

ASSEMBLY BILL NO. 157—ASSEMBLYMEN HICKEY, GOICOECHEA,
HANSEN, ATKINSON, KIRKPATRICK; ELLISON, KIRNER,
LIVERMORE AND OHRENSCHALL

FEBRUARY 16, 2011

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises the date of the primary election.
(BDR 24-580)

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 September of each even-numbered year; 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 second Tuesday in June of each even-numbered year to the second Tuesday in September of each even-numbered year. To provide an example, if the provisions of this bill had been in effect in 2010, the primary election would have been held on September 14, 2010, instead of June 8, 2010.

As a result of changing the date of the primary election, **sections 1-5 and 7-15** of this bill amend various other dates relating to elections, such as the date for filing declarations of candidacy.

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



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(b) File a petition with the Secretary of State not later than the last Friday in ~~February~~ April 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 the circulator's best information and belief and that the signatures are genuine and were signed in the circulator's 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 ~~February~~ April 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 ~~April~~ June must be filled by filing a nominating petition that is signed by registered voters of the State, county, district or municipality who may vote for the office in question. The number of registered voters who sign the petition must not be less than 1 percent of the number of persons who voted for the office in question in the State, county, district or municipality at the last



preceding general election. The petition must be filed not earlier than the first Tuesday in ~~March~~ May and not later than the fourth Tuesday in ~~April~~ June. The petition may consist of more than one document. Each document must bear the name of one county and must be signed only by a person who is a registered voter of that county and who may vote for the office in question. Each document of the petition must be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the county clerk of the county named on the document. A candidate nominated pursuant to the provisions of this subsection:

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

(b) May be elected only at a general election, and the candidate's name must not appear on the ballot for a primary election.

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

4. No change may be made on the ballot for the general election after 5 p.m. on the first Tuesday after the primary election. If a nominee dies after that time and date, the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

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

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

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

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

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



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

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

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

(a) A certificate of existence;

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

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

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

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

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

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

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

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

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

(a) Is entitled to do so pursuant to paragraph (a) or (b) of 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 ~~March~~ May preceding the election nor later than 5 p.m. on the second Friday after the first Monday in ~~March~~ May. 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 ~~March~~ May.

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 or her declaration of candidacy.

3. Each candidate on the list must file his or her 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 the 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 ~~March~~ May.

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 ~~June~~ August. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the third Friday in ~~June~~ August. 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 of the United States is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the



1 fourth Monday in ~~March~~ May. Any judicial proceeding resulting
2 from the challenge must be set for hearing not more than 5 days
3 after the fourth Monday in ~~March~~ May. A challenge pursuant to
4 this subsection must be filed with:

5 (a) The First Judicial District Court; or

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

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

10 293.175 1. The primary election must be held on the second
11 Tuesday in ~~June~~ September of each even-numbered year.

12 2. Candidates for partisan office of a major political party and
13 candidates for nonpartisan office must be nominated at the primary
14 election.

15 3. Candidates for partisan office of a minor political party must
16 be nominated in the manner prescribed pursuant to NRS 293.171 to
17 293.174, inclusive.

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

20 5. The provisions of NRS 293.175 to 293.203, inclusive, do not
21 apply to:

22 (a) Special elections to fill vacancies.

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

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

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

27 293.177 1. Except as otherwise provided in NRS 293.165, a
28 name may not be printed on a ballot to be used at a primary election
29 unless the person named has filed a declaration of candidacy or an
30 acceptance of candidacy, and has paid the fee required by NRS
31 293.193 not earlier than:

32 (a) For a candidate for judicial office, the first Monday in
33 January of the year in which the election is to be held nor later than
34 5 p.m. on the second Friday after the first Monday in January; and

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

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

41 (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 application to register to vote in any state since December 31 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
43 (Designation of name)



.....
(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 the candidate 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 or her 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 or her 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 the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case



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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 or her
5 civil 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 the
9 candidate has had his or her civil rights restored by a court of
10 competent jurisdiction; and

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

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

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

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

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

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

39 2. When the certificate has been filed, the officer in whose
40 office it is filed shall notify the person named in the certificate. If
41 the person named in the certificate files an acceptance of candidacy
42 and pays the required fee, as provided by law, he or she is a
43 candidate in the primary election in like manner as if he or she had
44 filed a declaration of 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 or she 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 or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she 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 or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.



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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 ~~[March.]~~ May preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in ~~[March.]~~ May.

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 or she 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 ~~[March.]~~ May. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in ~~[March.]~~ May.

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 ~~[March.]~~ May of the year in which the election is held nor later than 5 p.m. on the second Friday after the first Monday in ~~[March.]~~ May.

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 ~~[March.]~~ May 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 ~~[March]~~ **May** of every
5 even-numbered year, the county clerk shall provide the Secretary of
6 State and the Director of the Legislative Counsel Bureau with a
7 copy or electronic file of a map showing the boundaries of all
8 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, the Secretary of State must provide the county clerk with a
12 written statement of noncompliance setting forth the reasons the
13 precinct is not in compliance. Within 15 days after receiving the
14 notice of noncompliance, the county clerk shall make any
15 adjustments to the boundaries of the precinct which are required to
16 bring the precinct into compliance with the provisions of NRS
17 293.205 and shall submit a corrected copy or electronic file of the
18 precinct map to the Secretary of State and the Director of the
19 Legislative Counsel 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, the Secretary of State shall submit a
27 copy or electronic file of the revised map to the Director of the
28 Legislative Counsel 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 ~~[March]~~
37 **May** 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 or her office an index providing the name of
26 the precinct and describing all changes which were made, including
27 any change in the name of the precinct and the name of any new
28 precinct 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.** NRS 293.368 is hereby amended to read as follows:

35 293.368 1. Whenever a candidate whose name appears upon
36 the ballot at a primary election dies after 5 p.m. of the second
37 Tuesday in ~~April~~ **June**, the deceased candidate's name must
38 remain on the ballot and the votes cast for the deceased candidate
39 must be counted in determining the nomination for the office for
40 which the decedent was a candidate.

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



1 nomination must be filled as provided in NRS 293.165 or 293.166.
2 If the deceased person was a candidate for a nonpartisan office, the
3 nomination must be filled pursuant to subsection 2 of NRS 293.165.

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

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

16 **Sec. 14.** NRS 293.481 is hereby amended to read as follows:

17 293.481 1. Except as otherwise provided in subsection 2,
18 every governing body of a political subdivision, public or quasi-
19 public corporation, or other local agency authorized by law to
20 submit questions to the qualified electors or registered voters of a
21 designated territory, when the governing body decides to submit a
22 question:

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

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

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

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

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

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

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

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

44 (c) At any election other than a primary or general election at
45 which the county clerk gives notice of the election or otherwise



1 performs duties in connection therewith other than the registration
2 of electors and the making of records of registered voters available
3 for the election, shall provide to each county clerk at least 60 days
4 before the election:

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

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

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

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

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

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

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

22 2. A question may be submitted after the dates specified in
23 subsection 1 if the question is expressly privileged or required to be
24 submitted pursuant to the provisions of Article 19 of the
25 Constitution of the State of Nevada, or pursuant to the provisions of
26 chapter 295 of NRS or any other statute except NRS 293.482,
27 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that
28 authorizes the governing body to issue bonds upon the approval of
29 the voters.

30 3. A question that is submitted pursuant to subsection 1 may be
31 withdrawn if the governing body provides notification to each of the
32 county or city clerks within the designated territory of its decision to
33 withdraw the particular question on or before the same dates
34 specified for submission pursuant to paragraph (a), (b), (c) or (d) of
35 subsection 1, as appropriate.

36 4. A county or city clerk:

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

39 (b) May charge any political subdivision, public or quasi-public
40 corporation, or other local agency which submits a question a
41 reasonable fee sufficient to pay for the increased costs incurred in
42 including the question, explanation, arguments and description of
43 the anticipated financial effect on the ballot.



Sec. 15. NRS 293B.354 is hereby amended to read as follows:

293B.354 1. The county clerk shall, not later than ~~April~~
June 15 of each year in which a general election is held, submit to
the Secretary of State for 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 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:

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

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

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

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

