
ASSEMBLY BILL NO. 302—ASSEMBLYMAN MCCLEARY

MARCH 21, 2005

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Creates presidential preference primary election.
(BDR 24-551)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: 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; establishing requirements for participation in the presidential preference primary election by major political parties and registered voters; establishing provisions governing how the results of the presidential preference primary election will effect the selection of a candidate for nomination for President of the United States; 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
2 thereto a new section to read as follows:

3 *“Presidential preference primary election” means the election*
4 *held pursuant to section 41 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
7 requires, the words and terms defined in NRS 293.013 to 293.121,
8 inclusive, *and section 1 of this act* have the meanings ascribed to
9 them in those sections.



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

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

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

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

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

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

(a) Name of the political party;

(b) Names and addresses of its officers;

(c) Names of the members of its executive committee; and

(d) Name of the person who is authorized by the party to act as resident agent in this State.

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

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

293.219 1. Not less than 60 days before a primary ~~[or a]~~ *election*, general election ~~[]~~ *or presidential preference primary election*, the county central committee of each major political party for each county may recommend to the county clerk of the county



1 three registered voters for each precinct in the county to act as
2 election board officers of the primary ~~for~~ *election*, general election
3 *or presidential preference primary election* in the precinct or
4 district.

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

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

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

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

20 2. The regulations must prescribe:

- 21 (a) The duties of election boards;
- 22 (b) The type and amount of election supplies;
- 23 (c) The manner of printing ballots and the number of ballots to
24 be distributed to precincts and districts;
- 25 (d) The method to be used in distributing ballots to precincts and
26 districts;
- 27 (e) The method of inspection and the disposition of ballot boxes;
- 28 (f) The form and placement of instructions to voters;
- 29 (g) The recess periods for election boards;
- 30 (h) The size, lighting and placement of voting booths;
- 31 (i) The amount and placement of guardrails and other furniture
32 and equipment at voting places;
- 33 (j) The disposition of election returns;
- 34 (k) The procedures to be used for canvasses, ties, recounts and
35 contests;
- 36 (l) The procedures to be used to ensure the security of the ballots
37 from the time they are transferred from the polling place until they
38 are stored pursuant to the provisions of NRS 293.391 or 293C.390;
- 39 (m) The procedures to be used to ensure the security and
40 accuracy of computer programs and tapes used for elections;
- 41 (n) The procedures to be used for the disposition of absent
42 ballots in case of an emergency;
- 43 (o) The forms for applications to register to vote and any other
44 forms necessary for the administration of this title; and



(p) Such other matters as determined necessary by the Secretary of State.

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

4. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

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

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

Sec. 7. NRS 293.2565 is hereby amended to read as follows:

293.2565 1. Except as otherwise provided in subsection 2, in any election regulated by this chapter ~~{ }~~ *or chapter 298 of NRS*, the name of a candidate printed on a ballot may be the given name and surname of the candidate or a contraction or familiar form of his given name followed by his surname. A nickname of not more than 10 letters may be incorporated into the name of a candidate. The nickname must be in quotation marks and appear immediately before the surname of the candidate. A nickname must not indicate any political, economic, social or religious view or affiliation and must not be the name of any person, living or dead, whose reputation is known on a statewide, nationwide or worldwide basis, or in any other manner deceive a voter regarding the person or principles for which he is voting.

2. Except as otherwise provided in subsection 3, in any election regulated by this chapter ~~{ }~~ *or chapter 298 of NRS*, if two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of the candidates is an incumbent, the middle names or middle initials, if any, of the candidates must be included in the names of the candidates as printed on the ballot; or

(b) One of the candidates is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

3. Where a system of voting other than by paper ballot is used and the provisions of paragraph (b) of subsection 2 are applicable,



1 the Secretary of State may distinguish a candidate who is an
2 incumbent in a manner other than printing the name of the
3 incumbent in bold type provided that the manner used clearly
4 emphasizes the name of the incumbent in a manner similar to
5 printing his name in bold type.

6 **Sec. 8.** NRS 293.269 is hereby amended to read as follows:

7 293.269 1. ~~{Every}~~ *Except as otherwise provided in this*
8 *section, every* ballot upon which appears the names of candidates
9 for any statewide office or for President and Vice President of the
10 United States ~~{shall}~~ *must* contain for each office an additional line
11 equivalent to the lines on which the candidates' names appear and
12 placed at the end of the group of lines containing the names of the
13 candidates for that office. Each additional line ~~{shall}~~ *must* contain a
14 square in which the voter may express his choice of that line in the
15 same manner as he would express his choice of a candidate, and the
16 line ~~{shall}~~ *must* read "None of these candidates." *Such an*
17 *additional line must not be printed on a ballot for a presidential*
18 *preference primary election.*

19 2. Only votes cast for the named candidates ~~{shall}~~ *must* be
20 counted in determining nomination or election to any statewide
21 office ~~{for presidential nominations}~~ or the selection of presidential
22 electors, but for each office the number of ballots on which the
23 additional line was chosen ~~{shall}~~ *must* be listed following the
24 names of the candidates and the number of their votes in every
25 posting, abstract and proclamation of the results of the election.

26 3. Every sample ballot or other instruction to voters prescribed
27 or approved by the Secretary of State ~~{shall}~~ *must* clearly explain
28 that the voter may mark his choice of the line "None of these
29 candidates" only if he has not voted for any candidate for the office.

30 **Sec. 9.** NRS 293.287 is hereby amended to read as follows:

31 293.287 1. A registered voter applying to vote at any primary
32 election *or presidential preference primary election* shall give his
33 name and political affiliation, if any, to the election board officer in
34 charge of the election board register, and the officer shall
35 immediately announce the name and political affiliation.

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

- 38 (a) Any of the grounds allowed for a challenge in NRS 293.303;
39 (b) The ground that the person applying does not belong to the
40 political party designated upon the register; or
41 (c) The ground that the register does not show that he designated
42 the political party to which he claims to belong.

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



1 4. A registered voter who has designated on his application to
2 register to vote an affiliation with a minor political party may vote a
3 nonpartisan ballot at ~~the~~ *a* primary election.

4 **Sec. 10.** NRS 293.303 is hereby amended to read as follows:

5 293.303 1. A person applying to vote may be challenged:

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

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

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

13 (a) If the challenge is on the ground that he does not belong to
14 the political party designated upon the register, "I swear or affirm
15 under penalty of perjury that I belong to the political party
16 designated upon the register";

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

22 (c) If the challenge is on the ground that he does not reside at the
23 residence for which the address is listed in the election board
24 register, "I swear or affirm under penalty of perjury that I reside at
25 the residence for which the address is listed in the election board
26 register";

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

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

34 ➔ The oath or affirmation must be set forth on a form prepared by
35 the Secretary of State and signed by the challenged person under
36 penalty of perjury.

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

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



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

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

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

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

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

20 (b) Brings before the election board officers a person who is at
21 least 18 years of age who:

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

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

27 9. The election board officers shall:

28 (a) Record on the challenge list:

29 (1) The name of the challenged person;

30 (2) The name of the registered voter who initiated the
31 challenge; and

32 (3) The result of the challenge; and

33 (b) If possible, orally notify the registered voter who initiated
34 the challenge of the result of the challenge.

35 **Sec. 11.** NRS 293.304 is hereby amended to read as follows:

36 293.304 1. If a person is successfully challenged on the
37 ground set forth in paragraph (c) of subsection 2 of NRS 293.303 or
38 if a person refuses to provide an affirmation pursuant to NRS
39 293.525, the election board shall instruct the voter that he may vote
40 only at the special polling place in the manner set forth in this
41 section.

42 2. The county clerk of each county shall maintain a special
43 polling place in his office and at such other locations as he deems
44 necessary during each election. The ballots voted at the special
45 polling place must be kept separate from the ballots of voters who



1 have not been so challenged or who have provided an affirmation
2 pursuant to NRS 293.525 in:

3 (a) A special ballot box if the ballots are paper ballots or ballots
4 which are voted by punching a card; or

5 (b) A special sealed container if the ballots are ballots which are
6 voted on a mechanical recording device which directly records the
7 votes electronically.

8 3. A person who votes at a special polling place may place his
9 vote only for the following offices and questions:

10 (a) President and Vice President of the United States;

11 (b) United States Senator;

12 (c) All state officers for whom all voters in the State may vote;

13 (d) All officers for whom all voters in the county may vote;
14 ~~{and}~~

15 (e) Questions which have been submitted to all voters of the
16 county or State ~~{}~~; and

17 *(f) If the election is a presidential preference primary election,*
18 *a candidate for nomination for President of the United States for a*
19 *major political party.*

20 4. The ballots voted at the special polling place must be
21 counted when other ballots are counted and:

22 (a) If the ballots are paper ballots or ballots which are voted by
23 punching a card, maintained in a separate ballot box; or

24 (b) If the ballots are ballots which are voted on a mechanical
25 recording device which directly records the votes electronically,
26 maintained in a separate sealed container,

27 ➔ until any contest of election is resolved or the date for filing a
28 contest of election has passed, whichever is later.

29 **Sec. 12.** NRS 293.309 is hereby amended to read as follows:

30 293.309 1. The county clerk of each county shall prepare an
31 absent ballot for the use of registered voters who have requested
32 absent ballots. The county clerk shall make reasonable
33 accommodations for the use of the absent ballot by an elderly or
34 disabled person, including, without limitation, by providing, upon
35 request, the absent ballot in 12-point type to an elderly or disabled
36 person.

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

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

41 (b) Resides outside ~~{the-state,}~~ *this State:*

42 *(1) For a primary election or general election,* not later than
43 40 days before ~~{a primary or general}~~ *that* election, if possible ~~{}~~;
44 *or*



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

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

5 **Sec. 13.** NRS 293.343 is hereby amended to read as follows:

6 293.343 1. A registered voter who resides in an election
7 precinct in which there were not more than 200 voters registered for
8 the last preceding general election, or in a precinct in which it
9 appears to the satisfaction of the county clerk that there are not more
10 than 200 registered voters, may vote at any election regulated by
11 this chapter *or chapter 298 of NRS* in the manner provided in NRS
12 293.345 to 293.355, inclusive.

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

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

18 293.345 The county clerk shall mail to each registered voter in
19 each mailing precinct and in each absent ballot mailing precinct,
20 before 5 p.m. on the ~~third~~:

21 1. *Second Tuesday in February of any year in which a*
22 *presidential preference primary election is to be held, an official*
23 *mailing ballot to be voted by him at the presidential preference*
24 *primary election.*

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

29 **Sec. 15.** NRS 293.3568 is hereby amended to read as follows:

30 293.3568 1. *For a primary or general election:*

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

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

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

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

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

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

44 ~~(1)~~ (1) During the first week of early voting, from 8 a.m.
45 until 6 p.m.



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

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

~~[(e)]~~ *(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. 16. 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 which may include, without limitation, the clerk's office.

2. The provisions of *paragraph (c) of subsection [3] 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. 17. 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. Each voting day during that period, the ballots voted at the permanent or temporary polling place may be removed from the ballot box and neatly stacked in a container that is sealed with a numbered seal after the ballots are stacked inside. The ballot box or sealed container must be delivered by an election board officer to



1 the county clerk's office at the close of each voting day. The seal on
2 the ballot box or container must indicate the number of voted ballots
3 contained in that box or container for that day.

4 2. When the ballot box or container is delivered pursuant to
5 subsection 1, the county clerk shall provide a new ballot box sealed
6 in the manner prescribed in NRS 293.359.

7 3. ~~At~~ *Except as otherwise provided in this subsection, at* the
8 close of each voting day before the fourth voting day before the last
9 day to vote early, the county clerk may deliver all ballots voted to
10 the ballot board for early voting. At the close of the fourth voting
11 day before the last day to vote early and at the close of each of the
12 3 days thereafter, *and at the close of each day to vote early in a*
13 *presidential preference primary election*, the county clerk shall
14 deliver all ballots voted to the ballot board for early voting. At the
15 close of the last voting day, the county clerk shall deliver to the
16 ballot board for early voting:

17 (a) Each remaining ballot box and container that holds the
18 ballots voted early by personal appearance;

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

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

22 4. Upon the receipt of ballots, the board shall:

23 (a) Remove all ballots from the ballot boxes and containers and
24 sort the ballots by precinct or voting district;

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

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

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

32 5. The county clerk shall allow members of the general public
33 to observe the handling of the ballots pursuant to subsections 1 and
34 4 if those members do not interfere with the handling of the ballots.

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

40 **Sec. 18.** NRS 293.3604 is hereby amended to read as follows:

41 293.3604 If ballots which are voted on a mechanical recording
42 device which directly records the votes electronically are used
43 during the period for early voting by personal appearance : ~~in an~~
44 ~~election other than a presidential preference primary election;~~

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



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

- (1) The title of the election;
- (2) The number of the precinct or voting district;
- (3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;
- (4) The number of ballots voted on the mechanical recording device for that day;
- (5) The number of signatures in the roster for early voting for that day; and
- (6) The number of voting receipts retained pursuant to NRS 293.3585 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. 19. 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 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 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. 20. 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]~~ :

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

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

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

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

(b) A general election.

3. In a presidential preference primary election, if the votes that must be tallied by the counting board officers include votes cast in more than one congressional district, the tally lists must also show the number of votes, other than absentee votes and votes in a mailing precinct, that each candidate received in each congressional district.

Sec. 21. NRS 293.383 is hereby amended to read as follows:

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

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



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

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

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

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

Sec. 22. NRS 293.387 is hereby amended to read as follows:

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

2. In making its canvass, the board shall:

(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 not more than 6 working days 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



1 *and, if necessary to comply with the rules and regulations of the*
2 *party, to the national committee of each major political party for*
3 *which a presidential preference primary election was held, the*
4 *name of the candidate who received the greatest number of votes*
5 *in each congressional district and in the State overall.*

6 **Sec. 23.** NRS 293.400 is hereby amended to read as follows:

7 293.400 1. If, after the completion of the canvass of the
8 returns of any election, two or more persons receive an equal
9 number of votes, which is sufficient for the election of one or more
10 but fewer than all of them to the office, the person or persons
11 elected must be determined as follows:

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

17 (b) In a primary election for a United States Senator,
18 Representative in Congress, state officer who is elected statewide or
19 by district, district judge, or district officer whose district includes
20 area in more than one county, *or in a presidential preference*
21 *primary election*, the Secretary of State shall summon the
22 candidates , *or, in the case of a presidential preference primary*
23 *election, the candidates or their authorized representatives*, who
24 have received the tie votes to appear before him at a time and place
25 designated by him , and he shall determine the tie by lot. If the tie
26 vote is for the office of Secretary of State, the Governor shall
27 perform these duties.

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

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

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

43 **Sec. 24.** NRS 293.403 is hereby amended to read as follows:

44 293.403 1. A candidate defeated at any election may demand
45 and receive a recount of the vote for the office for which he is a



1 candidate to determine the number of votes received for the
2 candidate and the number of votes received for the person who won
3 the election if within 3 working days after the canvass of the vote
4 and the certification by the county clerk or city clerk of the abstract
5 of votes the candidate who demands the recount:

6 (a) Files in writing his demand with the officer with whom he
7 filed his declaration of candidacy or acceptance of candidacy; and

8 (b) Deposits in advance the estimated costs of the recount with
9 that officer.

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

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

15 (1) The Secretary of State, if the demand is for a recount of a
16 ballot question affecting more than one county; or

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

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

22 3. The estimated costs of the recount must be determined by
23 the person with whom the advance is deposited based on regulations
24 adopted by the Secretary of State defining the term "costs."

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

26 (a) In any primary election **[H] or presidential preference**
27 **primary election**, the canvass by the board of county commissioners
28 of the returns for a candidate or ballot question voted for in one
29 county or the canvass by the board of county commissioners last
30 completing its canvass of the returns for a candidate or ballot
31 question voted for in more than one county.

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

34 (c) In any general election:

35 (1) The canvass by the Supreme Court of the returns for a
36 candidate for a statewide office or a statewide ballot question; or

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

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

42 **Sec. 25.** NRS 293.404 is hereby amended to read as follows:

43 293.404 1. Where a recount is demanded pursuant to the
44 provisions of NRS 293.403, the:



1 (a) County clerk of each county affected by the recount shall
2 employ a recount board to conduct the recount in the county, and
3 shall act as chairman of the recount board unless the recount is for
4 the office of county clerk, in which case the registrar of voters of the
5 county, if a registrar of voters has been appointed for the county,
6 shall act as chairman of the recount board. If a registrar of voters has
7 not been appointed for the county, the chairman of the board of
8 county commissioners, if he is not a candidate on the ballot, shall
9 act as chairman of the recount board. If the recount is for the office
10 of county clerk, a registrar of voters has not been appointed for the
11 county and the chairman of the board of county commissioners is a
12 candidate on the ballot, the chairman of the board of county
13 commissioners shall appoint another member of the board of county
14 commissioners who is not a candidate on the ballot to act as
15 chairman of the recount board. A member of the board of county
16 commissioners who is a candidate on the ballot may not serve as a
17 member of the recount board.

18 (b) City clerk shall employ a recount board to conduct the
19 recount in the city, and shall act as chairman of the recount board
20 unless the recount is for the office of city clerk, in which case the
21 mayor of the city, if he is not a candidate on the ballot, shall act as
22 chairman of the recount board. If the recount is for the office of city
23 clerk and the mayor of the city is a candidate on the ballot, the
24 mayor of the city shall appoint another member of the city council
25 who is not a candidate on the ballot to act as chairman of the recount
26 board. A member of the city council who is a candidate on the ballot
27 may not serve as a member of the recount board.

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

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

36 4. If a recount *of the ballots cast in an election other than a*
37 *presidential preference primary election* is demanded in a county or
38 city using a mechanical voting system, the person who demanded
39 the recount shall select the ballots for the office or ballot question
40 affected from 5 percent of the precincts, but in no case fewer than
41 three precincts, after notification to each candidate for the office or
42 his authorized representative. *If a recount of the ballots cast in a*
43 *presidential preference primary election is demanded in a county*
44 *using a mechanical voting system, the county clerk shall select*
45 *5 percent of the ballots cast in the election to conduct the recount,*



1 *after consultation with each candidate or his authorized*
2 *representative.* The recount board shall examine the selected ballots,
3 including any duplicate or rejected ballots, shall determine whether
4 the ballots have been voted in accordance with this title and shall
5 count the valid ballots by hand. In addition, a recount by computer
6 must be made of all the selected ballots. If the count by hand or the
7 recount by computer of the selected ballots shows a discrepancy
8 equal to or greater than 1 percent or five votes, whichever is greater,
9 for the candidate demanding the recount or the candidate who won
10 the election according to the original canvass of the returns, or in
11 favor of or against a ballot question, according to the original
12 canvass of the returns, the county or city clerk shall order a count by
13 hand of all the ballots for that office or ballot question. Otherwise,
14 the county or city clerk shall order a recount by computer of all the
15 ballots for all candidates for the office or all the ballots for the ballot
16 question.

17 5. The county or city clerk shall unseal and give to the recount
18 board all ballots to be counted.

19 6. In the case of a demand for a recount affecting more than
20 one county, the demand must be made to the Secretary of State, who
21 shall notify the county clerks to proceed with the recount.


22 **Sec. 26.** NRS 293.407 is hereby amended to read as follows:

23 293.407 1. A candidate at any election, or any registered
24 voter of the appropriate political subdivision, may contest the
25 election of any candidate, except for the office of United States
26 Senator or Representative in Congress.

27 2. Except where the contest involves the general election for
28 the office of Governor, Lieutenant Governor, Assemblyman, State
29 Senator or justice of the Supreme Court, a candidate or voter who
30 wishes to contest an election, including *a presidential preference*
31 *primary election or an* election to the office of presidential elector,
32 must, within the time prescribed in NRS 293.413, file with the clerk
33 of the district court a written statement of contest, setting forth:

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

38 (b) The name of the defendant;

39 (c) The office to which the defendant was declared elected 
40 *or, in the case of a presidential preference primary election, for*
41 *which he was declared to have received the greatest number of*
42 *votes for the particular congressional district or in the State*
43 *overall, as is pertinent to the rules of the particular major political*
44 *party;*



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

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

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

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

9 **Sec. 27.** NRS 293.410 is hereby amended to read as follows:

10 293.410 1. A statement of contest shall not be dismissed by
11 any court for want of form if the grounds of contest are alleged with
12 sufficient certainty to inform the defendant of the charges he is
13 required to meet.

14 2. An election may be contested upon any of the following
15 grounds:

16 (a) That the election board or any member thereof was guilty of
17 malfeasance.

18 (b) That a person who has been declared elected to an office was
19 not at the time of election eligible to that office.

20 (c) That illegal votes were cast and counted for the defendant,
21 which, if taken from him, will reduce the number of his legal votes
22 below the number necessary to elect him.

23 (d) That the election board, in conducting the election or in
24 canvassing the returns, made errors sufficient to change the result of
25 the election as to any person who has been declared elected.

26 (e) That the defendant has given, or offered to give, to any
27 person a bribe for the purpose of procuring his election.

28 (f) That there was a possible malfunction of any voting or
29 counting device.

30 *3. As used in subsection 2, the use of the term "elected"*
31 *includes receiving the greatest number of votes for the particular*
32 *congressional district or in the State overall, as is pertinent to the*
33 *rules of the particular major political party, in a presidential*
34 *preference primary election.*

35 **Sec. 28.** NRS 293.417 is hereby amended to read as follows:

36 293.417 1. If, in any contest, the court finds from the
37 evidence that a person other than the defendant received the greatest
38 number of legal votes, the court, as a part of the judgment, shall
39 declare that person elected or nominated.

40 2. The person declared nominated or elected by the court is
41 entitled to a certificate of nomination or election. If a certificate has
42 not been issued to him, the county clerk, city clerk or Secretary of
43 State shall execute and deliver to that person a certificate of election
44 or a certificate of nomination.



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

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

5. In a contest over a presidential preference primary election, if the court finds from the evidence that a person other than the defendant received the greatest number of legal votes in a particular congressional district or in the State overall, the court, as a part of the judgment, shall declare that person to be entitled to have such results certified by the Secretary of State pursuant to subsection 5 of NRS 293.387. If such certification has not been issued, the Secretary of State shall issue the certification. If such certification has been issued to a candidate other than the one declared by the court to have received the greatest number of votes in a particular congressional district or in the State overall, that certification must be annulled by the judgment of the court.

Sec. 29. NRS 293.485 is hereby amended to read as follows:

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

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

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

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

- (a) Primary election;
- (b) Primary city election;
- (c) *Presidential preference primary election;*
- ~~(d)~~ (d) General election;
- ~~(d)~~ (e) General city election; or
- ~~(e)~~ (f) Any other election.

Sec. 30. NRS 293.503 is hereby amended to read as follows:

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



1 (a) Is ex officio county registrar and registrar for all precincts
2 within the county.

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

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

7 3. The county clerk shall maintain records of any program or
8 activity that is conducted within the county to ensure the accuracy
9 and currency of the registrar of voters' register for not less than
10 2 years after creation. The records must include the names and
11 addresses of any person to whom a notice is mailed pursuant to NRS
12 293.5235, 293.530 ~~or~~ or 293.535 and whether the person responded
13 to the notice.

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

20 5. Except as otherwise provided ~~by~~ *in* subsection 6, all
21 records maintained by the county clerk pursuant to subsection 3
22 must be available for public inspection.

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

27 **Sec. 31.** NRS 293.557 is hereby amended to read as follows:

28 293.557 1. The county clerk may cause to be published once
29 in each of the newspapers circulated in different parts of the county
30 or cause to be published once in a newspaper circulated in the
31 county:

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

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

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

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

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



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

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

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

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

Sec. 32. NRS 293.560 is hereby amended to read as follows:

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

2. The office of the county clerk must be open from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m., including Saturdays, during the last days before the close of registration, according to the following schedule:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open during the last day before registration closes.

(b) In all other counties, the office of the county clerk must be open during the last 5 days before registration closes.

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

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

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

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

5. For the period beginning on the fifth Sunday preceding any primary ~~for~~ *election*, general election *or presidential preference primary election* and ending on the third Tuesday preceding ~~any~~



1 ~~primary or general~~ *the* election, an elector may register to vote only
2 by appearing in person at the office of the county clerk.

3 **Sec. 33.** NRS 293.565 is hereby amended to read as follows:

4 293.565 1. Except as otherwise provided in subsection 2,
5 sample ballots must include:

6 (a) If applicable, the statement required by NRS 293.267;

7 (b) The fiscal note, as provided pursuant to NRS 218.443,
8 293.250, 293.481 or 293.482, for each proposed constitutional
9 amendment, statewide measure, measure to be voted upon only by a
10 special district or political subdivision and advisory question;

11 (c) An explanation, as provided pursuant to NRS 218.443,
12 293.250, 293.481, 293.482 or 295.121, of each proposed
13 constitutional amendment, statewide measure, measure to be voted
14 upon only by a special district or political subdivision and advisory
15 question;

16 (d) Arguments for and against each proposed constitutional
17 amendment, statewide measure, measure to be voted upon only by a
18 special district or political subdivision and advisory question, and
19 rebuttals to each argument, as provided pursuant to NRS 218.443,
20 293.250, 293.252, 293.481, 293.482 or 295.121; and

21 (e) The full text of each proposed constitutional amendment.

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

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

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

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

34 3. Before the period for early voting, but not later than 10 days
35 before any election, the county clerk shall cause to be mailed to each
36 registered voter in the county a sample ballot for his precinct with a
37 notice informing the voter of the location of his polling place. If the
38 location of the polling place has changed since the last election:

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

42 (b) The sample ballot must also include a notice in bold type
43 immediately above the location which states:



1 NOTICE: THE LOCATION OF YOUR POLLING PLACE
2 HAS CHANGED SINCE THE LAST ELECTION
3

4 4. Except as otherwise provided in subsection 5, a sample
5 ballot required to be mailed pursuant to this section must:

- 6 (a) Be printed in at least 12-point type; and
7 (b) Include on the front page, in a separate box created by bold
8 lines, a notice printed in at least 20-point bold type that states:
9

10 NOTICE: TO RECEIVE A SAMPLE BALLOT IN
11 LARGE TYPE, CALL (Insert appropriate telephone number)
12

13 5. A portion of a sample ballot that contains a facsimile of the
14 display area of a voting device may include material in less than
15 12-point type to the extent necessary to make the facsimile fit on the
16 pages of the sample ballot.

17 6. The sample ballot mailed to a person who requests a sample
18 ballot in large type by exercising the option provided pursuant to
19 NRS 293.508, or in any other manner, must be printed in at least
20 14-point type, or larger when practicable.

21 7. If a person requests a sample ballot in large type, the county
22 clerk shall ensure that all future sample ballots mailed to that person
23 from the county are in large type.

24 8. The county clerk shall include in each sample ballot a
25 statement indicating that the county clerk will, upon request of a
26 voter who is elderly or disabled, make reasonable accommodations
27 to allow the voter to vote at his polling place and provide reasonable
28 assistance to the voter in casting his vote, including, without
29 limitation, providing appropriate materials to assist the voter. In
30 addition, if the county clerk has provided pursuant to subsection 4 of
31 NRS 293.2955 for the placement at centralized voting locations of
32 specially equipped voting devices for use by voters who are elderly
33 or disabled, the county clerk shall include in the sample ballot a
34 statement indicating:

- 35 (a) The addresses of such centralized voting locations;
36 (b) The types of specially equipped voting devices available at
37 such centralized voting locations; and
38 (c) That a voter who is elderly or disabled may cast his ballot at
39 such a centralized voting location rather than at his regularly
40 designated polling place.

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



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

5 **Sec. 34.** NRS 293B.080 is hereby amended to read as follows:

6 293B.080 A mechanical voting system must, except at
7 ~~primary elections,~~ *a primary election or presidential preference*
8 *primary election*, permit the voter to vote for all the candidates of
9 one party or in part for the candidates of one party and in part for the
10 candidates of one or more other parties.

11 **Sec. 35.** NRS 293B.130 is hereby amended to read as follows:

12 293B.130 1. Before any election where a mechanical voting
13 system is to be used, the county clerk shall prepare or cause to be
14 prepared a computer program on cards, tape or other material
15 suitable for use with the computer or counting device to be
16 employed for counting the votes cast. The program must cause the
17 computer or counting device to operate in the following manner:

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

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

24 (c) If the election is:

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

27 (2) A general election,
28 ➔ the total votes, other than absentee votes and votes in a mailing
29 precinct, must be accumulated by precinct.

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

34 (e) The computer or counting device must halt or indicate by
35 appropriate signal if a ballot is encountered which lacks a code
36 identifying the precinct in which it was voted and, in a primary
37 election ~~or~~ *or presidential preference primary election*, identifying
38 the major political party of the voter.

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

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



Sec. 36. NRS 293B.210 is hereby amended to read as follows:

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

2. The Secretary of State shall provide to or reimburse each county for all cards used in each primary ~~or~~ *election*, general election ~~or~~ *or presidential preference primary election*. Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 37. NRS 293B.300 is hereby amended to read as follows:

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

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

3. The member of the election board shall direct the partisan voter to a mechanical recording device containing the list of offices and candidates arranged for the voter's major political party in the manner provided in NRS 293B.190 ~~or~~ *and section 44 of this act*.

Sec. 38. NRS 293B.380 is hereby amended to read as follows:

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

2. The board shall:

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

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

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

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



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

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

(g) If the election is:

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

(2) A general election,

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

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

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

Sec. 39. NRS 293C.3604 is hereby amended to read as follows:

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

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

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

(1) The title of the election;

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

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

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

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

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

(b) Secure:

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

(2) Each mechanical voting device in the manner prescribed by the Secretary of State pursuant to NRS 293C.3594.



2. At the close of the last voting day, the city 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 293C.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 city 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 number seal. The official statement of ballots must accompany the items to the central counting place.

Sec. 40. Chapter 298 of NRS is hereby amended by adding thereto the provisions set forth as sections 41 to 49, inclusive, of this act.

Sec. 41. 1. *Not later than November 1 of the year preceding a year in which a President of the United States is elected, the state central committee of each major political party shall notify the Secretary of State, in writing, whether the party will participate in the presidential preference primary election.*

2. *If the Secretary of State receives a statement pursuant to subsection 1 which states that a major political party will participate in the presidential preference primary election and more than one candidate of that party files a declaration of candidacy pursuant to section 42 of this act, a presidential preference primary election must be held pursuant to the provisions of this chapter and chapters 293 and 293B of NRS on the fourth Tuesday in February of the year in which the presidential election is held.*

3. *If only one candidate of a major political party files a declaration of candidacy pursuant to section 42 of this act, notwithstanding an affirmative notice pursuant to subsection 1, that party may not participate in the presidential preference primary election. The one candidate of that party who files a declaration of candidacy must automatically be certified by the Secretary of State as the candidate who received the greatest*



1 *number of votes in each congressional district and in the State*
2 *overall in the manner set forth in subsection 5 of NRS 293.387.*

3 *4. No other election may be held at the same time as a*
4 *presidential preference primary election, and no other office may*
5 *be included on a ballot for the presidential preference primary*
6 *election.*

7 **Sec. 42.** *A person who wishes to be a candidate for the*
8 *nomination of President of the United States for a major political*
9 *party that has notified the Secretary of State that it will participate*
10 *in the presidential preference primary election must, not earlier*
11 *than December 15 and not later than 5 p.m. on December 20 of*
12 *the year preceding a year in which a presidential preference*
13 *primary election will be held, file with the Secretary of State a*
14 *declaration of candidacy on a form prescribed by the Secretary of*
15 *State.*

16 **Sec. 43. 1.** *Not later than January 2 of each year in which*
17 *a presidential preference primary election will be held, the*
18 *Secretary of State shall forward to each county clerk a certified list*
19 *of the names of those persons whose names must appear on the*
20 *ballot for a presidential preference primary election for each*
21 *major political party that has satisfied the requirements of section*
22 *41 of this act and will participate in the presidential preference*
23 *primary election.*

24 *2. Immediately upon receipt of the certified list of candidates*
25 *from the Secretary of State, the county clerk shall publish a notice*
26 *of the presidential preference primary election in a newspaper of*
27 *general circulation in the county once a week for 2 successive*
28 *weeks. If no such newspaper is published in the county, the*
29 *publication may be made in a newspaper of general circulation in*
30 *the nearest county in this State.*

31 *3. The notice must state the:*

32 *(a) Date of the election;*

33 *(b) Name or names of the major political party or parties that*
34 *will participate in the election;*

35 *(c) Names of the candidates for the nomination for President*
36 *of the United States of each major political party that will*
37 *participate in the election;*

38 *(d) Location of the polling places;*

39 *(e) Hours during which the polling places will be open; and*

40 *(f) Period for early voting by personal appearance in that*
41 *county.*

42 **Sec. 44. 1.** *The names of the candidates for nomination for*
43 *President of the United States for each major political party that*
44 *will participate in the presidential preference primary election*
45 *must be printed on the official ballots for the election. There must*



1 *be a separate ballot for each major political party that has met the*
2 *requirements of section 41 of this act.*

3 2. *The name of the major political party must appear at the*
4 *top of the ballot for that party. Except as otherwise required by the*
5 *provisions of NRS 293.2565, the names of the candidates of each*
6 *major political party must be printed alphabetically upon the*
7 *ballot of that party.*

8 **Sec. 45.** *Each voter registered with a major political party*
9 *that will participate in the presidential preference primary election*
10 *may vote at such an election on the partisan ballot of that party for*
11 *one person to be the candidate for nomination for President of the*
12 *United States for that party.*

13 **Sec. 46.** 1. *Except as otherwise provided in this section, the*
14 *delegates and alternate delegates for a major political party of this*
15 *State who are selected pursuant to NRS 293.163 to attend the*
16 *national convention of that party must be pledged, for the first*
17 *convention ballot:*

18 (a) *If only one candidate for nomination for President of the*
19 *United States of that party filed a declaration of candidacy*
20 *pursuant to section 42 of this act, to that candidate; or*

21 (b) *If more than one candidate for nomination for*
22 *President of the United States of that party filed a declaration of*
23 *candidacy pursuant to section 42 of this act, to:*

24 (1) *The candidate for nomination for President of the*
25 *United States of that party who is certified, pursuant to subsection*
26 *5 of NRS 293.387, to have received the greatest number of votes in*
27 *the State overall in the presidential preference primary election; or*

28 (2) *If the rules or regulations of the national convention*
29 *of the party do not allow the delegates or alternate delegates to be*
30 *pledged in accordance with subparagraph (1), to the candidates*
31 *for nomination for President of the United States of that party, in*
32 *proportion to the number of votes that each is certified, pursuant*
33 *to subsection 5 of NRS 293.387, to have received in the*
34 *presidential preference primary election.*

35 2. *The provisions of subsection 1 do not apply if:*

36 (a) *The rules or regulations of the national convention of that*
37 *party do not allow a delegate or alternate delegate to be pledged in*
38 *these manners; or*

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

41 3. *At any time after the presidential preference primary*
42 *election, a candidate described in subsection 1 may release the*
43 *delegates and alternate delegates from their pledge to support him*
44 *at the national convention. Such delegates and alternate delegates*
45 *shall be deemed to be released when the candidate notifies the*



1 *chairman of the state delegation of his party, in writing, that he*
2 *wishes to release those delegates and alternate delegates.*

3 *4. A delegate or alternate delegate who does not have a*
4 *conflict pursuant to subsection 2 and who has not been released*
5 *pursuant to subsection 3 shall, within 2 weeks after his selection,*
6 *file with the Secretary of State a pledge to act in accordance with*
7 *the applicable provision of subsection 1. The Secretary of State*
8 *shall prepare and make available a form for this purpose.*

9 **Sec. 47.** *If a presidential preference primary election is held*
10 *pursuant to sections 41 to 49, inclusive, of this act, the cost of the*
11 *election is a charge against the State and must be paid from the*
12 *Reserve for Statutory Contingency Account upon recommendation*
13 *by the Secretary of State and approval by the State Board of*
14 *Examiners.*

15 **Sec. 48.** *The provisions of sections 41 to 49, inclusive, of this*
16 *act must be construed and applied in a manner consistent with any*
17 *rules and regulations affecting the selection or certification of*
18 *delegates and alternate delegates of a major political party of this*
19 *State to the national convention of that party or conduct of such*
20 *delegates and alternate delegates at the national convention of*
21 *that party to ensure that such delegates and alternate delegates are*
22 *properly selected and certified to the national convention as a*
23 *result of the presidential preference primary election and will cast*
24 *their ballots in consideration of the results of the presidential*
25 *preference primary election.*

26 **Sec. 49.** *The Secretary of State may adopt regulations to*
27 *carry out the provisions of sections 41 to 49, inclusive, of this act.*

28 **Sec. 50.** NRS 353.264 is hereby amended to read as follows:

29 353.264 1. The Reserve for Statutory Contingency Account
30 is hereby created in the State General Fund.

31 2. The State Board of Examiners shall administer the Reserve
32 for Statutory Contingency Account. The money in the Account must
33 be expended only for:

34 (a) The payment of claims which are obligations of the State
35 pursuant to NRS 41.03435, 41.0347, 621.050, 176.485, 179.310,
36 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203,
37 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235 ~~§~~ **and**
38 **section 47 of this act;**

39 (b) The payment of claims which are obligations of the State
40 pursuant to:

41 (1) Chapter 472 of NRS arising from operations of the
42 Division of Forestry of the State Department of Conservation and
43 Natural Resources directly involving the protection of life and
44 property; and



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

except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

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

3. The State Board of Examiners may authorize its Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board.

Sec. 51. 1. There is hereby appropriated from the State General Fund to the Reserve for Statutory Contingency Account created pursuant to NRS 353.264 the sum of \$1,400,000 for payment of the cost of a presidential preference primary election that will be held on February 16, 2008, if a major political party satisfies the requirements of section 41 of this act that it will participate in such an election.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, and reverts to the State General Fund on or before September 18, 2009.

Sec. 52. The Legislative Counsel shall:

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

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

Sec. 53. This act becomes effective on July 1, 2005.

