
SENATE BILL NO. 541—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 22, 1999

Referred to Committee on Government Affairs

SUMMARY—Requires commission on ethics to prepare pamphlet concerning Nevada Ethics in Government Law for distribution to candidates for public office. (BDR 24-327)

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; providing in skeleton form for requiring the commission on ethics to produce a pamphlet concerning the Nevada Ethics in Government Law; requiring a filing officer to provide a copy of the pamphlet to each candidate who files for candidacy with that officer; requiring a candidate to pay a fee for the pamphlet; 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 a
2 new section to read as follows:
3 ***1. The commission on ethics shall:***
4 ***(a) Prepare a pamphlet containing and explaining the provisions of***
5 ***NRS 281.411 to 281.581, inclusive; and***
6 ***(b) Supply copies of the pamphlet to the filing officers for distribution***
7 ***pursuant to subsection 2.***
8 ***2. Upon collection of the fee set forth in subsection 3, a filing officer***
9 ***shall provide to each candidate who files his declaration of candidacy or***
10 ***acceptance of candidacy with that officer one copy of the pamphlet***
11 ***produced by the commission on ethics pursuant to subsection 1.***
12 ***3. In addition to the filing fee required by NRS 293.193, 293C.145***
13 ***and 293C.175, each candidate who files a declaration of candidacy or***
14 ***acceptance of candidacy shall pay to the filing officer, by cash, cashier's***
15 ***check or certified check, a fee for the pamphlet in an amount that equals***
16 ***the cost incurred by the commission on ethics to produce the pamphlet.***

1 **4. The filing officer shall pay to the commission on ethics the fee**
2 **received by him from the candidate pursuant to subsection 3.**

3 **Sec. 2.** NRS 293.1725 is hereby amended to read as follows:

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

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

9 (b) Files a petition pursuant to paragraph (c) of subsection 2 of NRS
10 293.1715,

11 must file with the secretary of state a list of its candidates not earlier than
12 the first Monday in May preceding the election nor later than the last Friday
13 in June. The list must be signed by the person so authorized in the
14 certificate of existence of the minor political party before a notary public or
15 other person authorized to take acknowledgments. The list must not be
16 amended after it is filed.

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

20 3. Each candidate on the list must file his declaration of candidacy with
21 the proper filing officer, **obtain the pamphlet produced by the**
22 **commission on ethics pursuant to section 1 of this act** and pay the fee
23 required by NRS 293.193 not earlier than the date on which the list of
24 candidates of his minor political party is filed with the secretary of state nor
25 later than the first Wednesday in July.

26 4. A minor political party that wishes to place candidates for the offices
27 of President and Vice President of the United States on the ballot and has
28 otherwise qualified to place the names of its candidates on the ballot for the
29 general election pursuant to the provisions of this chapter must file with the
30 secretary of state a certificate of nomination for these offices not later than
31 the first Tuesday in September.

32 **Sec. 3.** NRS 293.177 is hereby amended to read as follows:

33 293.177 1. Except as otherwise provided in NRS 293.165, a name
34 may not be printed on a ballot to be used at a primary election unless the
35 person named has filed a declaration of candidacy or an acceptance of
36 candidacy, **obtained the pamphlet produced by the commission on ethics**
37 **pursuant to section 1 of this act** and paid the fee required by NRS 293.193
38 not earlier than the first Monday in May of the year in which the election is
39 to be held nor later than 5 p.m. on the third Monday in May.

40 2. A declaration of candidacy or an acceptance of candidacy required
41 to be filed by this section must be in substantially the following form:

42 (a) For partisan office:

1 DECLARATION OF CANDIDACY OF FOR THE
2 OFFICE OF

3
4 State of Nevada

5
6 County of
7

8 For the purpose of having my name placed on the official ballot as a
9 candidate for the Party nomination for the office of, I,
10 the undersigned, do swear or affirm under penalty of perjury that I
11 reside at, in the City or Town of, County of, State
12 of Nevada; that my actual residence in the state, district, county, township,
13 city or other area prescribed by law to which the office pertains began on a
14 date 30 days or more before the date of the close of filing of declarations of
15 candidacy for this office; that I am registered as a member of the
16 Party; that I have not, in violation of the provisions of NRS 293.176,
17 changed the designation of my political party or political party affiliation
18 on an official application to register to vote in any state since September 1
19 before the closing filing date for this election; that I generally believe in
20 and intend to support the concepts found in the principles and policies of
21 that political party in the coming election; that if nominated as a candidate
22 of the Party at the ensuing election I will accept that nomination
23 and not withdraw; that I will not knowingly violate any election law or any
24 law defining and prohibiting corrupt and fraudulent practices in campaigns
25 and elections in this state; that I will qualify for the office if elected thereto,
26 including, but not limited to, complying with any limitation prescribed by
27 the constitution and laws of this state concerning the number of years or
28 terms for which a person may hold the office; and that I understand that my
29 name will appear on all ballots as designated in this declaration.
30

31
32 (Designation of name)
33

34 (Signature of candidate for office)
35

36 Subscribed and sworn to before
37 me this day of, 19...

38
39
40 Notary Public or other person
41 authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I reside at, in the City or Town of, County of, State of Nevada; that my actual residence in the state, district, county, township, city or other area prescribed by law to which the office pertains began on a date 30 days or more before the date of the close of filing of declarations of candidacy for this office; that if nominated as a nonpartisan candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this state; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the constitution and laws of this state concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

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

Notary Public or other person
authorized to administer an oath

3. A person may be a candidate under his given name and surname, a contraction or familiar form of his given name followed by his surname or the initial of his given name followed by his surname. A nickname of not more than 10 letters may be incorporated into a candidate's name. The nickname must be in quotation marks and appear immediately before the

1 candidate's surname. A nickname must not indicate any political,
2 economic, social or religious view or affiliation and must not be the name
3 of any person, living or dead, whose reputation is known on a statewide,
4 nationwide or worldwide basis, or in any other manner deceive a voter
5 regarding the person or principles for which he is voting.

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

12 **Sec. 4.** NRS 293.180 is hereby amended to read as follows:

13 293.180 1. Ten or more registered voters may, not earlier than the
14 first Monday in April nor later than 5 p.m. on the first Friday in May, file a
15 certificate of candidacy designating any registered voter as a candidate for
16 his major political party's nomination for any partisan elective office, or as
17 a candidate for nomination for any nonpartisan office. When the certificate
18 has been filed, the officer in whose office it is filed shall notify the person
19 named in the certificate. If the person named in the certificate files an
20 acceptance of candidacy, *obtains the pamphlet produced by the*
21 *commission on ethics pursuant to section 1 of this act* and pays the
22 required fee, as provided by law, he is a candidate in the primary election in
23 like manner as if he had filed a declaration of candidacy.

24 2. If a certificate of candidacy relates to a partisan office, all of the
25 signers must be of the same major political party as the candidate
26 designated.

27 **Sec. 5.** NRS 293.200 is hereby amended to read as follows:

28 293.200 1. An independent candidate for partisan office must file
29 with the proper filing officer:

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

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

36 2. The petition may consist of more than one document. Each
37 document must bear the name of the county in which it was circulated and
38 only registered voters of that county may sign the document. The person
39 who circulates the document must be a registered voter of that county. If
40 the office is a district office, only the registered voters of that district may
41 sign the document. The documents which are circulated for signature in a
42 county 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 days

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

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

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

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

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

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

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

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

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

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

30 10. An independent candidate for partisan office must file a declaration
31 of candidacy with the proper filing officer, *obtain the pamphlet produced*
32 *by the commission on ethics pursuant to section 1 of this act* and pay the
33 fee required by NRS 293.193 not earlier than the first Monday in May of
34 the year in which the election is held nor later than 5 p.m. of the first
35 Wednesday in July.

36 **Sec. 6.** NRS 293C.185 is hereby amended to read as follows:

37 293C.185 1. Except as otherwise provided in NRS 293C.190, a name
38 may not be printed on a ballot to be used at a primary city election, unless
39 the person named has filed a declaration of candidacy or an acceptance of
40 candidacy, *obtained the pamphlet produced by the commission on ethics*
41 *pursuant to section 1 of this act* and paid the fee established by the

42 governing body of the city not earlier than 40 days before the primary city

1 election and not later than 5 p.m. on the 30th day before the primary city
2 election.

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

5
6 DECLARATION OF CANDIDACY OF FOR THE
7 OFFICE OF

8
9 State of Nevada

10
11 City of

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

28
29
30 (Designation of name)

31
32 (Signature of candidate for office)

33
34 Subscribed and sworn to before
35 me this day of, 19...

36
37
38 Notary Public or other person
39 authorized to administer an oath

40
41 3. A person may be a candidate under his given name and surname, a
42 contraction or familiar form of his given name followed by his surname or
43 the initial of his given name followed by his surname. A nickname of not

1 more than 10 letters may be incorporated into a candidate's name. The
2 nickname must be in quotation marks and appear immediately before the
3 candidate's surname. A nickname must not indicate any political,
4 economic, social or religious view or affiliation and must not be the name
5 of any person, living or dead, whose reputation is known on a statewide,
6 nationwide or worldwide basis, or in any other manner deceive a voter
7 concerning the person or principles for which he is voting.

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

14 **Sec. 7.** NRS 306.110 is hereby amended to read as follows:

15 306.110 1. A petition to nominate other candidates for the office
16 must be signed by registered voters of the state, or of the county, district or
17 municipality holding the election, equal in number to 25 percent of the
18 number of registered voters who voted in the state, or in the county, district
19 or municipality holding the election at the general election at which the
20 public officer was elected.

21 2. The nominating petition must be filed, at least 15 days before the
22 date of the special election, with the officer with whom the recall petition is
23 filed.

24 3. Each candidate who is nominated for office must file an acceptance
25 of candidacy with the appropriate filing officer, *obtain the pamphlet*
26 *produced by the commission on ethics pursuant to section 1 of this act*
27 and pay the fee required by NRS 293.193 or by the governing body of a
28 city at least 15 days before the date of the special election.