

## Amendment No. 367

Senate Amendment to Senate Bill No. 269

(BDR 24-840)

**Proposed by:** Senate Committee on Legislative Operations and Elections**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

| ASSEMBLY ACTION |                          |      | Initial and Date               | SENATE ACTION |              |                          | Initial and Date                    |
|-----------------|--------------------------|------|--------------------------------|---------------|--------------|--------------------------|-------------------------------------|
| Adopted         | <input type="checkbox"/> | Lost | <input type="checkbox"/> _____ |               | Adopted      | <input type="checkbox"/> | Lost <input type="checkbox"/> _____ |
| Concurred In    | <input type="checkbox"/> | Not  | <input type="checkbox"/> _____ |               | Concurred In | <input type="checkbox"/> | Not <input type="checkbox"/> _____  |
| Receded         | <input type="checkbox"/> | Not  | <input type="checkbox"/> _____ |               | Receded      | <input type="checkbox"/> | Not <input type="checkbox"/> _____  |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

SJA/HAC



Date: 4/19/2011

S.B. No. 269—Makes various changes concerning elections. (BDR 24-840)



## SENATE BILL NO. 269—SENATOR HARDY

MARCH 18, 2011

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes concerning elections. (BDR 24-840)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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; authorizing write-in voting for state and federal offices under certain circumstances; providing requirements for becoming a write-in candidate for state or federal office; requiring write-in candidates to submit certain campaign contribution and expenditure reports and statements of financial disclosure; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires that voting in all elections be only for candidates whose names appear on the ballot; writing in the name of an additional candidate is prohibited. (NRS 293.270) **Sections 6, 18 and 19** of this bill authorize voters to cast ballots for write-in candidates for state and federal offices in general elections under certain circumstances. **Sections 3, 5 and 13** of this bill provide that a person may become a write-in candidate by filing a declaration of write-in candidacy and paying the appropriate filing fee. **Section 4** of this bill provides that a person may become a write-in candidate if: (1) the person's name will not appear on the ballot at the general election for any office; and (2) the person has not filed a declaration of write-in candidacy for any other office. **Sections 24.5 and 25.5 of this bill provide for the creation of a write-in vote counting board to count the votes cast for write-in candidates.**

**Section 26** of this bill amends the definition of "candidate" to include write-in candidates so that write-in candidates are subject to the same reporting requirements related to campaign contributions and expenditures as other candidates. **Sections 31-35** of this bill require write-in candidates to file the same statements of financial disclosure as other candidates for public office.

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

**Section 1.** Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

**Sec. 2.** *"State office" means an office held by a state officer.*

*Notary public or other person  
authorized to administer an oath*

2. The address of a write-in candidate which must be included in the declaration of write-in candidacy pursuant to subsection 1 must be the street address of the residence where the write-in candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of write-in candidacy must not be accepted for filing if:

(a) The write-in 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 write-in 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 write-in candidate and the write-in 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 write-in candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

3. The filing officer shall retain a copy of the proof of identity and residency provided by the write-in candidate pursuant to paragraph (b) of subsection 2. 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 write-in candidate.

4. By filing the declaration of write-in candidacy, the write-in 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 write-in candidate in the declaration of write-in candidacy. If the write-in 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 write-in candidate at the specified address, unless the write-in candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

5. If the filing officer receives credible evidence indicating that a write-in candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the write-in candidate has been convicted of a felony and, if so, whether the write-in candidate has had his or her civil rights restored by a court of competent jurisdiction; and

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

6. The receipt of information by the Attorney General or district attorney pursuant to subsection 5 must be treated as a challenge of a write-in candidate pursuant to subsections 4 and 5 of NRS 293.182.

**Sec. 6.** 1. If there is a write-in candidate for a state office or federal office at a general election, ballots at the general election must allow a voter to vote for a write-in candidate.

2. Except as otherwise provided in subsection 3, any abbreviation, misspelling or other minor variation in the form of the name of the write-in

*candidate must be disregarded in determining the validity of the vote, if the intention of the voter can be ascertained.*

*3. A vote for a write-in candidate marked on a ballot with a sticker, stamp or any other similar method must not be counted.*

**Sec. 7.** NRS 293.010 is hereby amended to read as follows:  
293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

**Sec. 8.** NRS 293.1755 is hereby amended to read as follows:  
293.1755 1. In addition to any other requirement provided by law, no person may be a candidate *or write-in candidate* for any office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations of candidacy, *declarations of write-in candidacy* or acceptances of candidacy for the office which the person seeks, the person has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or will represent.

2. Any person who knowingly and willfully files an acceptance of candidacy, ~~for~~ declaration of candidacy *or declaration of write-in candidacy* which contains a false statement in this respect is guilty of a gross misdemeanor.

3. The provisions of this section do not apply to candidates for the office of district attorney.

**Sec. 9.** NRS 293.181 is hereby amended to read as follows:  
293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file with his or her declaration of candidacy, *declaration of write-in candidacy* or acceptance of candidacy, *as applicable*, a declaration of residency which must be in substantially the following form:

I, the undersigned, do swear or affirm under penalty of perjury that I have been a citizen resident of this State as required by NRS 218A.200 and have actually, as opposed to constructively, resided at the following residence or residences since November 1 of the preceding year:

|  |                    |
|--|--------------------|
| .....  | .....              |
| Street Address   | Street Address     |
| .....  | .....              |
| City or Town   | City or Town       |
| .....  | .....              |
| State  | State              |
| From..... To.....  | From..... To.....  |
| Dates of Residency   | Dates of Residency |
| .....  | .....              |
| Street Address   | Street Address     |
| .....  | .....              |
| City or Town   | City or Town       |
| .....  | .....              |
| State  | State              |
| From..... To.....  | From..... To.....  |
| Dates of Residency   | Dates of Residency |
| (Attach additional sheet or sheets of residences as necessary) |                    |

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box unless a street address has not been assigned to the residence.

**Sec. 10.** NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy ~~for~~, *a declaration of write-in candidacy or* an acceptance of candidacy, ~~to be a candidate for an office,~~ and not later than 5 days after the last day the person may withdraw his or her candidacy pursuant to NRS 293.202, an elector may file with the filing officer for the office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or a statute of this State, including, without limitation, a requirement concerning age or residency. Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and court costs of the challenged person.

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1:

(a) The Secretary of State shall immediately transmit the challenge to the Attorney General.

(b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or a statute of this State, or if the person fails to appear at the hearing:

(a) The name of the person must not appear on any ballot for the election for the office for which the person filed the declaration of candidacy or acceptance of candidacy; and

(b) The person is disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and court costs of the challenged person.

**Sec. 11.** NRS 293.184 is hereby amended to read as follows:  
293.184 In addition to any other penalty provided by law, if a person knowingly and willfully files a declaration of candidacy , *declaration of write-in candidacy* or acceptance of candidacy which contains a false statement:

1. The name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy;

~~and~~  
2. *If the person has filed a declaration of write-in candidacy, no vote cast for the person may be counted; and*

3. The person is disqualified from entering upon the duties of the office for which he or she was a candidate.

**Sec. 12.** NRS 293.185 is hereby amended to read as follows:

293.185 The declaration of candidacy, *the declaration of write-in candidacy*, the certificate of candidacy and the acceptance of candidacy must be filed during regular office hours, as follows:

1. For United States Senator, Representative in Congress, statewide offices, State Senators, Assemblymen and Assemblywomen to be elected from districts comprising more than one county, and all other offices whose districts comprise more than one county, with the Secretary of State.

2. For Representative in Congress and district offices voted for wholly within one county, State Senators, Assemblymen and Assemblywomen to be elected from districts comprising but one or part of one county, county and township officers, with the county clerk.

**Sec. 13.** NRS 293.193 is hereby amended to read as follows:

293.193 1. Fees as listed in this section for filing declarations of candidacy , *declarations of write-in candidacy* or acceptances of candidacy must be paid to the filing officer by cash, cashier's check or certified check.

|   |       |
|---|-------|
| United States Senator .....   | \$500 |
| Representative in Congress .....  | 300   |
| Governor.....   | 300   |
| Justice of the Supreme Court.....   | 300   |
| Any state office, other than Governor or justice of the Supreme Court ..... | 200   |
| District judge .....  | 150   |
| Justice of the peace.....   | 100   |
| Any county office .....   | 100   |
| State Senator.....  | 100   |
| Assemblyman or Assemblywoman .....  | 100   |
| Any district office other than district judge.....                          | 30    |
| Constable or other town or township office .....                            | 30    |

For the purposes of this subsection, trustee of a county school district, hospital or hospital district is not a county office.

2. No filing fee may be required from a candidate for an office the holder of which receives no compensation.

3. The county clerk shall pay to the county treasurer all filing fees received from candidates. The county treasurer shall deposit the money to the credit of the general fund of the county.

4. Except as otherwise provided in NRS 293.194, a filing fee paid pursuant to this section is not refundable.

1       **Sec. 14.** NRS 293.196 is hereby amended to read as follows:

2       293.196 For purposes of elections only, the Secretary of State shall establish  
3 designations which separately identify each office of justice of the Supreme Court.  
4 Before any person is allowed to file a declaration of candidacy *or declaration of*  
5 *write-in candidacy* for the office of justice of the Supreme Court, the person shall  
6 designate the particular office for which he or she is declaring candidacy.

7       **Sec. 15.** NRS 293.203 is hereby amended to read as follows:

8       293.203 Immediately upon receipt by the county clerk of the certified list of  
9 candidates from the Secretary of State, the county clerk shall publish a notice of  
10 primary election or general election in a newspaper of general circulation in the  
11 county once a week for 2 successive weeks. If no such newspaper is published in  
12 the county, the publication may be made in a newspaper of general circulation  
13 published in the nearest Nevada county. The notice must contain:

- 14       1. The date of the election.
- 15       2. The location of the polling places.
- 16       3. The hours during which the polling places will be open for voting.
- 17       4. The names of the candidates ~~+~~ *whose names will appear on the ballot for*  
18 *the election.*

- 19       5. A list of the offices to which the candidates seek nomination or election.

20       ➤ The notice required for a general election pursuant to this section may be  
21 published in conjunction with the notice required for a proposed constitution,  
22 constitutional amendment or statewide measure pursuant to NRS 293.253. If the  
23 notices are combined in this manner, they must be published three times in  
24 accordance with subsection 3 of NRS 293.253.

25       **Sec. 16.** NRS 293.247 is hereby amended to read as follows:

26       293.247 1. The Secretary of State shall adopt regulations, not inconsistent  
27 with the election laws of this State, for the conduct of primary, general, special and  
28 district elections in all cities and counties. Permanent regulations of the Secretary of  
29 State that regulate the conduct of a primary, general, special or district election that  
30 are effective on or before December 31 of the year immediately preceding a  
31 primary, general, special or district election govern the conduct of that election.

32       2. The Secretary of State shall prescribe the forms for a declaration of  
33 candidacy, *declaration of write-in candidacy*, certificate of candidacy, acceptance  
34 of candidacy and any petition which is filed pursuant to the general election laws of  
35 this State.

- 36       3. The regulations must prescribe:

- 37       (a) The duties of election boards;
- 38       (b) The type and amount of election supplies;
- 39       (c) The manner of printing ballots and the number of ballots to be distributed to  
40 precincts and districts;
- 41       (d) The method to be used in distributing ballots to precincts and districts;
- 42       (e) The method of inspection and the disposition of ballot boxes;
- 43       (f) The form and placement of instructions to voters;
- 44       (g) The recess periods for election boards;
- 45       (h) The size, lighting and placement of voting booths;
- 46       (i) The amount and placement of guardrails and other furniture and equipment  
47 at voting places;
- 48       (j) The disposition of election returns;
- 49       (k) The procedures to be used for canvasses, ties, recounts and contests,  
50 including, without limitation, the appropriate use of a paper record created when a  
51 voter casts a ballot on a mechanical voting system that directly records the votes  
52 electronically;



(l) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(m) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(n) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;

(o) The procedures to be used for the disposition of absent ballots in case of an emergency;

(p) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors or registered voters who are authorized to use approved electronic transmission pursuant to the provisions of this title;

(q) The forms for applications to register to vote and any other forms necessary for the administration of this title; and

(r) Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

**Sec. 17.** NRS 293.260 is hereby amended to read as follows:

293.260 1. Where there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot.

2. If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.

3. If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his or her name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.

4. If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office:

(a) If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in this paragraph, the candidates of that party who receive the highest number of votes in the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his or her name must be placed on the ballot for the general election.

(b) If there are no more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.

5. Where no more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office or the office of justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election;

(b) Any nonpartisan office, other than the office of justice of the Supreme Court or the office of member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. ~~##~~ *Notwithstanding the provisions of section 6 of this act, if* a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

6. If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

**Sec. 18.** NRS 293.269 is hereby amended to read as follows:

293.269 1. Every ballot upon which appears the names of candidates for any statewide office or for President and Vice President of the United States shall contain for each office an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a square in which the voter may express a choice of that line in the same manner as the voter would express a choice of a candidate, and the line shall read "None of these candidates."

2. *In addition to the requirements set forth in subsection 1, if there is a write-in candidate for a state office or federal office at the general election, every ballot upon which appears the names of candidates for the state office or federal office must contain an additional line, equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for the state or federal office, and the line that contains a square in which the voter may express a choice of "None of these candidates." ~~Each~~ The additional line required pursuant to this subsection must contain a square in which the voter may ~~express a choice for~~ write in the name of a write-in candidate for ~~each~~ the state or federal office.*

3. Only votes cast for the named candidates shall be counted in determining nomination or election to any statewide office or presidential nominations or the selection of presidential electors, but for each office the number of ballots on which the additional line was chosen shall be listed following the names of the candidates and the number of their votes in every posting, abstract and proclamation of the results of the election.

~~3.~~ 4. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State shall clearly explain that the voter may *vote for a write-in candidate or* mark the choice of the line "None of these candidates" only if the voter has not voted for any candidate for the office.

1       **Sec. 19.** NRS 293.270 is hereby amended to read as follows:

2       293.270 1. Voting at any election regulated by this title must be on printed  
3 ballots or by any other system approved by the Secretary of State or specifically  
4 authorized by law.

5       2. ~~{Except as otherwise provided in NRS 293.3155, voting must be only upon~~  
6 ~~candidates whose names appear upon the ballot prepared by the election officers,~~  
7 ~~and no person may write in the name of an additional candidate for any office.}~~ *Any*  
8 *ballot or voting system used at a general election at which votes may be cast for a*  
9 *state office or federal office must allow each voter to cast a ballot for a write-in*  
10 *candidate, if any, for each such state office or federal office.*

11       **Sec. 20.** NRS 293.3155 is hereby amended to read as follows:

12       293.3155 Notwithstanding any other provisions of this title:

13       1. Any registered voter of this State who is Armed Forces personnel or an  
14 overseas citizen may use a special absent ballot for a primary, general or special  
15 election.

16       2. The special absent ballot may be used for the offices of President and Vice  
17 President of the United States, United States Senator and Representative in  
18 Congress, and for any state or local offices and ballot questions for which the  
19 registered voter is entitled to cast a ballot. The ballot must allow the registered  
20 voter to vote by writing in his or her choice of a political party for each office , ~~for~~  
21 the name of a candidate whose name appears on the ballot for each office ~~{}~~ *or the*  
22 *name of a write-in candidate.*

23       3. The special absent ballot may be voted by completing the ballot according  
24 to the instructions and returning it to the county clerk by:

25       (a) Mail, if it can be returned in a timely manner; or

26       (b) Approved electronic transmission.

27       4. The special absent ballot must not be counted if:

28       (a) It is submitted from any location within the continental United States by an  
29 overseas citizen; or

30       (b) The county clerk receives the regular absent ballot from the voter on or  
31 before the date of the primary, general or special election.

32       5. As used in this section, "regular absent ballot" means the absent ballot  
33 prepared by the county clerk pursuant to NRS 293.309.

34       **Sec. 21.** NRS 293.368 is hereby amended to read as follows:

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

40       2. If the deceased candidate on the ballot at the primary election receives the  
41 number of votes required to receive the nomination to the office for which he or she  
42 was a candidate, except as otherwise provided in subsection 3 of NRS 293.165, the  
43 deceased candidate shall be deemed nominated and the vacancy in the nomination  
44 must be filled as provided in NRS 293.165 or 293.166. If the deceased person was a  
45 candidate for a nonpartisan office, the nomination must be filled pursuant to  
46 subsection 2 of NRS 293.165.

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

51       4. If the deceased candidate on the ballot at the general election receives the  
52 majority of the votes cast for the office, the deceased candidate shall be deemed  
53 elected and the office to which he or she was elected shall be deemed vacant at the

beginning of the term for which he or she was elected. The vacancy thus created must be filled in the same manner as if the candidate had died after taking office for that term.

*5. Whenever a write-in candidate dies, the votes cast for the deceased write-in candidate must be counted in determining the results of the election for the office for which the decedent was a write-in candidate.*

*6. If the deceased write-in candidate receives the majority of the votes cast for the office, the deceased write-in candidate shall be deemed elected and the office to which he or she was elected shall be deemed vacant at the beginning of the term for which he or she was elected. The vacancy thus created must be filled in the same manner as if the write-in candidate had died after taking office for that term.*

**Sec. 22.** NRS 293.370 is hereby amended to read as follows:

293.370 1. When all the votes have been counted, the counting board officers shall enter on the tally lists by the name of each candidate *and, if applicable, each write-in candidate*, the number of votes the candidate received. The number must be expressed in words and figures. The vote for and against any question submitted to the electors must be entered in the same manner.

2. The tally lists must show the number of votes, other than absentee votes and votes in a mailing precinct, which each candidate received in each precinct at:

(a) A primary election held in an even-numbered year; or

(b) A general election.

**Sec. 23.** NRS 293.400 is hereby amended to read as follows:

293.400 1. If, after the completion of the canvass of the returns of any election, two or more persons receive an equal number of votes, which is sufficient for the election of one or more but fewer than all of them to the office, the person or persons elected must be determined as follows:

(a) In a general election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Legislature shall, by joint vote of both houses, elect one of those persons to fill the office.

(b) In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Secretary of State shall summon the candidates who have received the tie votes to appear before the Secretary of State at a time and place designated by the Secretary of State and the Secretary of State shall determine the tie by lot. If the tie vote is for the office of Secretary of State, the Governor shall perform these duties.

(c) For any office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie vote, or district which is wholly located within one county, the county clerk shall summon the candidates who have received the tie votes to appear before the county clerk at a time and place designated by the county clerk and determine the tie by lot. If the tie vote is for the office of county clerk, the board of county commissioners shall perform these duties.

2. The summons mentioned in this section must be mailed to the address of the candidate as it appears upon the candidate's declaration of candidacy *or declaration of write-in candidacy* at least 5 days before the day fixed for the determination of the tie vote and must contain the time and place where the determination will take place.

3. The right to a recount extends to all candidates in case of a tie.

1       **Sec. 24.** NRS 293.403 is hereby amended to read as follows:

2       293.403 1. A candidate defeated at any election may demand and receive a  
3 recount of the vote for the office for which he or she is a candidate to determine the  
4 number of votes received for the candidate and the number of votes received for the  
5 person who won the election if within 3 working days after the canvass of the vote  
6 and the certification by the county clerk or city clerk of the abstract of votes the  
7 candidate who demands the recount:

8       (a) Files in writing a demand with the officer with whom the candidate filed his  
9 or her declaration of candidacy, *declaration of write-in candidacy* or acceptance of  
10 candidacy; and

11       (b) Deposits in advance the estimated costs of the recount with that officer.

12       2. Any voter at an election may demand and receive a recount of the vote for  
13 a ballot question if within 3 working days after the canvass of the vote and the  
14 certification by the county clerk or city clerk of the abstract of votes, the voter:

15       (a) Files in writing a demand with:

16       (1) The Secretary of State, if the demand is for a recount of a ballot  
17 question affecting more than one county; or

18       (2) The county or city clerk who will conduct the recount, if the demand is  
19 for a recount of a ballot question affecting only one county or city; and

20       (b) Deposits in advance the estimated costs of the recount with the person to  
21 whom the demand was made.

22       3. The estimated costs of the recount must be determined by the person with  
23 whom the advance is deposited based on regulations adopted by the Secretary of  
24 State defining the term "costs."

25       4. As used in this section, "canvass" means:

26       (a) In any primary election, the canvass by the board of county commissioners  
27 of the returns for a candidate or ballot question voted for in one county or the  
28 canvass by the board of county commissioners last completing its canvass of the  
29 returns for a candidate or ballot question voted for in more than one county.

30       (b) In any primary city election, the canvass by the city council of the returns  
31 for a candidate or ballot question voted for in the city.

32       (c) In any general election:

33       (1) The canvass by the Supreme Court of the returns for a candidate for a  
34 statewide office or a statewide ballot question; or

35       (2) The canvass of the board of county commissioners of the returns for  
36 any other candidate or ballot question, as provided in paragraph (a).

37       (d) In any general city election, the canvass by the city council of the returns  
38 for a candidate or ballot question voted for in the city.

39       **Sec. 24.5. Chapter 293B of NRS is hereby amended by adding thereto a**  
40 **new section to read as follows:**

41       **The two teams of a write-in vote counting board created pursuant to NRS**  
42 **293B.360 shall count votes cast for write-in candidates in accordance with**  
43 **procedures established by the Secretary of State.**

44       **Sec. 25.** NRS 293B.075 is hereby amended to read as follows:

45       293B.075 A mechanical voting system must permit the voter to vote for any  
46 person for any office for which he or she has the right to vote, but none other,  
47 *indicate a vote for a write-in candidate, if applicable*, or indicate a vote against all  
48 candidates.

49       **Sec. 25.5. NRS 293B.360 is hereby amended to read as follows:**

50       293B.360 1. To facilitate the processing and computation of votes cast at  
51 any election conducted under a mechanical voting system, the county clerk shall  
52 create a computer program and processing accuracy board, and may create:

53       (a) A central ballot inspection board;

(b) An absent ballot mailing precinct inspection board;  
(c) A ballot duplicating board;  
(d) A ballot processing and packaging board; ~~and~~  
(e) A write-in vote counting board; and  
(f) Such additional boards or appoint such officers as the county clerk deems necessary for the expeditious processing of ballots.

2. Except as otherwise provided in ~~subsection~~ subsections 3 and 4, the county clerk may determine the number of members to constitute any board. The county clerk shall make any appointments from among competent persons who are registered voters in this State. The members of each board must represent all political parties as equally as possible. The same person may be appointed to more than one board but must meet the particular qualifications for each board to which he or she is appointed.

3. If the county clerk creates a ballot duplicating board, the county clerk shall appoint to the board at least two members. The members of the ballot duplicating board must not all be of the same political party.

4. If the county clerk creates a write-in vote counting board, the county clerk shall appoint four members to the board, which must consist of two teams of two members each.

5. All persons appointed pursuant to this section serve at the pleasure of the county clerk.

**Sec. 26.** NRS 294A.005 is hereby amended to read as follows:

294A.005 "Candidate" means any person:

1. Who files a declaration of candidacy;

2. Who files a declaration of write-in candidacy;

3. Who files an acceptance of candidacy;

~~3-~~ 4. Whose name appears on an official ballot at any election; or

~~4-~~ 5. Who has received contributions in excess of \$100, regardless of whether:

(a) The person has filed a declaration of candidacy, declaration of write-in candidacy or an acceptance of candidacy; or

(b) The name of the person appears on an official ballot at any election.

**Sec. 27.** NRS 294A.290 is hereby amended to read as follows:

294A.290 1. The filing officer shall give to each candidate who files a declaration of candidacy, declaration of write-in candidacy or acceptance of candidacy a copy of the form set forth in subsection 2. The filing officer shall inform the candidate that subscription to the Code is voluntary.

2. The Code must be in the following form:

#### CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty and fair play which every candidate for public office in the State of Nevada has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, the voters may exercise their constitutional right to vote for the candidate of their choice and that the will of the people may be fully and clearly expressed on the issues.

#### THEREFORE:

1. I will conduct my campaign openly and publicly and limit attacks against my opponent to legitimate challenges to my opponent's voting record or qualifications for office.

2. I will not use character defamation or other false attacks on a candidate's personal or family life.

3. I will not use campaign material which misrepresents, distorts or otherwise falsifies the facts, nor will I use malicious or unfounded accusations which are intended to create or exploit doubts, without justification, about the personal integrity of my opposition.

4. I will not condone any dishonest or unethical practice which undermines the American system of free elections or impedes or prevents the full and free expression of the will of the voters.

I, the undersigned, as a candidate for election to public office in the State of Nevada, hereby voluntarily pledge myself to conduct my campaign in accordance with the principles and practices set forth in this Code.

.....  
Date

.....  
Signature of Candidate

3. A candidate who subscribes to the Code and submits the form set forth in subsection 2 to the filing officer may indicate on the candidate's campaign materials that he or she subscribes to the Code.

4. The Secretary of State shall provide a sufficient number of copies of the form to the county clerks, registrar of voters and other filing officers.

**Sec. 28.** NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. *A declaration of write-in candidacy;*

3. An acceptance of candidacy;

~~3.4~~ 4. The registration of a committee for political action pursuant to NRS 294A.230, a committee for the recall of a public officer pursuant to NRS 294A.250 or a business entity that wishes to engage in certain political activity pursuant to NRS 294A.227;

~~4.4~~ 5. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286; or

~~5.4~~ 6. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 or 294A.360 and the reporting of contributions received by and expenditures made from a legal defense fund pursuant to NRS 294A.286,

shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

**Sec. 29.** NRS 217.468 is hereby amended to read as follows:

217.468 1. Except as otherwise provided in subsections 2 and 3, the Secretary of State shall cancel the fictitious address of a participant 4 years after the date on which the Secretary of State approved the application.

2. The Secretary of State shall not cancel the fictitious address of a participant if, before the fictitious address of the participant is cancelled, the participant shows

1 to the satisfaction of the Secretary of State that the participant remains in imminent  
2 danger of becoming a victim of domestic violence, sexual assault or stalking.

3 3. The Secretary of State may cancel the fictitious address of a participant at  
4 any time if:

5 (a) The participant changes his or her confidential address from the one listed  
6 in the application and fails to notify the Secretary of State within 48 hours after the  
7 change of address;

8 (b) The Secretary of State determines that false or incorrect information was  
9 knowingly provided in the application; or

10 (c) The participant files a declaration or acceptance of candidacy pursuant to  
11 NRS 293.177 or 293C.185 ~~H~~ *or a declaration of write-in candidacy pursuant to*  
12 *section 4 of this act.*

13 **Sec. 30.** NRS 218A.660 is hereby amended to read as follows:

14 218A.660 1. Except as otherwise provided in this section and NRS  
15 218A.655, each Senator, Assemblywoman and Assemblyman is entitled to receive,  
16 during the legislative interim, an allowance for travel within the State to participate  
17 in a meeting of a legislative committee or subcommittee of which the Legislator is  
18 not a member or with an officer, employee, agency, board, bureau, commission,  
19 department, division, district or other unit of federal, state or local government or  
20 any other public entity regarding an issue relating to the State.

21 2. The allowance for travel payable pursuant to this section applies only to  
22 trips whose one-way distance is 50 miles or more or whose round-trip distance is  
23 100 miles or more.

24 3. The maximum allowance for travel payable to each Senator,  
25 Assemblywoman and Assemblyman pursuant to this section during a legislative  
26 interim is \$3,000, except that no allowance for travel pursuant to this section is  
27 payable to a Senator, Assemblywoman or Assemblyman for travel that occurs  
28 during the legislative interim at any time after the date on which the Senator,  
29 Assemblywoman or Assemblyman has filed a declaration or an acceptance of  
30 candidacy *or a declaration of write-in candidacy* for an elective office and remains  
31 a candidate for that office.

32 4. Transportation must be by the most economical means, considering total  
33 cost and time spent in transit. The allowance is:

34 (a) If the travel is by private conveyance, the standard mileage reimbursement  
35 rate for which a deduction is allowed for the purposes of federal income tax.

36 (b) If the travel is not by private conveyance, the actual amount expended.

37 5. Claims made pursuant to this section must be paid from the Legislative  
38 Fund unless otherwise provided by specific statute. A claim must not be paid unless  
39 the Senator, Assemblywoman or Assemblyman submits a signed statement  
40 affirming:

41 (a) The date of travel;

42 (b) The purpose of the travel and of the participant's attendance; and

43 (c) The places of departure and arrival and, if the travel is by private  
44 conveyance, the actual miles traveled. If the travel is not by private conveyance, the  
45 claim must include a receipt or other evidence of the expenditure.

46 **Sec. 31.** NRS 281A.050 is hereby amended to read as follows:

47 281A.050 "Candidate" means any person:

48 1. Who files a declaration of candidacy;

49 2. *Who files a declaration of write-in candidacy;*

50 3. Who files an acceptance of candidacy; or

51 ~~3.~~ 4. Whose name appears on an official ballot at any election.



1       **Sec. 32.** NRS 281A.520 is hereby amended to read as follows:

2       281A.520 1. Except as otherwise provided in subsections 4 and 5, a public  
3 officer or employee shall not request or otherwise cause a governmental entity to  
4 incur an expense or make an expenditure to support or oppose:

5       (a) A ballot question.

6       (b) A candidate.

7       2. For the purposes of paragraph (b) of subsection 1, an expense incurred or  
8 an expenditure made by a governmental entity shall be considered an expense  
9 incurred or an expenditure made in support of a candidate if:

10       (a) The expense is incurred or the expenditure is made for the creation or  
11 dissemination of a pamphlet, brochure, publication, advertisement or television  
12 programming that prominently features the activities of a current public officer of  
13 the governmental entity who is a candidate for a state, local or federal elective  
14 office; and

15       (b) The pamphlet, brochure, publication, advertisement or television  
16 programming described in paragraph (a) is created or disseminated during the  
17 period specified in subsection 3.

18       3. The period during which the provisions of subsection 2 apply to a  
19 particular governmental entity begins when a current public officer of that  
20 governmental entity files a declaration of candidacy, *declaration of write-in*  
21 *candidacy* or acceptance of candidacy and ends on the date of the general election,  
22 general city election or special election for the office for which the current public  
23 officer of the governmental entity is a candidate.

24       4. The provisions of this section do not prohibit the creation or dissemination  
25 of, or the appearance of a candidate in or on, as applicable, a pamphlet, brochure,  
26 publication, advertisement or television programming that:

27       (a) Is made available to the public on a regular basis and merely describes the  
28 functions of:

29           (1) The public office held by the public officer who is the candidate; or

30           (2) The governmental entity by which the public officer who is the  
31 candidate is employed; or

32       (b) Is created or disseminated in the course of carrying out a duty of:

33           (1) The public officer who is the candidate; or

34           (2) The governmental entity by which the public officer who is the  
35 candidate is employed.

36       5. The provisions of this section do not prohibit an expense or an expenditure  
37 incurred to create or disseminate a television program that provides a forum for  
38 discussion or debate regarding a ballot question, if persons both in support of and in  
39 opposition to the ballot question participate in the television program.

40       6. As used in this section:

41       (a) "Governmental entity" means:

42           (1) The government of this State;

43           (2) An agency of the government of this State;

44           (3) A political subdivision of this State; and

45           (4) An agency of a political subdivision of this State.

46       (b) "Pamphlet, brochure, publication, advertisement or television  
47 programming" includes, without limitation, a publication, a public service  
48 announcement and any programming on a television station created to provide  
49 community access to cable television. The term does not include:

50           (1) A press release issued to the media by a governmental entity; or

51           (2) The official website of a governmental entity.

1       **Sec. 33.** NRS 281A.610 is hereby amended to read as follows:

2       281A.610 1. Except as otherwise provided in subsection 2, each candidate  
3 for public office who will be entitled to receive annual compensation of \$6,000 or  
4 more for serving in the office that the candidate is seeking and, except as otherwise  
5 provided in subsection 3, each public officer who was elected to the office for  
6 which the public officer is serving shall file with the Secretary of State a statement  
7 of financial disclosure, as follows:

8       (a) ~~Except as otherwise provided in this paragraph, a~~ candidate for  
9 nomination, election or reelection to public office shall file a statement of financial  
10 disclosure no later than the 10th day after the last day to qualify as a candidate for  
11 the office. *If a person became a candidate for the office by filing a declaration of*  
12 *write-in candidacy, the person shall file a statement of financial disclosure no*  
13 *later than the 10th day after the last day to file the declaration of write-in*  
14 *candidacy for the office.* The statement must disclose the required information for  
15 the full calendar year immediately preceding the date of filing and for the period  
16 between January 1 of the year in which the election for the office will be held and,  
17 *as applicable,* the last day to ~~qualify as a candidate~~ *file a declaration of*  
18 *candidacy, declaration of write-in candidacy or acceptance of candidacy* for the  
19 office. The filing of a statement of financial disclosure for a portion of a calendar  
20 year pursuant to this paragraph does not relieve the candidate of the requirement of  
21 filing a statement of financial disclosure for the full calendar year pursuant to  
22 paragraph (b) in the immediately succeeding year, if the candidate is elected to the  
23 office.

24       (b) Each public officer shall file a statement of financial disclosure on or  
25 before January 15 of each year of the term, including the year the term expires. The  
26 statement must disclose the required information for the full calendar year  
27 immediately preceding the date of filing.

28       2. Except as otherwise provided in this subsection, if a candidate for public  
29 office is serving in a public office for which the candidate is required to file a  
30 statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS  
31 281A.600, the candidate need not file the statement required by subsection 1 for the  
32 full calendar year for which the candidate previously filed a statement. The  
33 provisions of this subsection do not relieve the candidate of the requirement  
34 pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure  
35 for the period between January 1 of the year in which the election for the office will  
36 be held and, *as applicable,* the last day to ~~qualify as a candidate~~ *file a declaration*  
37 *of candidacy, declaration of write-in candidacy or acceptance of candidacy* for  
38 the office.

39       3. A person elected pursuant to NRS 548.285 to the office of supervisor of a  
40 conservation district is not required to file a statement of financial disclosure  
41 relative to that office pursuant to subsection 1.

42       4. A candidate for judicial office or a judicial officer shall file a statement of  
43 financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code  
44 of Judicial Conduct. Such a statement of financial disclosure must include, without  
45 limitation, all information required to be included in a statement of financial  
46 disclosure pursuant to NRS 281A.620.

47       5. A statement of financial disclosure shall be deemed to be filed with the  
48 Secretary of State:

49       (a) On the date that it was mailed if it was sent by certified mail; or

50       (b) On the date that it was received by the Secretary of State if the statement  
51 was sent by regular mail, transmitted by facsimile machine or electronic means, or  
52 delivered personally.

6. The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the Commission pursuant to NRS 281A.290.

7. The Secretary of State shall prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section, maintain files of such statements and make the statements available for public inspection.

**Sec. 34.** NRS 281A.640 is hereby amended to read as follows:

281A.640 1. A list of each public officer who is required to file a statement of financial disclosure must be submitted electronically to the Commission and to the Secretary of State, in a form prescribed by the Commission, on or before December 1 of each year by:

(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;

(b) Each city clerk for all public officers of the city;

(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and

(d) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.

2. The Secretary of State, each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Commission, and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the Commission, a list of each candidate for public office who filed a declaration of candidacy, *declaration of write-in candidacy* or acceptance of candidacy with that officer within 10 days after the last day to ~~qualify as a candidate for the applicable office.~~ *file a declaration or acceptance of candidacy and, if applicable, within 10 days after the last day to file the declaration of write-in candidacy.*

**Sec. 35.** NRS 281A.650 is hereby amended to read as follows:

281A.650 The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy, *declaration of write-in candidacy*, acceptance of candidacy or certificate of candidacy shall give to the candidate the form prescribed by the Commission for the making of a statement of financial disclosure, accompanied by instructions on how to complete the form, where it must be filed and the time by which it must be filed.