

SENATE BILL NO. 91—SENATOR NEAL

FEBRUARY 3, 1999

Referred to Committee on Government Affairs

SUMMARY—Authorizes candidate for elective office to include statement on sample ballot.
(BDR 24-690)

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; authorizing a candidate for elective office to include a statement in the sample ballot on which his name will appear; establishing certain requirements regarding the information that is included in the statement; requiring a fee for the inclusion of the statement in the sample ballot; 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
3 the provisions set forth as sections 2 and 3 of this act.
4 **Sec. 2. 1. *Notwithstanding the provisions of NRS 293.256, a***
5 ***candidate for elective office may prepare a statement for inclusion in the***
6 ***sample ballot on which the name of the candidate will appear.***
7 **2. *The statement must:***
8 ***(a) Include the name, age and occupation of the candidate and a brief***
9 ***description of the education and qualifications of the candidate;***
10 ***(b) Be written on a form prescribed by the secretary of state pursuant***
11 ***to NRS 293.250;***
12 ***(c) Be authored by the candidate personally;***
13 ***(d) Be not more than 400 words in length; and***
14 ***(e) Not make reference to any other candidate or to the qualifications,***
15 ***character or activities of any other candidate.***
16 **3. *The candidate must file the statement with the filing officer with***
17 ***whom he must file his declaration of candidacy or acceptance of***

1 *candidacy on or before the date that his declaration of candidacy or*
2 *acceptance of candidacy must be filed.*

3 **4. A candidate may withdraw, but not change, his statement not later**
4 **than 5 p.m. of the next working day after the date that his declaration of**
5 **candidacy or acceptance of candidacy must be filed.**

6 **5. The provisions of this section do not release a candidate from any**
7 **criminal or civil liability for any information he includes in his**
8 **statement.**

9 **6. A statement may not be printed on a sample ballot unless:**

10 **(a) The statement complies with the requirements set forth in**
11 **subsection 2; and**

12 **(b) The candidate has paid the fee required pursuant to section 3 of**
13 **this act.**

14 **Sec. 3. 1. Except as otherwise provided in subsection 3, the filing**
15 **officer shall impose a fee for the inclusion of a statement prepared**
16 **pursuant to section 2 of this act in the sample ballot in an amount not to**
17 **exceed the lesser of:**

18 **(a) The actual cost to produce the statement of the candidate; or**

19 **(b) One thousand dollars for a statewide office or \$400 for any other**
20 **office.**

21 **2. The fee must be paid to the filing officer by cash, cashier's check**
22 **or certified check.**

23 **3. The filing officer shall not impose a fee pursuant to subsection 1**
24 **upon a candidate for an office the holder of which receives no**
25 **compensation.**

26 **4. The county clerk shall pay to the county treasurer all fees received**
27 **by him from candidates pursuant to this section. The county treasurer**
28 **shall deposit the money to the credit of the general fund of the county.**

29 **Sec. 4. NRS 293.195 is hereby amended to read as follows:**

30 **293.195 1. Judicial offices, school offices, the office of county**
31 **sheriff, the board of regents of the University of Nevada, city and town**
32 **officers, the state board of education and members of boards of hospital**
33 **trustees of public hospitals are hereby designated nonpartisan offices.**

34 **2. No words designating the party affiliation of a candidate for**
35 **nonpartisan ~~offices~~ office may be printed upon the ballot.**

36 **3. No words designating the party affiliation of a candidate for**
37 **nonpartisan office may be printed upon the sample ballot in a statement**
38 **prepared pursuant to section 2 or 7 of this act.**

39 **Sec. 5. 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 ~~[-]~~; **and**
(d) Any statement prepared pursuant to section 2 of this act.

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 ~~[-]~~ a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.

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

Sec. 6. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.

Sec. 7. 1. Notwithstanding the provisions of NRS 293C.255, a candidate for an elective city office may prepare a statement for inclusion in the sample ballot on which the name of the candidate will appear.

2. The statement must:

1 ***(a) Include the name, age and occupation of the candidate and a brief***
2 ***description of the education and qualifications of the candidate;***

3 ***(b) Be written on a form prescribed by the secretary of state pursuant***
4 ***to NRS 293.250;***

5 ***(c) Be authored by the candidate personally;***

6 ***(d) Be not more than 400 words in length; and***

7 ***(e) Not make reference to any other candidate or to the qualifications,***
8 ***character or activities of any other candidate.***

9 ***3. The candidate must file the statement with the city clerk on or***
10 ***before the date that his declaration of candidacy or acceptance of***
11 ***candidacy must be filed.***

12 ***4. A candidate may withdraw, but not change, a statement not later***
13 ***than 5 p.m. of the next working day after the date that his declaration of***
14 ***candidacy or acceptance of candidacy must be filed.***

15 ***5. The provisions of this section do not release a candidate from any***
16 ***criminal or civil liability for any information he includes in his***
17 ***statement.***

18 ***6. A statement may not be printed on a sample ballot unless:***

19 ***(a) The statement complies with the requirements set forth in***
20 ***subsection 2; and***

21 ***(b) The candidate has paid the fee required pursuant to section 8 of***
22 ***this act.***

23 ***Sec. 8. 1. Except as otherwise provided in subsection 3, the city***
24 ***clerk shall impose a fee for the inclusion of a statement prepared***
25 ***pursuant to section 7 of this act in the sample ballot in an amount not to***
26 ***exceed the lesser of:***

27 ***(a) The actual cost to produce the statement of the candidate; or***

28 ***(b) Four hundred dollars.***

29 ***2. The fee must be paid to the city clerk by cash, cashier's check or***
30 ***certified check.***

31 ***3. The city clerk shall not impose a fee pursuant to subsection 1 upon***
32 ***a candidate for an office the holder of which receives no compensation.***

33 ***4. The fees collected by the city clerk pursuant to this section must be***
34 ***deposited to the credit of the general fund of the city.***

35 ***Sec. 9. NRS 293C.530 is hereby amended to read as follows:***

36 ***293C.530 1. At least 10 days before an election, the city clerk shall***
37 ***cause to be mailed to each registered voter in the city a sample ballot for***
38 ***his precinct with a notice informing the voter of the location of his polling***
39 ***place. The sample ballot must include any statement prepared pursuant to section***
40 ***7 of this act.*** If the location of the polling place has changed
41 since the last election:

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

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

6
7 NOTICE: THE LOCATION OF YOUR POLLING PLACE
8 HAS CHANGED SINCE THE LAST ELECTION
9

10 2. The city clerk shall include in each sample ballot for a primary city
11 election, a separate page on which is printed a list of the offices and
12 candidates for those offices for which there is no opposition.

13 3. The cost of mailing sample ballots for a city election must be borne
14 by the city holding the election.

15 **Sec. 10.** NRS 294A.320 is hereby amended to read as follows:

16 294A.320 1. Except as otherwise provided in subsection 2, it is
17 unlawful for any person to publish any material or information relating to
18 an election, candidate or any question on a ballot unless that material or
19 information contains:

20 (a) The name and mailing or street address of each person who has paid
21 for or who is responsible for paying for the publication; and

22 (b) A statement that each such person has paid for or is responsible for
23 paying for the publication.

24 2. The provisions of subsection 1 do not apply:

25 (a) To any candidate or to the political party of that candidate which
26 pays for or is responsible for paying for any billboard, sign or other form of
27 advertisement which refers only to that candidate and in which the
28 candidate's name is prominently displayed.

29 (b) If the material is expressly approved and paid for by the candidate
30 and the cost of preparation and publishing has been reported by the
31 candidate as a campaign contribution pursuant to NRS 294A.120.

32 (c) To a natural person who acts independently and not in cooperation
33 with or pursuant to any direction from a business or social organization,
34 nongovernmental legal entity or governmental entity.

35 **(d) To a statement prepared pursuant to section 2 or 7 of this act.**

36 3. Any identification that complies with the requirements of the
37 Communications Act of 1934 and the regulations adopted pursuant to the
38 act shall be deemed to comply with the requirements of this section.

39 4. As used in this section:

40 (a) "Material" means any printed or written matter or any photograph.

41 (b) "Publish" means the act of:

42 (1) Printing, posting, broadcasting, mailing or otherwise
43 disseminating; or

- 1 (2) Causing to be printed, posted, broadcasted, mailed or otherwise
- 2 disseminated,
- 3 any material or information to the public.

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