures.

24 **Sec. 25.** NRS 293B.155 is hereby amended to read as follows:

25 293B.155 1. The tests prescribed by NRS 293B.150 and 293B.165
26 must be conducted by processing a preaudited group of logic and accuracy
27 test ballots so punched, voted or marked as to record a predetermined
28 number of valid votes for each candidate and on each measure, and must
29 include for each office one or more ballots which have votes in excess of
30 the number allowed by law in order to test the ability of the **mechanical**
31 **recording device or the** automatic tabulating equipment and programs to
32 reject those votes.

33 2. If any error is detected, the cause therefor must be ascertained and
34 corrected and an errorless count must be made before the **mechanical**
35 **recording device or the** automatic tabulating equipment and programs are
36 approved.

37 3. When satisfied with the accuracy of the **mechanical recording**
38 **device or automatic tabulating equipment and** computer program, the
39 accuracy certification board and the county or city clerk shall date and sign
40 all reports, **and** seal the program, **if any, and** the reports ~~it~~ and all test
41 material in an appropriate container. The container must be kept sealed by
42 the

clerk.

1 4. Except as otherwise provided in this subsection, the contents of
2 such a sealed container are not subject to the inspection of anyone except
3 in the case of a contested election, and then only by the judge, body or
4 board before whom the election is being contested, or by the parties to the
5 contest, jointly, pursuant to an order of that judge, body or board. For the
6 period set forth in NRS 293.413 during which a candidate may file a
7 statement of contest, the results of the test must be made available in the
8 clerk's office for public inspection.

9 **Sec. 26.** NRS 293B.170 is hereby amended to read as follows:

10 293B.170 After the completion of the last logic and accuracy test, the
11 programs used, *if any, and* the logic and accuracy test ballots and the
12 official ballots shall be sealed, retained and disposed of in the manner
13 provided in NRS 293.391 for other ballots.

14 **Sec. 27.** Chapter 293C of NRS is hereby amended by adding thereto a
15 new section to read as follows:

16 **1. A city may conduct a special election by mail. To the extent**
17 **applicable, the provisions of this chapter governing voting by mail and**
18 **absent ballot apply to a special election conducted by mail pursuant to**
19 **this section.**

20 **2. The secretary of state shall adopt regulations to carry out the**
21 **provisions of this section.**

22 **Sec. 28.** Chapter 294A of NRS is hereby amended by adding thereto a
23 new section to read as follows:

24 **1. A report required to be filed pursuant to the provisions of this**
25 **chapter may be amended by filing an amended report with the officer**
26 **with whom the initial report was filed not later than 10 days after the last**
27 **date to file the initial report. The amended report must be signed in the**
28 **same manner as the initial report and have the word "Amended" at the**
29 **top of the first page in type that is more prominent than the text of the**
30 **amended report. The date of the initial report shall be deemed the date of**
31 **the report.**

32 **2. The officer shall file both the initial report and the amended**
33 **report.**

34 **Sec. 29.** NRS 294A.125 is hereby amended to read as follows:

35 294A.125 1. In addition to complying with the requirements set forth
36 in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives
37 contributions in any year before the year in which the general election or
38 general city election in which the candidate intends to seek election to
39 public office is held, shall, ~~not later than December 31 of:~~ **for:**

40 (a) The year in which he receives contributions in excess of \$10,000,
41 report the total contributions received ~~for~~ **and expenditures made in that**
42 **year.**

(b) Each year after the year in which he received contributions in excess of \$10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, report the contributions received and the expenditures made in that year.

2. The reports required by subsection 1 must be submitted on a form designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. Each contribution in excess of \$100 and contributions that a contributor has made cumulatively in excess of that amount must be separately identified with the name and address of the contributor and the date of the contribution, tabulated and reported on the form provided by the secretary of state. Each expenditure in excess of \$100 and expenditures that the candidate made cumulatively in excess of that amount must be separately identified with the date of the expenditure, tabulated and reported on the form provided by the secretary of state.

4. The report must be filed ~~[with the secretary of state.]~~ :

(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

(b) On or before January 15 of the year immediately after the year for which the report is made.

5. *A county clerk who receives from a candidate for legislative or judicial office, except the office of justice of the peace or municipal judge, a report of contributions and expenditures pursuant to subsection 4 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.*

Sec. 30. NRS 294A.180 is hereby amended to read as follows:

294A.180 1. Each candidate for a state, district, county, city or township office who is not elected to that office shall, not later than the 15th day of the second month after his defeat, file a report with the secretary of state stating the amount of contributions which he received for that campaign but did not spend and the disposition of those unspent contributions.

2. Each public officer who is elected to a state, district, county, city or township office shall file a report : ~~[with the secretary of state:]~~

(a) Not later than the 15th day of the second month after his election, stating the amount of campaign contributions which he received but did not spend and the amount, if any, of those unspent contributions disposed of pursuant to subsection 2 of NRS 294A.160;

(b) Not later than January 15th of each year of his term beginning the year after he filed the report required by paragraph (a), stating the amount,

1 if any, of those unspent contributions disposed of pursuant to NRS
2 294A.160 during the period since his last report and the manner in which
3 they were disposed of; and

4 (c) Not later than the 15th day of the second month after he no longer
5 holds that office, stating the amount and disposition of any remaining
6 unspent contributions.

7 3. The reports required by subsections 1 and 2 must be submitted on a
8 form designed and provided by the secretary of state and signed by the
9 candidate or public officer under penalty of perjury.

10 **4. A public officer filing a report pursuant to subsection 2:**

11 **(a) Shall file the report with the officer with whom he filed his**
12 **declaration of candidacy or acceptance of candidacy.**

13 **(b) May file the report by certified mail. If certified mail is used, the**
14 **date of mailing shall be deemed the date of filing.**

15 **5. A county clerk who receives from a legislative or judicial officer,**
16 **other than a justice of the peace or municipal judge, a report pursuant to**
17 **subsection 4 shall file a copy of the report with the secretary of state**
18 **within 10 working days after he receives the report.**

19 **Sec. 31.** NRS 294A.350 is hereby amended to read as follows:

20 294A.350 1. Every candidate for state, district, county, municipal or
21 township office shall file the reports of campaign contributions and
22 expenses required by NRS 294A.120, 294A.200 and 294A.360, even
23 though he:

24 (a) Withdraws his candidacy;

25 (b) Receives no campaign contributions; ~~for~~

26 (c) Has no campaign expenses ~~for~~;

27 **(d) Is removed from the ballot by court order; or**

28 **(e) Is the subject of a petition to recall and the special election is not**
29 **held.**

30 2. A candidate who withdraws his candidacy pursuant to NRS 293.202
31 may file simultaneously all the reports of campaign contributions and
32 expenses required by NRS 294A.120, 294A.200 and 294A.360, so long as
33 each report is filed on or before the last day for filing the respective report
34 pursuant to NRS 294A.120, 294A.200 or 294A.360.

35 **Sec. 32.** Chapter 295 of NRS is hereby amended by adding thereto a
36 new section to read as follows:

37 **The legal sufficiency of a petition filed pursuant to NRS 295.015 to**
38 **295.056, inclusive, and this section, may be challenged by filing a**
39 **complaint in district court not later than 5 days, Saturdays, Sundays and**
40 **holidays excluded, after the petition is filed with the secretary of state. All**
41 **affidavits and documents in support of the challenge must be filed with**
42 **the complaint. The court shall set the matter for hearing not later than**

1 *30 days after the complaint is filed and shall give priority to such a*
2 *complaint over all other matters pending with the court, except for*
3 *criminal proceedings.*

4 **Sec. 33.** NRS 295.056 is hereby amended to read as follows:

5 295.056 1. Before a petition for initiative or referendum is filed with
6 the secretary of state, the petitioners must submit to each county clerk for
7 verification *pursuant to NRS 293.1276 to 293.1279, inclusive*, the
8 document or documents which were circulated for signature within his
9 county. The clerks shall give the person submitting a document or
10 documents a receipt stating the number of documents and pages and the
11 person's statement of the number of signatures contained therein.

12 2. If a petition for initiative proposes a statute or an amendment to a
13 statute, the document or documents must be submitted not later than the
14 second Tuesday in November of an even-numbered year.

15 3. If a petition for initiative proposes an amendment to the
16 constitution, the document or documents must be submitted not later than
17 the third Tuesday in June of an even-numbered year.

18 4. If the petition is for referendum, the document or documents must
19 be submitted not later than the third Tuesday in May of an even-numbered
20 year.

21 5. All documents which are submitted to a county clerk for verification
22 must be submitted at the same time.

23 **Sec. 34.** NRS 298.020 is hereby amended to read as follows:

24 298.020 1. Each *major* political party in this state, qualified by law
25 to place upon the general election ballot candidates for the office of
26 President and Vice President of the United States in the year when they are
27 to be elected, shall, at the state convention of the *major* political party held
28 in that year, choose from the qualified electors, who are legally registered
29 members of that political party, the number of presidential electors
30 required by law and no more, who must be nominated by the delegates at
31 the state convention. Upon the nomination thereof, the chairman and the
32 secretary of the convention shall certify the names and addresses of the
33 nominees to the secretary of state, who shall record the names in his office
34 as the nominees of that political party for presidential elector.

35 2. Each minor political party in this state, qualified by law to place
36 upon the general election ballot candidates for the office of President and
37 Vice President of the United States in the year when they are to be elected,
38 shall choose from the qualified electors, the number of presidential electors
39 required by law. The person who is authorized to file the list of candidates
40 *for partisan office* of the minor political party with the secretary of state
41 pursuant to NRS 293.1725 shall certify the names and addresses of the
42 nominees to the secretary of state, who shall record the names in his office
43 as the nominees of that political party for presidential elector.

1 **Sec. 35.** NRS 298.109 is hereby amended to read as follows:

2 298.109 1. A person who desires to be an independent candidate for
3 the office of President of the United States must, not later than 5 p.m. on
4 the second Friday in August in each year in which a presidential election is
5 to be held, pay a filing fee of \$250 and file with the secretary of state a
6 declaration of candidacy and a petition of candidacy, in which he must also
7 designate his nominee for Vice President. The petition must be signed by a
8 number of registered voters equal to not less than 1 percent of the total
9 number of votes cast at the last preceding general election for candidates
10 for the offices of Representative in Congress and must request that the
11 names of the proposed candidates be placed on the ballot at the general
12 election that year. The candidate shall file a copy of the petition he intends
13 to circulate for signatures with the secretary of state.

14 2. The petition may consist of more than one document. Each
15 document must bear the name of a county and only registered voters of
16 that county may sign the document. The documents which are circulated
17 for signature in a county must be submitted to that county clerk for
18 verification in the manner prescribed in NRS 293.1276 to 293.1279,
19 inclusive, not later than ~~[40]~~ 25 days before ~~[filing]~~ *the last day to file* the
20 petition of candidacy with the secretary of state ~~[pursuant to subsection~~
21 *1.* Each person signing shall add to his signature the address of the place at
22 which he resides, the date that he signs and the name of the county wherein
23 he is registered to vote. Each document of the petition must also contain
24 the affidavit of the person who circulated the document that all signatures
25 thereon are genuine to the best of his knowledge and belief and were
26 signed in his presence by persons registered to vote in that county.

27 3. Each independent candidate so nominated for the office of President
28 shall at the time of filing his petition as provided in subsection 1, or within
29 10 days thereafter, file with the secretary of state his written designation of
30 the names of the number of presidential electors then authorized by law,
31 whom the independent candidate desires to act as his electors, all of whom
32 must then be registered voters. Immediately following receipt of each
33 candidate's written designation of his nominees for electors, the secretary
34 of state shall record them in his office as the nominees for presidential
35 electors of that independent candidate.

36 4. If the candidacy of any person who seeks to qualify pursuant to this
37 section is challenged, all affidavits and documents in support of the
38 challenge must be filed with the first judicial district court not later than 5
39 p.m. on the fourth Tuesday in August. Any judicial proceeding relating to
40 the challenge must be set for hearing not later than 5 days after the fourth
41 Tuesday in August.

1 5. The county clerk shall not disqualify the signature of a voter who
2 fails to provide all ~~to~~ the information required by this section if the voter
3 is registered in the county named on the document.

4 **Sec. 36.** NRS 306.015 is hereby amended to read as follows:

5 306.015 1. Before a petition to recall a public officer is circulated,
6 the persons proposing to circulate the petition must file a notice of intent
7 with the filing officer . ~~{with whom the public officer to be recalled filed~~
8 ~~his declaration of candidacy or acceptance of candidacy pursuant to NRS~~
9 ~~293.185, 293C.145 or 293C.175.}~~

10 2. The notice of intent:

11 (a) Must be signed by three registered voters who actually voted in ~~{the}~~
12 *this* state or in the county, district or municipality electing the officer at the
13 last preceding general election.

14 (b) Must be signed before a person authorized by law to administer
15 oaths that the statements and signatures contained in the notice are true.

16 (c) Is valid until the date on which the call for a special election is
17 issued, as set forth in NRS 306.040.

18 3. *The petition may consist of more than one document.* The persons
19 filing the notice of intent shall submit the petition *that was circulated for*
20 *signatures* to the ~~{county clerk pursuant to NRS 306.035}~~ *filing officer*
21 within 60 days after the date on which the notice of intent was filed. *The*
22 *filing officer shall immediately submit the petition to the county clerk for*
23 *verification pursuant to NRS 306.035.* Any person who fails to file the
24 petition as required by this subsection is guilty of a misdemeanor. Copies
25 of the petition are not valid for any subsequent petition.

26 4. The county clerk shall, upon completing the verification of the
27 signatures on the petition, file the petition with the filing officer . ~~{with~~
28 ~~whom the public officer to be recalled filed his declaration of candidacy or~~
29 ~~acceptance of candidacy.}~~

30 5. Any person who signs a petition to recall any public officer may
31 remove his name from the petition by submitting a request in writing to the
32 county clerk at any time before the petition is submitted for the verification
33 of the signatures thereon pursuant to NRS 306.035.

34 6. A person who signs a notice of intent pursuant to subsection 1 or a
35 petition to recall a public officer is immune from civil liability for conduct
36 related to the exercise of his right to participate in the recall of a public
37 officer.

38 7. *As used in this section, “filing officer” means the officer with*
39 *whom the public officer to be recalled filed his declaration of candidacy*
40 *or acceptance of candidacy pursuant to NRS 293.185, 293C.145 or*
41 *293C.175.*

Sec. 37. NRS 306.035 is hereby amended to read as follows:

306.035 1. Before a petition to recall a state officer who is elected statewide is filed with the secretary of state ~~[, the petitioners must submit to]~~ *pursuant to subsection 4 of NRS 306.015*, each county clerk ~~[for verification]~~ *must verify, pursuant to NRS 293.1276 to 293.1279, inclusive*, the document or documents which were circulated for signature within his county.

2. Before a petition to recall a state senator, assemblyman, or a county, district or municipal officer is filed ~~[with the proper officer, the petitioners must submit to]~~ **pursuant to subsection 4 of NRS 306.015**, the county clerk ~~[for verification limited to the relevant area in the manner prescribed in]~~ **must verify, pursuant to** NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for signatures within his county.

3. If more than one document was circulated, all the documents must be submitted to the clerk at the same time.

Sec. 38. NRS 306.040 is hereby amended to read as follows:

306.040 1. Upon determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the secretary of state shall notify the county clerk, the officer with whom the petition is to be filed pursuant to subsection 4 of NRS 306.015 and the public officer who is the subject of the petition.

2. ~~[Any]~~ *After the verification of signatures is complete, but not later than the date a complaint is filed pursuant to subsection 5 or the date the call for a special election is issued, whichever is earlier,* a person who signs a petition to recall may request the secretary of state to strike his name from the petition. ~~[after the verification of signatures is complete and before the date the call for a special election is issued.]~~ If the person demonstrates good cause therefor, the secretary of state shall strike his name from the petition.

3. Not sooner than 10 days nor more than 20 days after the secretary of state completes the notification required by subsection 1, ***if a complaint is not filed pursuant to subsection 5***, the officer with whom the petition is filed shall issue a call for a special election in the jurisdiction in which the public officer ***who is the subject of the petition*** was elected to determine whether the people will recall him.

4. The call *for a special election pursuant to subsection 3 or 6* must include, without limitation:

(a) The last day on which a person may register to vote to qualify to vote in the special election; and

(b) The last day on which a petition to nominate other candidates for the office may be

filed.

1 ~~[4.]~~ 5. The legal sufficiency of the petition may be challenged by filing
2 a complaint in district court not later than 5 days, Saturdays, ~~{and}~~
3 Sundays *and holidays* excluded, after the secretary of state completes the
4 notification required by subsection 1. All affidavits and documents in
5 support of the challenge must be filed with the complaint. The court shall
6 set the matter for hearing not later than 30 days after the complaint is filed
7 and shall give priority to such a complaint over all other matters pending
8 with the court, except for criminal proceedings.

9 ~~[5.]~~ 6. Upon the conclusion of the hearing, if the court determines that
10 the petition is sufficient, it shall order the officer with whom the petition is
11 filed to issue a call for a special election *in the jurisdiction in which the*
12 *public officer who is the subject of the petition was elected* to determine
13 whether the people will recall ~~{the public officer who is the subject of the~~
14 ~~petition.}~~ *him*. If the court determines that the petition is not sufficient, it
15 shall order the officer with whom the petition is filed to cease any further
16 proceedings regarding the petition.

17 **Sec. 39.** The amendatory provisions of this act do not apply to
18 conduct that occurred before October 1, 1999.