

SENATE BILL NO. 154—COMMITTEE ON LEGISLATIVE
OPERATIONS AND ELECTIONS

(ON BEHALF OF THE NEVADA SUPREME COURT)

MARCH 2, 2005

Referred to Committee on Legislative Operations and Elections

SUMMARY—Changes period for filing of declarations,
acceptances and certificates of candidacy for certain
judicial offices. (BDR 24-527)

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 period for the filing of
declarations, acceptances and certificates of candidacy for
certain judicial offices; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for an 11-day period for filing a declaration or
acceptance of candidacy for an elective office in early May of an election year.
(NRS 293.177)

This bill establishes a 15-day period for filing a declaration or acceptance of
candidacy for candidates seeking judicial office, which begins on the second
Monday in January and ends on the fourth Monday in January of an election year.
This bill does not change period for filing declarations or acceptances of candidacy
by nonjudicial candidates.

Existing law provides for a 33-day period beginning on the first Monday in
April and ending on the first Friday in May of an election year during which 10 or
more registered voters may file a certificate of candidacy designating any registered
voter as a candidate for nomination for elective office. (NRS 293.180)

This bill establishes a 26-day period during which 10 or more registered voters
may file a certificate of candidacy designating a registered voter as a candidate for
nomination for judicial office. The period begins on the second Monday in
December of the year immediately preceding an election year and ends on the first
Friday in January of the election year. This bill does not change the period for the
filing of certificates of candidacy for nonjudicial nominees by registered voters.



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

Section 1. NRS 293.177 is hereby amended to read as follows:
293.177 1. Except as otherwise provided in NRS 293.165, a
name may not be printed on a ballot to be used at a primary election
unless the person named has filed a declaration of candidacy or an
acceptance of candidacy, and has paid the fee required by NRS
293.193 not earlier than :

*(a) For a candidate for judicial office, the second Monday in
January of the year in which the election is to be held nor later
than 5 p.m. on the fourth Monday in January; or*

(b) For all other candidates, the first Monday in May of the
year in which the election is to be held nor later than 5 p.m. on the
second Friday after the first Monday in May.

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

(a) For partisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

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



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

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17 (Designation of name)
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19
20 (Signature of candidate for office)
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22 Subscribed and sworn to before me
23 this day of the month of of the year

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25
26 Notary Public or other person
27 authorized to administer an oath
28

29 (b) For nonpartisan office:

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31 DECLARATION OF CANDIDACY OF FOR THE
32 OFFICE OF

33
34 State of Nevada

35
36 County of

37
38 For the purpose of having my name placed on the official ballot as a
39 candidate for the office of, I, the undersigned,
40 do swear or affirm under penalty of perjury that I actually, as
41 opposed to constructively, reside at, in the City or Town of
42, County of, State of Nevada; that my actual, as
43 opposed to constructive, residence in the state, district, county,
44 township, city or other area prescribed by law to which the office
45 pertains began on a date at least 30 days immediately preceding the



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

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18
19 (Designation of name)
20

21
22 (Signature of candidate for office)
23

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

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27
28 Notary Public or other person
29 authorized to administer an oath
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31 3. The address of a candidate which must be included in the
32 declaration of candidacy or acceptance of candidacy pursuant to
33 subsection 2 must be the street address of the residence where he
34 actually, as opposed to constructively, resides in accordance with
35 NRS 281.050, if one has been assigned. The declaration or
36 acceptance of candidacy must not be accepted for filing if:

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

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

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

43 (2) A current utility bill, bank statement, paycheck, or
44 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. 2.** 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 nor later than 5 p.m. on the first~~
42 ~~Friday in May,]~~ file a certificate of candidacy designating any
43 registered voter as a candidate for ~~[his]~~ :

44 (a) **Their** major political party's nomination for any partisan
45 elective office, or as a candidate for nomination for any nonpartisan



office ~~H~~ *other than a judicial office, not earlier than the first Monday in April of the year in which the election is to be held nor later than 5 p.m. on the first Friday in May; or*

(b) Nomination for judicial office, not earlier than the second Monday in December of the year immediately preceding the year in which the election is to be held nor later than 5 p.m. on the first Friday in January of the year in which the election is to be held.

2. When the certificate has been filed, the officer in whose office it is filed shall notify the person named in the certificate. If the person named in the certificate files an acceptance of candidacy and pays the required fee, as provided by law, he is a candidate in the primary election in like manner as if he had filed a declaration of candidacy.

~~2-1~~ 3. If a certificate of candidacy relates to a partisan office, all of the signers must be of the same major political party as the candidate designated.

Sec. 3. This act becomes effective upon passage and approval.



