

SENATE BILL NO. 162—SENATORS WOODHOUSE, COFFIN, WIENER,
HORSFORD; BREEDEN, COPENING, PARKS AND SCHNEIDER

MARCH 2, 2009

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises the date of the primary election and provisions governing voter registration by mail. (BDR 24-1001)

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; revising the date of the primary election to the second Tuesday in June of each even-numbered year; revising the provisions governing the registration of voters by mail; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill changes the date of the primary election from the twelfth Tuesday before the general election of each even-numbered year to the second Tuesday in June of each even-numbered year. (NRS 293.175) To provide an example, if the provisions of this bill had been in effect in 2008, the primary election would have been held on June 10, 2008, instead of August 12, 2008.

As a result of changing the date of the primary election, **sections 1-5, 7-12 and 14-17** of this bill amend various other dates relating to elections such as the date for filing declarations of candidacy.

Section 16 of this bill changes the date on which a voter's registration or correction of registration information is deemed to be effective to the earlier of the date on which the application is postmarked or received by the county clerk. (NRS 293.5235)

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

Section 1. 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, 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~~ **February** before any 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~~ **February** preceding a 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 registered 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. 2. NRS 293.165 is hereby amended to read as follows:

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

2. A vacancy occurring in a nonpartisan nomination after the close of filing and on or before 5 p.m. of the second Tuesday in ~~June~~ **April** must be filled by filing a nominating petition that is signed by registered voters of the State, county, district or



1 municipality who may vote for the office in question. The number
2 of registered voters who sign the petition must not be less than 1
3 percent of the number of persons who voted for the office in
4 question in the State, county, district or municipality at the last
5 preceding general election. The petition must be filed not earlier
6 than the first Tuesday in ~~May~~ **March** and not later than the fourth
7 Tuesday in ~~June~~ **April**. The petition may consist of more than one
8 document. Each document must bear the name of one county and
9 must be signed only by a person who is a registered voter of that
10 county and who may vote for the office in question. Each document
11 of the petition must be submitted for verification pursuant to NRS
12 293.1276 to 293.1279, inclusive, to the county clerk of the county
13 named on the document. A candidate nominated pursuant to the
14 provisions of this subsection:

15 (a) Must file a declaration of candidacy or acceptance of
16 candidacy and pay the statutory filing fee on or before the date the
17 petition is filed; and

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

20 3. A vacancy occurring in a nonpartisan nomination after
21 5 p.m. of the second Tuesday in ~~June~~ **April** and on or before 5 p.m.
22 on the first Tuesday after the primary election must be filled by the
23 person who receives the next highest vote for the nomination in the
24 primary.

25 4. No change may be made on the ballot for the general
26 election after 5 p.m. on the first Tuesday after the primary election .
27 ~~[of the year in which the general election is held.]~~ If a nominee dies
28 after that time and date, his name must remain on the ballot for the
29 general election and, if elected, a vacancy exists.

30 5. All designations provided for in this section must be filed on
31 or before 5 p.m. on the first Tuesday after the primary election. In
32 each case, the statutory filing fee must be paid and an acceptance of
33 the designation must be filed on or before 5 p.m. on the date the
34 designation is filed.

35 **Sec. 3.** NRS 293.1715 is hereby amended to read as follows:

36 293.1715 1. The names of the candidates for partisan office
37 of a minor political party must not appear on the ballot for a primary
38 election.

39 2. The names of the candidates for partisan office of a minor
40 political party must be placed on the ballot for the general election if
41 the party has filed a certificate of existence and a list of its
42 candidates for partisan office pursuant to the provisions of NRS
43 293.1725 with the Secretary of State and:

44 (a) At the last preceding general election, the minor political
45 party polled for any of its candidates for partisan office a number of



1 votes equal to or more than 1 percent of the total number of votes
2 cast for the offices of Representative in Congress;

3 (b) On January 1 preceding a primary election, the minor
4 political party has been designated as the political party on the
5 applications to register to vote of at least 1 percent of the total
6 number of registered voters in this State; or

7 (c) Not later than the second Friday in ~~[August]~~ *June* preceding
8 the general election, files a petition with the Secretary of State
9 which is signed by a number of registered voters equal to at least 1
10 percent of the total number of votes cast at the last preceding
11 general election for the offices of Representative in Congress.

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

16 (a) A certificate of existence;

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

20 (c) Not earlier than the first Monday in ~~[May]~~ *March* preceding
21 the general election and not later than 5 p.m. on the second Friday
22 after the first Monday in ~~[May.]~~ *March*, a petition on behalf of the
23 candidate with the Secretary of State containing not less than:

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

26 (2) One hundred signatures of registered voters if the
27 candidate is to be nominated for any office except a statewide
28 office.

29 ➔ A minor political party that places names of one or more
30 candidates for partisan office on the ballot pursuant to this
31 subsection may also place the names of one or more candidates for
32 partisan office on the ballot pursuant to subsection 2.

33 4. The name of only one candidate of each minor political
34 party for each partisan office may appear on the ballot for a general
35 election.

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

40 **Sec. 4.** NRS 293.1725 is hereby amended to read as follows:

41 293.1725 1. Except as otherwise provided in subsection 4, a
42 minor political party that wishes to place its candidates for partisan
43 office on the ballot for a general election and:

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



(b) Files *or will file* a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715; or

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

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

2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his declaration of candidacy.

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

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

Sec. 5. NRS 293.174 is hereby amended to read as follows:

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

2. If the qualification of a candidate of a minor political party other than a candidate for the office of President or Vice President



1 of the United States is challenged, all affidavits and documents in
2 support of the challenge must be filed not later than 5 p.m. on the
3 fourth Monday in ~~May~~ *March*. Any judicial proceeding resulting
4 from the challenge must be set for hearing not more than 5 days
5 after the fourth Monday in ~~May~~ *March*. A challenge pursuant to
6 this subsection must be filed with:

7 (a) The First Judicial District Court; or

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

11 **Sec. 6.** NRS 293.175 is hereby amended to read as follows:

12 293.175 1. The primary election must be held on the ~~H2th~~
13 ~~Tuesday before the general election~~ *second Tuesday in June of*
14 each even-numbered year.

15 2. Candidates for partisan office of a major political party and
16 candidates for nonpartisan office must be nominated at the primary
17 election.

18 3. Candidates for partisan office of a minor political party must
19 be nominated in the manner prescribed pursuant to NRS 293.171 to
20 293.174, inclusive.

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

23 5. The provisions of NRS 293.175 to 293.203, inclusive, do not
24 apply to:

25 (a) Special elections to fill vacancies.

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

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

29 **Sec. 7.** NRS 293.177 is hereby amended to read as follows:

30 293.177 1. Except as otherwise provided in NRS 293.165, a
31 name may not be printed on a ballot to be used at a primary election
32 unless the person named has filed a declaration of candidacy or an
33 acceptance of candidacy, and has paid the fee required by NRS
34 293.193 not earlier than:

35 (a) For a candidate for judicial office, the first Monday in
36 January of the year in which the election is to be held nor later than
37 5 p.m. on the second Friday after the first Monday in January; and

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

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

44 (a) For partisan office:



* S B 1 6 2 R 3 *

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

.....
(Designation of name)

.....
(Signature of candidate for office)



1 Subscribed and sworn to before me
2 this day of the month of of the year

3
4
5 Notary Public or other person
6 authorized to administer an oath

7
8 (b) For nonpartisan office:
9

10 DECLARATION OF CANDIDACY OF FOR THE
11 OFFICE OF
12

13 State of Nevada

14
15 County of
16

17 For the purpose of having my name placed on the official ballot as a
18 candidate for the office of, I, the undersigned,
19 do swear or affirm under penalty of perjury that I actually, as
20 opposed to constructively, reside at, in the City or Town of
21, County of, State of Nevada; that my actual, as
22 opposed to constructive, residence in the State, district, county,
23 township, city or other area prescribed by law to which the office
24 pertains began on a date at least 30 days immediately preceding the
25 date of the close of filing of declarations of candidacy for this
26 office; that my telephone number is, and the address at
27 which I receive mail, if different than my residence, is; that I
28 am a qualified elector pursuant to Section 1 of Article 2 of the
29 Constitution of the State of Nevada; that if I have ever been
30 convicted of treason or a felony, my civil rights have been restored
31 by a court of competent jurisdiction; that if nominated as a
32 nonpartisan candidate at the ensuing election, I will accept the
33 nomination and not withdraw; that I will not knowingly violate any
34 election law or any law defining and prohibiting corrupt and
35 fraudulent practices in campaigns and elections in this State; that I
36 will qualify for the office if elected thereto, including, but not
37 limited to, complying with any limitation prescribed by the
38 Constitution and laws of this State concerning the number of years
39 or terms for which a person may hold the office; and my name will
40 appear on all ballots as designated in this declaration.

41
42 (Designation of name)
43



.....
(Signature of candidate for office)

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

.....
Notary Public or other person
authorized to administer an oath

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

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

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

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

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

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

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

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

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



1 the filing officer shall mail the copy to the last address so
2 designated.

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

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

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

14 7. The receipt of information by the Attorney General or
15 district attorney pursuant to subsection 6 must be treated as a
16 challenge of a candidate pursuant to subsections 4 and 5 of NRS
17 293.182. If the ballots are printed before a court of competent
18 jurisdiction makes a determination that a candidate has been
19 convicted of a felony and has not had his civil rights restored by a
20 court of competent jurisdiction, the filing officer must post a notice
21 at each polling place where the candidate's name will appear on the
22 ballot informing the voters that the candidate is disqualified from
23 entering upon the duties of the office for which the candidate filed
24 the declaration of candidacy or acceptance of candidacy.

25 **Sec. 8.** NRS 293.180 is hereby amended to read as follows:

26 293.180 1. Ten or more registered voters may file a
27 certificate of candidacy designating any registered voter as a
28 candidate for:

29 (a) Their major political party's nomination for any partisan
30 elective office, or as a candidate for nomination for any nonpartisan
31 office other than a judicial office, not earlier than the first Monday
32 in ~~April~~ **February** of the year in which the election is to be held
33 nor later than 5 p.m. on the first Friday in ~~May~~ **March**; or

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

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



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. 9. NRS 293.200 is hereby amended to read as follows:

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

(a) A copy of the petition of candidacy that he intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 25 working days before the last day to file the petition pursuant to subsection 4.

(b) Either of the following:

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

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

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

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

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

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his signature the address of the place at which he actually resides, the date that he signs the petition and the name of the county where he is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his knowledge and belief and were signed in his presence by persons registered to vote in that county.



* S B 1 6 2 R 3 *

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

4. Petitions of candidacy must be filed not earlier than the first Monday in ~~[May-]~~ **March** preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in ~~[May-]~~ **March**.

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

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

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

8. If the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Monday in ~~[May-]~~ **March**. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in ~~[May-]~~ **March**.

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

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

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

10. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the first Monday in ~~[May-]~~ **March** of the year in which the election is held nor later than 5 p.m. on the second Friday after the first Monday in ~~[May-]~~ **March**.

Sec. 10. NRS 293.205 is hereby amended to read as follows:

293.205 1. Except as otherwise provided in NRS 293.208, on or before the third Wednesday in ~~[May-]~~ **March** of every even-numbered year, the county clerk shall establish election precincts, define the boundaries thereof, abolish, alter, consolidate and designate precincts as public convenience, necessity and economy 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,



1 railroad right-of-way or any other physical feature which is clearly
2 visible from the ground.

3 **Sec. 11.** NRS 293.206 is hereby amended to read as follows:

4 293.206 1. On or before the last day in ~~May~~ **March** of
5 every even-numbered year, the county clerk shall provide the
6 Secretary of State and the Director of the Legislative Counsel
7 Bureau with a copy or electronic file of a map showing the
8 boundaries of all election precincts in the county.

9 2. If the Secretary of State determines that the boundaries of an
10 election precinct do not comply with the provisions of NRS
11 293.205, he must provide the county clerk with a written statement
12 of noncompliance setting forth the reasons the precinct is not in
13 compliance. Within 15 days after receiving the notice of
14 noncompliance, the county clerk shall make any adjustments to the
15 boundaries of the precinct which are required to bring the precinct
16 into compliance with the provisions of NRS 293.205 and he shall
17 submit a corrected copy or electronic file of the precinct map to the
18 Secretary of State and the Director of the Legislative Counsel
19 Bureau.

20 3. If the initial or corrected election precinct map is not filed as
21 required pursuant to this section or the county clerk fails to make the
22 necessary changes to the boundaries of an election precinct pursuant
23 to subsection 2, the Secretary of State may establish appropriate
24 precinct boundaries in compliance with the provisions of NRS
25 293.205 to 293.213, inclusive. If the Secretary of State revises the
26 map pursuant to this subsection, he shall submit a copy or electronic
27 file of the revised map to the Director of the Legislative Counsel
28 Bureau and the appropriate county clerk.

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

32 **Sec. 12.** NRS 293.208 is hereby amended to read as follows:

33 293.208 1. Except as otherwise provided in subsections 2, 3
34 and 5 and in NRS 293.206, no election precinct may be created,
35 divided, abolished or consolidated, or the boundaries thereof
36 changed, during the period between the third Wednesday in ~~May~~
37 **March** of any year whose last digit is 6 and the time when the
38 Legislature has been redistricted in a year whose last digit is 1,
39 unless the creation, division, abolishment or consolidation of the
40 precinct, or the change in boundaries thereof, is:

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

42 (b) Required to meet objections to a precinct by the Attorney
43 General of the United States pursuant to the Voting Rights Act of
44 1965, 42 U.S.C. §§ 1971 and 1973 et seq., and any amendments
45 thereto;



- 1 (c) Required to comply with subsection 2 of NRS 293.205;
- 2 (d) Required by the incorporation of a new city; or
- 3 (e) Required by the creation of or change in the boundaries of a
- 4 special district.

5 ➡ As used in this subsection, "special district" means any general
6 improvement district or any other quasi-municipal corporation
7 organized under the local improvement and service district laws of
8 this State as enumerated in title 25 of NRS which is required by law
9 to hold elections or any fire protection district which is required by
10 law to hold elections.

11 2. If a city annexes an unincorporated area located in the same
12 county as the city and adjacent to the corporate boundary, the
13 annexed area may be included in an election precinct immediately
14 adjacent to it.

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

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

20 (a) Within 15 days after the change to the boundary of a precinct
21 is established by the county clerk or ordered by a court, send to the
22 Director of the Legislative Counsel Bureau and the Secretary of
23 State a copy or electronic file of a map showing the new boundaries
24 of the precinct; and

25 (b) Maintain in his office an index providing the name of the
26 precinct and describing all changes which were made, including any
27 change in the name of the precinct and the name of any new precinct
28 created within the boundaries of an existing precinct.

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

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

34 **Sec. 13.** (Deleted by amendment.)

35 **Sec. 14.** NRS 293.368 is hereby amended to read as follows:

36 293.368 1. Whenever a candidate whose name appears upon
37 the ballot at a primary election dies after 5 p.m. of the second
38 Tuesday in ~~June,~~ **April**, his name must remain on the ballot and the
39 votes cast for the deceased candidate must be counted in
40 determining the nomination for the office for which the decedent
41 was a candidate.

42 2. If the deceased candidate on the ballot at the primary
43 election receives the number of votes required to receive the
44 nomination to the office for which he was a candidate, except as
45 otherwise provided in subsection 3 of NRS 293.165, he shall be



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1 deemed nominated and ~~[there shall be a]~~ *the* vacancy in the
2 nomination ~~[that]~~ must be filled as provided in NRS 293.165 or
3 293.166. If the deceased person was a candidate for a nonpartisan
4 office, the nomination must be filled pursuant to subsection 2 of
5 NRS 293.165.

6 3. Whenever a candidate whose name appears upon the ballot
7 at a general election dies after 5 p.m. on the first Tuesday after the
8 primary election, the votes cast for the deceased candidate must be
9 counted in determining the results of the election for the office for
10 which the decedent was a candidate.

11 4. If the deceased candidate on the ballot at the general election
12 receives the majority of the votes cast for the office, he shall be
13 deemed elected and the office to which he was elected shall be
14 deemed vacant at the beginning of the term for which he was
15 elected. The vacancy thus created must be filled in the same manner
16 as if the candidate had died after taking office for that term.

17 **Sec. 15.** NRS 293.481 is hereby amended to read as follows:

18 293.481 1. Except as otherwise provided in subsection 2,
19 every governing body of a political subdivision, public or quasi-
20 public corporation, or other local agency authorized by law to
21 submit questions to the qualified electors or registered voters of a
22 designated territory, when the governing body decides to submit a
23 question:

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

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

29 (2) Except as otherwise provided in NRS 295.121 or
30 295.217, arguments for and against the question; and

31 (3) A description of the anticipated financial effect on the
32 local government which, if the question is an advisory question that
33 proposes a bond, tax, fee or expense, must be prepared in
34 accordance with subsection 4 of NRS 293.482.

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

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

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

41 (3) A description of the anticipated financial effect on the
42 local government which, if the question is an advisory question that
43 proposes a bond, tax, fee or expense, must be prepared in
44 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) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared 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) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared 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 question that is submitted pursuant to subsection 1 may be withdrawn if the governing body provides notification to each of the county or city clerks within the designated territory of its decision to withdraw the particular question on or before the same dates specified for submission pursuant to paragraph (a), (b), (c) or (d) of subsection 1, as appropriate.

4. A county or city clerk:

(a) Shall assign a unique identification number to a question submitted pursuant to this section; and

(b) 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 description of the anticipated financial effect on the ballot.



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Sec. 16. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502, a person may register to vote by mailing an application to register to vote to the county clerk of the county in which he resides. The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If he determines that the application is complete, he shall, within 10 days after he receives the application, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice informing him that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, he shall, as soon as possible, mail a notice to the applicant informing him that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after he receives the information, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice informing him that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➡ If the applicant does not provide the additional information within the prescribed period, the application is void.



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7. The applicant shall be deemed to be registered or to have corrected the information in the register ~~if:~~

~~—(a) If the application is received by the county clerk or postmarked not more than 3 working days after the applicant completed the application, on the date the applicant completed the application; or~~

~~—(b) If the application is received by the county clerk or postmarked more than 3 working days after the applicant completed the application, on the date the application is received by the county clerk.]~~ *on the date the application is postmarked or received by the county clerk, whichever is earlier.*

8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at his assigned polling place.

9. The Secretary of State shall prescribe the form for an application to register to vote by mail which must be used to register to vote by mail in this State.

10. The application to register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to register to vote to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be registered to vote. Please retain the duplicate copy or receipt from your application to register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) The question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in paragraph (b) or (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the



requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on his application to register to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application to register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to register to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

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

293B.354 1. The county clerk shall, not later than ~~June~~ *April* 15 of each year in which a general election is held, submit to the Secretary of State for his approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.

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

3. Each plan must include:



- 1 (a) The location of the central counting place and of each polling
2 place and receiving center;
3 (b) A procedure for the establishment of areas within each
4 polling place and receiving center and the central counting place
5 from which members of the general public may observe the
6 activities set forth in subsections 1 and 2;
7 (c) The requirements concerning the conduct of the members of
8 the general public who observe the activities set forth in subsections
9 1 and 2; and
10 (d) Any other provisions relating to the accommodation of
11 members of the general public who observe the activities set forth in
12 subsections 1 and 2 which the county or city clerk considers
13 appropriate.

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