

ASSEMBLY BILL NO. 99—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

PREFILED JANUARY 26, 2011

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises the order in which the names of candidates for an office must appear on the ballot. (BDR 24-685)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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; requiring the Secretary of State to conduct an annual drawing to determine a random alphabet to be used in determining the order in which the names of candidates for an office must appear on the ballot; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, the names of candidates for an office must appear on the
2 ballot in alphabetical order. This bill requires that the order in which the names of
3 candidates for an office appear on the ballot in both statewide and local elections be
4 determined in accordance with a random alphabet determined in an annual drawing
5 conducted by the Secretary of State.

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

- 1 **Section 1.** Chapter 293 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 *1. The Secretary of State shall, for each calendar year,*
4 *conduct a drawing of the letters of the alphabet in accordance*
5 *with the provisions of subsection 2 to determine a random*
6 *alphabet which must be used in place of the conventional alphabet*
7 *to determine the alphabetic order of the names of candidates for*
8 *listing on the ballot prepared for any election regulated by this*



chapter or chapter 293C of NRS which is held during that calendar year.

2. In conducting a drawing, each letter of the alphabet must be written on a separate slip of paper. Each slip of paper must be folded and inserted into a separate capsule, each of which must be opaque and of uniform weight, color, size, shape and texture. The capsules must be placed in a container and shaken vigorously to mix the capsules thoroughly. The container must be opened, and the capsules must be drawn from the container one at a time. As each capsule is drawn, it must be opened and the letter on the slip of paper read aloud and written down to create the random alphabet.

3. The Secretary of State shall determine the date, time and place of each drawing required by this section, except that each drawing must be held on a date sufficiently preceding any election to be held during the calendar year as necessary to ensure that the ballots for each such election may be prepared in accordance with this section.

4. Each drawing pursuant to this section must be open to the public. The Secretary of State shall, not less than 10 business days before conducting a drawing, provide public notice of the drawing by:

(a) Posting a copy of the notice at the Office of the Secretary of State; and

(b) Providing a copy of the notice to any person who has requested notice of such drawings.

5. A notice provided pursuant to paragraph (b) of subsection 4 must:

(a) Be enclosed in an envelope addressed to the person at his or her address on file with the Secretary of State and deposited with the United States Postal Service, postage prepaid, not later than 9 a.m. on the 10th business day before the drawing for transmittal to the requester by regular mail; or

(b) If the person has agreed to receive the notice by electronic mail, be transmitted to the requester by electronic mail sent not later than 9 a.m. on the 10th business day before the drawing.

6. The failure of any person to receive actual notice of a drawing does not constitute grounds for the invalidation of the drawing.

Sec. 2. NRS 293.250 is hereby amended to read as follows:

293.250 1. The Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to register to



1 vote, lists, applications, registers, rosters, statements and abstracts
2 required by the election laws of this State.

3 (b) The procedure to be followed when a computer is used to
4 register voters and to keep records of registration.

5 2. The Secretary of State shall prescribe with respect to the
6 matter to be printed on every kind of ballot:

7 (a) The placement and listing of all offices, candidates and
8 measures upon which voting is statewide, which must be uniform
9 throughout the State.

10 (b) The listing of all other candidates required to file with the
11 Secretary of State, and the order of listing all offices, candidates and
12 measures upon which voting is not statewide, from which each
13 county or city clerk shall prepare appropriate ballot forms for use in
14 any election in his or her county.

15 *↪ The order of listing candidates prescribed by the Secretary of*
16 *State pursuant to this subsection must comply with the provisions*
17 *of section 1 of this act.*

18 3. The Secretary of State shall place the condensation of each
19 proposed constitutional amendment or statewide measure near the
20 spaces or devices for indicating the voter's choice.

21 4. The fiscal note for, explanation of, arguments for and
22 against, and rebuttals to such arguments of each proposed
23 constitutional amendment or statewide measure must be included on
24 all sample ballots.

25 5. The condensations and explanations for constitutional
26 amendments and statewide measures proposed by initiative or
27 referendum must be prepared by the Secretary of State, upon
28 consultation with the Attorney General. The arguments and rebuttals
29 for or against constitutional amendments and statewide measures
30 proposed by initiative or referendum must be prepared in the
31 manner set forth in NRS 293.252. The fiscal notes for constitutional
32 amendments and statewide measures proposed by initiative or
33 referendum must be prepared by the Secretary of State, upon
34 consultation with the Fiscal Analysis Division of the Legislative
35 Counsel Bureau. The condensations, explanations, arguments,
36 rebuttals and fiscal notes must be in easily understood language and
37 of reasonable length, and whenever feasible must be completed by
38 August 1 of the year in which the general election is to be held.

39 6. The names of candidates for township and legislative or
40 special district offices must be printed only on the ballots furnished
41 to voters of that township or district.

42 7. A county clerk:

43 (a) May divide paper ballots into two sheets in a manner which
44 provides a clear understanding and grouping of all measures and
45 candidates.



(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 3. NRS 293.263 is hereby amended to read as follows:

293.263 On the primary ballots for a major political party, the name of the major political party must appear at the top of the ballot. Except as otherwise provided in NRS 293.2565, following this designation must appear the names of candidates grouped alphabetically *in accordance with the provisions of section 1 of this act* under the title and length of term of the partisan office for which those candidates filed.

Sec. 4. NRS 293.265 is hereby amended to read as follows:

293.265 On nonpartisan primary ballots, there must appear at the top of the ballot the designation "Nonpartisan Offices." Except as otherwise provided in NRS 293.2565, following this designation must appear the names of candidates grouped alphabetically *in accordance with the provisions of section 1 of this act* under the title and length of term of the nonpartisan office for which those candidates filed.

Sec. 5. NRS 293.267 is hereby amended to read as follows:

293.267 1. Ballots for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.

2. Except as otherwise provided in NRS 293.2565, names of candidates must be grouped alphabetically *in accordance with the provisions of section 1 of this act* under the title and length of term of the office for which those candidates filed.

3. Except as otherwise provided in subsection 4:

(a) Immediately following the name of each candidate for a partisan office must appear the name of his or her political party or the word "independent," as the case may be.

(b) Immediately following the name of each candidate for a nonpartisan office must appear the word "nonpartisan."

4. Where a system of voting other than by paper ballot is used, the Secretary of State may provide for any placement of the name of the political party or the word "independent" or "nonpartisan" which clearly relates the designation to the name of the candidate to whom it applies.

5. If the Legislature rejects a statewide measure proposed by initiative and proposes a different measure on the same subject which the Governor approves, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:



The following questions are alternative approaches to the same issue, and only one approach may be enacted into law. Please vote for only one.

Sec. 6. NRS 293.268 is hereby amended to read as follows:

293.268 The offices for which there are candidates, the names of the candidates therefor, and the questions to be voted upon must be printed on ballots in the following order:

1. President and Vice President of the United States.

2. United States Senator and Representative in Congress, in that sequence.

3. Governor, Lieutenant Governor, Secretary of State, Treasurer, Controller and Attorney General, in that sequence.

4. State Senators and members of the Assembly.

5. County and township partisan offices.

6. Statewide nonpartisan offices.

7. District nonpartisan offices.

8. County nonpartisan offices.

9. City offices:

(a) Mayor;

(b) Council members, *which offices must be listed* according to ward in numerical order, if ~~no wards, in alphabetical order;~~ *wards exist;* and

(c) Municipal judges.

10. Township nonpartisan offices.

11. Questions presented to the voters of the State with advisory questions listed in consecutive order after any other questions presented to the voters of the State.

12. Questions presented only to the voters of a special district or political subdivision of the State with advisory questions listed in consecutive order after any other questions presented only to the voters of a special district or political subdivision of the State.

Sec. 7. NRS 293C.257 is hereby amended to read as follows:

293C.257 For a primary city election, there must appear at the top of each ballot the designation "Candidates for city offices." Except as otherwise provided in NRS 293.2565, following this designation must appear the names of candidates grouped alphabetically *in accordance with the provisions of section 1 of this act* under the title and length of term of the office for which those candidates filed.

Sec. 8. NRS 293C.260 is hereby amended to read as follows:

293C.260 1. Except as otherwise provided in NRS 293C.140, ballots for a general city election must contain the names of candidates who were nominated at the primary city election.

2. Except as otherwise provided in NRS 293.2565, the names of candidates must be grouped alphabetically *in accordance with*



1 *the provisions of section 1 of this act* under the title and length of
2 term of the office for which those candidates filed.

3 **Sec. 9.** NRS 293C.262 is hereby amended to read as follows:

4 293C.262 1. The offices for which there are candidates, the
5 names of the candidates therefor and the questions to be voted upon
6 must be printed on ballots for a city election in the following order:

7 (a) City offices:

8 (1) Mayor;

9 (2) Council members , *which offices must be listed*
10 according to ward in numerical order, if ~~{no wards, in alphabetical~~
11 ~~order;}~~ *wards exist;* and

12 (3) Municipal judges.

13 (b) Questions presented to the voters of a city or a portion of a
14 city with advisory questions listed in consecutive order after any
15 other questions presented to the voters of the city.

16 2. The city clerk:

17 (a) May divide paper ballots into two sheets in a manner that
18 provides a clear understanding and grouping of all measures and
19 candidates.

20 (b) Shall prescribe the color or colors of the ballots and voting
21 receipts used in any election which the clerk is required to conduct.

