

ASSEMBLY BILL NO. 289—ASSEMBLYMEN WEBER, KNECHT, MABEY, ANDONOV, BEERS, CONKLIN, GIUNCHIGLIANI, GOICOECHEA, GRADY, GRIFFIN, KOIVISTO, MANENDO, MARVEL, MCCLAIN, MORTENSON, PIERCE AND SHERER (BY REQUEST)

MARCH 13, 2003

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Provides for names of candidates to be listed on ballot in accordance with randomized procedure of alphabetization. (BDR 24-907)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: 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 for the names of candidates to be listed on a ballot in accordance with a randomized procedure of alphabetization; 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.** NRS 293.250 is hereby amended to read as follows:  
2     293.250 1. The Secretary of State shall, in a manner  
3 consistent with the election laws of this state, prescribe:  
4     (a) The form of all ballots, absent ballots, diagrams, sample  
5 ballots, certificates, notices, declarations, applications to register to  
6 vote, lists, applications, pollbooks, registers, rosters, statements and  
7 abstracts required by the election laws of this state.  
8     (b) The procedure to be followed when a computer is used to  
9 register voters and to keep records of registration.  
10    2. The Secretary of State shall prescribe with respect to the  
11 matter to be printed on every kind of ballot:



1 (a) The placement and listing of all offices, candidates and  
2 measures upon which voting is statewide, which must be uniform  
3 throughout the State.

4 (b) The listing of all other candidates required to file with him,  
5 and the order of listing all offices, candidates and measures upon  
6 which voting is not statewide, from which each county or city clerk  
7 shall prepare appropriate ballot forms for use in any election in his  
8 county.

9 *The order of listing candidates prescribed by the Secretary of State*  
10 *pursuant to this subsection must comply with paragraph (b) of*  
11 *subsection 1 of NRS 293.256.*

12 3. The Secretary of State shall place the condensation of each  
13 proposed constitutional amendment or statewide measure near the  
14 spaces or devices for indicating the voter's choice.

15 4. The fiscal note for and explanation of each proposed  
16 constitutional amendment or statewide measure, including  
17 arguments for and against it, must be included on all sample ballots.

18 5. The condensations and explanations for constitutional  
19 amendments and statewide measures proposed by initiative or  
20 referendum must be prepared by the Secretary of State, upon  
21 consultation with the Attorney General. The fiscal notes for  
22 constitutional amendments and statewide measures proposed by  
23 initiative or referendum must be prepared by the Secretary of State,  
24 upon consultation with the Fiscal Analysis Division of the  
25 Legislative Counsel Bureau. The condensations, explanations and  
26 fiscal notes must be in easily understood language and of reasonable  
27 length, and whenever feasible must be completed by August 1 of the  
28 year in which the general election is to be held.

29 6. The names of candidates for township and legislative or  
30 special district offices must be printed only on the ballots furnished  
31 to voters of that township or district.

32 7. A county clerk:

33 (a) May divide paper ballots into two sheets in a manner which  
34 provides a clear understanding and grouping of all measures and  
35 candidates.

36 (b) Shall prescribe the color or colors of the ballots and voting  
37 receipts used in any election which the clerk is required to conduct.

38 **Sec. 2.** NRS 293.256 is hereby amended to read as follows:

39 293.256 *1.* In any election regulated by this chapter, the  
40 names of candidates as printed on the ballot ~~{shall}~~:

41 *(a) Must* not include any title, designation or other reference  
42 which will indicate the profession or occupation of such candidates  
43 ~~{}~~; *and*

44 *(b) Must be listed according to a randomized procedure of*  
45 *alphabetization.*



1 2. As used in this section, "randomized procedure of  
2 alphabetization" means a procedure pursuant to which:

3 (a) Each of the 26 letters of the alphabet is selected  
4 successively at random, by way of:

5 (1) The drawing of lots; or

6 (2) A computer or other device that is able to generate  
7 characters at random;

8 (b) The first letter selected at random is assigned to the  
9 numeral "1" and each successive letter selected at random is  
10 assigned to the next higher numeral until the last letter selected is  
11 assigned to the numeral "26";

12 (c) For the ordering of the names of the candidates on the  
13 applicable ballot, the candidate whose surname begins with the  
14 letter corresponding to the numeral "1" is listed first on the ballot,  
15 followed by the candidates whose surnames begin with the letters  
16 corresponding to numerals "2" through "26," in that order;

17 (d) If the surnames of two or more candidates begin with the  
18 same letter, the second and, if necessary, subsequent letters of the  
19 surnames of the candidates are compared until such subsequent  
20 letters are determined to be different, at which point the candidate  
21 whose subsequent letter has been assigned a lower numerical  
22 value in accordance with paragraph (b) is placed on the ballot  
23 before the candidate or candidates whose subsequent letters have  
24 been assigned a higher numerical value in accordance with  
25 paragraph (b);

26 (e) If the surnames of two or more candidates are the same,  
27 the candidate whose given name begins with a letter that has been  
28 assigned a lower numerical value in accordance with paragraph  
29 (b) is placed on the ballot before the candidate or candidates  
30 whose given names begin with letters that have been assigned a  
31 higher numerical value in accordance with paragraph (b);

32 (f) If the surnames of two or more candidates are the same and  
33 the given names of those candidates begin with the same letter, the  
34 second and, if necessary, subsequent letters of the given names of  
35 the candidates are compared until such subsequent letters are  
36 determined to be different, at which point the candidate whose  
37 subsequent letter has been assigned a lower numerical value in  
38 accordance with paragraph (b) is placed on the ballot before the  
39 candidate or candidates whose subsequent letters have been  
40 assigned a higher numerical value in accordance with paragraph  
41 (b); and

42 (g) If the surnames and given names of two or more  
43 candidates are the same, the order of those candidates on the  
44 ballot is determined by drawing lots.



1     **Sec. 3.** NRS 293.263 is hereby amended to read as follows:  
2     293.263 On the primary ballots for a major political party the  
3 name of the major political party must appear at the top of the  
4 ballot. Following this designation must appear the names of  
5 candidates grouped ~~{alphabetically}~~ *in accordance with paragraph*  
6 *(b) of subsection 1 of NRS 293.256* under the title and length of  
7 term of the partisan office for which those candidates filed.

8     **Sec. 4.** NRS 293.265 is hereby amended to read as follows:  
9     293.265 On nonpartisan primary ballots there must appear at  
10 the top of the ballot the designation "Candidates for nonpartisan  
11 offices." Following this designation must appear the names of  
12 candidates grouped ~~{alphabetically}~~ *in accordance with paragraph*  
13 *(b) of subsection 1 of NRS 293.256* under the title and length of  
14 term of the nonpartisan office for which those candidates filed.

15     **Sec. 5.** NRS 293.267 is hereby amended to read as follows:  
16     293.267 1. Ballots for a general election must contain the  
17 names of candidates who were nominated at the primary election,  
18 the names of the candidates of a minor political party and the names  
19 of independent candidates.

20     2. Names of candidates must be grouped ~~{alphabetically}~~ *in*  
21 *accordance with paragraph (b) of subsection 1 of NRS 293.256*  
22 under the title and length of term of the office for which those  
23 candidates filed.

24     3. Except as otherwise provided in subsection 4:

25     (a) Immediately following the name of each candidate for a  
26 partisan office must appear the name of his political party or the  
27 word "independent," as the case may be.

28     (b) Immediately following the name of each candidate for a  
29 nonpartisan office must appear the word "nonpartisan."

30     4. Where a system of voting other than by paper ballot is used,  
31 the Secretary of State may provide for any placement of the name of  
32 the political party or the word "independent" or "nonpartisan" which  
33 clearly relates the designation to the name of the candidate to whom  
34 it applies.

35     **Sec. 6.** NRS 293.268 is hereby amended to read as follows:

36     293.268 The offices for which there are candidates, the names  
37 of the candidates therefor, and the questions to be voted upon must  
38 be printed on ballots in the following order:

39     1. President and Vice President of the United States.

40     2. United States Senator and Representative in Congress, in  
41 that sequence.

42     3. Governor, Lieutenant Governor, Secretary of State,  
43 Treasurer, Controller and Attorney General, in that sequence.

44     4. State Senators and Assemblymen.

45     5. County and township partisan offices.



- 1     6.   Statewide nonpartisan offices.
- 2     7.   District nonpartisan offices.
- 3     8.   County nonpartisan offices.
- 4     9.   City offices:
- 5       (a) Mayor;
- 6       (b) Councilmen , *who must be placed on the ballot:*
- 7           *(1) If the applicable city has been divided into wards,*
- 8       *according to ward in numerical order ~~[, if no]~~ and, within each*
- 9       *ward, in accordance with paragraph (b) of subsection 1 of NRS*
- 10      *293.256; or*
- 11           *(2) If the applicable city has not been divided into wards, in*
- 12      *~~[alphabetical order:]~~ accordance with paragraph (b) of subsection*
- 13      *1 of NRS 293.256; and*
- 14       (c) Municipal judges.
- 15     10.   Township nonpartisan offices.
- 16     11.   Questions presented to the voters of the State.
- 17     12.   Questions presented only to the voters of a special district
- 18    or political subdivision of the State.
- 19    **Sec. 7.** NRS 293C.255 is hereby amended to read as follows:
- 20    293C.255   **1.** In any election regulated by this chapter, the
- 21    names of candidates as printed on the ballot ~~[must]~~ :
- 22       (a) *Must* not include any title, designation or other reference
- 23       that indicates the profession or occupation of the candidates ~~[ ]~~ ; *and*
- 24       (b) *Must be listed according to a randomized procedure of*
- 25       *alphabetization.*
- 26       2. *As used in this section, “randomized procedure of*
- 27       *alphabetization” means a procedure pursuant to which:*
- 28       (a) *Each of the 26 letters of the alphabet is selected*
- 29       *successively at random, by way of:*
- 30           *(1) The drawing of lots; or*
- 31           *(2) A computer or other device that is able to generate*
- 32       *characters at random;*
- 33       (b) *The first letter selected at random is assigned to the*
- 34       *numeral “1” and each successive letter selected at random is*
- 35       *assigned to the next higher numeral until the last letter selected is*
- 36       *assigned to the numeral “26”;*
- 37       (c) *For the ordering of the names of the candidates on the*
- 38       *applicable ballot, the candidate whose surname begins with the*
- 39       *letter corresponding to the numeral “1” is listed first on the ballot,*
- 40       *followed by the candidates whose surnames begin with the letters*
- 41       *corresponding to numerals “2” through “26,” in that order;*
- 42       (d) *If the surnames of two or more candidates begin with the*
- 43       *same letter, the second and, if necessary, subsequent letters of the*
- 44       *surnames of the candidates are compared until such subsequent*
- 45       *letters are determined to be different, at which point the candidate*



1 *whose subsequent letter has been assigned a lower numerical*  
2 *value in accordance with paragraph (b) is placed on the ballot*  
3 *before the candidate or candidates whose subsequent letters have*  
4 *been assigned a higher numerical value in accordance with*  
5 *paragraph (b);*

6 *(e) If the surnames of two or more candidates are the same,*  
7 *the candidate whose given name begins with a letter that has been*  
8 *assigned a lower numerical value in accordance with paragraph*  
9 *(b) is placed on the ballot before the candidate or candidates*  
10 *whose given names begin with letters that have been assigned a*  
11 *higher numerical value in accordance with paragraph (b);*

12 *(f) If the surnames of two or more candidates are the same and*  
13 *the given names of those candidates begin with the same letter, the*  
14 *second and, if necessary, subsequent letters of the given names of*  
15 *the candidates are compared until such subsequent letters are*  
16 *determined to be different, at which point the candidate whose*  
17 *subsequent letter has been assigned a lower numerical value in*  
18 *accordance with paragraph (b) is placed on the ballot before the*  
19 *candidate or candidates whose subsequent letters have been*  
20 *assigned a higher numerical value in accordance with paragraph*  
21 *(b); and*

22 *(g) If the surnames and given names of two or more*  
23 *candidates are the same, the order of those candidates on the*  
24 *ballot is determined by drawing lots.*

25 **Sec. 8.** NRS 293C.257 is hereby amended to read as follows:

26 293C.257 For a primary city election there must appear at the  
27 top of each ballot the designation “Candidates for city offices.”  
28 Following this designation must appear the names of candidates  
29 grouped ~~[alphabetically]~~ *in accordance with paragraph (b) of*  
30 *subsection 1 of NRS 293C.255* under the title and length of term of  
31 the office for which those candidates filed.

32 **Sec. 9.** NRS 293C.260 is hereby amended to read as follows:

33 293C.260 1. Except as otherwise provided in NRS 293C.140,  
34 ballots for a general city election must contain the names of  
35 candidates who were nominated at the primary city election.

36 2. The names of candidates must be grouped ~~[alphabetically]~~ *in*  
37 *accordance with paragraph (b) of subsection 1 of NRS 293C.255*  
38 under the title and length of term of the office for which those  
39 candidates filed.

40 **Sec. 10.** NRS 293C.262 is hereby amended to read as follows:

41 293C.262 1. The offices for which there are candidates, the  
42 names of the candidates therefor and the questions to be voted upon  
43 must be printed on ballots for a city election in the following order:

44 (a) City offices:

45 (1) Mayor;



\* A B 2 8 9 \*

- 1 (2) Councilmen , *who must be placed on the ballot:*
- 2 (I) *If the applicable city has been divided into wards,*
- 3 according to ward in numerical order ~~[, if no]~~ *and, within each*
- 4 *ward, in accordance with paragraph (b) of subsection 1 of NRS*
- 5 *293C.255; or*
- 6 (II) *If the applicable city has not been divided into*
- 7 wards, in ~~[alphabetical order;]~~ *accordance with paragraph (b) of*
- 8 *subsection 1 of NRS 293C.255; and*
- 9 (3) Municipal judges.
- 10 (b) Questions presented to the voters of a city or a portion of a
- 11 city.
- 12 2. The city clerk:
- 13 (a) May divide paper ballots into two sheets in a manner that
- 14 provides a clear understanding and grouping of all measures and
- 15 candidates.
- 16 (b) Shall prescribe the color or colors of the ballots and voting
- 17 receipts used in any election which the clerk is required to conduct.

