

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.

When determining the results of an election, existing law requires the counting board officers to enter on tally lists, by the name of each candidate, the number of votes the candidate received at the election. (NRS 293.370) **Section 6.5** of this bill provides that if there is a write-in candidate for a state or federal office at a general election, each county clerk must report to the Secretary of State the total number of votes cast in the county for write-in candidates for each state or federal office for which there is a write-in candidate. If the Secretary of State determines that a majority of votes cast in a particular race for state or federal office are for write-in candidates, the Secretary of State shall require the county clerks to tally the number of votes cast for each write-in candidate for that state or federal office. **Section 22**



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of this bill then requires that the counting board officers enter on the tally list, by the name of each write-in candidate, the number of votes that each write-in candidate received at the election.

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 6.5, inclusive, of this act.

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

Sec. 3. *"Write-in candidate" means a person who became a candidate by filing a declaration of write-in candidacy pursuant to section 4 of this act and paying the appropriate filing fee pursuant to NRS 293.193.*

Sec. 4. *A person may file a declaration of write-in candidacy for a state office or federal office 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 state office or federal office.

Sec. 5. 1. *A declaration of write-in candidacy must be:*

(a) Filed with the Secretary of State or a county clerk, as applicable pursuant to NRS 293.185, not earlier than the first Monday in July of the year in which the general election is to be held and not later than 5 p.m. on the second Friday after the first Monday in July; and

(b) In substantially the following form:

DECLARATION OF WRITE-IN CANDIDACY OF

..... FOR THE OFFICE OF.....

State of Nevada

County of

For the purpose of having any write-in votes for me counted 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



1 *actual, as opposed to constructive, residence in the State, district,*
2 *county, township, city or other area prescribed by law to which the*
3 *office pertains began on a date at least 30 days immediately*
4 *preceding the date of the closing of filings of declarations of*
5 *candidacy for this office; that my telephone number is.....,*
6 *and the address at which I receive mail, if different than my*
7 *residence, is.....; that I am a qualified elector pursuant to*
8 *Section 1 of Article 2 of the Constitution of the State of Nevada;*
9 *that if I have ever been convicted of treason or a felony, my civil*
10 *rights have been restored by a court of competent jurisdiction; that*
11 *I will not knowingly violate any election law or any law defining*
12 *and prohibiting corrupt and fraudulent practices in campaigns*
13 *and elections in this State; and that I will qualify for the office if*
14 *elected thereto, including, but not limited to, complying with any*
15 *limitations prescribed by the Constitution and laws of this State*
16 *concerning the number of years or terms for which a person may*
17 *hold the office.*

18
19
20 (Designation of name)

21
22 (Signature of write-in candidate for office)

23
24 *Subscribed and sworn to before me*
25 *this.....day of the month of.....of the year.....*

26
27 *Notary public or other person*
28 *authorized to administer an oath*
29

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

37 *(a) The write-in candidate's address is listed as a post office*
38 *box unless a street address has not been assigned to his or her*
39 *residence; or*

40 *(b) The write-in candidate does not present to the filing*
41 *officer:*

42 *(1) A valid driver's license or identification card issued by a*
43 *governmental agency that contains a photograph of the write-in*
44 *candidate and the write-in candidate's residential address; or*



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

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

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

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

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

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

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

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

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

43 **Sec. 6. 1.** If there is a write-in candidate for a state office
44 or federal office at a general election, ballots at the general
45 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. 6.5. 1. If there is a write-in candidate for a state office or federal office at a general election, the county clerk of each county shall report to the Secretary of State how many total votes were cast in that county for write-in candidates.

2. If based on the information received pursuant to subsection 1, the Secretary of State determines that a majority of votes cast at the general election for a particular state office or federal office were for write-in candidates, the Secretary of State shall order each county clerk to tally the votes cast for each write-in candidate for such state office or federal office.

3. The Secretary of State may adopt regulations to carry out the provisions of this section.

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, ~~or~~ 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



1 acceptance of candidacy , *as applicable*, a declaration of residency
2 which must be in substantially the following form:

3
4 I, the undersigned, do swear or affirm under penalty of perjury that I
5 have been a citizen resident of this State as required by NRS
6 218A.200 and have actually, as opposed to constructively, resided at
7 the following residence or residences since November 1 of the
8 preceding year:

10
11 Street Address	Street Address
12
13 City or Town	City or Town
14
15 State	State
16	
17 From..... To	From..... To
18 Dates of Residency	Dates of Residency

19
20 Street Address	Street Address
21
22 City or Town	City or Town
23
24 State	State
25	
26 From..... To	From..... To
27 Dates of Residency	Dates of Residency
28 (Attach additional sheet or sheets of residences as necessary)	

29
30 2. Each address of a candidate which must be included in the
31 declaration of residency pursuant to subsection 1 must be the street
32 address of the residence where the candidate actually, as opposed to
33 constructively, resided or resides in accordance with NRS 281.050,
34 if one has been assigned. The declaration of residency must not be
35 accepted for filing if any of the candidate's addresses are listed as a
36 post office box unless a street address has not been assigned to the
37 residence.

38 **Sec. 10.** NRS 293.182 is hereby amended to read as follows:
39 293.182 1. After a person files a declaration of candidacy ~~for~~
40 , *a declaration of write-in candidacy or* an acceptance of candidacy
41 , ~~[to be a candidate for an office.]~~ and not later than 5 days after the
42 last day the person may withdraw his or her candidacy pursuant to
43 NRS 293.202, an elector may file with the filing officer for the
44 office a written challenge of the person on the grounds that the



1 person fails to meet any qualification required for the office
2 pursuant to the Constitution or a statute of this State, including,
3 without limitation, a requirement concerning age or residency.
4 Before accepting the challenge from the elector, the filing officer
5 shall notify the elector that if the challenge is found by a court to be
6 frivolous, the elector may be required to pay the reasonable
7 attorney's fees and court costs of the challenged person.

8 2. A challenge filed pursuant to subsection 1 must:

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

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

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

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

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

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

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

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

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

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

41 6. If, at the hearing, the court determines that the challenge is
42 frivolous, the court may order the elector who filed the challenge to
43 pay the reasonable attorney's fees and court costs of the challenged
44 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



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

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

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

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

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

11 293.196 For purposes of elections only, the Secretary of State
12 shall establish designations which separately identify each office of
13 justice of the Supreme Court. Before any person is allowed to file a
14 declaration of candidacy *or declaration of write-in candidacy* for
15 the office of justice of the Supreme Court, the person shall designate
16 the particular office for which he or she is declaring candidacy.

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

18 293.203 Immediately upon receipt by the county clerk of the
19 certified list of candidates from the Secretary of State, the county
20 clerk shall publish a notice of primary election or general election in
21 a newspaper of general circulation in the county once a week for 2
22 successive weeks. If no such newspaper is published in the county,
23 the publication may be made in a newspaper of general circulation
24 published in the nearest Nevada county. The notice must contain:

25 1. The date of the election.

26 2. The location of the polling places.

27 3. The hours during which the polling places will be open for
28 voting.

29 4. The names of the candidates *whose names will appear on*
30 *the ballot for the election.*

31 5. A list of the offices to which the candidates seek nomination
32 or election.

33 ➤ The notice required for a general election pursuant to this section
34 may be published in conjunction with the notice required for a
35 proposed constitution, constitutional amendment or statewide
36 measure pursuant to NRS 293.253. If the notices are combined in
37 this manner, they must be published three times in accordance with
38 subsection 3 of NRS 293.253.

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

40 293.247 1. The Secretary of State shall adopt regulations, not
41 inconsistent with the election laws of this State, for the conduct of
42 primary, general, special and district elections in all cities and
43 counties. Permanent regulations of the Secretary of State that
44 regulate the conduct of a primary, general, special or district
45 election that are effective on or before December 31 of the year



1 immediately preceding a primary, general, special or district
2 election govern the conduct of that election.

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

7 3. The regulations must prescribe:

8 (a) The duties of election boards;

9 (b) The type and amount of election supplies;

10 (c) The manner of printing ballots and the number of ballots to
11 be distributed to precincts and districts;

12 (d) The method to be used in distributing ballots to precincts and
13 districts;

14 (e) The method of inspection and the disposition of ballot boxes;

15 (f) The form and placement of instructions to voters;

16 (g) The recess periods for election boards;

17 (h) The size, lighting and placement of voting booths;

18 (i) The amount and placement of guardrails and other furniture
19 and equipment at voting places;

20 (j) The disposition of election returns;

21 (k) The procedures to be used for canvasses, ties, recounts and
22 contests, including, without limitation, the appropriate use of a
23 paper record created when a voter casts a ballot on a mechanical
24 voting system that directly records the votes electronically;

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

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

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

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

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

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

43 (r) Such other matters as determined necessary by the Secretary
44 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.



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(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. ~~HH~~ *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*



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1 *containing the names of the candidates for the state or federal*
2 *office, and the line that contains a square in which the voter may*
3 *express a choice of "None of these candidates." The additional*
4 *line required pursuant to this subsection must contain a square in*
5 *which the voter may write in the name of a write-in candidate for*
6 *the state or federal office.*

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

14 ~~3.1~~ 4. Every sample ballot or other instruction to voters
15 prescribed or approved by the Secretary of State shall clearly
16 explain that the voter may *vote for a write-in candidate or* mark the
17 choice of the line "None of these candidates" only if the voter has
18 not voted for any candidate for the office.

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

20 293.270 1. Voting at any election regulated by this title must
21 be on printed ballots or by any other system approved by the
22 Secretary of State or specifically authorized by law.

23 2. ~~[Except as otherwise provided in NRS 293.3155, voting~~
24 ~~must be only upon candidates whose names appear upon the ballot~~
25 ~~prepared by the election officers, and no person may write in the~~
26 ~~name of an additional candidate for any office.]~~ *Any ballot or voting*
27 *system used at a general election at which votes may be cast for a*
28 *state office or federal office must allow each voter to cast a ballot*
29 *for a write-in candidate, if any, for each such state office or*
30 *federal office.*

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

32 293.3155 Notwithstanding any other provisions of this title:

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

36 2. The special absent ballot may be used for the offices of
37 President and Vice President of the United States, United States
38 Senator and Representative in Congress, and for any state or local
39 offices and ballot questions for which the registered voter is entitled
40 to cast a ballot. The ballot must allow the registered voter to vote by
41 writing in his or her choice of a political party for each office , ~~for~~
42 the name of a candidate whose name appears on the ballot for each
43 office ~~for~~ *or the name of a write-in candidate.*



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

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

(b) Approved electronic transmission.

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

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

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

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

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

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

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

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

4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, the deceased 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 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.



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

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

9 293.370 1. *Except as otherwise provided in subsection 2:*

10 (a) When all the votes have been counted, the counting board
11 officers shall enter on the tally lists by the name of each candidate
12 the number of votes the candidate received. The number must be
13 expressed in words and figures. The vote for and against any
14 question submitted to the electors must be entered in the same
15 manner.

16 ~~(2)~~ (b) The tally lists must show the number of votes, other
17 than absentee votes and votes in a mailing precinct, which each
18 candidate received in each precinct at:

19 ~~(a)~~ (1) A primary election held in an even-numbered year; or

20 ~~(b)~~ (2) A general election.

21 2. *The counting board officers shall enter on the tally lists by*
22 *the name of each write-in candidate the number of votes the write-*
23 *in candidate received if the Secretary of State determines that the*
24 *votes for a write-in candidate need to be tallied pursuant to section*
25 *6.5 of this act.*

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

27 293.400 1. If, after the completion of the canvass of the
28 returns of any election, two or more persons receive an equal
29 number of votes, which is sufficient for the election of one or more
30 but fewer than all of them to the office, the person or persons
31 elected must be determined as follows:

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

37 (b) In a primary election for a United States Senator,
38 Representative in Congress, state officer who is elected statewide or
39 by district, district judge, or district officer whose district includes
40 area in more than one county, the Secretary of State shall summon
41 the candidates who have received the tie votes to appear before the
42 Secretary of State at a time and place designated by the Secretary of
43 State and the Secretary of State shall determine the tie by lot. If the
44 tie vote is for the office of Secretary of State, the Governor shall
45 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.

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

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

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

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

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

(a) Files in writing a demand with:

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

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

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

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

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



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

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

(c) In any general election:

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

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

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

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

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

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

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

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

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

(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



1 than one board but must meet the particular qualifications for each
2 board to which he or she is appointed.

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

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

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

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

13 294A.005 "Candidate" means any person:

14 1. Who files a declaration of candidacy;

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

16 3. Who files an acceptance of candidacy;

17 ~~3.~~ 4. Whose name appears on an official ballot at any
18 election; or

19 ~~4.~~ 5. Who has received contributions in excess of \$100,
20 regardless of whether:

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

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

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

26 294A.290 1. The filing officer shall give to each candidate
27 who files a declaration of candidacy, *declaration of write-in*
28 *candidacy* or acceptance of candidacy a copy of the form set forth in
29 subsection 2. The filing officer shall inform the candidate that
30 subscription to the Code is voluntary.

31 2. The Code must be in the following form:

32 33 CODE OF FAIR CAMPAIGN PRACTICES

34
35 There are basic principles of decency, honesty and fair
36 play which every candidate for public office in the State of
37 Nevada has a moral obligation to observe and uphold, in
38 order that, after vigorously contested but fairly conducted
39 campaigns, the voters may exercise their constitutional right
40 to vote for the candidate of their choice and that the will of
41 the people may be fully and clearly expressed on the issues.

42 THEREFORE:

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



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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;

~~3-1~~ 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;

~~4-1~~ 5. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286; or

~~5-1~~ 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 to the satisfaction of the Secretary of State that the participant remains in imminent danger of becoming a victim of domestic violence, sexual assault or stalking.

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

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

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

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

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

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



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

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

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

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

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

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

(a) The date of travel;

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

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

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

281A.050 "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; or

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

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

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

(a) A ballot question.

(b) A candidate.



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

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

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

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

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

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

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

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

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

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

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

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

6. As used in this section:

(a) "Governmental entity" means:

(1) The government of this State;

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

(3) A political subdivision of this State; and

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



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

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

(2) The official website of a governmental entity.

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

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

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

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

2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281A.600, the candidate need not file the statement required by subsection 1 for the full calendar



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1 year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and , *as applicable*, the last day to ~~[qualify as a candidate]~~ *file a declaration of candidacy, declaration of write-in candidacy or acceptance of candidacy* for the office.

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

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

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

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

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



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1 2. The Secretary of State, each county clerk, or the registrar of
2 voters of the county if one was appointed pursuant to NRS 244.164,
3 and each city clerk shall submit electronically to the Commission,
4 and each county clerk, or the registrar of voters of the county if one
5 was appointed pursuant to NRS 244.164, and each city clerk shall
6 submit electronically to the Secretary of State, in a form prescribed
7 by the Commission, a list of each candidate for public office who
8 filed a declaration of candidacy, *declaration of write-in candidacy*
9 or acceptance of candidacy with that officer within 10 days after the
10 last day to ~~qualify as a candidate for the applicable office.~~ *file a*
11 *declaration or acceptance of candidacy and, if applicable, within*
12 *10 days after the last day to file the declaration of write-in*
13 *candidacy.*

14 **Sec. 35.** NRS 281A.650 is hereby amended to read as follows:
15 281A.650 The Secretary of State and each county clerk, or the
16 registrar of voters of the county if one was appointed pursuant to
17 NRS 244.164, or city clerk who receives from a candidate for public
18 office a declaration of candidacy, *declaration of write-in candidacy*,
19 acceptance of candidacy or certificate of candidacy shall give to the
20 candidate the form prescribed by the Commission for the making of
21 a statement of financial disclosure, accompanied by instructions on
22 how to complete the form, where it must be filed and the time by
23 which it must be filed.

