

ASSEMBLY BILL NO. 541—COMMITTEE ON ELECTIONS,
PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTY CLERKS)

MARCH 29, 2005

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

SUMMARY—Changes date of primary election. (BDR 24-420)

FISCAL NOTE: Effect on Local Government: No.
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; changing the date of the primary
election; 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 293.128 is hereby amended to read as follows:
2 293.128 1. To qualify as a major political party, any
3 organization must, under a common name:
4 (a) On ~~[January 1 preceding any]~~ *September 1 of the year*
5 *immediately preceding a year in which a* primary election ~~[is~~ *is*
6 *held*, have been designated as a political party on the applications to
7 register to vote of at least 10 percent of the total number of
8 registered voters in this State; or
9 (b) File a petition with the Secretary of State not later than the
10 last Friday in ~~[April before any]~~ *December of the year immediately*
11 *preceding a year in which a* primary election *is held that is* signed
12 by a number of registered voters equal to or more than 10 percent of
13 the total number of votes cast at the last preceding general election
14 for the offices of Representative in Congress.
15 2. If a petition is filed pursuant to paragraph (b) of subsection
16 1, the names of the voters need not all be on one document, but each



1 document of the petition must be verified by the circulator thereof to
2 the effect that the signers are registered voters of this State
3 according to his best information and belief and that the signatures
4 are genuine and were signed in his presence. Each document of the
5 petition must bear the name of a county, and only registered voters
6 of that county may sign the document. The documents which are
7 circulated for signature must then be submitted for verification
8 pursuant to NRS 293.1276 to 293.1279, inclusive, not later than 25
9 working days before the last Friday in ~~{April}~~ *December of the year*
10 *immediately* preceding *a year in which* a primary election ~~{ }~~ *is*
11 *held*.

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

- 16 (a) Name of the political party;
17 (b) Names and addresses of its officers;
18 (c) Names of the members of its executive committee; and
19 (d) Name of the person who is authorized by the party to act as
20 resident agent in this State.

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

24 **Sec. 2.** NRS 293.165 is hereby amended to read as follows:

25 293.165 1. Except as otherwise provided in NRS 293.166, a
26 vacancy occurring in a major or minor political party nomination for
27 a partisan office may be filled by a candidate designated by the
28 party central committee of the county or State, as the case may be,
29 of the major political party or by the executive committee of the
30 minor political party subject to the provisions of subsections 4
31 and 5.

32 2. A vacancy occurring in a nonpartisan nomination after the
33 close of filing and on or before 5 p.m. of the second Tuesday in
34 ~~{July}~~ *March* must be filled by filing a nominating petition that is
35 signed by registered voters of the State, county, district or
36 municipality who may vote for the office in question. The number
37 of registered voters who sign the petition must not be less than 1
38 percent of the number of persons who voted for the office in
39 question in the State, county, district or municipality at the last
40 preceding general election. The petition must be filed not earlier
41 than the first Tuesday in ~~{June}~~ *February* and not later than the
42 fourth Tuesday in ~~{July}~~ *March*. The petition may consist of more
43 than one document. Each document must bear the name of one
44 county and must be signed only by a person who is a registered
45 voter of that county and who may vote for the office in question.



1 Each document of the petition must be submitted for verification
2 pursuant to NRS 293.1276 to 293.1279, inclusive, to the county
3 clerk of the county named on the document. A candidate nominated
4 pursuant to the provisions of this subsection:

5 (a) Must file a declaration of candidacy or acceptance of
6 candidacy and pay the statutory filing fee on or before the date the
7 petition is filed; and

8 (b) May be elected only at a general election, and his name must
9 not appear on the ballot for a primary election.

10 3. A vacancy occurring in a nonpartisan nomination after
11 5 p.m. of the second Tuesday in ~~July~~ **March** and on or before
12 5 p.m. of the second Tuesday in ~~September~~ **May** must be filled by
13 the person who receives the next highest vote for the nomination in
14 the primary.

15 4. No change may be made on the ballot for the general
16 election after 5 p.m. of the second Tuesday in ~~September~~ **May** of
17 the year in which the general election is held. If a nominee dies after
18 that time and date, his name must remain on the ballot for the
19 general election and, if elected, a vacancy exists.

20 5. All designations provided for in this section must be filed on
21 or before 5 p.m. on the second Tuesday in ~~September~~ **May**. In
22 each case, the statutory filing fee must be paid and an acceptance of
23 the designation must be filed on or before 5 p.m. on the date the
24 designation is filed.

25 **Sec. 3.** NRS 293.166 is hereby amended to read as follows:

26 293.166 1. A vacancy occurring in a party nomination for the
27 office of State Senator or Assemblyman from a legislative district
28 comprising more than one county may be filled as follows, subject
29 to the provisions of subsections 2 and 3. The county commissioners
30 of each county, all or part of which is included within the legislative
31 district, shall meet to appoint a person who is of the same political
32 party as the former nominee and who actually, as opposed to
33 constructively, resides in the district to fill the vacancy, under the
34 chairmanship of the chairman of the board of county commissioners
35 of the county whose population residing within the district is the
36 greatest. Each board of county commissioners shall first meet
37 separately and determine the single candidate it will nominate to fill
38 the vacancy. Then, the boards shall meet jointly and the chairmen on
39 behalf of the boards shall cast a proportionate number of votes
40 according to the percent, rounded to the nearest whole percent,
41 which the population of its county is of the population of the entire
42 district. Populations must be determined by the last decennial census
43 or special census conducted by the Bureau of the Census of the
44 United States Department of Commerce. The person who receives a
45 plurality of these votes is appointed to fill the vacancy. If no person



1 receives a plurality of the votes, the boards of county commissioners
2 of the respective counties shall each as a group select one candidate,
3 and the nominee must be chosen by drawing lots among the persons
4 so selected.

5 2. No change may be made on the ballot *for a general election*
6 after the second Tuesday in ~~September~~ *May* of the year in which
7 the general election is held. If a nominee dies after that date, his
8 name must remain on the ballot and, if elected, a vacancy exists.

9 3. The designation of a nominee pursuant to this section must
10 be filed with the Secretary of State before 5 p.m. of the second
11 Tuesday in ~~September,~~ *May*, and the statutory filing fee must be
12 paid with the designation.

13 **Sec. 4.** NRS 293.1715 is hereby amended to read as follows:

14 293.1715 1. The names of the candidates for partisan office
15 of a minor political party must not appear on the ballot for a primary
16 election.

17 2. The names of the candidates for partisan office of a minor
18 political party must be placed on the ballot for the general election if
19 the party has filed a certificate of existence and a list of its
20 candidates for partisan office pursuant to the provisions of NRS
21 293.1725 with the Secretary of State and:

22 (a) At the last preceding general election, the minor political
23 party polled for any of its candidates for partisan office a number of
24 votes equal to or more than 1 percent of the total number of votes
25 cast for the offices of Representative in Congress;

26 (b) On ~~January~~ *September 1 of the year immediately*
27 preceding *a year in which* a primary election ~~is held~~, the minor
28 political party has been designated as the political party on the
29 applications to register to vote of at least 1 percent of the total
30 number of registered voters in this State; or

31 (c) Not later than the second Friday in August preceding the
32 general election, files a petition with the Secretary of State which is
33 signed by a number of registered voters equal to at least 1 percent of
34 the total number of votes cast at the last preceding general election
35 for the offices of Representative in Congress.

36 3. The name of a candidate for partisan office for a minor
37 political party other than a candidate for the office of President or
38 Vice President of the United States must be placed on the ballot for
39 the general election if the party has filed:

40 (a) A certificate of existence;

41 (b) A list of candidates for partisan office containing the name
42 of the candidate pursuant to the provisions of NRS 293.1725 with
43 the Secretary of State; and

44 (c) Not earlier than the first Monday in ~~May~~ *January*
45 preceding the general election and not later than 5 p.m. on the



1 second Friday after the first Monday in ~~May~~ *January*, a petition
2 on behalf of the candidate with the Secretary of State containing not
3 less than:

4 (1) Two hundred fifty signatures of registered voters if the
5 candidate is to be nominated for a statewide office; or

6 (2) One hundred signatures of registered voters if the
7 candidate is to be nominated for any office except a statewide
8 office.

9 ➔ A minor political party that places names of one or more
10 candidates for partisan office on the ballot pursuant to this
11 subsection may also place the names of one or more candidates for
12 partisan office on the ballot pursuant to subsection 2.

13 4. The name of only one candidate of each minor political
14 party for each partisan office may appear on the ballot for a general
15 election.

16 5. A minor political party must file a copy of the petition
17 required by paragraph (c) of subsection 2 or paragraph (c) of
18 subsection 3 with the Secretary of State before the petition may be
19 circulated for signatures.

20 **Sec. 5.** NRS 293.1725 is hereby amended to read as follows:

21 293.1725 1. Except as otherwise provided in subsection 4, a
22 minor political party that wishes to place its candidates for partisan
23 office on the ballot for a general election and:

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

26 (b) Files a petition pursuant to paragraph (c) of subsection 2 of
27 NRS 293.1715; or

28 (c) Whose candidates are entitled to appear on the ballot
29 pursuant to subsection 3 of NRS 293.1715,

30 ➔ must file with the Secretary of State a list of its candidates for
31 partisan office not earlier than the first Monday in ~~May~~ *January*
32 preceding the election nor later than 5 p.m. on the second Friday
33 after the first Monday in ~~May~~ *January*. The list must be signed by
34 the person so authorized in the certificate of existence of the minor
35 political party before a notary public or other person authorized to
36 take acknowledgments. The Secretary of State shall strike from the
37 list each candidate who is not entitled to appear on the ballot
38 pursuant to subsection 3 of NRS 293.1715 if the minor political
39 party is not entitled to place candidates on the ballot pursuant to
40 subsection 2 of NRS 293.1715. The list may be amended not later
41 than 5 p.m. on the second Friday after the first Monday in ~~May~~ *January*.
42 *January*.

43 2. The Secretary of State shall immediately forward a certified
44 copy of the list of candidates for partisan office of each minor



1 political party to the filing officer with whom each candidate must
2 file his declaration of candidacy.

3 3. Each candidate on the list must file his declaration of
4 candidacy with the appropriate filing officer and pay the fee
5 required by NRS 293.193 not earlier than the date on which the list
6 of candidates for partisan office of his minor political party is filed
7 with the Secretary of State nor later than 5 p.m. on the second
8 Friday after the first Monday in ~~May.~~ *January.*

9 4. A minor political party that wishes to place candidates for
10 the offices of President and Vice President of the United States on
11 the ballot and has qualified to place the names of its candidates for
12 partisan office on the ballot for the general election pursuant to
13 subsection 2 of NRS 293.1715 must file with the Secretary of State
14 a certificate of nomination for these offices not later than the first
15 Tuesday in ~~September.~~ *May.*

16 **Sec. 6.** NRS 293.174 is hereby amended to read as follows:

17 293.174 1. If the qualification of a minor political party is
18 challenged, all affidavits and documents in support of the challenge
19 must be filed not later than 5 p.m. on the third Friday in August.
20 Any judicial proceeding resulting from the challenge must be set for
21 hearing not more than 5 days after the third Friday in August. A
22 challenge pursuant to this subsection must be filed with the First
23 Judicial District Court . ~~[if the petition was filed with the Secretary~~
24 ~~of State.]~~

25 2. If the qualification of a candidate of a minor political party
26 other than a candidate for the office of President or Vice President
27 of the United States is challenged, all affidavits and documents in
28 support of the challenge must be filed not later than 5 p.m. on the
29 fourth Monday in ~~May.~~ *January.* Any judicial proceeding
30 resulting from the challenge must be set for hearing not more than
31 5 days after the fourth Monday in ~~May.~~ *January.* A challenge
32 pursuant to this subsection must be filed with:

33 (a) The First Judicial District Court; or

34 (b) If a candidate who filed a declaration of candidacy with a
35 county clerk is challenged, the district court for the county where
36 the declaration of candidacy was filed.

37 **Sec. 7.** NRS 293.175 is hereby amended to read as follows:

38 293.175 1. The primary election must be held on the first
39 Tuesday of ~~September.~~ *May* in each even-numbered year.

40 2. Candidates for partisan office of a major political party and
41 candidates for nonpartisan office must be nominated at the primary
42 election.

43 3. Candidates for partisan office of a minor political party must
44 be nominated in the manner prescribed pursuant to NRS 293.171 to
45 293.174, inclusive.



1 4. Independent candidates for partisan office must be
2 nominated in the manner provided in NRS 293.200.

3 5. The provisions of NRS 293.175 to 293.203, inclusive, do not
4 apply to:

5 (a) Special elections to fill vacancies.

6 (b) The nomination of the officers of incorporated cities.

7 (c) The nomination of district officers whose nomination is
8 otherwise provided for by statute.

9 **Sec. 8.** NRS 293.177 is hereby amended to read as follows:

10 293.177 1. Except as otherwise provided in NRS 293.165, a
11 name may not be printed on a ballot to be used at a primary election
12 unless the person named has filed a declaration of candidacy or an
13 acceptance of candidacy, and has paid the fee required by NRS
14 293.193 not earlier than the first Monday in ~~May~~ *January* of the
15 year in which the election is to be held nor later than 5 p.m. on the
16 second Friday after the first Monday in ~~May~~ *January*.

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

20 (a) For partisan office:

21
22 DECLARATION OF CANDIDACY OF FOR THE
23 OFFICE OF

24
25 State of Nevada

26
27 County of

28
29 For the purpose of having my name placed on the official ballot as a
30 candidate for the Party nomination for the office of
31, I, the undersigned, do swear or affirm under penalty
32 of perjury that I actually, as opposed to constructively, reside at
33, in the City or Town of, County of, State of
34 Nevada; that my actual, as opposed to constructive, residence in the
35 State, district, county, township, city or other area prescribed by law
36 to which the office pertains began on a date at least 30 days
37 immediately preceding the date of the close of filing of declarations
38 of candidacy for this office; that my telephone number is,
39 and the address at which I receive mail, if different than my
40 residence, is; that I am registered as a member of the
41 Party; that I am a qualified elector pursuant to Section 1
42 of Article 2 of the Constitution of the State of Nevada; that if I have
43 ever been convicted of treason or a felony, my civil rights have been
44 restored by a court of competent jurisdiction; that I have not, in
45 violation of the provisions of NRS 293.176, changed the designation



1 of my political party or political party affiliation on an official
2 application to register to vote in any state since September 1 before
3 the closing filing date for this election; that I generally believe in
4 and intend to support the concepts found in the principles and
5 policies of that political party in the coming election; that if
6 nominated as a candidate of the Party at the ensuing
7 election, I will accept that nomination and not withdraw; that I will
8 not knowingly violate any election law or any law defining and
9 prohibiting corrupt and fraudulent practices in campaigns and
10 elections in this State; that I will qualify for the office if elected
11 thereto, including, but not limited to, complying with any limitation
12 prescribed by the Constitution and laws of this State concerning the
13 number of years or terms for which a person may hold the office;
14 and that I understand that my name will appear on all ballots as
15 designated in this declaration.

16
17
18 (Designation of name)
19

20
21 (Signature of candidate for office)
22

23 Subscribed and sworn to before me
24 this day of the month of of the year
25

26
27 Notary Public or other person
28 authorized to administer an oath
29

30 (b) For nonpartisan office:
31

32 DECLARATION OF CANDIDACY OF FOR THE
33 OFFICE OF
34

35 State of Nevada
36

37 County of
38

39 For the purpose of having my name placed on the official ballot as a
40 candidate for the office of, I, the undersigned,
41 do swear or affirm under penalty of perjury that I actually, as
42 opposed to constructively, reside at, in the City or Town of
43, County of, State of Nevada; that my actual, as
44 opposed to constructive, residence in the State, district, county,
45 township, city or other area prescribed by law to which the office



1 pertains began on a date at least 30 days immediately preceding the
2 date of the close of filing of declarations of candidacy for this
3 office; that my telephone number is, and the address at
4 which I receive mail, if different than my residence, is; that I
5 am a qualified elector pursuant to Section 1 of Article 2 of the
6 Constitution of the State of Nevada; that if I have ever been
7 convicted of treason or a felony, my civil rights have been restored
8 by a court of competent jurisdiction; that if nominated as a
9 nonpartisan candidate at the ensuing election, I will accept the
10 nomination and not withdraw; that I will not knowingly violate any
11 election law or any law defining and prohibiting corrupt and
12 fraudulent practices in campaigns and elections in this State; that I
13 will qualify for the office if elected thereto, including, but not
14 limited to, complying with any limitation prescribed by the
15 Constitution and laws of this State concerning the number of years
16 or terms for which a person may hold the office; and my name will
17 appear on all ballots as designated in this declaration.

18
19
20 (Designation of name)

21
22
23 (Signature of candidate for office)

24
25 Subscribed and sworn to before me
26 this day of the month of of the year

27
28
29 Notary Public or other person
30 authorized to administer an oath

31
32 3. The address of a candidate which must be included in the
33 declaration of candidacy or acceptance of candidacy pursuant to
34 subsection 2 must be the street address of the residence where he
35 actually, as opposed to constructively, resides in accordance with
36 NRS 281.050, if one has been assigned. The declaration or
37 acceptance of candidacy must not be accepted for filing if:

38 (a) The candidate's address is listed as a post office box unless a
39 street address has not been assigned to his residence; or

40 (b) The candidate does not present to the filing officer:

41 (1) A valid driver's license or identification card issued by a
42 governmental agency that contains a photograph of the candidate
43 and the candidate's address; or

44 (2) A current utility bill, bank statement, paycheck, or
45 document issued by a governmental entity, including, without



1 limitation, a check, which indicates the candidate's name and
2 address.

3 4. By filing the declaration or acceptance of candidacy, the
4 candidate shall be deemed to have appointed the filing officer for
5 the office as his agent for service of process for the purposes of a
6 proceeding pursuant to NRS 293.182. Service of such process must
7 first be attempted at the appropriate address as specified by the
8 candidate in the declaration or acceptance of candidacy. If the
9 candidate cannot be served at that address, service must be made by
10 personally delivering to and leaving with the filing officer duplicate
11 copies of the process. The filing officer shall immediately send, by
12 registered or certified mail, one of the copies to the candidate at his
13 specified address, unless the candidate has designated in writing to
14 the filing officer a different address for that purpose, in which case
15 the filing officer shall mail the copy to the last address so
16 designated.

17 5. If the filing officer receives credible evidence indicating that
18 a candidate has been convicted of a felony and has not had his civil
19 rights restored by a court of competent jurisdiction, the filing
20 officer:

21 (a) May conduct an investigation to determine whether the
22 candidate has been convicted of a felony and, if so, whether he has
23 had his civil rights restored by a court of competent jurisdiction; and

24 (b) Shall transmit the credible evidence and the findings from
25 such investigation to the Attorney General, if the filing officer is the
26 Secretary of State, or to the district attorney, if the filing officer is a
27 person other than the Secretary of State.

28 6. The receipt of information by the Attorney General or
29 district attorney pursuant to subsection 5 must be treated as a
30 challenge of a candidate pursuant to subsections 4 and 5 of NRS
31 293.182. If the ballots are printed before a court of competent
32 jurisdiction makes a determination that a candidate has been
33 convicted of a felony and has not had his civil rights restored by a
34 court of competent jurisdiction, the filing officer must post a notice
35 at each polling place where the candidate's name will appear on the
36 ballot informing the voters that the candidate is disqualified from
37 entering upon the duties of the office for which the candidate filed
38 the declaration of candidacy or acceptance of candidacy.

39 **Sec. 9.** NRS 293.180 is hereby amended to read as follows:

40 293.180 1. Ten or more registered voters may, not earlier
41 than the first Monday in ~~April~~ *December of the year immediately*
42 *preceding a year in which a primary election is held* nor later than
43 5 p.m. on the first Friday in ~~May~~ *January of the year in which a*
44 *primary election is held*, file a certificate of candidacy designating
45 any registered voter as a candidate for his major political party's



1 nomination for any partisan elective office, or as a candidate for
2 nomination for any nonpartisan office. When the certificate has been
3 filed, the officer in whose office it is filed shall notify the person
4 named in the certificate. If the person named in the certificate files
5 an acceptance of candidacy and pays the required fee, as provided
6 by law, he is a candidate in the primary election in like manner as if
7 he had filed a declaration of candidacy.

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

11 **Sec. 10.** NRS 293.200 is hereby amended to read as follows:

12 293.200 1. An independent candidate for partisan office must
13 file with the appropriate filing officer:

14 (a) A copy of the petition of candidacy that he intends to
15 subsequently circulate for signatures. The copy must be filed not
16 earlier than the ~~January~~ *September 2 of the year immediately*
17 preceding the ~~date of~~ *year in which* the *general* election *is held*
18 and not later than 25 working days before the last day to file the
19 petition pursuant to subsection 4.

20 (b) Either of the following:

21 (1) A petition of candidacy signed by a number of registered
22 voters equal to at least 1 percent of the total number of ballots cast
23 in:

24 (I) This State for that office at the last preceding general
25 election in which a person was elected to that office, if the office is a
26 statewide office;

27 (II) The county for that office at the last preceding general
28 election in which a person was elected to that office, if the office is a
29 county office; or

30 (III) The district for that office at the last preceding
31 general election in which a person was elected to that office, if the
32 office is a district office.

33 (2) A petition of candidacy signed by 250 registered voters if
34 the candidate is a candidate for statewide office, or signed by 100
35 registered voters if the candidate is a candidate for any office other
36 than a statewide office.

37 2. The petition may consist of more than one document. Each
38 document must bear the name of the county in which it was
39 circulated, and only registered voters of that county may sign the
40 document. If the office is not a statewide office, only the registered
41 voters of the county, district or municipality in question may sign
42 the document. The documents that are circulated for signature in a
43 county must be submitted to that county clerk for verification in the
44 manner prescribed in NRS 293.1276 to 293.1279, inclusive, not
45 later than 25 working days before the last day to file the petition



1 pursuant to subsection 4. Each person who signs the petition shall
2 add to his signature the address of the place at which he actually
3 resides, the date that he signs the petition and the name of the
4 county where he is registered to vote. The person who circulates
5 each document of the petition shall sign an affidavit attesting that
6 the signatures on the document are genuine to the best of his
7 knowledge and belief and were signed in his presence by persons
8 registered to vote in that county.

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

11 4. Petitions of candidacy must be filed not earlier than the first
12 Monday in ~~{May}~~ *January* preceding the general election and not
13 later than 5 p.m. on the second Friday after the first Monday in
14 ~~{May}~~ *January*.

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

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

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

22 8. If the candidacy of any person seeking to qualify pursuant to
23 this section is challenged, all affidavits and documents in support of
24 the challenge must be filed not later than 5 p.m. on the fourth
25 Monday in ~~{May}~~ *January*. Any judicial proceeding resulting from
26 the challenge must be set for hearing not more than 5 days after the
27 fourth Monday in ~~{May}~~ *January*.

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

29 (a) The First Judicial District Court if the petition of candidacy
30 was filed with the Secretary of State.

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

33 10. An independent candidate for partisan office must file a
34 declaration of candidacy with the appropriate filing officer and pay
35 the fee required by NRS 293.193 not earlier than the first Monday in
36 ~~{May}~~ *January* of the year in which the election is held nor later
37 than 5 p.m. on the second Friday after the first Monday in ~~{May}~~ *January*.
38 *January*.

39 **Sec. 11.** NRS 293.205 is hereby amended to read as follows:

40 293.205 1. Except as otherwise provided in NRS 293.208, on
41 or before the third Wednesday in ~~{May}~~ *January* of every even-
42 numbered year, the county clerk shall establish election precincts,
43 define the boundaries thereof, abolish, alter, consolidate and
44 designate precincts as public convenience, necessity and economy
45 may require.



2. The boundaries of each election precinct must follow visible ground features or extensions of visible ground features, except where the boundary coincides with the official boundary of the State or a county or city.

3. Election precincts must be composed only of contiguous territory.

4. As used in this section, "visible ground feature" includes a street, road, highway, river, stream, shoreline, drainage ditch, railroad right-of-way or any other physical feature which is clearly visible from the ground.

Sec. 12. NRS 293.206 is hereby amended to read as follows:

293.206 1. On or before the last day in ~~May~~ **January** of every even-numbered year, the county clerk shall provide the Secretary of State and the Director of the Legislative Counsel Bureau with a copy or electronic file of a map showing the boundaries of all election precincts in the county.

2. If the Secretary of State determines that the boundaries of an election precinct do not comply with the provisions of NRS 293.205, he must provide the county clerk with a written statement of noncompliance setting forth the reasons the precinct is not in compliance. Within 15 days after receiving the notice of noncompliance, the county clerk shall make any adjustments to the boundaries of the precinct which are required to bring the precinct into compliance with the provisions of NRS 293.205 and he shall submit a corrected copy or electronic file of the precinct map to the Secretary of State and the Director of the Legislative Counsel Bureau.

3. If the initial or corrected election precinct map is not filed as required pursuant to this section or the county clerk fails to make the necessary changes to the boundaries of an election precinct pursuant to subsection 2, the Secretary of State may establish appropriate precinct boundaries in compliance with the provisions of NRS 293.205 to 293.213, inclusive. If the Secretary of State revises the map pursuant to this subsection, he shall submit a copy or electronic file of the revised map to the Director of the Legislative Counsel Bureau and the appropriate county clerk.

4. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.

Sec. 13. NRS 293.208 is hereby amended to read as follows:

293.208 1. Except as otherwise provided in subsections 2, 3 and 5 and in NRS 293.206, no election precinct may be created, divided, abolished or consolidated, or the boundaries thereof changed, during the period between the third Wednesday in ~~May~~ **January** of any year whose last digit is 6 and the time when the



1 Legislature has been redistricted in a year whose last digit is 1,
2 unless the creation, division, abolishment or consolidation of the
3 precinct, or the change in boundaries thereof, is:

4 (a) Ordered by a court of competent jurisdiction;

5 (b) Required to meet objections to a precinct by the Attorney
6 General of the United States pursuant to the Voting Rights Act of
7 1965, 42 U.S.C. §§ 1971 and 1973 et seq., and any amendments
8 thereto;

9 (c) Required to comply with subsection 2 of NRS 293.205;

10 (d) Required by the incorporation of a new city; or

11 (e) Required by the creation of or change in the boundaries of a
12 special district.

13 ➡ As used in this subsection, "special district" means any general
14 improvement district or any other quasi-municipal corporation
15 organized under the local improvement and service district laws of
16 this State as enumerated in title 25 of NRS which is required by law
17 to hold elections or any fire protection district which is required by
18 law to hold elections.

19 2. If a city annexes an unincorporated area located in the same
20 county as the city and adjacent to the corporate boundary, the
21 annexed area may be included in an election precinct immediately
22 adjacent to it.

23 3. A new election precinct may be established at any time if it
24 lies entirely within the boundaries of any existing precinct.

25 4. If a change in the boundaries of an election precinct is made
26 pursuant to this section during the time specified in subsection 1, the
27 county clerk must:

28 (a) Within 15 days after the change to the boundary of a precinct
29 is established by the county clerk or ordered by a court, send to the
30 Director of the Legislative Counsel Bureau and the Secretary of
31 State a copy or electronic file of a map showing the new boundaries
32 of the precinct; and

33 (b) Maintain in his office an index providing the name of the
34 precinct and describing all changes which were made, including any
35 change in the name of the precinct and the name of any new precinct
36 created within the boundaries of an existing precinct.

37 5. Cities of population categories two and three are exempt
38 from the provisions of subsection 1.

39 6. As used in this section, "electronic file" includes, without
40 limitation, an electronic data file of a geographic information
41 system.

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

43 293.345 The county clerk shall mail to each registered voter in
44 each mailing precinct and in each absent ballot mailing precinct,
45 before 5 p.m. on the third Thursday in ~~August~~ April and before 5



1 p.m. on the fourth Tuesday in October of any year in which a
2 general election is to be held, an official mailing ballot to be voted
3 by him at the election.

4 **Sec. 15.** NRS 293.368 is hereby amended to read as follows:

5 293.368 1. Whenever a candidate whose name appears upon
6 the ballot at a primary election dies after 5 p.m. of the second
7 Tuesday in ~~{July,}~~ *March*, his name must remain on the ballot and
8 the votes cast for the deceased candidate must be counted in
9 determining the nomination for the office for which the decedent
10 was a candidate.

11 2. If the deceased candidate on the ballot at the primary
12 election receives the number of votes required to receive the
13 nomination to the office for which he was a candidate, except as
14 otherwise provided in subsection 3 of NRS 293.165, he shall be
15 deemed nominated and there shall be a vacancy in the nomination
16 that must be filled as provided in NRS 293.165 or 293.166. If the
17 deceased person was a candidate for a nonpartisan office, the
18 nomination must be filled pursuant to subsection 3 of NRS 293.165.

19 3. Whenever a candidate whose name appears upon the ballot
20 at a general election dies after 5 p.m. of the second Tuesday in
21 ~~{September,}~~ *May*, the votes cast for the deceased candidate must be
22 counted in determining the results of the election for the office for
23 which the decedent was a candidate.

24 4. If the deceased candidate on the ballot at the general election
25 receives the majority of the votes cast for the office, he shall be
26 deemed elected and the office to which he was elected shall be
27 deemed vacant at the beginning of the term for which he was
28 elected. The vacancy thus created must be filled in the same manner
29 as if the candidate had died after taking office for that term.

30 **Sec. 16.** NRS 293.481 is hereby amended to read as follows:

31 293.481 1. Except as otherwise provided in subsection 2 or
32 NRS 295.121 or 295.217, every governing body of a political
33 subdivision, public or quasi-public corporation, or other local
34 agency authorized by law to submit questions to the qualified
35 electors or registered voters of a designated territory, when the
36 governing body decides to submit a question:

37 (a) At a general election, shall provide to each county clerk
38 within the designated territory on or before the third Monday in July
39 preceding the election:

40 (1) A copy of the question, including an explanation of the
41 question;

42 (2) Arguments for and against the question; and

43 (3) If the question is an advisory question that proposes a
44 bond, tax, fee or expense, a fiscal note prepared by the governing
45 body in accordance with subsection 4 of NRS 293.482.



(b) At a primary election, shall provide to each county clerk within the designated territory on or before the second Friday after the first Monday in ~~May~~ *January* preceding the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide to each county clerk at least 60 days before the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide to the city clerk at least 60 days before the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) If the question is an advisory question that proposes a bond, tax, fee or expense, a fiscal note prepared by the governing body in accordance with subsection 4 of NRS 293.482.

2. A question may be submitted after the dates specified in subsection 1 if the question is expressly privileged or required to be submitted pursuant to the provisions of Article 19 of the Constitution of the State of Nevada, or pursuant to the provisions of chapter 295 of NRS or any other statute except NRS 293.482, 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that authorizes the governing body to issue bonds upon the approval of the voters.

3. A county or city clerk may charge any political subdivision, public or quasi-public corporation, or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation, arguments and fiscal note on the ballot.



1 **Sec. 17.** NRS 293B.354 is hereby amended to read as follows:

2 293B.354 1. The county clerk shall, not later than ~~July~~
3 **March** 1 of each year in which a general election is held, submit to
4 the Secretary of State for his approval a written plan for the
5 accommodation of members of the general public who observe the
6 delivery, counting, handling and processing of ballots at a polling
7 place, receiving center or central counting place.

8 2. The city clerk shall, not later than January 1 of each year in
9 which a general city election is held, submit to the Secretary of State
10 for his approval a written plan for the accommodation of members
11 of the general public who observe the delivery, counting, handling
12 and processing of the ballots at a polling place, receiving center or
13 central counting place.

14 3. Each plan must include:

15 (a) The location of the central counting place and of each polling
16 place and receiving center;

17 (b) A procedure for the establishment of areas within each
18 polling place and receiving center and the central counting place
19 from which members of the general public may observe the
20 activities set forth in subsections 1 and 2;

21 (c) The requirements concerning the conduct of the members of
22 the general public who observe the activities set forth in subsections
23 1 and 2; and

24 (d) Any other provisions relating to the accommodation of
25 members of the general public who observe the activities set forth in
26 subsections 1 and 2 which the county or city clerk considers
27 appropriate.

28 **Sec. 18.** Section 5.020 of the Charter of the City of Reno,
29 being chapter 662, Statutes of Nevada 1971, as last amended by
30 chapter 100, Statutes of Nevada 1999, at page 274, is hereby
31 amended to read as follows:

32 Sec. 5.020. Primary elections; declaration of candidacy.

33 1. A candidate for any office to be voted for at an
34 election must file a declaration of candidacy with the City
35 Clerk. All filing fees collected by the City Clerk must be
36 deposited to the credit of the General Fund of the City.

37 2. If for any general election, there are three or more
38 candidates for any office to be filled at that election, a
39 primary election for any such office must be held on the first
40 Tuesday in ~~September~~ **May**, preceding the general election.
41 If for any general election there are two or fewer candidates
42 for any office to be filled at that election, their names must
43 not be placed on the ballot for the primary election but must
44 be placed on the ballot for the general election.



1 3. In the primary election:

2 (a) The names of the two candidates for Municipal Judge,
3 City Attorney or a particular City Council seat, as the case
4 may be, who receive the highest number of votes must be
5 placed on the ballot for the general election.

6 (b) Candidates for Councilman who represent a specific
7 ward must be voted upon only by the registered voters of that
8 ward.

9 (c) Candidates for Mayor and Councilman at large must
10 be voted upon by all registered voters of the City.

11 4. The Mayor and all Councilmen must be voted upon
12 by all registered voters of the City at the general election.



