

ASSEMBLY BILL NO. 505—COMMITTEE ON ELECTIONS,
PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS

(ON BEHALF OF THE NEVADA SUPREME COURT)

MARCH 22, 2007

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

SUMMARY—Changes the period for the filing of declarations,
acceptances and certificates of candidacy for certain
judicial offices. (BDR 24-652)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 a 10-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 10-day period for filing a declaration or acceptance of
candidacy for candidates seeking judicial office, other than the office of municipal
judge, which begins on the first Monday in January and ends on the second Friday
after the first Monday in January of an election year. This bill does not change the
period for filing declarations or acceptances of candidacy by nonjudicial
candidates.

Existing law provides for a 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 period beginning on the first Monday in December of the
year immediately preceding an election year and ending on the first Friday in
January of an election year 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, other than the office of municipal judge. This bill does not
change the period for the filing of certificates of candidacy for nonjudicial
candidates 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 first Monday in
January 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
January; and*

(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



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



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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 residential 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 residential address.

3 4. The filing officer shall retain a copy of the proof of identity
4 and residency provided by the candidate pursuant to paragraph (b)
5 of subsection 3. Such a copy:

6 (a) May not be withheld from the public; and

7 (b) Must not contain the social security number or driver's
8 license or identification card number of the candidate.

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

23 6. If the filing officer receives credible evidence indicating that
24 a candidate has been convicted of a felony and has not had his civil
25 rights restored by a court of competent jurisdiction, the filing
26 officer:

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

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

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



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1 **Sec. 2.** NRS 293.180 is hereby amended to read as follows:

2 293.180 1. Ten or more registered voters may ~~[- not earlier~~
3 ~~than the first Monday in April nor later than 5 p.m. on the first~~
4 ~~Friday in May,]~~ file a certificate of candidacy designating any
5 registered voter as a candidate for ~~[- his]~~ :

6 (a) *Their* major political party's nomination for any partisan
7 elective office, or as a candidate for nomination for any nonpartisan
8 office ~~[- other than a judicial office, not earlier than the first~~
9 ~~Monday in April of the year in which the election is to be held nor~~
10 ~~later than 5 p.m. on the first Friday in May; or~~

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

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

21 ~~[- 2]~~ 3. If a certificate of candidacy relates to a partisan office,
22 all of the signers must be of the same major political party as the
23 candidate designated.

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

