
EMERGENCY REQUEST OF ASSEMBLY MINORITY LEADER

SENATE BILL NO. 548—SENATORS RHOADS, RAGGIO, WASHINGTON,
JACOBSEN, JAMES, MCGINNESS, O'DONNELL, PORTER, RAWSON AND
TOWNSEND

MAY 19, 1999

JOINT SPONSORS: ASSEMBLYMEN HETTRICK AND COLLINS

Referred to Committee on Finance

SUMMARY—Creates presidential preference primary election. (BDR 24-1718)

FISCAL NOTE: Effect on Local Government: Yes.

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

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to elections; creating a presidential preference primary election to occur on the same date as the presidential preference primary elections or caucuses of certain other western states as part of a coordinated western presidential preference primary election; establishing requirements for participation in the presidential preference primary election by political parties and registered voters; making an appropriation; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 293 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***“Presidential preference primary election” means the election held***
4 ***pursuant to section 38 of this act.***
5 **Sec. 2.** NRS 293.010 is hereby amended to read as follows:
6 293.010 As used in this Title, unless the context otherwise requires, the
7 words and terms defined in NRS 293.013 to 293.121, inclusive, ~~and~~
8 sections 2 and 3 of ~~this act,~~ ***Assembly Bill No. 444 and section 1 of this***
9 ***act*** have the meanings ascribed to them in those sections.

1 **Sec. 3.** NRS 293.128 is hereby amended to read as follows:

2 293.128 1. To qualify as a major political party any organization
3 must, under a common name:

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

9 (b) File a petition with the secretary of state not later than the last Friday
10 in April before any primary election *or not later than November 1 of the*
11 *year preceding the year of a presidential preference primary election*
12 signed by a number of registered voters equal to or more than 10 percent of
13 the total number of votes cast at the last preceding general election for
14 Representative in Congress.

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

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

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

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

38 **Sec. 4.** NRS 293.219 is hereby amended to read as follows:

39 293.219 1. Not less than 60 days before a primary ~~or a~~ *election,*
40 general election ~~or~~ *or presidential preference primary election*, the county
41 central committee of each major political party for each county may
42 recommend to the county clerk of the county three registered voters for
43 each precinct in the county to act as election board officers of the primary

1 ~~for~~ *election*, general election *or presidential preference primary election*
2 in the precinct or district.

3 2. Not less than 60 days before a general election, the executive
4 committee of each minor political party for each county may recommend to
5 the county clerk of the county three registered voters for each precinct in
6 the county to act as election board officers of the general election in the
7 precinct or district.

8 3. After that date the county clerk may accept recommendations for
9 reserve election board officers for the election.

10 **Sec. 5.** NRS 293.247 is hereby amended to read as follows:

11 293.247 1. The secretary of state shall adopt regulations, not
12 inconsistent with the election laws of this state, for the conduct of primary,
13 general, special, ~~and~~ district *and presidential preference primary*
14 elections in all cities and counties. The secretary of state shall prescribe the
15 forms for a declaration of candidacy, certificate of candidacy, acceptance
16 of candidacy and any petition which is filed pursuant to the general election
17 laws of this state.

18 2. The regulations must prescribe:

19 (a) The duties of election boards;

20 (b) The type and amount of election supplies;

21 (c) The manner of printing ballots and the number of ballots to be
22 distributed to precincts and districts;

23 (d) The method to be used in distributing ballots to precincts and
24 districts;

25 (e) The method of inspection and the disposition of ballot boxes;

26 (f) The form and placement of instructions to voters;

27 (g) The recess periods for election boards;

28 (h) The size, lighting and placement of voting booths;

29 (i) The amount and placement of guardrails and other furniture and
30 equipment at voting places;

31 (j) The disposition of election returns;

32 (k) The procedures to be used for canvasses, ties, recounts and contests;

33 (l) The procedures to be used to ensure the security of the ballots from
34 the time they are transferred from the polling place until they are stored
35 pursuant to the provisions of NRS 293.391 or 293C.390;

36 (m) The procedures to be used to ensure the security and accuracy of
37 computer programs and tapes used for elections;

38 (n) The procedures to be used for the disposition of absent ballots in
39 case of an emergency;

40 (o) The forms for applications to register to vote and any other forms
41 necessary for the administration of this Title; and

42 (p) Such other matters as determined necessary by the secretary of state.

1 3. The secretary of state may provide interpretations and take other
2 actions necessary for the effective administration of the statutes and
3 regulations governing the conduct of primary, general, special, ~~and~~
4 district *and presidential preference primary* elections in this state.

5 4. The secretary of state shall prepare and distribute to each county and
6 city clerk copies of:

7 (a) Laws and regulations concerning elections in this state;

8 (b) Interpretations issued by the secretary of state's office; and

9 (c) Any attorney general's opinions or any state or federal court
10 decisions which affect state election laws or regulations whenever any of
11 those opinions or decisions become known to the secretary of state.

12 **Sec. 6.** NRS 293.256 is hereby amended to read as follows:

13 293.256 In any election regulated by this chapter ~~§~~ *or chapter 298 of*
14 *NRS*, the names of candidates as printed on the ballot ~~shall~~ *must* not
15 include any title, designation or other reference which will indicate the
16 profession or occupation of ~~such~~ *those* candidates.

17 **Sec. 7.** NRS 293.287 is hereby amended to read as follows:

18 293.287 1. A registered voter applying to vote at any primary
19 election *or presidential preference primary election* shall give his name
20 and political affiliation, if any, to the election board officer in charge of the
21 election board register, and the officer shall immediately announce the
22 name and political affiliation.

23 2. Any person's right to vote may be challenged by any registered voter
24 upon:

25 (a) Any of the grounds allowed for a challenge in NRS 293.303;

26 (b) The ground that the person applying does not belong to the political
27 party designated upon the register; or

28 (c) The ground that the register does not show that he designated the
29 political party to which he claims to belong.

30 3. Any such challenge must be disposed of in the manner provided by
31 NRS 293.303.

32 4. A registered voter who has designated on his application to register
33 to vote an affiliation with a minor political party may vote a nonpartisan
34 ballot at the primary election.

35 **Sec. 8.** NRS 293.303 is hereby amended to read as follows:

36 293.303 1. A person applying to vote may be challenged:

37 (a) Orally by any registered voter of the precinct or district upon the
38 ground that he is not the person entitled to vote as claimed or has voted
39 before at the same election; or

40 (b) On any ground set forth in a challenge filed with the county clerk
41 pursuant to the provisions of NRS 293.547.

42 2. If a person is challenged, an election board officer shall tender the
43 challenged person the following oath or affirmation:

1 (a) If the challenge is on the ground that he does not belong to the
2 political party designated upon the register, "I swear or affirm under
3 penalty of perjury that I belong to the political party designated upon the
4 register";

5 (b) If the challenge is on the ground that the register does not show that
6 he designated the political party to which he claims to belong, "I swear or
7 affirm under penalty of perjury that I designated on the application to
8 register to vote the political party to which I claim to belong";

9 (c) If the challenge is on the ground that he does not reside at the
10 residence for which the address is listed in the election board register, "I
11 swear or affirm under penalty of perjury that I reside at the residence for
12 which the address is listed in the election board register";

13 (d) If the challenge is on the ground that he previously voted a ballot for
14 the election, "I swear or affirm under penalty of perjury that I have not
15 voted for any of the candidates or questions included on this ballot for this
16 election"; or

17 (e) If the challenge is on the ground that he is not the person he claims
18 to be, "I swear or affirm under penalty of perjury that I am the person
19 whose name is in this election board register."

20 The oath or affirmation must be set forth on a form prepared by the
21 secretary of state and signed by the challenged person under penalty of
22 perjury.

23 3. Except as otherwise provided in subsection 4, if the challenged
24 person refuses to execute the oath or affirmation so tendered, he must not
25 be issued a ballot, and the officer in charge of the election board register
26 shall write the words "Challenged" opposite his name in the
27 election board register.

28 4. If the challenged person refuses to execute the oath or affirmation
29 set forth in paragraph (a) or (b) of subsection 2, the election board officers
30 *at an election other than a presidential preference primary election* shall
31 issue him a nonpartisan ballot.

32 5. If the challenged person refuses to execute the oath or affirmation
33 set forth in paragraph (c) of subsection 2, the election board officers shall
34 inform him that he is entitled to vote only in the manner prescribed in NRS
35 293.304.

36 6. If the challenged person executes the oath or affirmation and the
37 challenge is not based on the ground set forth in paragraph (e) of subsection
38 2, the election board officers shall issue him a partisan ballot.

39 7. If the challenge is based on the ground set forth in paragraph (c) of
40 subsection 2, and the challenged person executes the oath or affirmation,
41 the election board shall not issue the person a ballot until he furnishes
42 satisfactory identification which contains proof of the address at which he
43 actually

resides.

1 8. If the challenge is based on the ground set forth in paragraph (e) of
2 subsection 2 and the challenged person executes the oath or affirmation, the
3 election board shall not issue the person a ballot unless he:

4 (a) Furnishes official identification which contains a photograph of
5 himself, such as his driver's license or other official document; or

6 (b) Brings before the election board officers a person who is at least 18
7 years old who:

8 (1) Furnishes official identification which contains a photograph of
9 himself, such as his driver's license or other official document; and

10 (2) Executes an oath or affirmation under penalty of perjury that the
11 challenged person is who he swears he is.

12 9. The election board officers shall record the result of the challenge on
13 the challenge list, and the election board officer in charge of the checklist
14 shall indicate next to the name of the challenged person the result of the
15 challenge.

16 **Sec. 9.** NRS 293.309 is hereby amended to read as follows:

17 293.309 1. The county clerk of each county shall prepare an absent
18 ballot for the use of registered voters who have requested absent ballots.

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

21 (a) Resides within ~~{the}~~ *this* state, not later than 20 days before the
22 election in which it is to be used; or

23 (b) Resides outside ~~{the state,}~~ *this state:*

24 (1) *For a primary election or general election,* not later than 40 days
25 before ~~{a primary or general}~~ *that* election, if possible ~~{;}~~ *;* or

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

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

30 **Sec. 10.** NRS 293.315 is hereby amended to read as follows:

31 293.315 1. A registered voter referred to in NRS 293.313 may, at any
32 time before 5 p.m. on the :

33 (a) Tuesday ~~{preceding}~~ *before* any election ~~{;}~~ *other than a*
34 *presidential preference primary election; or*

35 (b) *Friday before a presidential preference primary election,*
36 make an application to that clerk for an absent voter's ballot. The
37 application must be made available for public inspection.

38 2. When the voter has identified himself to the satisfaction of the clerk,
39 he is entitled to receive the appropriate ballot or ballots, but only for his
40 own use.

41 3. A county clerk who allows a person to copy information from an
42 application for an absent ballot is immune from any civil or criminal
43 liability for any damage caused by the distribution of that information,

1 unless he knowingly and willingly allows a person who intends to use the
2 information to further an unlawful act to copy such information.

3 **Sec. 11.** NRS 293.343 is hereby amended to read as follows:

4 293.343 1. A registered voter who resides in an election precinct in
5 which there were not more than 200 voters registered for the last preceding
6 general election, or in a precinct in which it appears to the satisfaction of
7 the county clerk that there are not more than 200 registered voters, may
8 vote at any election regulated by this chapter *or chapter 298 of NRS* in the
9 manner provided in NRS 293.345 to 293.355, inclusive.

10 2. Whenever the county clerk has designated a precinct as a mailing
11 precinct, registered voters residing in that precinct may vote at any election
12 regulated by this chapter *or chapter 298 of NRS* in the manner provided in
13 NRS 293.345 to 293.355, inclusive.

14 **Sec. 12.** NRS 293.345 is hereby amended to read as follows:

15 293.345 The county clerk shall mail to each registered voter in each
16 mailing precinct and in each absent ballot mailing precinct, before 5 p.m.
17 on the ~~third~~ :

18 *1. Fourth Friday in February of any year in which a presidential*
19 *preference primary election is to be held, an official mailing ballot to be*
20 *voted by him at the presidential preference primary election.*

21 *2. Third Thursday in August and before 5 p.m. on the fourth Tuesday*
22 *in October of any year in which a general election is to be held, an official*
23 *mailing ballot to be voted by him at the ~~election~~ primary and general*
24 *elections, respectively.*

25 **Sec. 13.** NRS 293.3568 is hereby amended to read as follows:

26 293.3568 1. *For a primary or general election:*

27 (a) The period for early voting by personal appearance begins the third
28 Saturday preceding ~~the~~ *the* primary or general election and extends through
29 the Friday before election day, Sundays and holidays excepted.

30 ~~(2)~~ (b) The county clerk may:

31 ~~(a)~~ (1) Include any Sunday or holiday that falls within the period for
32 early voting by personal appearance.

33 ~~(b)~~ (2) Require a permanent polling place for early voting to remain
34 open until 8 p.m. on any Saturday that falls within the period for early
35 voting.

36 ~~(3)~~ (c) A permanent polling place for early voting must remain open:

37 ~~(a)~~ (1) On Monday through Friday:

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

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

41 ~~(b)~~ (2) On any Saturday that falls within the period for early voting,
42 from 10 a.m. until 6 p.m.

~~(c)~~ (3) If the county clerk includes a Sunday that falls within the period for early voting pursuant to ~~subsection 2,~~ *paragraph (b)*, during such hours as he may establish.

2. For a presidential preference primary election:

(a) The county clerk shall establish the period for early voting by personal appearance for his county. Such a period:

(1) Must not begin before the third Saturday preceding the election;

(2) Must include at least 5 days; and

(3) May include a Saturday, Sunday or holiday.

(b) A permanent polling place for early voting by personal appearance must remain open at least from 8 a.m. until 6 p.m. on a weekday and during such hours as the county clerk establishes on any Saturday, Sunday or holiday.

Sec. 14. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, the county clerk may establish temporary branch polling places for early voting.

2. The provisions of *paragraph (c) of subsection 1 and paragraph (b) of subsection 2* of NRS 293.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 15. NRS 293.3602 is hereby amended to read as follows:

293.3602 If paper ballots or ballots which are voted by punching a card are used during the period for early voting by personal appearance:

1. The ballots voted at the permanent or temporary polling place must be delivered by an election board officer to the county clerk's office at the close of each voting day. The seal on the ballot box must indicate the number of voted ballots contained in that box for that day.

2. When the ballot box is delivered pursuant to subsection 1, the county clerk shall provide a new ballot box locked in the manner prescribed in NRS 293.359.

3. At the close of the fourth voting day before the last day to vote early and at the close of each of the 3 days thereafter, the county clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the county clerk shall deliver to the ballot board for early

voting:

1 (a) Each remaining ballot box containing the ballots voted early by
2 personal appearance and his key to each box;

3 (b) A voting roster of all persons who voted early by personal
4 appearance; and

5 (c) Any list of registered voters used in conducting early voting.

6 4. Upon the call of the chairmen of the board, the custodian of the key
7 to the second lock on the ballot boxes shall deliver his key for each box to
8 the presiding officer.

9 5. Upon the receipt of ballots, the board shall:

10 (a) Remove all ballots from the ballot boxes and sort the ballots by
11 precinct or voting district;

12 (b) Count the number of ballots by precinct or voting district;

13 (c) Account for all ballots on an official statement of ballots; and

14 (d) Place all official ballots in the container provided to transport those
15 items to a central counting place and seal the container with a numbered
16 seal. The official statement of ballots must accompany the voted ballots to
17 the central counting place.

18 6. The county clerk shall allow members of the general public to
19 observe the handling of the ballots pursuant to subsection 5 if those
20 members do not interfere with the handling of the ballots.

21 *7. In addition to the requirements for counting the ballots set forth in*
22 *subsection 5, for a presidential preference primary election the board for*
23 *any county that has more than one congressional district within its*
24 *boundaries shall make a separate count of the ballots by congressional*
25 *district.*

26 **Sec. 16.** NRS 293.3604 is hereby amended to read as follows:

27 293.3604 If ballots which are voted on a mechanical recording device
28 which directly records the votes electronically are used during the period
29 for early voting by personal appearance : ~~in an election other than a~~
30 ~~presidential preference primary election;~~

31 1. At the close of each voting day the election board shall:

32 (a) Prepare and sign a statement for the polling place. The statement
33 must include:

34 (1) The title of the election;

35 (2) The number of the precinct or voting district;

36 (3) The number which identifies the mechanical recording device and
37 the storage device required pursuant to NRS 293B.084;

38 (4) The number of ballots voted on the mechanical recording device
39 for that day;

40 (5) The number of signatures in the roster for early voting for that
41 day; and

42 (6) The number of voting receipts retained pursuant to NRS 293.3585
43 for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the secretary of state pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting receipts retained pursuant to NRS 293.3585;

(c) The voting rosters used for early voting;

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

(e) Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Sort the items by precinct or voting district;

(b) Count the number of ballots voted by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the items to the central counting place.

4. In addition to the requirements for counting the ballots set forth in subsection 3, for a presidential preference primary election the board for any county that has more than one congressional district within its boundaries shall make a separate count of the ballots by congressional district.

Sec. 17. NRS 293.3608 is hereby amended to read as follows:

293.3608 On election day the county clerk shall:

1. Ensure that each mechanical recording device used during the period for early voting provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

2. Deliver to the central counting place:

(a) The items sorted and counted pursuant to ~~subsection~~ **subsections 3 and 4** of NRS 293.3604;

(b) The records printed on paper provided pursuant to subsection 1; and

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting.

Sec. 18. NRS 293.370 is hereby amended to read as follows:

293.370 1. When all the votes have been tallied, the counting board officers shall enter on the tally lists ~~by~~ :

1 (a) *By* the name of each candidate , the number of votes he received ~~†~~
2 ~~The number must be expressed in words and figures. The vote for and~~
3 ~~against any† ; and~~

4 (b) *By each* question submitted to the electors ~~†must be entered in the~~
5 ~~same manner.†~~ , *the number of votes cast for and against the question.*

6 2. The tally lists must show the number of votes, other than absentee
7 votes and votes in a mailing precinct, which each candidate received in
8 each precinct at:

9 (a) A primary election *other than a presidential preference primary*
10 *election held* in an even-numbered year; or

11 (b) A general election.

12 3. *If the votes that must be tallied in a presidential preference*
13 *primary election include votes cast in more than one congressional*
14 *district, the tally lists must also show the number of votes, other than*
15 *absentee votes and votes in a mailing precinct, that each candidate*
16 *received in each congressional district.*

17 **Sec. 19.** NRS 293.383 is hereby amended to read as follows:

18 293.383 1. Except as otherwise provided in subsection 2, each
19 counting board, before it adjourns, shall post a copy of the voting results in
20 a conspicuous place on the outside of the place where the votes were
21 counted.

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

27 3. Each copy of the voting results posted in accordance with
28 subsections 1 and 2 must ~~†set†~~ :

29 (a) *Set* forth the accumulative total of all the votes cast within the county
30 or other political subdivision conducting the election ~~†and must be†~~ ;

31 (b) *If the board counts votes from more than one congressional*
32 *district in a presidential preference primary election, set forth the votes*
33 *cast within each congressional district for each candidate; and*

34 (c) *Be* signed by the members of the counting board or the computer
35 program and processing accuracy board.

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

37 293.387 1. As soon as the returns from all the precincts and districts
38 in any county have been received by the board of county commissioners,
39 the board shall meet and canvass the returns. The canvass must be
40 completed on or before the fifth working day following the election.

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

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

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

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate ~~and~~ *and for a presidential preference primary election, if more than one congressional district exists within the county, the number of votes cast for each candidate in each congressional district.* The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and

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

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

5. The secretary of state shall, immediately after any presidential preference primary election, compile the returns for all the candidates. He shall make out and file in his office an abstract thereof, and shall certify to the state central committee and, if necessary to comply with the rules and regulations of the party, to the national committee of each major political party for which a presidential preference primary election was held, the name of the candidate who received the greatest number of votes in each congressional district and in the state overall.

Sec. 21. NRS 293.400 is hereby amended to read as follows:

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

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

(b) In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, *or in a presidential preference primary election*, the secretary of state shall summon the candidates , *or, in the case of a presidential preference*

1 *primary election, the candidates or their authorized representatives*, who
2 have received the tie votes to appear before him at a time and place
3 designated by him, and he shall determine the tie by lot. If the tie vote is
4 for the office of secretary of state, the governor shall perform these duties.

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

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

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

17 **Sec. 22.** NRS 293.403 is hereby amended to read as follows:

18 293.403 1. A candidate defeated at any election may demand and
19 receive a recount of the vote for the office for which he is a candidate if
20 within 3 working days after the canvass of the vote and the certification by
21 the county clerk or city clerk of the abstract of votes:

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

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

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

30 (a) He files in writing his demand with:

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

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

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

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

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

42 (a) In any primary election ~~H~~ *or presidential preference primary*

43 *election*, the canvass by the board of county commissioners of the returns

1 for a candidate or ballot question voted for in one county or the canvass by
2 the board of county commissioners last completing its canvass of the
3 returns for a candidate or ballot question voted for in more than one county.

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

6 (c) In any general election:

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

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

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

13 **Sec. 23.** NRS 293.404 is hereby amended to read as follows:

14 293.404 1. Where a recount is demanded pursuant to the provisions
15 of NRS 293.403, the:

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

22 (b) City clerk shall employ a recount board to conduct the recount in the
23 city, and shall act as chairman of the recount board unless the recount is for
24 the office of city clerk, in which case the mayor of the city shall act as
25 chairman of the recount board. At least one member of the city council
26 must be present at the recount.

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

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

34 3. If a recount *of the ballots cast in an election other than a*
35 *presidential preference primary election* is demanded in a county or city
36 using a mechanical voting system, the person who demanded the recount
37 shall select the ballots for the office or ballot question affected from 5
38 percent of the precincts, but in no case fewer than three precincts, after
39 consultation with each candidate for the office or his authorized
40 representative. *If a recount of the ballots cast in a presidential preference*
41 *primary election is demanded in a county using a mechanical voting*
42 *system, the county clerk shall select 5 percent of the ballots cast in the*
43 *election to conduct the recount, after consultation with each candidate or*

1 *his authorized representative.* The recount board shall examine the
2 selected ballots, including any duplicate or rejected ballots, shall determine
3 whether the ballots have been voted in accordance with this Title and shall
4 count the valid ballots by hand. A recount by computer must be made of all
5 the selected ballots. If the count of the selected ballots or the recount shows
6 a discrepancy of 1 percent or more for either candidate, or in favor of or
7 against a ballot question, from the original canvass of the returns, the
8 county or city clerk shall order a count by hand of all the ballots for that
9 office. If there is not a discrepancy of 1 percent or more, the county or city
10 clerk shall not order such a count, but shall order a recount by computer of
11 all the ballots for the office.

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

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

17 **Sec. 24.** NRS 293.407 is hereby amended to read as follows:

18 293.407 1. A candidate at any election, or any registered voter of the
19 appropriate political subdivision, may contest the election of any candidate,
20 except for the office of United States Senator or Representative in
21 Congress.

22 2. Except where the contest involves the general election for the office
23 of governor, lieutenant governor, assemblyman, state senator or justice of
24 the supreme court, a candidate or voter who wishes to contest an election,
25 including *a presidential preference primary election or an* election to the
26 office of presidential elector, must, within the time prescribed in NRS
27 293.413, file with the clerk of the district court a written statement of
28 contest, setting forth:

29 (a) The name of the contestant and *, unless the contestant is a*
30 *candidate in a presidential preference primary election,* that he is a
31 registered voter of the political subdivision in which the election to be
32 contested or part of it was held;

33 (b) The name of the defendant;

34 (c) The office to which the defendant was declared elected;

35 (d) The particular grounds of contest and the section of Nevada Revised
36 Statutes pursuant to which the statement is filed; and

37 (e) The date of the declaration of the result of the election and the body
38 or board which canvassed the returns thereof.

39 3. The contestant shall verify the statement of contest in the manner
40 provided for the verification of pleadings in civil actions.

41 4. All material regarding a contest filed by a contestant with the clerk
42 of the district court must be filed in triplicate.

1 **Sec. 25.** NRS 293.417 is hereby amended to read as follows:

2 293.417 1. If, in any contest, the court finds from the evidence that a
3 person other than the defendant received the greatest number of legal votes,
4 the court, as a part of the judgment, shall declare that person elected or
5 nominated.

6 2. The person declared nominated or elected by the court is entitled to
7 a certificate of nomination or election. If a certificate has not been issued to
8 him, the county clerk, city clerk or secretary of state shall execute and
9 deliver to that person a certificate of election or a certificate of nomination.

10 3. If a certificate of election or nomination to the same office has been
11 issued to any person other than the one declared elected by the court, that
12 certificate must be annulled by the judgment of the court.

13 4. Whenever an election is annulled or set aside by the court, and the
14 court does not declare some candidate elected, the certificate of election or
15 the commission, if any has been issued, is void and the office is vacant.

16 ***5. In a contest over a presidential preference primary election, the***
17 ***candidate declared by the court to have received the greatest number of***
18 ***votes in a particular congressional district or in the state overall is***
19 ***entitled to have such results certified by the secretary of state pursuant to***
20 ***subsection 5 of NRS 293.387. If such certification has not been issued,***
21 ***the secretary of state shall issue the certification. If such certification has***
22 ***been issued to a candidate other than the one declared to have received***
23 ***the greatest number of votes by the court, that certification must be***
24 ***annulled by the judgment of the court.***

25 **Sec. 26.** NRS 293.485 is hereby amended to read as follows:

26 293.485 1. Every citizen of the United States, 18 years of age or
27 over, who has continuously resided in this state and in the county 30 days
28 and in the precinct 10 days next preceding the day of the next succeeding:

- 29 (a) Primary election;
30 (b) Primary city election;
31 (c) ***Presidential preference primary election;***
32 ***(d)*** General election; or
33 ~~***(d)***~~ ***(e)*** General city election,

34 and who has registered in the manner provided in this chapter, is entitled to
35 vote at that election.

36 2. This section does not exclude the registration of eligible persons
37 whose 18th birthday or the date of whose completion of the required
38 residence occurs on or before the next succeeding:

- 39 (a) Primary election;
40 (b) Primary city election;
41 (c) ***Presidential preference primary election;***
42 ***(d)*** General election;

- 1 ~~[(d)]~~ (e) General city election; or
2 ~~[(e)]~~ (f) Any other election.

3 **Sec. 27.** NRS 293.503 is hereby amended to read as follows:

4 293.503 1. The county clerk of each county where a registrar of
5 voters has not been appointed pursuant to NRS 244.164:

6 (a) Is ex officio county registrar and registrar for all precincts within the
7 county.

8 (b) Shall ~~have~~ maintain the custody of all books, documents and
9 papers pertaining to registration provided for in this chapter.

10 2. All books, documents and papers pertaining to registration are
11 official records of the office of the county clerk.

12 3. The county clerk shall maintain records of any program or activity
13 that is conducted within the county to ensure the accuracy and currency of
14 the registrar of voters' register for not less than 2 years after creation. The
15 records must include the names and addresses of any person to whom a
16 notice is mailed pursuant to NRS 293.5235, 293.530 ~~H~~ or 293.535 and
17 whether the person responded to the notice.

18 4. Any program or activity that is conducted within the county for the
19 purpose of removing the name of each person who is ineligible to vote in
20 the county from the registrar of voters' register must be complete not later
21 than 90 days before the next primary ~~or~~ election, general election ~~H~~ or
22 *presidential preference primary election*.

23 5. Except as otherwise provided ~~by~~ in subsection 6, all records
24 maintained by the county clerk pursuant to subsection 3 must be available
25 for public inspection.

26 6. Any information relating to where a person registers to vote must
27 remain confidential and is not available for public inspection. Such
28 information may only be used by an election officer for purposes related to
29 voter registration.

30 **Sec. 28.** NRS 293.557 is hereby amended to read as follows:

31 293.557 1. The county clerk may cause to be published once in each
32 of the newspapers circulated in different parts of the county or cause to be
33 published once in a newspaper circulated in the county:

34 (a) An alphabetical listing of all registered voters, including the precinct
35 of each voter:

36 (1) Within the circulation area of each newspaper if the listing is
37 published in each newspaper circulated in different parts of the county; or

38 (2) Within the entire county if the listing is published in only one
39 newspaper in the county; or

40 (b) A statement notifying the public that the county clerk will provide an
41 alphabetical listing of the names of all registered voters in the entire county
42 and the precinct of each voter free of charge to any person upon request.

1 2. If the county clerk publishes the list of registered voters, he must do
2 so:

3 (a) Not less than 2 weeks before the close of registration for any primary
4 election ~~or~~ *or presidential preference primary election.*

5 (b) After each primary election and not less than 2 weeks before the
6 close of registration for the ensuing general election.

7 3. The county may not pay more than 10 cents per name for six-point
8 or seven-point type or 15 cents per name for eight-point type or larger to
9 each newspaper publishing the list.

10 4. The list of registered voters, if published, must not be printed in type
11 smaller than six-point.

12 **Sec. 29.** NRS 293.560 is hereby amended to read as follows:

13 293.560 1. Except as otherwise provided in NRS 293.502,
14 registration must close at 9 p.m. on the fifth Saturday preceding any
15 primary ~~or~~ *election*, general election *or presidential preference primary*
16 *election* and at 9 p.m. on the third Saturday preceding any recall or special
17 election, except that if a recall or special election is held on the same day as
18 a primary *election* or general election, registration must close at 9 p.m. on
19 the fifth Saturday preceding the day of the elections.

20 2. The offices of the county clerk and other ex officio registrars must
21 be open from 9 a.m. to 5 p.m. , and the office of the county clerk must also
22 be open from 7 p.m. to 9 p.m., including Saturdays, during the last days
23 before the close of registration, according to the following schedule:

24 (a) In a county whose population is less than 100,000, those offices must
25 be open during the last 3 days before registration closes.

26 (b) In all other counties, those offices must be open during the last 5
27 days before registration closes.

28 3. Except for a special election held pursuant to chapter 306 or 350 of
29 NRS:

30 (a) The county clerk of each county shall cause a notice signed by him
31 to be published in a newspaper having a general circulation in the county
32 indicating the day that registration will be closed. If no such newspaper is
33 published in the county, the publication may be made in a newspaper of
34 general circulation published in the nearest county in this state.

35 (b) The notice must be published once each week for 4 consecutive
36 weeks next preceding the close of registration for any election.

37 4. The offices of the county clerk and other ex officio registrars may
38 remain open on October 31 in each even-numbered year.

39 **Sec. 30.** NRS 293.565 is hereby amended to read as follows:

40 293.565 1. Except as otherwise provided in subsection 2, sample
41 ballots must include:

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

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

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

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

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

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

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

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

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

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

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

4. The county clerk shall include in each sample ballot for a primary election ~~or~~ a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.

5. *The county clerk shall include with each sample ballot for a presidential preference primary election a notice of the period for early voting and the hours during which the polls for early voting will be open for such an election in that county.*

6. The cost of mailing sample ballots for any election other than a primary ~~or~~ election, general election *or presidential preference primary election* must be borne by the political subdivision holding the election.

Sec. 31. NRS 293B.080 is hereby amended to read as follows:

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

1 candidates of one party and in part for the candidates of one or more other
2 parties.

3 **Sec. 32.** NRS 293B.130 is hereby amended to read as follows:

4 293B.130 1. Before any election where a mechanical voting system
5 is to be used, the county clerk shall prepare or cause to be prepared a
6 computer program on cards, tape or other material suitable for use with the
7 computer or counting device to be employed for counting the votes cast.
8 The program must cause the computer or counting device to operate in the
9 following manner:

10 (a) All lawful votes cast by each voter must be counted.

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

15 (c) If the election is:

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

18 (2) A general election,
19 the total votes, other than absentee votes and votes in a mailing precinct,
20 must be accumulated by precinct.

21 (d) *If the election is a presidential preference primary election, in a*
22 *county with more than one congressional district, the total votes, other*
23 *than absentee votes and votes in a mailing precinct, must be accumulated*
24 *by congressional district.*

25 (e) The computer or counting device must halt or indicate by
26 appropriate signal if a ballot is encountered which lacks a code identifying
27 the precinct in which it was voted and, in a primary election ~~H~~ *or*
28 *presidential preference primary election*, identifying the major political
29 party of the voter.

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

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

34 **Sec. 33.** NRS 293B.210 is hereby amended to read as follows:

35 293B.210 1. If a mechanical voting system is used whereby a vote is
36 cast by punching a card, the county or city clerk shall furnish sufficient lists
37 of offices and candidates and the statements of measures to be voted on for
38 the mechanical recording devices used at any election.

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

1 **Sec. 34.** NRS 293B.300 is hereby amended to read as follows:

2 293B.300 1. In a primary election ~~H~~ *or presidential preference*
3 *primary election*, a member of the election board for a precinct shall issue
4 each partisan voter a ballot which contains a distinctive code associated
5 with the major political party of the voter and on which is clearly printed
6 the name of the party.

7 2. If a mechanical voting system is used in a primary election *or*
8 *presidential preference primary election* whereby votes are directly
9 recorded electronically, a member of the election board shall, in addition to
10 the ballot described in subsection 1, issue each partisan voter a voting
11 receipt on which is clearly printed the name of the major political party of
12 the voter.

13 3. The member of the election board shall direct the partisan voter to a
14 mechanical recording device containing the list of offices and candidates
15 arranged for the voter's major political party in the manner provided in
16 NRS 293B.190 ~~H~~ *and section 41 of this act.*

17 **Sec. 35.** NRS 293B.380 is hereby amended to read as follows:

18 293B.380 1. The ballot processing and packaging board must be
19 composed of persons who are qualified in the use of the data processing
20 equipment to be operated for the voting count.

21 2. The board shall:

22 (a) Allow members of the general public to observe the counting area
23 where the computers are located during the period when ballots are being
24 processed if those members do not interfere with the processing of the
25 ballots.

26 (b) Receive ballots and maintain groupings of them by precinct ~~H~~ *or*
27 *voting district.*

28 (c) Before each counting of the ballots or computer run begins, validate
29 the testing material with the counting program.

30 (d) Maintain a log showing the sequence in which the ballots of each
31 precinct *or voting district* are processed, as a measure to ensure that the
32 ballots of all precincts *or voting districts* are processed.

33 (e) After each counting of the ballots, again verify the testing material
34 with the counting program to substantiate that there has been no
35 substitution or irregularity.

36 (f) Record an explanation of any irregularity that occurs in the
37 processing.

38 (g) If the election is:

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

41 (2) A general election,

1 ensure that a list is compiled indicating the total votes, other than absentee
2 votes and votes in a mailing precinct, which each candidate accumulated in
3 each precinct.

4 (h) *If the election is a presidential preference primary election, in a*
5 *county with more than one congressional district, the board shall ensure*
6 *that a list is compiled indicating the total votes, other than absentee votes*
7 *and votes in a mailing precinct, that each candidate accumulated in each*
8 *congressional district.*

9 (i) Collect all returns, programs, testing materials, ballots and other
10 items used in the election at the computer center and package and deliver
11 the items to the county clerk for sealing and storage.

12 **Sec. 36.** NRS 293C.3604 is hereby amended to read as follows:

13 293C.3604 If ballots which are voted on a mechanical recording device
14 which directly records the votes electronically are used during the period
15 for early voting by personal appearance : ~~in an election other than a~~
16 ~~presidential preference primary election;~~

17 1. At the close of each voting day the election board shall:

18 (a) Prepare and sign a statement for the polling place. The statement
19 must include:

20 (1) The title of the election;

21 (2) The number of the precinct or voting district;

22 (3) The number which identifies the mechanical recording device and
23 the storage device required pursuant to NRS 293B.084;

24 (4) The number of ballots voted on the mechanical recording device
25 for that day;

26 (5) The number of signatures in the roster for early voting for that
27 day; and

28 (6) The number of voting receipts retained pursuant to NRS
29 293C.3585 for that day.

30 (b) Secure:

31 (1) The ballots pursuant to the plan for security required by NRS
32 293C.3594; and

33 (2) Each mechanical voting device in the manner prescribed by the
34 secretary of state pursuant to NRS 293C.3594.

35 2. At the close of the last voting day, the city clerk shall deliver to the
36 ballot board for early voting:

37 (a) The statements for all polling places for early voting;

38 (b) The voting receipts retained pursuant to NRS 293C.3585;

39 (c) The voting rosters used for early voting;

40 (d) The storage device required pursuant to NRS 293B.084 from each
41 mechanical recording device used during the period for early voting; and

42 (e) Any other items as determined by the city clerk.

1 3. Upon receipt of the items set forth in subsection 2 at the close of the
2 last voting day, the ballot board for early voting shall:

- 3 (a) Sort the items by precinct or voting district;
4 (b) Count the number of ballots voted by precinct or voting district;
5 (c) Account for all ballots on an official statement of ballots; and
6 (d) Place the items in the container provided to transport those items to
7 the central counting place and seal the container with a number seal. The
8 official statement of ballots must accompany the items to the central
9 counting place.

10 **Sec. 37.** Chapter 298 of NRS is hereby amended by adding thereto the
11 provisions set forth as sections 38 to 46, inclusive, of this act.

12 **Sec. 38. 1.** *Not later than November 1 of the year preceding a year*
13 *in which a President of the United States is elected, the state central*
14 *committee of each major political party shall notify the secretary of state,*
15 *in writing, whether the party will participate in the presidential*
16 *preference primary election.*

17 **2.** *If the secretary of state receives a statement pursuant to subsection*
18 *1 which states that a major political party will participate in the*
19 *presidential preference primary election and:*

20 (a) *More than one candidate of that party files a declaration of*
21 *candidacy pursuant to section 39 of this act, a presidential preference*
22 *primary election for that party must be held pursuant to the provisions of*
23 *chapters 293 and 293B of NRS on the first Friday following the first*
24 *Tuesday in March of the year in which the presidential election is held.*

25 (b) *Only one candidate of that party files a declaration of candidacy*
26 *pursuant to section 39 of this act, a presidential preference primary*
27 *election for that party must not be held and that candidate must be*
28 *certified by the secretary of state as the candidate who received the*
29 *greatest number of votes in each congressional district and in this state*
30 *overall in the manner set forth in subsection 5 of NRS 293.387.*

31 **3.** *No other election may be held at the same time as a presidential*
32 *preference primary election.*

33 **Sec. 39.** *A person who wishes to be a candidate for the nomination*
34 *of President of the United States for a major political party for which a*
35 *presidential preference primary election will be held must, not earlier*
36 *than January 1 and not later than 5 p.m. on January 5 of a year in which*
37 *a presidential preference primary election is held:*

38 **1.** *File with the secretary of state a declaration of candidacy on a*
39 *form prescribed by the secretary of state; and*

40 **2.** *Pay to the secretary of state a filing fee of \$1,000.*

41 **Sec. 40. 1.** *Not later than January 15 of each year in which a*
42 *presidential election is held, the secretary of state shall forward to each*
43 *county clerk a certified list of the names of those persons whose names*

1 *must appear on the ballot for the presidential preference primary election*
2 *for each major political party for which a presidential preference*
3 *primary election will be held.*

4 *2. If there is no contest for a major political party's nomination for*
5 *president of the United States:*

6 *(a) The secretary of state shall not forward the name of the only*
7 *candidate to file a declaration of candidacy;*

8 *(b) A ballot for that party must not be printed; and*

9 *(c) An election for that party's nomination must not be held.*

10 *3. Immediately upon receipt of the certified list of candidates from*
11 *the secretary of state, the county clerk shall publish a notice of the*
12 *presidential preference primary election in a newspaper of general*
13 *circulation in the county once a week for 2 successive weeks. If no such*
14 *newspaper is published in the county, the publication may be made in a*
15 *newspaper of general circulation in the nearest county in this state.*

16 *4. The notice must state the:*

17 *(a) Date of the election;*

18 *(b) Location of the polling places;*

19 *(c) Hours during which the polling places will be open;*

20 *(d) Period for early voting by personal appearance; and*

21 *(e) Names of the candidates for the nomination for President of the*
22 *United States of each major political party for which a presidential*
23 *preference primary election will be held.*

24 **Sec. 41.** *1. The names of the candidates for nomination for*
25 *President of the United States for each major political party for which a*
26 *presidential preference primary election will be held must be printed on*
27 *the official ballots for the election. There must be a separate ballot for*
28 *each major political party.*

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

32 **Sec. 42.** *Each voter registered with a party for which a presidential*
33 *preference primary election will be held may vote at such an election on*
34 *the partisan ballot of that party for one person to be the candidate for*
35 *nomination for President of the United States for that party.*

36 **Sec. 43.** *1. The delegates and alternate delegates for a major*
37 *political party of this state who are selected to attend the national*
38 *convention of that party must be pledged, for the first convention ballot,*
39 *to the candidate for nomination for President of the United States of that*
40 *party who received the greatest number of votes statewide in the*
41 *presidential preference primary election or was the only candidate for*
42 *that party to file a declaration of candidacy pursuant to section 39 of this*
43 *act, unless the:*

1 (a) *Rules and regulations of the national convention of that party for*
2 *the:*

3 (1) *Selection of delegates and alternate delegates to attend the*
4 *national convention of that party; or*

5 (2) *Conduct of delegates and alternate delegates at the national*
6 *convention of that party,*
7 *do not allow a delegate or alternate delegate to be pledged in this*
8 *manner; or*

9 (b) *The candidate releases those delegates and alternate delegates*
10 *pursuant to subsection 3.*

11 2. *A delegate or alternate delegate subject to the requirements of*
12 *subsection 1 shall, within 2 weeks after his selection, file with the*
13 *secretary of state a pledge to act in accordance with subsection 1. The*
14 *secretary of state shall prepare and make available a form for this*
15 *purpose.*

16 3. *At any time after the presidential preference primary election, a*
17 *candidate described in subsection 1 may release the delegates and*
18 *alternate delegates from their pledge to support him at the national*
19 *convention. Such delegates and alternate delegates shall be deemed to be*
20 *released when the candidate notifies the chairman of the state delegation*
21 *of his party, in writing, that he wishes to release those delegates and*
22 *alternate delegates.*

23 **Sec. 44.** *If a presidential preference primary election is held*
24 *pursuant to sections 38 to 46, inclusive, of this act, the cost of the election*
25 *is a charge against the state and must be paid from the reserve for*
26 *statutory contingency account upon recommendation by the secretary of*
27 *state and approval by the state board of examiners.*

28 **Sec. 45.** *The provisions of sections 38 to 46, inclusive, of this act*
29 *must be construed and applied in a manner consistent with any rules and*
30 *regulations affecting the selection or certification of delegates and*
31 *alternate delegates of a major political party of this state to the national*
32 *convention of that party to ensure that such delegates and alternate*
33 *delegates are properly selected and certified to the national convention as*
34 *a result of the presidential preference primary election.*

35 **Sec. 46.** *The secretary of state may adopt regulations to carry out the*
36 *provisions of sections 38 to 46, inclusive, of this act.*

37 **Sec. 47.** NRS 353.264 is hereby amended to read as follows:

38 353.264 1. The reserve for statutory contingency account is hereby
39 created in the state general fund.

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

1 (a) The payment of claims which are obligations of the state pursuant to
2 NRS 41.03435, 41.0347, 176.485, 179.310, 212.040, 212.050, 212.070,
3 214.040, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120,
4 353.262, 412.154 and 475.235 ~~§~~ **and section 44 of this act;**

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

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

9 (2) NRS 7.155, 34.750, 176A.640, 178.465, 179.225, 213.153 and
10 293B.210,

11 but the claims must be approved for the respective purposes listed in this
12 paragraph only when the money otherwise appropriated for those purposes
13 has been exhausted;

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

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

21 **Sec. 48.** 1. There is hereby appropriated from the state general fund
22 to the reserve for statutory contingency account created pursuant to NRS
23 353.264 the sum of \$1,400,000 to pay the cost of the presidential
24 preference primary election that will be held on March 10, 2000.

25 2. Any remaining balance of the appropriation made by subsection 1
26 must not be committed for expenditure after June 30, 2000, and reverts to
27 the state general fund as soon as all payments of money committed have
28 been made.

29 **Sec. 49.** This act becomes effective upon passage and approval.

30 **Sec. 50.** The legislative counsel shall:

31 1. In preparing the reprint and supplements to the Nevada Revised
32 Statutes, with respect to any section that is not amended by this act or is
33 further amended by another act, appropriately change any provision
34 concerning a primary election that should include a reference to the
35 presidential preference primary election.

36 2. In preparing supplements to the Nevada Administrative Code,
37 appropriately change any provision concerning a primary election that
38 should include a reference to the presidential preference primary election.