

ASSEMBLY BILL NO. 177—ASSEMBLYMEN SEAMAN, FIORE, SHELTON, MOORE, GARDNER; PAUL ANDERSON, DICKMAN, DOOLING, ELLISON, HAMBRICK, HANSEN, JONES, MUNFORD, NELSON, O'NEILL, SILBERKRAUS, STEWART, TITUS AND TROWBRIDGE

FEBRUARY 18, 2015

JOINT SPONSORS: SENATORS GOICOECHEA;
GUSTAVSON, HARDY AND SETTELMAYER

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing elections. (BDR 24-627)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 2, 7, 18, 20)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; prohibiting, with limited exception, the name of a candidate who is not eligible to hold the office for which he or she is a candidate from appearing on the ballot; prohibiting the filling of a vacancy in a nomination for a partisan or nonpartisan office; amending the residency requirement for candidates for office; requiring a filing officer to verify the accuracy of all information contained in a declaration or acceptance of candidacy; eliminating the deadline for an elector to file a written challenge of a candidate; requiring, under certain circumstances, a candidate who was found by a court to be ineligible to hold office to pay the attorney's fees and court costs of the elector who filed the challenge of candidacy; prohibiting a vote cast for a candidate who is not eligible to hold the office for which he or she is a candidate from being counted for the purposes of determining the outcome of an election; making various other changes relating to elections; increasing certain penalties; providing a penalty; and providing other matters properly relating thereto.



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Legislative Counsel's Digest:

Under certain circumstances, existing law sets forth processes for filling a vacancy in a nomination for a nonpartisan or partisan office. (NRS 293.165, 293.166, 293C.190) Under existing law, no changes may be made to the ballot after the fourth Friday in June before the general election. If, after that date, a vacancy occurs in a nomination, the nominee's name must remain on the ballot for the general election and, if that person is elected, a vacancy exists. (NRS 293.165) Further, under existing law, if a candidate whose name appears on a ballot is disqualified from entering upon the duties of an office or dies after the deadline for making changes to the ballot has passed, the Secretary of State and county or city clerk, as applicable, are required to post a sign at each polling place where the person's name will appear on the ballot notifying voters of the candidate's disqualification or death. (NRS 293.184, 293.302, 293C.1865, 293C.291)

Section 3 of this bill prohibits the filling of a vacancy in a nomination for a nonpartisan or partisan office.

Sections 2 and 18 of this bill provide that if, after a person files a declaration of candidacy, the person dies, is adjudicated insane or mentally incompetent, or is found not to be eligible to hold the office for which he or she is a candidate, the person's name must not appear on the ballot at an election unless the county or city clerk, as applicable, determines that there is not time to remove the name of the candidate from the ballot. In such a situation, the county or city clerk, as applicable, must: (1) post a sign at each affected polling place; (2) post a notice on each mechanical voting device at those polling places; and (3) place a sticker or other notice on each paper ballot and absent ballot that the person is not eligible and that any vote cast for that person will not be counted for purposes of determining the outcome of the election.

Sections 15 and 26 of this bill provide that a vote cast for a candidate who is not eligible to hold the office for which he or she is a candidate may not be counted in determining the outcome of the election.

Existing law sets forth residency requirements for candidates. A candidate must actually, as opposed to constructively, reside in the district to which the office pertains for at least 30 days preceding the date of the close of filing for candidacy. Additionally, a candidate for election to the Legislature must be an actual, as opposed to constructive, resident of this State for 1 year preceding the person's election. (NRS 218A.200, 293.1755, 293C.200) **Sections 6 and 23** of this bill provide that all candidates must be an actual resident of the district to which the office pertains for at least 1 year preceding the date of the close of filing for a candidacy. **Section 29** of this bill requires that a candidate for election or appointment to the Legislature be an actual resident of this State for 5 years preceding the person's election or appointment.

Existing law: (1) requires a person to file a declaration or acceptance of candidacy before his or her name may appear on a ballot; and (2) provides that it is a gross misdemeanor to knowingly and willfully file a declaration or acceptance of candidacy which contains a false statement. (NRS 293.1755, 293.177, 293C.185, 293C.200) **Sections 7 and 20** of this bill require the filing officer to verify the accuracy of all information contained in the person's declaration or acceptance of candidacy pursuant to the procedure set forth in regulations adopted by the Secretary of State. **Sections 6 and 23** increase the penalty for knowingly and willfully filing a declaration or acceptance of candidacy which contains a false statement to a category D felony.

Existing law requires a candidate for the Legislature to file with his or her declaration of candidacy a declaration of residency. (NRS 293.181) **Section 8** of this bill provides that any person who knowingly and willfully files a declaration of residency which contains a false statement is guilty of a category D felony.



Existing law authorizes an elector to file a written challenge to a person's candidacy not later than 5 days after the last day for a person to formally withdraw his or her candidacy. (NRS 293.182, 293C.186) **Sections 9 and 21** of this bill eliminate the deadline for filing a written challenge to a person's candidacy. **Sections 9 and 21** also authorize, under certain circumstances, a court to order a challenged person to pay the attorney's fees and court costs of the elector who filed the challenge.

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 and 3 of this act.

Sec. 2. 1. *If, after a person files a declaration of candidacy, the person dies, is adjudicated insane or mentally incompetent, or is found not to be eligible to hold the office for which he or she is a candidate, except as otherwise provided in subsection 2, the person's name must not appear on the ballot at a primary election, general election or special election.*

2. *If the county clerk determines that there is not time to remove the name of the candidate from the ballot, the county clerk must:*

(a) *At each polling place where the person's name will appear on the ballot, including, without limitation, a polling place for early voting:*

(1) *Post a sign informing voters that the person is not eligible to enter upon the duties of office and that any vote cast for the person will not be counted for purposes of determining the outcome of the election;*

(2) *Place a notice on each mechanical recording device informing a voter who uses the device that the person is not eligible to enter upon the duties of office and that any vote cast for the person will not be counted for purposes of determining the outcome of the election; and*

(3) *If paper ballots are used, place a sticker or other notice on each paper ballot that the person is not eligible to enter upon the duties of office and that any vote cast for the person will not be counted for purposes of determining the outcome of the election.*

(b) *If the absent ballots have not been distributed before the person died, was adjudicated insane or mentally incompetent, or was found not to be eligible to hold the office for which he or she is a candidate, the county clerk must place a sticker or other notice on each absent ballot that the person is not eligible to enter upon the duties of office and that any vote cast for the person will not be counted for purposes of determining the outcome of the election.*



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1 **Sec. 3. 1. A vacancy occurring for any reason in a**
2 **nomination for a partisan or nonpartisan office may not be filled.**

3 **2. As used in this section, "reason" includes, without**
4 **limitation:**

5 **(a) The death of a candidate.**

6 **(b) The adjudication of a candidate as insane or mentally**
7 **incompetent.**

8 **(c) A finding by a court of competent jurisdiction that a**
9 **candidate is disqualified from entering upon the duties of the**
10 **office for which he or she is a candidate.**

11 **Sec. 4. NRS 293.165 is hereby amended to read as follows:**

12 293.165 ~~1. Except as otherwise provided in NRS 293.166, a~~
13 ~~vacancy occurring in a major or minor political party nomination for~~
14 ~~a partisan office may be filled by a candidate designated by the~~
15 ~~party central committee of the county or State, as the case may be,~~
16 ~~of the major political party or by the executive committee of the~~
17 ~~minor political party subject to the provisions of subsections 3, 4~~
18 ~~and 5.~~

19 ~~2.~~ A vacancy occurring in a nonpartisan office ~~for nomination~~
20 ~~for a nonpartisan office~~ after the close of filing and before 5 p.m. of
21 the fourth Friday in June of the year in which the general election is
22 held must be filled by the person who receives or received the next
23 highest vote for the nomination in the primary election if a primary
24 election was held for that nonpartisan office. If no primary election
25 was held for that nonpartisan office or if there was not more than
26 one person who was seeking the nonpartisan nomination in the
27 primary election, a person may become a candidate for the
28 nonpartisan office at the general election if the person files a
29 declaration of candidacy or acceptance of candidacy, and pays the
30 fee required by NRS 293.193, on or after 8 a.m. on the third
31 Monday in June and before 5 p.m. on the fourth Friday in June.

32 ~~3. If a vacancy occurs in a major political party nomination for~~
33 ~~a partisan office after the primary election and before 5 p.m. on the~~
34 ~~fourth Friday in June of the year in which the general election is~~
35 ~~held and:~~

36 ~~(a) The vacancy occurs because the nominee dies or is~~
37 ~~adjudicated insane or mentally incompetent, the vacancy may be~~
38 ~~filled by a candidate designated by the party central committee of~~
39 ~~the county or State, as the case may be, of the major political party.~~

40 ~~(b) The vacancy occurs for a reason other than the reasons~~
41 ~~described in paragraph (a), the nominee's name must remain on the~~
42 ~~ballot for the general election and, if elected, a vacancy exists.~~

43 ~~4. No change may be made on the ballot for the general~~
44 ~~election after 5 p.m. on the fourth Friday in June of the year in~~
45 ~~which the general election is held. If, after that time and date:~~



~~(a) A nominee dies or is adjudicated insane or mentally incompetent; or~~

~~(b) A vacancy in the nomination is otherwise created;~~

~~the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.~~

~~5. All designations provided for in this section must be filed on or before 5 p.m. on the fourth Friday in June of the year in which the general election is held. In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on the date the designation is filed.~~

Sec. 5. NRS 293.1715 is hereby amended to read as follows:

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

2. ~~[The]~~ *Except as otherwise provided in sections 2 and 3 of this act, the* names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election if the minor political party is qualified. To qualify as a minor political party, the minor political party must have filed a certificate of existence and be organized pursuant to NRS 293.171, must have filed a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:

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

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

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

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

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

Sec. 6. 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 for any office unless, for at least ~~the 30 days]~~ *1 year* immediately preceding the date of the close of



1 filing of declarations of candidacy or acceptances of candidacy for
2 the office which the person seeks, the person has, in accordance
3 with NRS 281.050, actually, as opposed to constructively, resided in
4 the State, district, county, township or other area prescribed by law
5 to which the office pertains and, if elected, over which he or she will
6 have jurisdiction or will represent.

7 2. Any person who knowingly and willfully files an acceptance
8 of candidacy or declaration of candidacy which contains a false
9 statement ~~{in this respect}~~ *regarding the person's residency* is
10 guilty of a ~~{gross misdemeanor}~~.

11 ~~3. The provisions of this section do not apply to candidates for~~
12 ~~the office of district attorney.} category D felony.~~

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

14 293.177 1. ~~{Except as otherwise provided in NRS 293.165, a}~~
15 *A* name may not be printed on a ballot to be used at a primary
16 election unless the ~~{person}~~ :

17 *(a) Person* named has filed a declaration of candidacy or an
18 acceptance of candidacy, and has paid the fee required by NRS
19 293.193 not earlier than:

20 ~~{(a)}~~ *(1)* For a candidate for judicial office, the first Monday in
21 January of the year in which the election is to be held ~~{nor}~~ *and not*
22 later than 5 p.m. on the second Friday after the first Monday in
23 January; and

24 ~~{(b)}~~ *(2)* For all other candidates, the first Monday in March of
25 the year in which the election is to be held ~~{nor}~~ *and not* later than
26 5 p.m. on the second Friday after the first Monday in March ~~{H}~~ ;
27 *and*

28 *(b) Filing officer has verified the accuracy of all information*
29 *contained in the person's declaration of candidacy or acceptance*
30 *of candidacy pursuant to the procedure set forth in regulations*
31 *adopted by the Secretary of State.*

32 2. A declaration of candidacy or an acceptance of candidacy
33 required to be filed by this section must be in substantially the
34 following form:

35 (a) For partisan office:

36
37 DECLARATION OF CANDIDACY OF FOR THE
38 OFFICE OF

39
40 State of Nevada

41
42 County of

43
44 For the purpose of having my name placed on the official
45 ballot as a candidate for the Party nomination for



1 the office of, I, the undersigned, do swear or
2 affirm under penalty of perjury that I actually, as opposed to
3 constructively, reside at, in the City or Town of
4, County of, State of Nevada; that my actual, as
5 opposed to constructive, residence , *in accordance with NRS*
6 *281.050*, in the State, district, county, township, city or other
7 area prescribed by law to which the office pertains began on a
8 date at least ~~30 days~~ *1 year* immediately preceding the date
9 of the close of filing of declarations of candidacy for this
10 office; that my telephone number is, and the address
11 at which I receive mail, if different than my residence, is
12; that I am registered as a member of the
13 Party; that I am a qualified elector pursuant to Section 1 of
14 Article 2 of the Constitution of the State of Nevada; that if I
15 have ever been convicted of treason or a felony, my civil
16 rights have been restored by a court of competent jurisdiction;
17 that I have not, in violation of the provisions of NRS 293.176,
18 changed the designation of my political party or political
19 party affiliation on an official application to register to vote in
20 any state since December 31 before the closing filing date for
21 this election; that I generally believe in and intend to support
22 the concepts found in the principles and policies of that
23 political party in the coming election; that if nominated as a
24 candidate of the Party at the ensuing election, I will
25 accept that nomination and not withdraw; that I will not
26 knowingly violate any election law or any law defining and
27 prohibiting corrupt and fraudulent practices in campaigns and
28 elections in this State; that I will qualify for the office if
29 elected thereto, including, but not limited to, complying with
30 any limitation prescribed by the Constitution and laws of this
31 State concerning the number of years or terms for which a
32 person may hold the office; and that I understand that my
33 name will appear on all ballots as designated in this
34 declaration.

35
36
37 (Designation of name)

38
39
40 (Signature of candidate for office)



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

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

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence , *in accordance with NRS 281.050*, in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least ~~30 days~~ *1 year* immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.



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.....
(Designation of name)

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

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

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

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

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

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

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

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

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

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

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

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by



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1 personally delivering to and leaving with the filing officer duplicate
2 copies of the process. The filing officer shall immediately send, by
3 registered or certified mail, one of the copies to the candidate at the
4 specified address, unless the candidate has designated in writing to
5 the filing officer a different address for that purpose, in which case
6 the filing officer shall mail the copy to the last address so
7 designated.

8 6. If the filing officer receives credible evidence indicating that
9 a candidate ~~has been convicted of a felony and has not had his or~~
10 ~~her civil rights restored by a court of competent jurisdiction;~~ *does*
11 *not meet any qualification required for the office pursuant to the*
12 *Constitution or laws of this State,* the filing officer ~~+~~ *shall:*

13 (a) ~~May conduct~~ *Conduct* an investigation to determine
14 whether the candidate ~~has been convicted of a felony and, if so,~~
15 ~~whether the candidate has had his or her civil rights restored by a~~
16 ~~court of competent jurisdiction;~~ *is eligible to hold the office;*
17 and

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

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

33 **Sec. 8.** NRS 293.181 is hereby amended to read as follows:

34 293.181 1. A candidate for the office of State Senator,
35 Assemblyman or Assemblywoman must execute and file with his or
36 her declaration of candidacy or acceptance of candidacy a
37 declaration of residency which must be in substantially the
38 following form:

39
40 I, the undersigned, do swear or affirm under penalty of
41 perjury that I have been a citizen resident of this State as
42 required by NRS 218A.200 and have actually, as opposed to
43 constructively, resided at the following residence or
44 residences ~~since November 1 of the preceding year;~~ , *in*



accordance with NRS 281.050, for the 5 years immediately preceding the day of the general election:

.....	
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.

3. Any person who knowingly and willfully files a declaration of residency pursuant to this section which contains a false statement is guilty of a category D felony.

Sec. 9. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of 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,~~ *laws of this State.* Before accepting the challenge from



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1 the elector, the filing officer shall notify the elector that if the
2 challenge is found by a court to be frivolous, the elector may be
3 required to pay the reasonable attorney's fees and court costs of the
4 challenged person.

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

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

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

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

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

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

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

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

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

33 (a) ~~The~~ *Except as otherwise provided in this paragraph, the*
34 *name of the person must not appear on any ballot for the election for*
35 *the office for which the person filed the declaration of candidacy or*
36 *acceptance of candidacy.* ~~and~~ *If there is not time to remove the*
37 *person's name from the ballot, no vote cast for the person may be*
38 *counted for purposes of determining the outcome of the election*
39 *and the county clerk must comply with the provisions of*
40 *subsection 2 of section 2 of this act.*

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



1 (c) *The court may order that the challenged person pay the*
2 *attorney's fees and court costs of the elector who filed the*
3 *challenge.*

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

8 **Sec. 10.** NRS 293.184 is hereby amended to read as follows:

9 293.184 1. In addition to any other penalty provided by law,
10 if a person willfully files a declaration of candidacy or acceptance of
11 candidacy knowing that the declaration of candidacy or acceptance
12 of candidacy contains a false statement:

13 (a) ~~Except as otherwise provided in NRS 293.165 and 293.166,~~
14 ~~the~~ *The* name of the person must not appear on any ballot for the
15 election for which the person filed the declaration of candidacy or
16 acceptance of candidacy; and

17 (b) The person is disqualified from entering upon the duties of
18 the office for which he or she was a candidate.

19 2. If the name of a person who is disqualified from entering
20 upon the duties of an office pursuant to subsection 1 appears on a
21 ballot for the election is disqualified because *there is not time to*
22 *remove the person's name from the ballot,* the ~~deadline set forth in~~
23 ~~NRS 293.165 and 293.166 for making changes to the ballot has~~
24 ~~passed, the Secretary of State and~~ county clerk must ~~post a sign at~~
25 ~~each polling place where the person's name will appear on the ballot~~
26 ~~informing voters that the person is disqualified from entering upon~~
27 ~~the duties of office.~~ *comply with the provisions of subsection 2 of*
28 *section 2 of this act.*

29 **Sec. 11.** NRS 293.2546 is hereby amended to read as follows:

30 293.2546 The Legislature hereby declares that each voter has
31 the right:

32 1. To receive and cast a ballot that:

33 (a) Is written in a format that allows the clear identification of
34 candidates; and

35 (b) Accurately records the voter's preference in the selection of
36 candidates.

37 2. To have questions concerning voting procedures answered
38 and to have an explanation of the procedures for voting posted in a
39 conspicuous place at the polling place.

40 3. To vote without being intimidated, threatened or coerced.

41 4. To vote on election day if the voter is waiting in line at his
42 or her polling place to vote before 7 p.m. and the voter has not
43 already cast a vote in that election.

44 5. To return a spoiled ballot and is entitled to receive another
45 ballot in its place.



- 1 6. To request assistance in voting, if necessary.
- 2 7. To a sample ballot which is accurate, informative and
- 3 delivered in a timely manner.
- 4 8. To receive instruction in the use of the equipment for voting
- 5 during early voting or on election day.
- 6 9. To have nondiscriminatory equal access to the elections
- 7 system, including, without limitation, a voter who is elderly,
- 8 disabled, a member of a minority group, employed by the military or
- 9 a citizen who is overseas.

10 10. *To be informed:*

11 (a) *If a candidate dies, is adjudicated insane or mentally*

12 *incompetent, or is found not to be eligible to hold the office for*

13 *which he or she is a candidate; and*

14 (b) *That any vote cast for a candidate described in paragraph*

15 *(a) will not be counted in determining the outcome of the election.*

16 11. To have a uniform, statewide standard for counting and

17 recounting all votes accurately.

18 ~~11.1~~ 12. To have complaints about elections and election

19 contests resolved fairly, accurately and efficiently.

20 **Sec. 12.** NRS 293.260 is hereby amended to read as follows:

21 293.260 1. Where there is no contest of election for

22 nomination to a particular office, neither the title of the office nor

23 the name of the candidate may appear on the ballot.

24 2. If more than one major political party has candidates for a

25 particular office, the persons who receive the highest number of

26 votes at the primary elections must be declared the nominees of

27 those parties for the office.

28 3. If only one major political party has candidates for a

29 particular office and a minor political party has nominated a

30 candidate for the office or an independent candidate has filed for the

31 office, the candidate who receives the highest number of votes in

32 the primary election of the major political party must be declared the

33 nominee of that party and his or her name must be placed on the

34 general election ballot with the name of the nominee of the minor

35 political party for the office and the name of the independent

36 candidate who has filed for the office.

37 4. If only one major political party has candidates for a

38 particular office and no minor political party has nominated a

39 candidate for the office and no independent candidate has filed for

40 the office:

41 (a) If there are more candidates than twice the number to be

42 elected to the office, the names of the candidates must appear on the

43 ballot for a primary election. Except as otherwise provided in this

44 paragraph, the candidates of that party who receive the highest

45 number of votes in the primary election, not to exceed twice the



1 number to be elected to that office at the general election, must be
2 declared the nominees for the office. If only one candidate is to be
3 elected to the office and a candidate receives a majority of the votes
4 in the primary election for that office, that candidate must be
5 declared the nominee for that office and his or her name must be
6 placed on the ballot for the general election.

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

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

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

16 (b) Any nonpartisan office, other than the office of justice of the
17 Supreme Court, office of judge of the Court of Appeals or the office
18 of member of a town advisory board, the names of those candidates
19 must appear on the ballot for a primary election . ~~unless the~~
20 ~~candidates were nominated pursuant to subsection 2 of NRS~~
21 ~~293.165.~~ If a candidate receives one or more votes at the primary
22 election, the candidate must be declared elected to the office and his
23 or her name must not be placed on the ballot for the general
24 election. If a candidate does not receive one or more votes at the
25 primary election, his or her name must be placed on the ballot for
26 the general election; and

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

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

36 **Sec. 13.** NRS 293.3606 is hereby amended to read as follows:

37 293.3606 1. After 8 a.m. on election day, the appropriate
38 board shall count in public the returns for early voting.

39 2. The returns for early voting must not be reported until after
40 the polls have closed on election day.

41 3. The returns for early voting must be reported separately
42 from the regular votes of the precinct, unless reporting the returns
43 separately would violate the secrecy of the voter's ballot.

44 4. The county clerk shall develop a procedure to ensure that
45 ~~each~~ :



(a) *Each* ballot is kept secret ~~H~~ ; and

(b) *No vote cast during the period for early voting for a candidate who is not eligible to hold the office for which he or she is a candidate is counted in determining the outcome of the election.*

5. Any person who disseminates to the public information relating to the count of returns for early voting before the polls close is guilty of a gross misdemeanor.

Sec. 14. NRS 293.367 is hereby amended to read as follows:

293.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. The regulations for counting ballots must include provisions that:

(a) *A vote cast for a candidate who is not eligible to hold the office for which he or she is a candidate does not invalidate any other votes properly marked on that ballot.*

(b) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

~~(b)~~ (c) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

~~(c)~~ (d) Only devices provided for in this chapter or chapter 293B of NRS may be used in marking ballots.

~~(d)~~ (e) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

~~(e)~~ (f) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

Sec. 15. NRS 293.3677 is hereby amended to read as follows:

293.3677 1. When counting a vote in an election ~~f~~ ~~+~~ ~~+~~ :

(a) *If* more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

(b) *No vote cast for a candidate who is not eligible to hold the office for which he or she is a candidate may be counted in determining the outcome of the election.*



2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 16. NRS 293.370 is hereby amended to read as follows:

293.370 1. When all the votes have been counted, *except as otherwise provided in NRS 293.3677*, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes the candidate received. The vote for and against any question submitted to the electors must be entered in the same manner.

2. ~~The~~ *Except as otherwise provided in NRS 293.3677*, 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. 17. NRS 293.387 is hereby amended to read as follows:

293.387 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the sixth working day following the election.

2. In making its canvass, the board shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must, *except as otherwise provided in NRS 293.3677*, contain the number of votes cast for each candidate. The board, after making the



1 abstract, shall cause the county clerk to certify the abstract and, by
2 an order made and entered in the minutes of its proceedings, to
3 make:

4 (a) A copy of the certified abstract; and

5 (b) A mechanized report of the abstract in compliance with
6 regulations adopted by the Secretary of State,

7 and transmit them to the Secretary of State not more than 7
8 working days after the election.

9 4. The Secretary of State shall, immediately after any primary
10 election, compile the returns for all candidates voted for in more
11 than one county. The Secretary of State shall make out and file in
12 his or her office an abstract thereof, and shall certify to the county
13 clerk of each county the name of each person nominated, and the
14 name of the office for which the person is nominated.

15 **Sec. 18.** Chapter 293C of NRS is hereby amended by adding
16 thereto a new section to read as follows:

17 *1. If, after a person files a declaration of candidacy, the*
18 *person dies, is adjudicated insane or mentally incompetent, or is*
19 *found not to be eligible to hold the office for which he or she is a*
20 *candidate, except as otherwise provided in subsection 2, the*
21 *person's name must not appear on the ballot at a primary city*
22 *election, general city election or special election.*

23 *2. If the city clerk determines that there is not time to remove*
24 *the name of the candidate from the ballot, the city clerk must:*

25 *(a) At each polling place where the person's name will appear*
26 *on the ballot, including, without limitation, a polling place for*
27 *early voting:*

28 *(1) Post a sign informing voters that the person is not*
29 *eligible to enter upon the duties of office and that any vote cast for*
30 *the person will not be counted for purposes of determining the*
31 *outcome of the election;*

32 *(2) Place a notice on each mechanical recording device*
33 *informing a voter who uses the device that the person is not*
34 *eligible to enter upon the duties of office and that any vote cast for*
35 *the person will not be counted for purposes of determining the*
36 *outcome of the election; and*

37 *(3) If paper ballots are used, place a sticker or other notice*
38 *on each paper ballot that the person is not eligible to enter upon*
39 *the duties of office and that any vote cast for the person will not be*
40 *counted for purposes of determining the outcome of the election.*

41 *(b) If the absent ballots have not been distributed before the*
42 *person died, was adjudicated insane or mentally incompetent, or*
43 *was found not to be eligible to hold the office for which he or she*
44 *is a candidate, the city clerk must place a sticker or other notice on*
45 *each absent ballot that the person is not eligible to enter upon the*



duties of office and that any vote cast for the person will not be counted for purposes of determining the outcome of the election.

Sec. 19. NRS 293C.115 is hereby amended to read as follows:

293C.115 1. The governing body of a city incorporated pursuant to general law may by ordinance provide for a primary city election and a general city election on:

(a) The dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS; or

(b) The dates set forth for primary city elections and general city elections pursuant to the provisions of this chapter.

2. If a governing body of a city adopts an ordinance pursuant to paragraph (a) of subsection 1, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS 293.165, and in NRS 293.175, 293.177, and 293.345~~ ~~and 293.368~~ apply for purposes of conducting the primary city elections and general city elections of the city.

3. If a governing body of a city adopts an ordinance pursuant to subsection 1:

(a) The term of office of any elected city official may not be shortened as a result of the ordinance; and

(b) Each elected city official holds office until the end of his or her term and until his or her successor has been elected and qualified.

Sec. 20. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115, ~~and 293C.190,~~ a name may not be printed on a ballot to be used at a primary city election unless the ~~person~~:

(a) *Person* named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election ~~H~~; and

(b) *Filing officer has verified the accuracy of all information contained in the person's declaration of candidacy or acceptance of candidacy pursuant to the procedure set forth in regulations adopted by the Secretary of State.*

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

City of.....



* A B 1 7 7 *

For the purpose of having my name placed on the official ballot as a candidate for the office of, I,, the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence **, in accordance with NRS 281.050,** in the city, township or other area prescribed by law to which the office pertains began on a date at least ~~30 days~~ **1 year** immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

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

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

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

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with



* A B 1 7 7 *

1 NRS 281.050, if one has been assigned. The declaration or
2 acceptance of candidacy must not be accepted for filing if:

3 (a) The candidate's address is listed as a post office box unless a
4 street address has not been assigned to the residence; ~~for~~ *and*

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

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

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

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

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

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

19 5. By filing the declaration or acceptance of candidacy, the
20 candidate shall be deemed to have appointed the city clerk as his or
21 her agent for service of process for the purposes of a proceeding
22 pursuant to NRS 293C.186. Service of such process must first be
23 attempted at the appropriate address as specified by the candidate in
24 the declaration or acceptance of candidacy. If the candidate cannot
25 be served at that address, service must be made by personally
26 delivering to and leaving with the city clerk duplicate copies of the
27 process. The city clerk shall immediately send, by registered or
28 certified mail, one of the copies to the candidate at the specified
29 address, unless the candidate has designated in writing to the city
30 clerk a different address for that purpose, in which case the city
31 clerk shall mail the copy to the last address so designated.

32 6. If the city clerk receives credible evidence indicating that a
33 candidate ~~has been convicted of a felony and has not had his or her~~
34 ~~civil rights restored by a court of competent jurisdiction,~~ *does not*
35 *meet any qualification required for the office pursuant to the*
36 *Constitution or laws of this State,* the city clerk ~~is~~ *shall*

37 ~~—(a) May conduct~~ *shall:*

38 (a) *Conduct* an investigation to determine whether the candidate
39 ~~has been convicted of a felony and, if so, whether the candidate has~~
40 ~~had his or her civil rights restored by a court of competent~~
41 ~~jurisdiction;~~ *is eligible to hold the office;* and

42 (b) ~~Shall transmit~~ *Transmit* the credible evidence and the
43 findings from such investigation to the city attorney.

44 7. The receipt of information by the city attorney pursuant to
45 subsection 6 must be treated as a challenge of a candidate pursuant



1 to subsections 4 and 5 of NRS 293C.186. ~~If the ballots are printed~~
2 ~~before a court of competent jurisdiction makes a determination that~~
3 ~~a candidate has been convicted of a felony and has not had his or her~~
4 ~~civil rights restored by a court of competent jurisdiction, the city~~
5 ~~clerk must post a notice at each polling place where the candidate's~~
6 ~~name will appear on the ballot informing the voters that the~~
7 ~~candidate is disqualified from entering upon the duties of the office~~
8 ~~for which the candidate filed the declaration of candidacy or~~
9 ~~acceptance of candidacy.]~~

10 **Sec. 21.** NRS 293C.186 is hereby amended to read as follows:

11 293C.186 1. After a person files a declaration of candidacy or
12 an acceptance of candidacy to be a candidate for an office, ~~and not~~
13 ~~later than 5 working days after the last day the person may withdraw~~
14 ~~his or her candidacy pursuant to NRS 293C.195,]~~ an elector may file
15 with the city clerk a written challenge of the person on the grounds
16 that the person fails to meet any qualification required for the office
17 pursuant to the constitution or ~~a statute~~ laws of this State . ~~]~~
18 ~~including, without limitation, a requirement concerning age or~~
19 ~~residency.]~~ Before accepting the challenge from the elector, the
20 filing officer shall notify the elector that if the challenge is found by
21 a court to be frivolous, the elector may be required to pay the
22 reasonable attorney's fees and court costs of the challenged person.

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

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

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

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

29 3. Upon receipt of a challenge pursuant to subsection 1, the
30 city clerk shall immediately transmit the challenge to the city
31 attorney.

32 4. If the city attorney determines that probable cause exists to
33 support the challenge, the city attorney shall ~~]~~ ~~not later than 5 days~~
34 ~~after receiving the challenge.]~~ **immediately** petition a court of
35 competent jurisdiction to order the person to appear before the court.
36 Upon receipt of such a petition, the court shall enter an order
37 directing the person to appear before the court at a hearing, at a time
38 and place to be fixed by the court in the order, to show cause why
39 the challenge is not valid. A certified copy of the order must be
40 served upon the person. The court shall give priority to such
41 proceedings over all other matters pending with the court, except for
42 criminal proceedings.

43 5. If, at the hearing, the court determines by a preponderance of
44 the evidence that the challenge is valid or that the person otherwise
45 fails to meet any qualification required for the office pursuant to the



1 constitution or ~~the~~ laws of this State, or if the person fails to
2 appear at the hearing:

3 (a) ~~The~~ *Except as otherwise provided in this paragraph, the*
4 *name of the person must not appear on any ballot for the election for*
5 *the office for which the person filed the declaration of candidacy or*
6 *acceptance of candidacy . ~~and~~ If there is not time to remove the*
7 *person's name from the ballot, no vote cast for the person may be*
8 *counted for purposes of determining the outcome of the election*
9 *and the city clerk must comply with the provisions of subsection 2*
10 *of section 18 of this act.*

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

14 (c) *The court may order that the challenged person pay the*
15 *attorney's fees and court costs of the elector who filed the*
16 *challenge.*

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

21 **Sec. 22.** NRS 293C.1865 is hereby amended to read as
22 follows:

23 293C.1865 1. In addition to any other penalty provided by
24 law, if a person willfully files a declaration of candidacy or
25 acceptance of candidacy knowing that the declaration of candidacy
26 or acceptance of candidacy contains a false statement:

27 (a) ~~Except as otherwise provided in NRS 293.165 or 293.166,~~
28 ~~the~~ *The* name of the person must not appear on any ballot for the
29 election for which the person filed the declaration of candidacy or
30 acceptance of candidacy; and

31 (b) The person is disqualified from entering upon the duties of
32 the office for which he or she was a candidate.

33 2. If the name of a person who is disqualified from entering
34 upon the duties of an office pursuant to subsection 1 appears on a
35 ballot for the election is disqualified because ~~the deadline set forth~~
36 ~~in NRS 293.165 and 293.166 for making changes to the ballot has~~
37 ~~passed, the Secretary of State and~~ *there is not time to remove the*
38 *person's name from the ballot, the* city clerk must ~~post a sign at~~
39 ~~each polling place where the person's name will appear on the ballot~~
40 ~~informing voters that the person is disqualified from entering upon~~
41 ~~the duties of office.~~ *comply with the provisions of subsection 2 of*
42 *section 18 of this act.*

43 **Sec. 23.** NRS 293C.200 is hereby amended to read as follows:

44 293C.200 1. In addition to any other requirement provided by
45 law, no person may be a candidate for a city office unless, for at



1 least the ~~30 days~~ *1 year* immediately preceding the date of the
2 close of filing of declarations or acceptances of candidacy for the
3 office that the person seeks, the person has in accordance with NRS
4 281.050, actually, as opposed to constructively, resided in the city or
5 other area prescribed by law to which the office pertains and, if
6 elected, over which he or she will have jurisdiction or which he or
7 she will represent.

8 2. Any person who knowingly and willfully files a declaration
9 of candidacy or an acceptance of candidacy that contains a false
10 statement ~~in this respect~~ *regarding the person's residency* is
11 guilty of a ~~gross misdemeanor~~ *category D felony*.

12 **Sec. 24.** NRS 293C.3606 is hereby amended to read as
13 follows:

14 293C.3606 1. After 8 a.m. on election day, the appropriate
15 board shall count in public the returns for early voting.

16 2. The returns for early voting must not be reported until after
17 the polls have closed on election day.

18 3. The returns for early voting may be reported separately from
19 the regular votes of the precinct, unless reporting the returns
20 separately would violate the secrecy of the voter's ballot.

21 4. The city clerk shall develop a procedure to ensure that ~~each~~
22 :

23 *(a) Each* ballot is kept secret ~~H~~ ; and

24 *(b) No vote cast during the period for early voting for a*
25 *candidate who is not eligible to hold the office for which he or she*
26 *is a candidate is counted in determining the outcome of the*
27 *election.*

28 5. Any person who disseminates to the public information
29 relating to the count of returns for early voting before the polls close
30 is guilty of a gross misdemeanor.

31 **Sec. 25.** NRS 293C.367 is hereby amended to read as follows:

32 293C.367 1. The basic factor to be considered by an election
33 board when making a determination of whether a particular ballot
34 must be rejected is whether any identifying mark appears on the
35 ballot which, in the opinion of the election board, constitutes an
36 identifying mark such that there is a reasonable belief entertained in
37 good faith that the ballot has been tampered with and, as a result of
38 the tampering, the outcome of the election would be affected.

39 2. Regulations for counting ballots must include provisions
40 that:

41 *(a) A vote cast for a candidate who is not eligible to hold the*
42 *office for which he or she is a candidate does not invalidate any*
43 *other vote properly marked on that ballot.*

44 *(b) An error in marking one or more votes on a ballot does not*
45 *invalidate any votes properly marked on that ballot.*



~~(b)~~ (c) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

~~(e)~~ (d) Only devices provided for in this chapter or chapter 293 or 293B of NRS may be used in marking ballots.

~~(d)~~ (e) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

~~(e)~~ (f) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. Each election board officer shall sign the envelope.

Sec. 26. NRS 293C.369 is hereby amended to read as follows:

293C.369 1. When counting a vote in an election ~~(f)~~ :

(a) If more choices than permitted by the instructions for a ballot are marked for any office or question, the vote for that office or question may not be counted.

(b) *No vote cast for a candidate who is not eligible to hold the office for which he or she is a candidate may be counted in determining the outcome of the election.*

2. Except as otherwise provided in subsection 1, in an election in which a mechanical voting system is used whereby a vote is cast by darkening a designated space on the ballot:

(a) A vote must be counted if the designated space is darkened or there is a writing in the designated space, including, without limitation, a cross or check; and

(b) Except as otherwise provided in paragraph (a), a writing or other mark on the ballot, including, without limitation, a cross, check, tear or scratch may not be counted as a vote.

3. The Secretary of State:

(a) May adopt regulations establishing additional uniform, statewide standards, not inconsistent with this section, for counting a vote cast by a method of voting described in subsection 2; and

(b) Shall adopt regulations establishing uniform, statewide standards for counting a vote cast by each method of voting used in this State that is not described in subsection 2, including, without limitation, a vote cast on a mechanical recording device which directly records the votes electronically.

Sec. 27. NRS 293C.372 is hereby amended to read as follows:

293C.372 When all the votes have been counted, *except as otherwise provided in NRS 293C.369*, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes the candidate received. The vote for and against any question submitted to the electors must be entered in the same manner.



Sec. 28. NRS 293C.387 is hereby amended to read as follows:

293C.387 1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault designated by the city clerk. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.

2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the sixth working day following the election.

3. In completing the canvass of the returns, the governing body of the city and the mayor shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must, *except as otherwise provided in NRS 293C.369*, contain the number of votes cast for each candidate.

6. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

(1) Certify the abstract;

(2) Make a copy of the certified abstract;

(3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;

(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State within 7 working days after the election; and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which the person is nominated.



(b) General city election has been certified, the city clerk shall:

(1) Issue under his or her hand and official seal to each person elected a certificate of election; and

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.

Sec. 29. NRS 218A.200 is hereby amended to read as follows:

218A.200 1. A person is not eligible to be elected or appointed to office as a Legislator unless the person:

~~1-1~~ (a) Is a qualified elector;

~~1-2~~ (b) Has been an actual, as opposed to constructive, ~~citizen~~ resident of ~~this~~ :

(1) *This State for ~~1-year-next~~ 5 years* preceding the person's election or appointment; *and*

(2) *The district for 1 year preceding the date of the close of filing, as applicable:*

(I) *A declaration of candidacy or an acceptance of candidacy for the office; or*

(II) *An application for appointment to the office; and*

~~1-3~~ (c) At the time of election or appointment, has attained the age of 21 years.

2. Any person who files an acceptance of candidacy, a declaration of candidacy or an application for appointment to office as a Legislator which contains a false statement is guilty of a category D felony.

Sec. 30. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to eligibility to office is the person's actual residence within the State or county or district, as the case may be, during all the period for which residence is claimed by the person. If any person absents himself or herself from the jurisdiction of that person's residence with the intention in good faith to return without delay and continue such residence, the period of absence must not be considered in determining the question of residence.

2. If a person who has filed as a candidate for elective office moves the person's residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law for which the person is a candidate and in which the person is required actually, as opposed to constructively, to reside, ~~a vacancy is created thereby~~ *the person is no longer eligible to be a candidate* and the appropriate action ~~for filling the vacancy~~ *as set forth in section 2*



or 18 of this act must be taken. A person shall be deemed to have moved the person's residence for the purposes of this section if:

(a) The person has acted affirmatively to remove himself or herself from one place; and

(b) The person has an intention to remain in another place.

3. The district court has jurisdiction to determine the question of residence in an action for declaratory judgment.

4. As used in this section, "actual residence" means the place where a person is legally domiciled and maintains a permanent habitation. If the person maintains more than one such habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration or affidavit pursuant to NRS 293.177 or 293C.185 shall be deemed to be the person's actual residence.

Sec. 31. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 32. NRS 293.166, 293.302, 293.368, 293C.190, 293C.291 and 293C.370 are hereby repealed.

Sec. 33. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

LEADLINES OF REPEALED SECTIONS

293.166 Procedure for filling vacancy in party nomination for office of State Legislator from multicounty legislative district.

293.302 Posting of notice of death of candidate at polling place.

293.368 Counting of votes cast for deceased candidate.

293C.190 Procedure for filling vacancy in nomination.

293C.291 Posting of notice of death of candidate at polling place.

293C.370 Counting of votes cast for deceased candidate.

