

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, 18.5)
(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 the name of an ineligible candidate from appearing on the ballot unless the period for changing the ballot has elapsed; providing certain remedies and penalties in preelection challenges to the qualifications of a candidate; prohibiting the filling of a vacancy in a nomination for office under certain circumstances; amending certain residency requirements for candidates; revising provisions governing the filing of a declaration or acceptance of candidacy; prescribing the penalty for a candidate who files certain documents containing a false statement; requiring certain proofs of identity and residency when filing for candidacy; clarifying the deadline for an elector to file certain preelection challenges to the qualifications of a candidate; providing that a vote cast for an ineligible candidate is a nullity and void for the purposes of determining the outcome of an election; prohibiting an ineligible candidate from demanding a recount, filing a contest of election or receiving a certificate of election; making conforming changes to the definition of “actual residence” for purposes of candidacy; revising requirements for disclosures on certain electioneering communications; making various other changes relating to elections; providing penalties; and providing other matters properly relating thereto.



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Legislative Counsel's Digest:

Under certain circumstances, existing law sets forth procedures for filling a vacancy in a nomination for a nonpartisan or partisan office, except that no changes may be made to the ballot after a statutorily-prescribed date preceding any 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 in the office exists. (NRS 293.165, 293.166, 293.368, 293C.190, 293C.370) 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 local election officials 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)

This bill revises the legal rules, standards and procedures that apply to a person who is or becomes an ineligible candidate during an election. **Section 1.5** of this bill defines the term "ineligible candidate" to mean a person who is a candidate for any office and who: (1) dies; (2) is adjudicated insane or mentally incompetent; (3) fails to meet any qualification required for the office; or (4) is found by a court to be disqualified from entering upon the duties of the office.

In the absence of a statute prescribing a different rule, the general rule under the common law is that the votes cast for a deceased, disqualified or ineligible candidate are not treated as void but are counted in determining the outcome of the election with regard to the other candidates, which renders the election nugatory and prevents the election of the candidate who receives the next highest number of votes. (*Ingersoll v. Lamb*, 75 Nev. 1, 4 (1959)) **Sections 1.7, 15, 18.3 and 26** of this bill abrogate the common-law rule and provide that any vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of the election. **Sections 1.8 and 17.4-17.9** of this bill also provide that an ineligible candidate may not demand or receive a recount of the vote at the election or contest the results of the election.

Sections 2 and 18.5 of this bill provide that the name of an ineligible candidate must not appear on the ballot at any election unless the period for making changes on the ballot has elapsed. If the period has elapsed, local election officials must provide notice to the voters at each affected polling place, on or near each mechanical voting device and on or with each paper ballot and absent ballot that the ineligible candidate is not eligible to take office and that any vote cast for the ineligible candidate will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.

Under existing law, there are several different types of preelection court actions that may be brought to challenge a candidate on grounds that the candidate fails to meet any qualification required for the office, including actions for a declaratory judgment or a writ of mandamus. (NRS 281.050, 293.182, 293C.186; *DeStefano v. Berkus*, 121 Nev. 627, 628-31 (2005); *Child v. Lomax*, 124 Nev. 600, 604-05 (2008)) **Section 2.5** of this bill provides that in any preelection action where the court finds that a candidate fails to meet any qualification required for the office: (1) the candidate becomes an ineligible candidate and local election officials must take appropriate action to remove the candidate's name from the ballot or provide the required notice to voters; (2) the candidate is disqualified from taking office; and (3) the court may order the candidate to pay the attorney's fees and costs of the party who brought the action, including the Attorney General or a district attorney or city attorney.

Under existing law, certain state and local officials must issue a certificate of election to the candidate receiving the highest number of votes for an office as official recognition of the candidate's election to the office. (NRS 4.020, 218A.210, 245.010, 258.010, 267.050, 283.130, 293.034, 293.393-293.397, 293.435,



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293C.387, 293C.395, 386.260, 539.157; Caliente City Charter § 5.100; Carlin City Charter § 5.090; Carson City Charter § 5.100; Elko City Charter § 5.090; Henderson City Charter § 5.100; Las Vegas City Charter § 5.100; North Las Vegas City Charter § 5.080; Reno City Charter § 5.100; Sparks City Charter § 5.100; Wells City Charter § 5.090; Yerington City Charter § 5.090) **Sections 3.7, 17.1-17.3, 17.9, 28-28.4, 29.1, 29.5, 29.6, 29.8, 31, 36, 40, 46, 49, 52, 54, 58, 62, 66, 69, 72, 75 and 78** of this bill provide that if the name of an ineligible candidate could not be removed from the ballot, a certificate of election must not be issued to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Existing law sets forth procedures for filling certain vacancies in a nomination for a nonpartisan or partisan office that occur before a statutorily-prescribed date preceding any general election. (NRS 293.165, 293.166, 293C.190) **Section 3** of this bill prohibits a vacancy in a nomination for a partisan office from being filled if the vacancy occurs because the candidate fails to meet any qualification required for the office or is found by a court to be disqualified from taking office, except that the prohibition does not apply to such a vacancy occurring before certain special elections. If a vacancy in a nomination for a nonpartisan or partisan office occurs for certain other reasons, **sections 4, 4.5 and 22.5** of this bill allow such a vacancy to be filled in the manner provided by existing law before the statutorily-prescribed date preceding the general election.

Under existing law, the Legislature may enact statutory qualifications to be a candidate for an elective office which are in addition to any constitutional qualifications required for the office. (*Mengelkamp v. List*, 88 Nev. 542, 544-45 (1972); *Riter v. Douglass*, 32 Nev. 400, 435-36 (1910)) Such additional statutory qualifications may include residency requirements, and both the United States Supreme Court and the Nevada Supreme Court have upheld residency requirements that require a candidate to be a state resident for 2 or more years. (*Clements v. Fashing*, 457 U.S. 957, 967-68 (1982) (explaining that the Court upheld New Hampshire's 7-year state residency requirement for gubernatorial candidates when it summarily affirmed the lower court's decision in *Chimento v. Stark*, 353 F. Supp. 1211 (D.N.H. 1973), *summarily aff'd*, 414 U.S. 802 (1973)); *Schaefer v. Eighth Jud. Dist. Ct.*, No. 65361 (Nev. Apr. 14, 2014) (upholding Nevada's 2-year state residency requirement for State Controller candidates in NRS 227.010))

Existing law sets forth certain residency requirements for candidates. In particular, 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. (NRS 293.1755, 293C.200) Additionally, a candidate for election or appointment to the Legislature must be an actual, as opposed to constructive, resident of this State for 1 year preceding the person's election or appointment. (NRS 218A.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 180 days preceding the date of the close of filing for candidacy. **Section 29** of this bill provides that a candidate for election or appointment to the Legislature must be an actual resident of: (1) this State for 1 year immediately preceding the person's election or appointment; and (2) the legislative district prescribed by law for the office for at least 180 days immediately preceding the date of the close of filing of, as applicable, declarations or acceptances of candidacy for the office or applications for appointment to the office.

Existing law: (1) requires a candidate to file a declaration or acceptance of candidacy before his or her name may appear on a ballot; and (2) provides that a candidate who knowingly and willfully files a declaration or acceptance of candidacy which contains a false statement regarding residency is guilty of a gross misdemeanor. (NRS 293.1755, 293.177, 293C.185, 293C.200) **Sections 6, 7, 20 and 23** of this bill provide that a candidate who knowingly and willfully files a



declaration or acceptance of candidacy which contains a false statement is guilty of a gross misdemeanor.

Existing law requires a candidate for election or appointment to the Legislature to meet certain qualifications for the office. (NRS 218A.200) A candidate for election to the Legislature must also file a declaration of residency with his or her declaration or acceptance of candidacy. (NRS 293.181) **Sections 8 and 29** of this bill provide that any such candidate who knowingly and willfully files a declaration or acceptance of candidacy, a declaration of residency or an application for appointment which contains a false statement is guilty of a gross misdemeanor.

Under existing law, a person who receives a certificate of election or appointment to office as a Legislator must take and subscribe to the official oath before taking office. (NRS 218A.220) **Section 29.2** of this bill prohibits a person from taking and subscribing to the official oath as a Legislator if, after the person files a declaration or acceptance of candidacy and on or before the date of the general election, a court finds that the person is an ineligible candidate because the person fails to meet any qualification required for the office.

Before the Assembly meets for each regular session, existing law requires the Secretary of State to make out a roll from the election returns of the persons who received the highest number of votes to be elected as members of the Assembly, and the members whose names appear upon the roll must be allowed to participate in the organization of the Assembly. (NRS 218A.400) **Section 29.4** of this bill provides that if the name of an ineligible candidate for office as a member of the Assembly could not be removed from the ballot, the Secretary of State shall not include the ineligible candidate upon the roll of the persons elected as members of the Assembly and the name of the ineligible candidate must not appear upon the roll regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

The Nevada Supreme Court has interpreted existing law to authorize an elector to file a written challenge to a candidate's qualifications not later than 5 working days after the last day for the candidate to formally withdraw his or her candidacy. Depending on the state or local office being sought by the candidate, the Attorney General or the appropriate district attorney or city attorney must review the challenge and, if he or she determines that probable cause exists to support the challenge, must bring a preelection court action challenging the candidate's qualifications within a statutorily-prescribed period. (NRS 293.182, 293C.186; *Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 477-79 (2002) (interpreting NRS 293.182 to permit an elector to file a written challenge not later than 5 working days after the last day for the candidate to formally withdraw his or her candidacy)) **Sections 9 and 21** of this bill codify the Nevada Supreme Court's interpretation so that the period for an elector to file such a written challenge and the period for the Attorney General or the appropriate district attorney or city attorney to review such a challenge and bring a preelection court action are calculated using working days instead of calendar days.

Existing law requires printed electioneering communications, such as campaign signs or political advertising distributed by mail, to contain disclosures providing certain information about the person or organization that paid for the communications. (NRS 294A.347, 294A.348) **Sections 28.21 and 28.22** of this bill specify minimum font sizes and certain typeface requirements for such disclosures appearing on printed electioneering communications.

Existing law defines the term "actual residence" to mean the place where a candidate is legally domiciled and maintains a permanent habitation, and when a candidate maintains more than one place of permanent habitation, the place designated by the candidate as his or her principal permanent habitation is deemed to be the candidate's actual residence. (NRS 281.050) The Nevada Supreme Court has held that the place designated by the candidate as his or her principal permanent



habitation must be the place where the candidate actually resides and is legally domiciled in order for the candidate to be eligible to the office. (*Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 484-86 (2002); *Chachas v. Miller*, 120 Nev. 51, 53-56 (2004)) **Section 30** of this bill amends existing law to reflect the Supreme Court's holding.

The remaining sections of this bill make conforming changes to carry out the revisions to existing law.

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 1.5 to 3, inclusive, of this act.

Sec. 1.5. *"Ineligible candidate" means a person who is a candidate for any office and who:*

- 1. Dies;*
- 2. Is adjudicated insane or mentally incompetent;*
- 3. Fails to meet any qualification required for the office pursuant to the Constitution or laws of this State; or*
- 4. Is found by a court of competent jurisdiction to be disqualified from entering upon the duties of the office pursuant to the Constitution or laws of this State.*

Sec. 1.7. *1. Notwithstanding any other provision of law, any vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of a primary election, general election or special election or any other election.*

2. The provisions of this section are intended to abrogate any principle or rule of the common law to the contrary.

Sec. 1.8. *A person who is or becomes an ineligible candidate may not:*

- 1. Demand or receive a recount of the vote for the office for which he or she is an ineligible candidate pursuant to NRS 293.400 to 293.405, inclusive; or*
- 2. Contest the election for the office for which he or she is an ineligible candidate pursuant to NRS 293.407 to 293.435, inclusive.*

Sec. 2. *1. Except as otherwise provided in this section, the name of a person who is or becomes an ineligible candidate must not appear on the ballot at a primary election, general election or special election or any other election.*

2. If a person is or becomes an ineligible candidate, the county clerk shall remove the name of the person from the ballot,



1 *except that no changes may be made on the ballot pursuant to this*
2 *section for:*

3 *(a) A primary election after 5 p.m. on the first Monday in April*
4 *of the year in which the primary election is held.*

5 *(b) A general election after 5 p.m. on the last Friday in July of*
6 *the year in which the general election is held.*

7 *(c) A special election or any other election after 5 p.m. on the*
8 *last day prescribed by the Secretary of State or the county clerk, as*
9 *applicable, for making changes on the ballot for that election.*

10 *3. If the period for making changes on the ballot has elapsed*
11 *pursuant to this section and, for that reason, the county clerk*
12 *cannot remove the name of the person who is or becomes an*
13 *ineligible candidate from the ballot, the county clerk shall:*

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

17 *(1) Post a sign informing voters that the person is not*
18 *eligible to enter upon the duties of the office and that any vote cast*
19 *for the person will be a nullity and void and will not be given any*
20 *legal force or effect for the purposes of determining the outcome*
21 *of the election;*

22 *(2) Place a notice on or near each mechanical recording*
23 *device informing a voter who uses the device that the person is not*
24 *eligible to enter upon the duties of the office and that any vote cast*
25 *for the person will be a nullity and void and will not be given any*
26 *legal force or effect for the purposes of determining the outcome*
27 *of the election; and*

28 *(3) If paper ballots are used, include a notice on or with*
29 *each paper ballot informing a voter who uses the paper ballot that*
30 *the person is not eligible to enter upon the duties of the office and*
31 *that any vote cast for the person will be a nullity and void and will*
32 *not be given any legal force or effect for the purposes of*
33 *determining the outcome of the election; and*

34 *(b) If the absent ballots have not been distributed by the county*
35 *clerk, include a notice on or with each absent ballot informing a*
36 *voter who uses the absent ballot that the person is not eligible to*
37 *enter upon the duties of the office and that any vote cast for the*
38 *person will be a nullity and void and will not be given any legal*
39 *force or effect for the purposes of determining the outcome of the*
40 *election.*

41 **Sec. 2.5. 1. In addition to any other remedy or penalty**
42 **provided by law, if a court of competent jurisdiction finds in any**
43 **preelection action that a person who is a candidate for any office**
44 **fails to meet any qualification required for the office pursuant to**
45 **the Constitution or laws of this State:**



1 (a) *The person is an ineligible candidate, and the county clerk*
2 *or city clerk, as applicable, shall take appropriate action regarding*
3 *the ineligible candidate pursuant to section 2 or 18.5 of this act;*

4 (b) *The person is disqualified from entering upon the duties of*
5 *the office for which he or she filed a declaration of candidacy or*
6 *acceptance of candidacy; and*

7 (c) *The court may order the person to pay the reasonable*
8 *attorney's fees and costs of the party who brought the action,*
9 *including, without limitation, the Attorney General or a district*
10 *attorney or city attorney.*

11 2. *The provisions of this section apply to any preelection*
12 *action brought to challenge a person who is a candidate for any*
13 *office on the grounds that the person is an ineligible candidate*
14 *because the person fails to meet any qualification required for the*
15 *office pursuant to the Constitution or laws of this State, including,*
16 *without limitation, any action brought pursuant to NRS 281.050,*
17 *293.182 or 293C.186 or any action brought for:*

18 (a) *Declaratory or injunctive relief pursuant to chapter 30 or*
19 *33 of NRS;*

20 (b) *Writ relief pursuant to chapter 34 of NRS; or*

21 (c) *Any other legal or equitable relief.*

22 **Sec. 3.** 1. *Except as otherwise provided in this section, a*
23 *vacancy occurring in a major or minor political party nomination*
24 *for a partisan office may not be filled by the party if the vacancy*
25 *occurs because the candidate who is the party's nominee:*

26 (a) *Fails to meet any qualification required for the office*
27 *pursuant to the Constitution or laws of this State; or*

28 (b) *Is found by a court of competent jurisdiction to be*
29 *disqualified from entering upon the duties of the office pursuant*
30 *to the Constitution or laws of this State.*

31 2. *The provisions of this section do not apply to a vacancy*
32 *occurring in a major or minor political party nomination for a*
33 *partisan office at a special election if no primary election is held to*
34 *choose the candidate who is the party's nominee before the special*
35 *election.*

36 **Sec. 3.5.** NRS 293.010 is hereby amended to read as follows:
37 293.010 As used in this title, unless the context otherwise
38 requires, the words and terms defined in NRS 293.013 to 293.121,
39 inclusive, *and section 1.5 of this act* have the meanings ascribed to
40 them in those sections.

41 **Sec. 3.7.** NRS 293.034 is hereby amended to read as follows:
42 293.034 "Certificate of election" means a certificate prepared
43 by the county or city clerk or Governor, as the case may be, for the
44 person having the highest number of votes for any district, county,
45 township, city, state or statewide office as official recognition of the



1 person's election to office ~~H~~, *except that if the name of an*
2 *ineligible candidate could not be removed from the ballot pursuant*
3 *to section 2 or 18.5 of this act, such a certificate must not be*
4 *prepared for the ineligible candidate regardless of the number of*
5 *votes cast for the ineligible candidate that are a nullity and void.*

6 **Sec. 3.8.** NRS 293.042 is hereby amended to read as follows:

7 293.042 "Contest" means an adversary proceeding between a
8 candidate for a public office who has received the greatest number
9 of votes and any other candidate for that office or, in certain cases,
10 any registered voter of the appropriate political subdivision, for the
11 purpose of determining the validity of an election ~~H~~, *except that a*
12 *person who is or becomes an ineligible candidate may not contest*
13 *the election for the office for which he or she is an ineligible*
14 *candidate pursuant to section 1.8 of this act.*

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

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

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

36 ~~3.~~ *If a vacancy occurs in a major political party nomination for*
37 *a partisan office after the primary election and before 5 p.m. on the*
38 *fourth Friday in June of the year in which the general election is*
39 *held and:*

40 ~~(a)~~ *The vacancy occurs because the nominee dies or is*
41 *adjudicated insane or mentally incompetent, the vacancy may be*
42 *filled by a candidate designated by the party central committee of*
43 *the county or State, as the case may be, of the major political party.*



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

~~4. No~~

2. Except as otherwise provided in section 2 of this act, no change in a nomination for a nonpartisan office may be made on the ballot for the general election after 5 p.m. on the fourth Friday in June of the year in which the general election is held ~~[-If,]~~, **and no vacancy in a nomination for a nonpartisan office may be filled** 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. 4.5. NRS 293.166 is hereby amended to read as follows:

293.166 1. **Except as otherwise provided in this section and sections 2 and 3 of this act:**

(a) A vacancy occurring in a major or minor political party nomination for a partisan office, other than an office described in paragraph (b), may be filled by a candidate who is designated by:

(1) The party central committee of the county or State, as the case may be, of the major political party; or

(2) The executive committee of the minor political party.

(b) A vacancy occurring in a major political party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county may be filled as follows. [-, subject to the provisions of subsections 2, 3 and 4.] The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who actually, as opposed to constructively, resides in the district to fill the vacancy, with the chair of the board of county commissioners of the county whose population residing within the district is the greatest presiding. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairs on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of



1 the population of the entire district. Populations must be determined
2 by the last decennial census or special census conducted by the
3 Bureau of the Census of the United States Department of
4 Commerce. The person who receives a plurality of these votes is
5 appointed to fill the vacancy. If no person receives a plurality of the
6 votes, the boards of county commissioners of the respective counties
7 shall each as a group select one candidate, and the nominee must be
8 chosen by drawing lots among the persons so selected.

9 2. If a vacancy occurs in a *major political* party nomination for
10 ~~{the office of State Senator, Assemblyman or Assemblywoman from~~
11 ~~a legislative district comprising more than one county}~~ *a partisan*
12 *office* after the primary election and before 5 p.m. on the fourth
13 Friday in June of the year in which the general election is held and:

14 (a) The vacancy occurs because the nominee dies or is
15 adjudicated insane or mentally incompetent, the vacancy may be
16 filled pursuant to the provisions of subsection 1.

17 (b) The vacancy occurs for a reason other than the reasons
18 described in paragraph (a), *the vacancy may not be filled pursuant*
19 *to the provisions of subsection 1, and* the nominee's name must
20 ~~{remain on}~~ *be removed from* the ballot for the general election .
21 ~~{and, if elected, a vacancy exists.}~~

22 3. ~~{No}~~ *Except as otherwise provided in sections 2 and 3 of*
23 *this act, no change in a major or minor political party nomination*
24 *for a partisan office* may be made on the ballot for the general
25 election after 5 p.m. on the fourth Friday in June of the year in
26 which the general election is held ~~{if}~~, *and no vacancy in a major*
27 *or minor political party nomination for a partisan office may be*
28 *filled* after that time and date . ~~{~~

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

31 ~~—(b) A vacancy in the nomination is otherwise created,~~
32 ~~→ the nominee's name must remain on the ballot for the general~~
33 ~~election and, if elected, a vacancy exists.}~~

34 4. The designation of a ~~{nominee}~~ *candidate to fill a vacancy*
35 pursuant to this section must be filed ~~{with the Secretary of State}~~ on
36 or before 5 p.m. on the fourth Friday in June of the year in which the
37 general election is held, and the statutory filing fee must be paid
38 ~~{with}~~ *and an acceptance of* the designation ~~{~~ *must be filed on or*
39 *before 5 p.m. on the date the designation is filed.*

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

41 293.1715 1. The names of the candidates for partisan office
42 of a minor political party must not appear on the ballot for a primary
43 election.

44 2. ~~{The}~~ *Except as otherwise provided in sections 2 and 3 of*
45 *this act, the* names of the candidates for partisan office of a minor



1 political party must be placed on the ballot for the general election if
2 the minor political party is qualified. To qualify as a minor political
3 party, the minor political party must have filed a certificate of
4 existence and be organized pursuant to NRS 293.171, must have
5 filed a list of its candidates for partisan office pursuant to the
6 provisions of NRS 293.1725 with the Secretary of State and:

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

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

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

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

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

26 **Sec. 6.** NRS 293.1755 is hereby amended to read as follows:

27 293.1755 1. In addition to any other requirement provided by
28 law, no person may be a candidate for any office unless, for at least
29 the ~~130~~ 180 days immediately preceding the date of the close of
30 filing of declarations of candidacy or acceptances of candidacy for
31 the office which the person seeks, the person has, in accordance
32 with NRS 281.050, actually, as opposed to constructively, resided in
33 the State, district, county, township or other area prescribed by law
34 to which the office pertains and, if elected, over which he or she will
35 have jurisdiction or will represent.

36 2. Any person who knowingly and willfully files ~~an~~
37 ~~acceptance of candidacy or~~ a declaration of candidacy *or*
38 *acceptance of candidacy* which contains a false statement ~~in this~~
39 ~~respect~~ *regarding the person's residency in violation of this*
40 *section* is guilty of a gross misdemeanor.

41 ~~{3. The provisions of this section do not apply to candidates for~~
42 ~~the office of district attorney.}~~

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

44 293.177 1. Except as otherwise provided in NRS 293.165,
45 *293.166 and section 2 of this act*, a name may not be printed on a



1 ballot to be used at a primary election unless the person named has
2 filed a declaration of candidacy or an acceptance of candidacy, and
3 has paid the fee required by NRS 293.193 not earlier than:

4 (a) For a candidate for judicial office, the first Monday in
5 January of the year in which the election is to be held ~~not~~ and not
6 later than 5 p.m. on the second Friday after the first Monday in
7 January; and

8 (b) For all other candidates, the first Monday in March of the
9 year in which the election is to be held ~~not~~ and not later than
10 5 p.m. on the second Friday after the first Monday in March.

11 2. A declaration of candidacy or an acceptance of candidacy
12 required to be filed by this section must be in substantially the
13 following form:

14 (a) For partisan office:

15
16 DECLARATION OF CANDIDACY OF FOR THE
17 OFFICE OF

18
19 State of Nevada

20
21 County of

22
23 For the purpose of having my name placed on the official
24 ballot as a candidate for the Party nomination for
25 the office of, I, the undersigned, do swear or
26 affirm under penalty of perjury that I actually, as opposed to
27 constructively, reside at, in the City or Town of
28, County of, State of Nevada; that my actual, as
29 opposed to constructive, residence, *in accordance with NRS*
30 *281.050*, in the State, district, county, township, city or other
31 area prescribed by law to which the office pertains began on a
32 date at least ~~30~~ 180 days immediately preceding the date of
33 the close of filing of declarations of candidacy for this office;
34 that my telephone number is, and the address at
35 which I receive mail, if different than my residence, is;
36 that I am registered as a member of the Party; that I
37 am a qualified elector pursuant to Section 1 of Article 2 of the
38 Constitution of the State of Nevada; that if I have ever been
39 convicted of treason or a felony, my civil rights have been
40 restored by a court of competent jurisdiction; that I have not,
41 in violation of the provisions of NRS 293.176, changed the
42 designation of my political party or political party affiliation
43 on an official application to register to vote in any state since
44 December 31 before the closing filing date for this election;
45 that I generally believe in and intend to support the concepts



found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

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

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 ~~130~~ 180 days immediately preceding the date of the close of filing of



1 declarations of candidacy for this office; that my telephone
2 number is, and the address at which I receive mail, if
3 different than my residence, is; that I am a qualified
4 elector pursuant to Section 1 of Article 2 of the Constitution
5 of the State of Nevada; that if I have ever been convicted of
6 treason or a felony, my civil rights have been restored by a
7 court of competent jurisdiction; that if nominated as a
8 nonpartisan candidate at the ensuing election, I will accept the
9 nomination and not withdraw; that I will not knowingly
10 violate any election law or any law defining and prohibiting
11 corrupt and fraudulent practices in campaigns and elections in
12 this State; that I will qualify for the office if elected thereto,
13 including, but not limited to, complying with any limitation
14 prescribed by the Constitution and laws of this State
15 concerning the number of years or terms for which a person
16 may hold the office; and my name will appear on all ballots
17 as designated in this declaration.

18
19
20 (Designation of name)

21
22
23 (Signature of candidate for office)

24
25 Subscribed and sworn to before me
26 this day of the month of of the year

27
28
29 Notary Public or other person
30 authorized to administer an oath
31

32 3. The address of a candidate which must be included in the
33 declaration of candidacy or acceptance of candidacy pursuant to
34 subsection 2 must be the street address of the residence where the
35 candidate actually, as opposed to constructively, resides in
36 accordance with NRS 281.050, if one has been assigned. The
37 declaration or acceptance of candidacy must not be accepted for
38 filing if ~~if~~ *the candidate fails to comply with the following:*

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

42 (b) The candidate ~~does not~~ *shall* present to the filing officer:

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



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(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, ~~for~~ driver's license or identification card number *or account number* of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

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

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

(b) ~~Shall transmit~~ *Transmit* the credible evidence and the findings from such investigation to ~~the~~:

(1) *The* Attorney General ~~if~~ if the filing officer *for the candidate* is the Secretary of State ~~or to the~~; *or*

(2) *The appropriate* district attorney ~~if~~ if the filing officer *for the candidate* is a person other than the Secretary of State.

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



1 NRS 293.182. ~~If the ballots are printed before a court of competent~~
2 ~~jurisdiction makes a determination that a candidate has been~~
3 ~~convicted of a felony and has not had his or her civil rights restored~~
4 ~~by a court of competent jurisdiction, the filing officer must post a~~
5 ~~notice at each polling place where the candidate's name will appear~~
6 ~~on the ballot informing the voters that the candidate is disqualified~~
7 ~~from entering upon the duties of the office for which the candidate~~
8 ~~filed the declaration of candidacy or acceptance of candidacy.~~

9 **8. Any person who knowingly and willfully files a declaration**
10 **of candidacy or acceptance of candidacy which contains a false**
11 **statement in violation of this section is guilty of a gross**
12 **misdemeanor.**

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

14 293.181 1. A candidate for the office of State Senator,
15 Assemblyman or Assemblywoman must execute and file with his or
16 her declaration of candidacy or acceptance of candidacy a
17 declaration of residency which must be in substantially the
18 following form:

19
20 I, the undersigned, do swear or affirm under penalty of
21 perjury that , ~~I have been a citizen resident of this State~~ as
22 required by NRS 218A.200 ~~and~~ , *I will* have actually, as
23 opposed to constructively, *been a citizen resident of this*
24 *State and* resided at the following residence or residences
25 ~~since November 1 of the preceding year.~~ , *in accordance*
26 *with NRS 281.050, for the period of 1 year immediately*
27 *preceding the date of the general election:*
28

29
30 Street Address

.....
Street Address

31
32 City or Town

.....
City or Town

33
34 State

.....
State

35
36 From To
37 Dates of Residency

.....
From To
Dates of Residency

38
39
40 Street Address

.....
Street Address

41
42 City or Town

.....
City or Town

43
44 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 which contains a false statement in violation of this section is guilty of a gross misdemeanor.

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 **working** 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}~~ **laws** of this State . ~~{including, without limitation, a requirement concerning age or residency.}~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~{court}~~ costs of the ~~{challenged person.}~~ **person who is being challenged.**

2. A challenge filed pursuant to subsection 1 must:

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

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

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

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

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

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

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a



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petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

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

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

~~—(b) The~~ , the person is ~~{disqualified from entering upon the duties of the office for which he or she filed the declaration of candidacy or acceptance of candidacy.}~~ **an ineligible candidate and is subject to the provisions of section 2.5 of this act.**

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

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

293.184 ~~{1.}~~ In addition to any other **remedy or** penalty provided by law, if a person **knowingly and** willfully files a declaration of candidacy or acceptance of candidacy ~~{knowing that the declaration of candidacy or acceptance of candidacy}~~ **which** contains a false statement:

~~{(a) Except as otherwise provided in NRS 293.165 and 293.166, 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~~

~~—(b)}~~ **1. The person is an ineligible candidate, and the county clerk shall take appropriate action regarding the ineligible candidate pursuant to section 2 of this act; and**

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

~~—2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and county clerk must post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon~~



~~the duties of office.~~ *filed the declaration of candidacy or acceptance of candidacy.*

Sec. 10.3. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 25 working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to



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1 the best of his or her knowledge and belief and were signed in his or
2 her presence by persons registered to vote in that county.

3 3. The petition of candidacy may state the principle, if any,
4 which the person qualified represents.

5 4. Petitions of candidacy must be filed not earlier than the first
6 Monday in March preceding the general election and not later than
7 5 p.m. on the second Friday after the first Monday in March.

8 5. No petition of candidacy may contain the name of more than
9 one candidate for each office to be filled.

10 6. A person may not file as an independent candidate if he or
11 she is proposing to run as the candidate of a political party.

12 7. ~~[[The]]~~ *Except as otherwise provided in section 2 of this act,*
13 *the* names of independent candidates must be placed on the general
14 election ballot and must not appear on the primary election ballot.

15 8. If the candidacy of any person seeking to qualify pursuant to
16 this section is challenged, all affidavits and documents in support of
17 the challenge must be filed not later than 5 p.m. on the fourth
18 Monday in March. Any judicial proceeding resulting from the
19 challenge must be set for hearing not more than 5 days after the
20 fourth Monday in March.

21 9. Any challenge pursuant to subsection 8 must be filed with:

22 (a) The First Judicial District Court if the petition of candidacy
23 was filed with the Secretary of State.

24 (b) The district court for the county where the petition of
25 candidacy was filed if the petition was filed with a county clerk.

26 10. An independent candidate for partisan office must file a
27 declaration of candidacy with the appropriate filing officer and pay
28 the fee required by NRS 293.193 not earlier than the first Monday in
29 March of the year in which the election is held ~~[[not]]~~ *and not* later
30 than 5 p.m. on the second Friday after the first Monday in March.

31 **Sec. 10.5.** NRS 293.203 is hereby amended to read as follows:

32 293.203 Immediately upon receipt by the county clerk of the
33 certified list of candidates from the Secretary of State, the county
34 clerk shall publish a notice of primary election or general election in
35 a newspaper of general circulation in the county once a week for 2
36 successive weeks. If no such newspaper is published in the county,
37 the publication may be made in a newspaper of general circulation
38 published in the nearest Nevada county. The notice must contain:

39 1. The date of the election.

40 2. The location of the polling places.

41 3. The hours during which the polling places will be open for
42 voting.

43 4. The names of the candidates ~~[[and]]~~ *and, if the name of an*
44 *ineligible candidate could not be removed from the ballot pursuant*
45 *to section 2 of this act, a statement that the person is not eligible to*



enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.

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

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

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

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

1. To receive and cast a ballot that:

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

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

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

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

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

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

6. To request assistance in voting, if necessary.

7. To a sample ballot which is accurate, informative and delivered in a timely manner.

8. To receive instruction in the use of the equipment for voting during early voting or on election day.

9. To have nondiscriminatory equal access to the elections system, including, without limitation, a voter who is elderly, disabled, a member of a minority group, employed by the military or a citizen who is overseas.

10. *To be informed:*

(a) If a candidate is or becomes an ineligible candidate; and

(b) That any vote cast for an ineligible candidate will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.

11. To have a uniform, statewide standard for counting and recounting all votes accurately.



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~~11.1~~ 12. To have complaints about elections and election contests resolved fairly, accurately and efficiently.

Sec. 11.5. NRS 293.257 is hereby amended to read as follows:

293.257 1. There must be a separate primary ballot for each major political party. ~~The~~ *Except as otherwise provided in section 2 of this act, the* names of candidates for partisan offices who have designated a major political party in the declaration of candidacy or acceptance of candidacy must appear on the primary ballot of the major political party designated.

2. The county clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the county clerk selects must permit all registered voters to vote on them.

3. A registered voter may cast a primary ballot for a major political party at a primary election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.

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

293.260 *Except as otherwise provided in sections 1.7 and 2 of this act:*

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



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1 number of votes in the primary election, not to exceed twice the
2 number to be elected to that office at the general election, must be
3 declared the nominees for the office. If only one candidate is to be
4 elected to the office and a candidate receives a majority of the votes
5 in the primary election for that office, that candidate must be
6 declared the nominee for that office and his or her name must be
7 placed on the ballot for the general election.

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

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

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

17 (b) Any nonpartisan office, other than the office of justice of the
18 Supreme Court, office of judge of the Court of Appeals or the office
19 of member of a town advisory board, the names of those candidates
20 must appear on the ballot for a primary election unless the
21 candidates were nominated pursuant to subsection ~~121~~ *1* of NRS
22 293.165. If a candidate receives one or more votes at the primary
23 election, the candidate must be declared elected to the office and his
24 or her name must not be placed on the ballot for the general
25 election. If a candidate does not receive one or more votes at the
26 primary election, his or her name must be placed on the ballot for
27 the general election; and

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

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

37 **Sec. 12.2.** NRS 293.263 is hereby amended to read as follows:

38 293.263 On the primary ballots for a major political party, the
39 name of the major political party must appear at the top of the
40 ballot. Except as otherwise provided in NRS 293.2565, *and section*
41 *2 of this act*, following this designation must appear the names of
42 candidates grouped alphabetically under the title and length of term
43 of the partisan office for which those candidates filed.



Sec. 12.3. NRS 293.265 is hereby amended to read as follows:

293.265 On nonpartisan primary ballots, there must appear at the top of the ballot the designation "Nonpartisan Offices." Except as otherwise provided in NRS 293.2565, *and section 2 of this act*, following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the nonpartisan office for which those candidates filed.

Sec. 12.4. NRS 293.267 is hereby amended to read as follows:

293.267 1. ~~{Ballots}~~ *Except as otherwise provided in section 2 of this act, ballots* for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.

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

3. Except as otherwise provided in subsection 4:

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

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

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

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

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

Sec. 12.6. NRS 293.268 is hereby amended to read as follows:

293.268 ~~{The}~~ *Except as otherwise provided in section 2 of this act, the* offices for which there are candidates, the names of the



1 candidates therefor, and the questions to be voted upon must be
2 printed on ballots in the following order:

- 3 1. President and Vice President of the United States.
- 4 2. United States Senator and Representative in Congress, in
5 that sequence.
- 6 3. Governor, Lieutenant Governor, Secretary of State,
7 Treasurer, Controller and Attorney General, in that sequence.
- 8 4. State Senators and members of the Assembly.
- 9 5. County and township partisan offices.
- 10 6. Statewide nonpartisan offices.
- 11 7. District nonpartisan offices.
- 12 8. County nonpartisan offices.
- 13 9. City offices:
 - 14 (a) Mayor;
 - 15 (b) Council members according to ward in numerical order, if
16 no wards, in alphabetical order; and
 - 17 (c) Municipal judges.
- 18 10. Township nonpartisan offices.
- 19 11. Questions presented to the voters of the State with advisory
20 questions listed in consecutive order after any other questions
21 presented to the voters of the State.

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

26 **Sec. 12.7.** NRS 293.269 is hereby amended to read as follows:

27 293.269 1. Every ballot upon which appears the names of
28 candidates for any statewide office or for President and Vice
29 President of the United States shall contain for each office an
30 additional line equivalent to the lines on which the candidates'
31 names appear and placed at the end of the group of lines containing
32 the names of the candidates for that office. Each additional line shall
33 contain a square in which the voter may express a choice of that line
34 in the same manner as the voter would express a choice of a
35 candidate, and the line shall read "None of these candidates."

36 2. ~~Only~~ *Except as otherwise provided in section 1.7 of this*
37 *act, only* votes cast for the named candidates shall be counted in
38 determining nomination or election to any statewide office or
39 presidential nominations or the selection of presidential electors, but
40 for each office the number of ballots on which the additional line
41 was chosen shall be listed following the names of the candidates and
42 the number of their votes in every posting, abstract and
43 proclamation of the results of the election.

44 3. Every sample ballot or other instruction to voters prescribed
45 or approved by the Secretary of State shall clearly explain that the



voter may mark the choice of the line "None of these candidates" only if the voter has not voted for any candidate for the office.

Sec. 13. (Deleted by amendment.)

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 an ineligible 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 ~~(b)~~:

(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) *A vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of 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



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(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 ~~+~~ *in the manner 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 ~~+~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the number of votes the ineligible candidate received that are a nullity and void.* The vote for and against any question submitted to the electors must be entered in the same manner.

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

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

(b) A general election.

Sec. 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 contain the number of votes cast for each candidate ~~+~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the number of votes cast for the ineligible candidate that are a nullity and void.* The board, after making the abstract, shall cause the county clerk to certify the



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1 abstract and, by an order made and entered in the minutes of its
2 proceedings, to make:

- 3 (a) A copy of the certified abstract; and
- 4 (b) A mechanized report of the abstract in compliance with
- 5 regulations adopted by the Secretary of State,
- 6 ➡ and transmit them to the Secretary of State not more than 7
- 7 working days after the election.

8 4. The Secretary of State shall, immediately after any primary
9 election, compile the returns for all candidates voted for in more
10 than one county. The Secretary of State shall make out and file in
11 his or her office an abstract thereof, *which must contain the*
12 *number of votes cast for each candidate and, if the name of an*
13 *ineligible candidate could not be removed from the ballot pursuant*
14 *to section 2 of this act, the number of votes cast for the ineligible*
15 *candidate that are a nullity and void*, and shall certify to the county
16 clerk of each county the name of each person nominated, and the
17 name of the office for which the person is nominated.

18 **Sec. 17.1.** NRS 293.393 is hereby amended to read as follows:

19 293.393 1. On or before the sixth working day after any
20 general election or any other election at which votes are cast for any
21 United States Senator, Representative in Congress, member of the
22 Legislature or any state officer who is elected statewide, the board
23 of county commissioners shall open the returns of votes cast and
24 make abstracts of the votes.

25 2. Abstracts of votes must be prepared in the manner
26 prescribed by the Secretary of State by regulation.

27 3. The county clerk shall make out a certificate of election to
28 each of the persons having the highest number of votes for the
29 district, county and township offices **H**, *except that if the name of*
30 *an ineligible candidate could not be removed from the ballot*
31 *pursuant to section 2 of this act, the county clerk shall not make*
32 *out a certificate of election to the ineligible candidate regardless of*
33 *the number of votes cast for the ineligible candidate that are a*
34 *nullity and void*.

35 4. Each certificate must be delivered to the person elected upon
36 application at the office of the county clerk.

37 **Sec. 17.2.** NRS 293.395 is hereby amended to read as follows:

38 293.395 1. The board of county commissioners, after making
39 the abstract of votes as provided in NRS 293.393, shall cause the
40 county clerk to certify the abstract and, by an order made and
41 entered in the minutes of its proceedings, to make:

- 42 (a) A copy of the certified abstract; and
- 43 (b) A mechanized report of that abstract in compliance with
- 44 regulations adopted by the Secretary of State,
- 45 ➡ and forthwith transmit them to the Secretary of State.



2. On the fourth Tuesday of November after each general election, the justices of the Supreme Court, or a majority thereof, shall meet with the Secretary of State, and shall open and canvass the vote for the number of presidential electors to which this State may be entitled, United States Senator, Representative in Congress, members of the Legislature, state officers who are elected statewide or by district, district judges, or district officers whose districts include area in more than one county and for and against any question submitted.

3. The Governor shall issue certificates of election to and commission the persons having the highest number of votes and shall issue proclamations declaring the election of those persons ~~H~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the Governor shall not issue a certificate of election to, commission or issue a proclamation declaring the election of the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 17.3. NRS 293.397 is hereby amended to read as follows:
293.397 ~~H~~

1. Except as otherwise provided in this section, a certificate of election or commission must not be withheld from the person having the highest number of votes for the office because of any contest of election filed in the election or any defect or informality in the returns of any election, if it can be ascertained with reasonable certainty from the returns what office is intended and who is entitled to the certificate or commission.

2. If the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, a certificate of election or commission must not be issued or given to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Sec. 17.4. NRS 293.400 is hereby amended to read as follows:

293.400 1. ~~H~~ *Except as otherwise provided in section 1.7 of this act, if,* after the completion of the canvass of the returns of any election, two or more persons receive an equal number of votes, which is sufficient for the election of one or more but fewer than all of them to the office, the person or persons elected must be determined as follows:

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



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

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

2. The summons mentioned in this section must be mailed to the address of the candidate as it appears upon the candidate's declaration of candidacy 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 ~~H~~, *except for ineligible candidates.*

Sec. 17.5. NRS 293.403 is hereby amended to read as follows:

293.403 1. ~~H~~ *Except as otherwise provided in section 1.8 of this act, 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 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:

(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. 17.6. NRS 293.407 is hereby amended to read as follows:

293.407 1. ~~IA~~ *Except as otherwise provided in section 1.8 of this act, a* candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate, except for the office of United States Senator or Representative in Congress.

2. Except where the contest involves the general election for the office of Governor, Lieutenant Governor, Assemblyman, Assemblywoman, State Senator, justice of the Supreme Court or judge of the Court of Appeals, a candidate or voter who wishes to contest an election, including election to the office of presidential elector, must, within the time prescribed in NRS 293.413, file with the clerk of the district court a written statement of contest, setting forth:

(a) The name of the contestant and that the contestant is a registered voter of the political subdivision in which the election to be contested or part of it was held;

(b) The name of the defendant;

(c) The office to which the defendant was declared elected;

(d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and



(e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.

3. The contestant shall verify the statement of contest in the manner provided for the verification of pleadings in civil actions.

4. All material regarding a contest filed by a contestant with the clerk of the district court must be filed in triplicate.

Sec. 17.7. NRS 293.427 is hereby amended to read as follows:

293.427 1. The Secretary of State shall deliver the statement of contest filed pursuant to NRS 293.425 and all other documents, including any amendments to the statement, to the presiding officer of the appropriate house of the Legislature on the day of the organization of the Legislature.

2. Until the contest has been decided, the candidate who received the highest number of votes for the office in the contested election must be seated as a member of the appropriate house **H**, *except that if the name of an ineligible candidate for the office could not be removed from the ballot pursuant to section 2 of this act, the ineligible candidate must not be seated as a member of the appropriate house regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

3. If, before the contest has been decided, a contestant gives written notice to the Secretary of State that the contestant wishes to withdraw his or her statement of contest, the Secretary of State shall dismiss the contest.

4. The contest, if not dismissed, must be heard and decided as prescribed by the standing or special rules of the house in which the contest is to be tried. If, after hearing the contest, the house decides to declare the contestant elected, the Governor shall execute a certificate of election and deliver it to the contestant. The certificate of election issued to the other candidate is thereafter void.

5. In a contest of a general election for the office of Assemblyman, Assemblywoman or Senator, the house in which a contest was tried or was to be tried shall determine the remedy, if any, to be awarded to a party to such a contest. The remedy may include, without limitation, any costs incurred by a party in connection with the contest.

Sec. 17.8. NRS 293.430 is hereby amended to read as follows:

293.430 1. If the contest is of the general election for the office of Governor, Lieutenant Governor, justice of the Supreme Court or judge of the Court of Appeals, the statement of contest and all depositions, ballots and other documents relating to the contest must be filed with the Secretary of State within the time provided for filing statements of contests with the clerk of the district court.

2. Until the contest is decided, the candidate who received the highest number of votes for the office in the contested election must



1 be seated and commence the duties of the office **H**, *except that if*
2 *the name of an ineligible candidate for the office could not be*
3 *removed from the ballot pursuant to section 2 of this act, the*
4 *ineligible candidate must not be seated or commence the duties of*
5 *the office regardless of the number of votes cast for the ineligible*
6 *candidate that are a nullity and void.*

7 3. The Secretary of State shall deliver the statement of contest
8 and all other papers and documents to the speaker of the assembly
9 on the day of the organization of the Legislature.

10 4. A joint session of both houses must be convened as soon
11 thereafter as the business of both houses permits, but not later than
12 10 days after receipt of statement of contest.

13 5. If, before the contest has been decided, a contestant gives
14 written notice to the Secretary of State that the contestant wishes to
15 withdraw his or her statement of contest, the Secretary of State shall
16 dismiss the contest.

17 **Sec. 17.9.** NRS 293.435 is hereby amended to read as follows:

18 293.435 1. After both houses sitting in joint session have
19 decided an election contest, the Secretary of State shall execute and
20 deliver a certificate of election to the person declared elected, unless
21 such a certificate was already issued to that person **H**, *except that if*
22 *the name of an ineligible candidate could not be removed from the*
23 *ballot pursuant to section 2 of this act, the Secretary of State shall*
24 *not execute and deliver a certificate of election to the ineligible*
25 *candidate regardless of the number of votes cast for the ineligible*
26 *candidate that are a nullity and void.*

27 2. If a certificate of election to the same office has been issued
28 to any person other than the one declared to have been elected, that
29 certificate is void.

30 **Sec. 18.** Chapter 293C of NRS is hereby amended by adding
31 thereto the provisions set forth as sections 18.3 and 18.5 of this act.

32 **Sec. 18.3. 1.** *Notwithstanding any other provision of law,*
33 *any vote cast for an ineligible candidate is a nullity and void and*
34 *must not be given any legal force or effect for the purposes of*
35 *determining the outcome of a primary city election, general city*
36 *election or special election or any other city election.*

37 **2.** *The provisions of this section are intended to abrogate any*
38 *principle or rule of the common law to the contrary.*

39 **Sec. 18.5. 1.** *Except as otherwise provided in this section,*
40 *the name of a person who is or becomes an ineligible candidate*
41 *must not appear on the ballot at a primary city election, general*
42 *city election or special election or any other city election.*

43 **2.** *If a person is or becomes an ineligible candidate, the city*
44 *clerk shall remove the name of the person from the ballot, except*



1 *that no changes may be made on the ballot pursuant to this section*
2 *for:*

3 *(a) A primary city election after 5 p.m. on the last Friday in*
4 *February of the year in which the primary city election is held.*

5 *(b) A general city election after 5 p.m. on the second Friday in*
6 *April of the year in which the general city election is held.*

7 *(c) A special election or any other city election after 5 p.m. on*
8 *the last day prescribed by the governing body of the city or the city*
9 *clerk, as applicable, for making changes on the ballot for that*
10 *election.*

11 *3. If the period for making changes on the ballot has elapsed*
12 *pursuant to this section and, for that reason, the city clerk cannot*
13 *remove the name of the person who is or becomes an ineligible*
14 *candidate from the ballot, the city clerk shall:*

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

18 *(1) Post a sign informing voters that the person is not*
19 *eligible to enter upon the duties of the office and that any vote cast*
20 *for the person will be a nullity and void and will not be given any*
21 *legal force or effect for the purposes of determining the outcome*
22 *of the election;*

23 *(2) Place a notice on or near each mechanical recording*
24 *device informing a voter who uses the device that the person is not*
25 *eligible to enter upon the duties of the office and that any vote cast*
26 *for the person will be a nullity and void and will not be given any*
27 *legal force or effect for the purposes of determining the outcome*
28 *of the election; and*

29 *(3) If paper ballots are used, include a notice on or with*
30 *each paper ballot informing a voter who uses the paper ballot that*
31 *the person is not eligible to enter upon the duties of the office and*
32 *that any vote cast for the person will be a nullity and void and will*
33 *not be given any legal force or effect for the purposes of*
34 *determining the outcome of the election; and*

35 *(b) If the absent ballots have not been distributed by the city*
36 *clerk, include a notice on or with each absent ballot informing a*
37 *voter who uses the absent ballot that the person is not eligible to*
38 *enter upon the duties of the office and that any vote cast for the*
39 *person will be a nullity and void and will not be given any legal*
40 *force or effect for the purposes of determining the outcome of the*
41 *election.*

42 **Sec. 19.** NRS 293C.115 is hereby amended to read as follows:
43 293C.115 1. The governing body of a city incorporated
44 pursuant to general law may by ordinance provide for a primary city
45 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~~ 293.166, 293.175, 293.177 ~~and~~ 293.345 and ~~293.368~~ *section 2 of this act* 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. 19.3. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. Except as otherwise provided in NRS 293C.115, a primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the first Tuesday after the first Monday in April of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. Except as otherwise provided in NRS 293C.115, a candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not less than 60 days or more than 70 days before the date of the primary city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

3. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

4. *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

(a) If, in a primary city election held in a city of population category one or two, one candidate receives more than a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and



1 the candidate's name must not be placed on the ballot for the
2 general city election.

3 (b) If, in the primary city election, no candidate receives a
4 majority of votes cast in that election for the office for which he or
5 she is a candidate, the names of the two candidates receiving the
6 highest number of votes must be placed on the ballot for the general
7 city election.

8 **Sec. 19.5.** NRS 293C.180 is hereby amended to read as
9 follows:

10 293C.180 *Except as otherwise provided in sections 18.3 and*
11 *18.5 of this act:*

12 1. If at 5 p.m. on the last day for filing a declaration of
13 candidacy, there is only one candidate who has filed for nomination
14 for an office, that candidate must be declared elected and no election
15 may be held for that office.

16 2. Except as otherwise provided in subsection 1, if not more
17 than twice the number of candidates to be elected have filed for
18 nomination for an office, the names of those candidates must be
19 omitted from all ballots for a primary city election and placed on all
20 ballots for a general city election.

21 3. If more than twice the number of candidates to be elected
22 have filed for nomination for an office, the names of the candidates
23 must appear on the ballot for a primary city election. Except as
24 otherwise provided in subsection 4 of NRS 293C.175, those
25 candidates who receive the highest number of votes at that election,
26 not to exceed twice the number to be elected, must be declared
27 nominees for the office.

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

29 293C.185 1. Except as otherwise provided in NRS 293C.115
30 and 293C.190, *and section 18.5 of this act*, a name may not be
31 printed on a ballot to be used at a primary city election unless the
32 person named has filed a declaration of candidacy or an acceptance
33 of candidacy and has paid the fee established by the governing body
34 of the city not earlier than 70 days before the primary city election
35 and not later than 5 p.m. on the 60th day before the primary city
36 election.

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

39
40 DECLARATION OF CANDIDACY OF FOR THE
41 OFFICE OF

42
43 State of Nevada

44
45 City 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 city, township or other area prescribed by law to which the office pertains began on a date at least ~~130~~ 180 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am 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



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1 NRS 281.050, if one has been assigned. The declaration or
2 acceptance of candidacy must not be accepted for filing if ~~it~~ *the*
3 *candidate fails to comply with the following:*

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

7 (b) The candidate ~~does not~~ *shall* present to the filing officer:

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

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

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

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

19 (b) Must not contain the social security number , ~~for~~ driver's
20 license or identification card number *or account number* of the
21 candidate.

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

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

41 ~~—(a) May conduct~~ *Secretary of State shall:*

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



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

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

8. Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

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

293C.186 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 working days after the last day the person may withdraw his or her candidacy pursuant to NRS 293C.195, an elector may file with the city clerk 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}~~ **laws** of this State . ~~{including, without limitation, a requirement concerning age or residency.}~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~{court}~~ costs of the ~~{challenged person.}~~ **person who is being challenged.**

2. A challenge filed pursuant to subsection 1 must:

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

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

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

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

4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 **working** days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order



1 directing the person to appear before the court at a hearing, at a time
2 and place to be fixed by the court in the order, to show cause why
3 the challenge is not valid. A certified copy of the order must be
4 served upon the person. The court shall give priority to such
5 proceedings over all other matters pending with the court, except for
6 criminal proceedings.

7 5. If, at the hearing, the court determines by a preponderance of
8 the evidence that the challenge is valid or that the person otherwise
9 fails to meet any qualification required for the office pursuant to the
10 constitution or ~~the statute~~ **laws** of this State, or if the person fails to
11 appear at the hearing ~~:~~

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

15 ~~—(b) The~~ **, the** person is ~~disqualified from entering upon the~~
16 ~~duties of the office for which he or she filed the declaration of~~
17 ~~candidacy or acceptance of candidacy.~~ **an ineligible candidate and**
18 **is subject to the provisions of section 2.5 of this act.**

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

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

25 293C.1865 ~~1.1.~~ In addition to any other **remedy or** penalty
26 provided by law, if a person **knowingly and** willfully files a
27 declaration of candidacy or acceptance of candidacy ~~knowing that~~
28 ~~the declaration of candidacy or acceptance of candidacy~~ **which**
29 contains a false statement:

30 ~~—(a) Except as otherwise provided in NRS 293.165 or 293.166,~~
31 ~~the name of the person must not appear on any ballot for the election~~
32 ~~for which the person filed the declaration of candidacy or~~
33 ~~acceptance of candidacy; and~~

34 ~~—(b)~~ **1. The person is an ineligible candidate, and the city**
35 **clerk shall take appropriate action regarding the ineligible**
36 **candidate pursuant to section 18.5 of this act; and**

37 **2.** The person is disqualified from entering upon the duties of
38 the office for which he or she ~~was a candidate.~~

39 ~~—2. If the name of a person who is disqualified from entering~~
40 ~~upon the duties of an office pursuant to subsection 1 appears on a~~
41 ~~ballot for the election is disqualified because the deadline set forth~~
42 ~~in NRS 293.165 and 293.166 for making changes to the ballot has~~
43 ~~passed, the Secretary of State and city clerk must post a sign at each~~
44 ~~polling place where the person's name will appear on the ballot~~
45 ~~informing voters that the person is disqualified from entering upon~~



~~the duties of office.~~ *filed the declaration of candidacy or acceptance of candidacy.*

Sec. 22.3. NRS 293C.187 is hereby amended to read as follows:

293C.187 Not later than 30 days before the primary city election and the general city election, the city clerk shall cause to be published a notice of the election in a newspaper of general circulation in the city once a week for 2 successive weeks. If a newspaper of general circulation is not published in the city, the publication may be made in a newspaper of general circulation published within the county in which the city is located. If a newspaper of general circulation is not published in that county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The names of the candidates ~~and~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, a statement that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.*

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

Sec. 22.5. NRS 293C.190 is hereby amended to read as follows:

293C.190 1. Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after the close of filing and on or before 5 p.m. of the first Tuesday after the first Monday in March in a year in which a general city election is held must be filled by filing a nominating petition that is signed by at least 1 percent of the persons who are registered to vote and who voted for that office at the last preceding general city election. Except as otherwise provided in NRS 293C.115, the petition must be filed not earlier than the third Tuesday in February and not later than the third Tuesday after the third Monday in March. A candidate nominated pursuant to the provisions of this subsection may be elected only at a general city election, and the candidate's name must not appear on the ballot for a primary city election.

2. Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after 5 p.m. of the first Tuesday after the first Monday in March and on or before 5 p.m. of



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1 the second Tuesday after the second Monday in April must be filled
2 by the person who received the next highest vote for the nomination
3 in the primary city election.

4 3. Except to place a candidate nominated pursuant to
5 subsection 1 on the ballot and except as otherwise provided in NRS
6 293C.115, *and section 18.5 of this act*, no change may be made on
7 the ballot for the general city election after 5 p.m. of the second
8 Tuesday after the second Monday in April of the year in which the
9 general city election is held ~~[- If a nominee dies]~~, *and no vacancy*
10 *in a nomination for a city office may be filled* after that time and
11 date ~~[- the nominee's name must remain on the ballot for the~~
12 ~~general city election and, if elected, a vacancy exists.]~~

13 4. Except as otherwise provided in NRS 293C.115, all
14 designations provided for in this section must be filed on or before 5
15 p.m. on the second Tuesday after the second Monday in April of the
16 year in which the general city election is held. The filing fee must be
17 paid and an acceptance of the designation must be filed on or before
18 5 p.m. on ~~[that date.]~~ *the date the designation is filed.*

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

20 293C.200 1. In addition to any other requirement provided by
21 law, no person may be a candidate for a city office unless, for at
22 least the ~~[30]~~ *180* days immediately preceding the date of the close
23 of filing of declarations or acceptances of candidacy for the office
24 that the person seeks, the person has in accordance with NRS
25 281.050, actually, as opposed to constructively, resided in the city or
26 other area prescribed by law to which the office pertains and, if
27 elected, over which he or she will have jurisdiction or which he or
28 she will represent.

29 2. Any person who knowingly and willfully files a declaration
30 of candidacy or ~~[an]~~ acceptance of candidacy ~~[that]~~ *which* contains
31 a false statement ~~[in this respect]~~ *regarding the person's residency*
32 *in violation of this section* is guilty of a gross misdemeanor.

33 **Sec. 23.4.** NRS 293C.257 is hereby amended to read as
34 follows:

35 293C.257 For a primary city election, there must appear at the
36 top of each ballot the designation "Candidates for city offices."
37 Except as otherwise provided in NRS 293.2565, *and section 18.5 of*
38 *this act*, following this designation must appear the names of
39 candidates grouped alphabetically under the title and length of term
40 of the office for which those candidates filed.

41 **Sec. 23.5.** NRS 293C.260 is hereby amended to read as
42 follows:

43 293C.260 1. Except as otherwise provided in NRS 293C.140,
44 *and section 18.5 of this act*, ballots for a general city election must



1 contain the names of candidates who were nominated at the primary
2 city election.

3 2. Except as otherwise provided in NRS 293.2565, *and section*
4 *18.5 of this act*, the names of candidates must be grouped
5 alphabetically under the title and length of term of the office for
6 which those candidates filed.

7 **Sec. 23.7.** NRS 293C.262 is hereby amended to read as
8 follows:

9 293C.262 1. ~~The~~ *Except as otherwise provided in section*
10 *18.5 of this act, the* offices for which there are candidates, the
11 names of the candidates therefor and the questions to be voted upon
12 must be printed on ballots for a city election in the following order:

13 (a) City offices:

14 (1) Mayor;

15 (2) Council members according to ward in numerical order,
16 if no wards, in alphabetical order; and

17 (3) Municipal judges.

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

21 2. The city clerk:

22 (a) May divide paper ballots into two sheets in a manner that
23 provides a clear understanding and grouping of all measures and
24 candidates.

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

27 **Sec. 24.** (Deleted by amendment.)

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

29 293C.367 1. The basic factor to be considered by an election
30 board when making a determination of whether a particular ballot
31 must be rejected is whether any identifying mark appears on the
32 ballot which, in the opinion of the election board, constitutes an
33 identifying mark such that there is a reasonable belief entertained in
34 good faith that the ballot has been tampered with and, as a result of
35 the tampering, the outcome of the election would be affected.

36 2. Regulations for counting ballots must include provisions
37 that:

38 (a) *A vote cast for an ineligible candidate does not invalidate*
39 *any other votes properly marked on that ballot.*

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

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



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~~(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)~~ ~~(g)~~:

(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) *A vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of 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 ~~(f)~~ *in the manner 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 ~~(f)~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the number of votes the ineligible candidate received that are a nullity and void.* The vote for and against any question submitted to the electors must be entered in the same manner.



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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 contain the number of votes cast for each candidate ~~and~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the number of votes cast for the ineligible candidate that are a nullity and void.*

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 ~~H~~,

except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the city clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

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. 28.2. NRS 293C.395 is hereby amended to read as follows:

293C.395 ~~IA~~

1. Except as otherwise provided in this section, a certificate of election or commission must not be withheld from the person having the highest number of votes for the city office because of any contest of election filed in the city election or any defect or informality in the returns of any city election, if it can be ascertained with reasonable certainty from the returns what city office is intended and who is entitled to the certificate or commission.

2. If the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, a certificate of election or commission must not be issued or given to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Sec. 28.21. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election or special election or 30 days before a primary election;

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate or a person, political party or committee for political action,

must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person,



1 political party or committee for political action providing that
2 compensation.

3 2. *If the disclosure required by subsection 1 appears on a*
4 *printed communication:*

5 (a) *The disclosure must be printed in the same typeface that is*
6 *used as the primary or predominant typeface for the main text of*
7 *the printed communication; and*

8 (b) *Except as otherwise provided by regulation of the Secretary*
9 *of State adopted pursuant to subsection 3, the disclosure must be*
10 *printed in:*

11 (1) *At least 12-point font if the disclosure appears on a*
12 *printed communication which is not larger than 24 inches by 36*
13 *inches;*

14 (2) *At least 24-point font if the disclosure appears on a*
15 *printed communication which is larger than 24 inches by 36*
16 *inches and not larger than 48 inches by 72 inches; and*

17 (3) *At least 48-point font if the disclosure appears on a*
18 *printed communication which is larger than 48 inches by 72*
19 *inches.*

20 3. *The Secretary of State may require by regulation the use of*
21 *font sizes larger than those otherwise required by subsection 2.*

22 4. A statement which:

23 (a) Is published by a candidate within 60 days before a general
24 election or special election or 30 days before a primary election; and

25 (b) Contains the name of the candidate,

26 ➔ shall be deemed to comply with the provisions of this section.

27 ~~13-1~~ 5. As used in this section, "publish" means the act of:

28 (a) Printing, posting, broadcasting, mailing or otherwise
29 disseminating; or

30 (b) Causing to be printed, posted, broadcasted, mailed or
31 otherwise disseminated.

32 **Sec. 28.22.** NRS 294A.348 is hereby amended to read as
33 follows:

34 294A.348 1. A person, committee for political action,
35 political party or committee sponsored by a political party that
36 expends more than \$100 for the purpose of financing a
37 communication through any television or radio broadcast,
38 newspaper, magazine, outdoor advertising facility, mailing or any
39 other type of general public political advertising that:

40 (a) Advocates expressly the election or defeat of a clearly
41 identified candidate or group of candidates; or

42 (b) Solicits a contribution through any television or radio
43 broadcast, newspaper, magazine, outdoor advertising facility,
44 mailing or any other type of general public political advertising,



1 ↪ shall disclose on the communication the name of the person,
2 committee for political action, political party or committee
3 sponsored by a political party that paid for the communication.

4 2. If a communication described in subsection 1 is approved by
5 a candidate, in addition to the requirements of subsection 1, the
6 communication must state that the candidate approved the
7 communication and disclose the street address, telephone number
8 and Internet address, if any, of the person, committee for political
9 action, political party or committee sponsored by a political party
10 that paid for the communication.

11 3. A person, committee for political action, political party or
12 committee sponsored by a political party that has an Internet website
13 available for viewing by the general public or that sends out an
14 electronic mailing to more than 500 people that:

15 (a) Advocates expressly the election or defeat of a clearly
16 identified candidate or group of candidates; or

17 (b) Solicits a contribution through any television or radio
18 broadcast, newspaper, magazine, outdoor advertising facility,
19 mailing or any other type of general public political advertising,

20 ↪ shall disclose on the Internet website or electronic mailing, as
21 applicable, the name of the person, committee for political action,
22 political party or committee sponsored by a political party.

23 4. The disclosures and statements required ~~pursuant to~~ by this
24 section must be clear and conspicuous, and easy to read or hear, as
25 applicable. *If the disclosures and statements required by this*
26 *section appear on a printed communication:*

27 (a) *The disclosures and statements must be printed in the same*
28 *typeface that is used as the primary or predominant typeface for*
29 *the main text of the printed communication; and*

30 (b) *Except as otherwise provided by regulation of the Secretary*
31 *of State adopted pursuant to subsection 5, the disclosures and*
32 *statements must be printed in:*

33 (1) *At least 12-point font if the disclosures and statements*
34 *appear on a printed communication which is not larger than 24*
35 *inches by 36 inches;*

36 (2) *At least 24-point font if the disclosures and statements*
37 *appear on a printed communication which is larger than 24 inches*
38 *by 36 inches and not larger than 48 inches by 72 inches; and*

39 (3) *At least 48-point font if the disclosures and statements*
40 *appear on a printed communication which is larger than 48 inches*
41 *by 72 inches.*

42 5. *The Secretary of State may require by regulation the use of*
43 *font sizes larger than those otherwise required by subsection 4.*



Sec. 28.4. NRS 4.020 is hereby amended to read as follows:

4.020 1. There must be one justice court in each of the townships of the State, for which there must be elected by the qualified electors of the township at least one justice of the peace. Except as otherwise provided in subsection 3, the number of justices of the peace in a township must be increased according to the population of the township, as certified by the Governor in even-numbered years pursuant to NRS 360.285, in accordance with and not to exceed the following schedule:

(a) In a county whose population is 700,000 or more:

(1) In a township whose population is less than 1,100,000, one justice of the peace for each 100,000 population of the township, or fraction thereof, until the township has four justices of the peace, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 300,000; and

(2) In a township whose population is 1,100,000 or more, one justice of the peace for each 100,000 population of the township, or fraction thereof, up to a population of 1,100,000, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 1,100,000.

(b) In a county whose population is 100,000 or more and less than 700,000, one justice of the peace for each 50,000 population of the township, or fraction thereof.

(c) In a county whose population is less than 100,000, one justice of the peace for each 34,000 population of the township, or fraction thereof.

(d) If a township includes a city created by the consolidation of a city and county into one municipal government, one justice of the peace for each 30,000 population of the township, or fraction thereof.

2. Except as otherwise provided in subsection 3, if the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township, the new justice or justices of the peace must be elected at the next ensuing biennial election.

3. If the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township and, in the opinion of a majority of the justices of the peace in that township, the caseload does not warrant an additional justice of the peace, the justices of the peace shall notify the Director of the Legislative Counsel Bureau and the board of county commissioners of their opinion on or before March 15 of the even-numbered year in which the population of the township provides for such an increase. The Director of the Legislative Counsel Bureau shall submit the opinion to the next regular session of the Legislature for its



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1 consideration. If the justices of the peace transmit such a notice to
2 the Director of the Legislative Counsel Bureau and the board of
3 county commissioners, the number of justices must not be increased
4 during that period unless the Legislature, by resolution, expressly
5 approves the increase.

6 4. Justices of the peace shall receive certificates of election
7 from the boards of county commissioners of their respective
8 counties ~~H~~, *except that if the name of an ineligible candidate*
9 *could not be removed from the ballot pursuant to section 2 of this*
10 *act, the board of county commissioners shall not issue a certificate*
11 *of election to the ineligible candidate regardless of the number of*
12 *votes cast for the ineligible candidate that are a nullity and void.*

13 5. The clerk of the board of county commissioners shall, within
14 10 days after the election or appointment and qualification of any
15 justice of the peace, certify under seal to the Secretary of State the
16 election or appointment and qualification of the justice of the peace.
17 The certificate must be filed in the Office of the Secretary of State
18 as evidence of the official character of that officer.

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

20 218A.200 *1.* A person is not eligible to be elected or
21 appointed to office as a Legislator unless the person:

22 ~~H~~ *(a)* Is a qualified elector;

23 ~~H~~ *(b)* Has been an actual, as opposed to constructive, citizen
24 resident, *in accordance with NRS 281.050, of ~~this~~ :*

25 *(1) This State for the period of 1 year ~~next~~ immediately*
26 *preceding the person's election or appointment; and*

27 *(2) The district prescribed by law for the office for at least*
28 *180 days immediately preceding the date of the close of filing of,*
29 *as applicable:*

30 *(I) Declarations of candidacy or acceptances of*
31 *candidacy for the office pursuant to chapter 293 of NRS; or*

32 *(II) Applications for appointment to the office; ~~and~~*

33 ~~3~~ *(c)* At the time of election or appointment, has attained the
34 age of 21 years ~~H~~; *and*

35 *(d) Meets all other qualifications for the office as required by*
36 *the Constitution and laws of this State.*

37 *2. Any person who knowingly and willfully files a declaration*
38 *of candidacy or acceptance of candidacy pursuant to chapter 293*
39 *of NRS or an application for appointment to office as a Legislator*
40 *which contains a false statement regarding the person's*
41 *qualifications for the office in violation of this section is guilty of a*
42 *gross misdemeanor.*



1 **Sec. 29.1.** NRS 218A.210 is hereby amended to read as
2 follows:

3 218A.210 A person who is elected to office as a Legislator is
4 entitled to receive a certificate of election from the Governor ~~H~~ ,
5 *except that if the name of an ineligible candidate for office as a*
6 *Legislator could not be removed from the ballot pursuant to*
7 *section 2 of this act, the Governor shall not issue a certificate of*
8 *election to the ineligible candidate regardless of the number of*
9 *votes cast for the ineligible candidate that are a nullity and void.*

10 **Sec. 29.2.** NRS 218A.220 is hereby amended to read as
11 follows:

12 218A.220 1. A person who receives a certificate of election
13 or appointment to office as a Legislator must take and subscribe to
14 the official oath before the person takes office as a Legislator, and
15 an entry thereof must be made on the journal of the proper House.

16 2. *A person shall not take and subscribe to the official oath to*
17 *take office as a Legislator if, at any time after the person most*
18 *recently filed a declaration of candidacy or acceptance of*
19 *candidacy for the office pursuant to chapter 293 of NRS and on or*
20 *before the date of the most recent general election held for the*
21 *office, a court of competent jurisdiction has found in any*
22 *preelection action that the person is an ineligible candidate*
23 *because the person fails to meet any qualification required for the*
24 *office pursuant to the Constitution or laws of this State.*

25 **Sec. 29.3.** NRS 218A.260 is hereby amended to read as
26 follows:

27 218A.260 1. If a vacancy occurs in the office of a Legislator
28 during a regular or special session or at a time when no biennial
29 election or regular election at which county officers are to be elected
30 will take place between the occurrence of the vacancy and the next
31 regular or special session, the vacancy must be filled in the manner
32 provided in this section.

33 2. If the former Legislator was elected or appointed from a
34 district wholly within one county, the board of county
35 commissioners of the county in which the district is located shall fill
36 the vacancy by appointing a person who is a member of the same
37 political party as the former Legislator and who ~~actually, as~~
38 ~~opposed to constructively, resides in the district.~~ *meets all*
39 *qualifications for the office as required by NRS 218A.200.*

40 3. If the former Legislator was elected or appointed from a
41 district comprising more than one county, the county commissioners
42 of each county within or partly within the district shall fill the
43 vacancy by appointing a person who is a member of the same
44 political party as the former Legislator and who ~~actually, as~~
45 ~~opposed to constructively, resides in the district.~~ *meets all*



1 *qualifications for the office as required by NRS 218A.200.* To fill
2 the vacancy:

3 (a) Each board of county commissioners shall first meet
4 separately and determine the single candidate it will nominate to fill
5 the vacancy.

6 (b) The boards shall then meet jointly. The joint meeting must
7 be chaired by the person who is the chair of the board of county
8 commissioners of the county with the largest population in the
9 district. At the joint meeting:

10 (1) The chair of each board, on behalf of that board, shall
11 cast a proportionate number of votes according to the percent,
12 rounded to the nearest whole percent, which the population of that
13 board's county is of the population of the entire district. Populations
14 must be determined by the last decennial census or special census
15 conducted by the Bureau of the Census of the United States
16 Department of Commerce.

17 (2) The person who receives a plurality of these votes is
18 appointed to fill the vacancy. If no person receives a plurality of the
19 votes, the boards of county commissioners of the respective counties
20 shall each select a candidate, and the appointee must be chosen by
21 drawing lots among the candidates so selected.

22 4. The board of county commissioners or the board of the
23 county with the largest population in the district shall issue a
24 certificate of appointment naming the appointee. The county clerk
25 or the clerk of the county with the largest population in the district
26 shall give the certificate to the appointee and send a copy of the
27 certificate to the Secretary of State.

28 **Sec. 29.4.** NRS 218A.400 is hereby amended to read as
29 follows:

30 218A.400 1. Before the Assembly meets for each regular
31 session, the Secretary of State shall make out a roll from the returns
32 on file in the Secretary of State's office of the persons who received
33 the highest number of votes to be elected to office as members of
34 the Assembly in each district in the general election ~~H~~, *except that*
35 *if the name of an ineligible candidate for office as a member of*
36 *the Assembly could not be removed from the ballot pursuant to*
37 *section 2 of this act, the Secretary of State shall not include the*
38 *ineligible candidate upon the roll of the persons elected to office*
39 *as members of the Assembly and the name of the ineligible*
40 *candidate must not appear upon the roll regardless of the number*
41 *of votes cast for the ineligible candidate that are a nullity and void.*
42 The members whose names appear upon the roll must be allowed to
43 participate in the organization of the Assembly.

44 2. On the first day of each regular session at a time that is
45 appropriate for that regular session, the Secretary of State shall call



1 the Assembly to order and shall preside over the Assembly until a
2 presiding officer is elected.

3 3. If a special session is convened between the date of the
4 general election and the date of the next regular session, the
5 Assembly must be organized for the special session according to
6 the procedure set forth in this section, except that on the first day of
7 the special session, the Secretary of State shall call the Assembly to
8 order at a time that is appropriate for that special session.

9 **Sec. 29.5.** NRS 245.010 is hereby amended to read as follows:

10 245.010 All county officers elected by the people shall receive
11 certificates of election from the boards of county commissioners of
12 their respective counties **H**, *except that if the name of an ineligible*
13 *candidate could not be removed from the ballot pursuant to*
14 *section 2 of this act, the board of county commissioners shall not*
15 *issue a certificate of election to the ineligible candidate regardless*
16 *of the number of votes cast for the ineligible candidate that are a*
17 *nullity and void.*

18 **Sec. 29.6.** NRS 258.010 is hereby amended to read as follows:

19 258.010 1. Except as otherwise provided in subsections 2
20 and 3:

21 (a) Constables must be elected by the qualified electors of their
22 respective townships.

23 (b) The constables of the several townships of the State must be
24 chosen at the general election of 1966, and shall enter upon the
25 duties of their offices on the first Monday of January next
26 succeeding their election, and hold their offices for the term of 4
27 years thereafter, until their successors are elected and qualified.

28 (c) Constables must receive certificates of election from the
29 boards of county commissioners of their respective counties **H**,
30 *except that if the name of an ineligible candidate could not be*
31 *removed from the ballot pursuant to section 2 of this act, the board*
32 *of county commissioners shall not issue a certificate of election to*
33 *the ineligible candidate regardless of the number of votes cast for*
34 *the ineligible candidate that are a nullity and void.*

35 2. In a county which includes only one township, the board of
36 county commissioners may, by resolution, appoint the sheriff ex
37 officio constable to serve without additional compensation. The
38 resolution must not become effective until the completion of the
39 term of office for which a constable may have been elected.

40 3. In a county whose population:

41 (a) Is less than 700,000, if the board of county commissioners
42 determines that the office of constable is not necessary in one or
43 more townships within the county, it may, by ordinance, abolish the
44 office of constable in those townships.



(b) Is 700,000 or more, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office in those townships, but the abolition does not become effective as to a particular township until the constable incumbent on May 28, 1979, does not seek, or is defeated for, reelection.

➤ For a township in which the office of constable has been abolished, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation.

Sec. 29.7. NRS 267.040 is hereby amended to read as follows:

267.040 1. Nominations of the electors must be made by petition of one-fifth of the qualified voters of the incorporated city.

2. The petition must be filed with the governing body of the city at least 30 days before the day of the election, as provided for in NRS 267.030. ~~{The}~~

3. *Except as otherwise provided in section 18.5 of this act, the names of all candidates so filed must be placed upon the official ballots to be voted at the election.*

Sec. 29.8. NRS 267.050 is hereby amended to read as follows:

267.050 Within 6 working days after the date of the election, the legislative authority of the incorporated city shall:

1. Meet and canvass the returns of the election.

2. Declare the result thereof.

3. Issue certificates of election to the 15 qualified electors having the highest vote therefor ~~{H}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the legislative authority of the incorporated city shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

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

281.050 1. The residence of a person with reference to *his or her* eligibility to *any* office is the person's actual residence within the State, ~~{or}~~ county, ~~{or}~~ district, *ward, subdistrict or any other unit prescribed by law*, 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}~~ *a declaration of candidacy or acceptance of candidacy* for *any* 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~~



1 ~~is a candidate and~~ , *as the case may be*, in which the person is
2 required actually, as opposed to constructively, to reside ~~to a~~
3 ~~vacancy is created thereby~~ *in order for the person to be eligible*
4 *to the office, the person is an ineligible candidate* and the *county*
5 *clerk or city clerk, as applicable, shall take* appropriate action ~~for~~
6 ~~filling the vacancy must be taken.~~ *regarding the ineligible*
7 *candidate pursuant to section 2 or 18.5 of this act.* A person shall
8 be deemed to have moved the person's residence for the purposes of
9 this section if:

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

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

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

15 4. *If, in any preelection action for declaratory judgment, the*
16 *district court finds that a person who has filed a declaration of*
17 *candidacy or acceptance of candidacy for any elective office fails*
18 *to meet any qualification concerning residence required for the*
19 *office pursuant to the Constitution or laws of this State, the person*
20 *is an ineligible candidate and is subject to the provisions of section*
21 *2.5 of this act.*

22 5. As used in this section ~~to~~ *“actual”* :

23 (a) *“Actual residence”* means the place *of permanent*
24 *habitation* where a person *actually resides and* is legally domiciled
25 ~~. and maintains a permanent habitation.~~ If the person maintains
26 more than one ~~such~~ *place of permanent* habitation, the place the
27 person declares to be the person's principal permanent habitation
28 when filing a declaration *of candidacy* or ~~affidavit pursuant to NRS~~
29 ~~293.177 or 293C.185 shall be deemed to~~ *acceptance of candidacy*
30 *for any elective office must* be the ~~person's actual residence.~~ *place*
31 *where the person actually resides and is legally domiciled in order*
32 *for the person to be eligible to the office.*

33 (b) *“Declaration of candidacy or acceptance of candidacy”*
34 *means a declaration of candidacy or acceptance of candidacy filed*
35 *pursuant to chapter 293 or 293C of NRS.*

36 **Sec. 31.** NRS 283.130 is hereby amended to read as follows:

37 283.130 Any officer elected or appointed to fill any vacancy
38 shall be commissioned, or shall receive a certificate of election or
39 appointment to such office ~~to~~ , *except that if the name of an*
40 *ineligible candidate could not be removed from the ballot pursuant*
41 *to section 2 or 18.5 of this act, a certificate of election or*
42 *commission must not be issued or given to the ineligible candidate*
43 *regardless of the number of votes cast for the ineligible candidate*
44 *that are a nullity and void.*



Sec. 32. NRS 306.070 is hereby amended to read as follows:

306.070 1. If there are no other candidates nominated to be voted for at the special election, there must be printed on the ballot the name of the officer sought to be recalled, the office which he or she holds, and the words "For Recall" and "Against Recall."

2. ~~¶¶~~ *Except as otherwise provided in sections 2 and 18.5 of this act, if* there are other candidates nominated for the office to be voted for at the special election, there must be printed upon the ballot the name of the officer sought to be recalled, and the office which he or she holds, and the name or names of such other candidates as may be nominated to be voted for at the special election, and the words "For Recall" and "Against Recall" must be omitted.

3. In other respects the ballot must conform with the requirements of this title.

Sec. 33. NRS 309.060 is hereby amended to read as follows:

309.060 1. The board of county commissioners shall meet on or before the sixth working day succeeding the election provided for in NRS 309.050 and proceed to canvass the votes. ~~¶and, if¶~~

2. *If*, upon the canvass, it appears that a majority of votes cast were for "Local Improvement District—Yes," the board, by an order entered upon its minutes, shall ~~¶declare¶~~ :

(a) *Declare* the territory organized as an improvement district under the name and style theretofore designated ~~¶and¶~~ ;

(b) *Except as otherwise provided in section 1.7 of this act*, declare the persons receiving respectively the highest number of votes for directors to be elected ~~¶and cause¶~~ ; and

(c) *Cause* a copy of the order and a plat of the district, each certified by the clerk of the board of county commissioners, to be recorded immediately in the office of the county recorder of each county in which any portion of the district is situated. ~~¶and certified¶~~ *Certified* copies thereof must also be recorded with the county clerks of those counties.

3. Thereafter, the organization of the district is complete.

Sec. 34. NRS 318.095 is hereby amended to read as follows:

318.095 Except as otherwise provided in NRS 318.0953:

1. There must be held simultaneously with the first general election in the county after the creation of the district and simultaneously with every general election thereafter an election to be known as the biennial election of the district. The election must be conducted under the supervision of the county clerk or registrar of voters. A district shall reimburse the county clerk or registrar of voters for the costs he or she incurred in conducting the election for the district.



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2. The office of trustee is a nonpartisan office. The general election laws of this State govern the candidacy, nominations and election of a member of the board. ~~The~~ *Except as otherwise provided in section 2 of this act, the* names of the candidates for trustee of a district may be placed on the ballot for the primary or general election.

3. Except as otherwise provided in NRS 318.083, at the first biennial election in any district organized or reorganized and operating under this chapter and each fourth year thereafter, there must be elected by the qualified electors of the district two qualified electors as members of the board to serve for terms of 4 years. At the second biennial election and each fourth year thereafter, there must be so elected three qualified electors as members of the board to serve for terms of 4 years.

4. The secretary of the district shall give notice of election by publication and shall arrange such other details in connection therewith as the county clerk or registrar of voters may direct.

5. Any new member of the board must qualify in the same manner as members of the first board qualify.

Sec. 35. NRS 318.0951 is hereby amended to read as follows:

318.0951 Except as otherwise provided in NRS 318.0952 or 318.0953 ~~§~~ *and sections 1.7 and 2 of this act:*

1. Each trustee elected at any biennial election must be chosen by a plurality of the qualified electors of the district voting on the candidates for the vacancies to be filled.

2. Except as otherwise provided in NRS 318.083, if there are two regular terms which end on the first Monday in January next following the biennial election, the two qualified electors receiving the highest and next highest number of votes must be elected. If there are three regular terms so ending, the three qualified electors receiving the highest, next highest and third highest number of votes must be elected.

3. If there is a vacancy in an unexpired regular term to be filled at the biennial election, as provided in subsection 5 of NRS 318.090, the candidate who receives the highest number of votes, after there are chosen the successful candidates to fill the vacancies in expired regular terms as provided in subsection 2, must be elected.

Sec. 36. NRS 386.260 is hereby amended to read as follows:

386.260 1. Trustees shall be elected as provided in the election laws of this state.

2. After the close of any election, and in accordance with law, the board of county commissioners shall make abstracts of the votes cast for trustees and shall order the county clerk to issue ~~election~~ certificates *of election* to the candidates elected ~~§~~ *, except that if the name of an ineligible candidate could not be removed from the*



1 *ballot pursuant to section 2 of this act, the board of county*
2 *commissioners shall not order the county clerk to issue a*
3 *certificate of election to the ineligible candidate regardless of the*
4 *number of votes cast for the ineligible candidate that are a nullity*
5 *and void.*

6 3. Immediately, the county clerk shall transmit a copy of each
7 ~~election~~ certificate *of election* to the Superintendent of Public
8 Instruction.

9 **Sec. 37.** NRS 450.080 is hereby amended to read as follows:

10 450.080 Except in counties where the board of county
11 commissioners is the board of hospital trustees ~~+~~ *and except as*
12 *otherwise provided in sections 1.7 and 2 of this act:*

13 1. The offices of hospital trustees are hereby declared to be
14 nonpartisan, and the names of candidates for such offices shall
15 appear alike upon the ballots of all parties at all primary elections.

16 2. At the general election only the names of those candidates,
17 not to exceed twice the number of hospital trustees to be elected,
18 who received the highest numbers of votes at the primary election
19 shall appear on the ballot.

20 **Sec. 38.** NRS 474.110 is hereby amended to read as follows:

21 474.110 1. The election having been held, the board of
22 county commissioners shall, on the first Monday succeeding the
23 election, if then in session, or at its next succeeding general or
24 special session, proceed to canvass the votes cast at the election.

25 2. If upon such canvass it appears that a majority of all votes
26 cast in the district, and in each portion of the counties included in
27 the district if lands in more than one county are included therein, are
28 in favor of the formation of the district, the board shall, by an order
29 entered in its minutes, declare:

30 (a) Such territory organized as a county fire protection district
31 under the name theretofore designated; and

32 (b) ~~The~~ *Except as otherwise provided in section 1.7 of this*
33 *act, the* persons receiving, respectively, the highest number of votes
34 for the directors to be elected to those offices.

35 **Sec. 39.** NRS 539.055 is hereby amended to read as follows:

36 539.055 1. The board of county commissioners shall meet on
37 or before the sixth working day succeeding such election and
38 proceed to canvass the votes. ~~least thereat~~

39 2. If , upon such canvass , it appears that a majority of the
40 electors voted "Irrigation District—Yes," the board, by an order
41 entered upon its minutes, shall:

42 (a) Declare such territory duly organized as an irrigation district
43 under the name and style theretofore designated.



(b) ~~He declare~~ *Except as otherwise provided in section 1.7 of this act, declare* the persons receiving respectively the highest number of votes for directors to be duly elected.

(c) Cause a copy of such order and a plat of the district, each duly certified by the clerk of the board of county commissioners, to be immediately filed for record in the office of the county recorder of each county in which any portion of such lands is situated. Certified copies thereof ~~shall~~ *must* also be filed with the county clerks of such counties.

3. Thereafter, the organization of the district ~~shall be~~ *is* complete.

Sec. 40. NRS 539.157 is hereby amended to read as follows:

539.157 1. ~~The~~ *Except as otherwise provided in section 1.7 of this act, the* board of directors must declare elected the person or persons having the highest number of votes given for each office.

2. The secretary shall immediately make out and deliver to such person or persons a certificate of election ~~it~~ signed by the secretary and authenticated with the seal of the board ~~it~~ , *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the secretary shall not make out and deliver a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 41. NRS 539.180 is hereby amended to read as follows:

539.180 1. Upon the ballot for the election there shall be printed verbatim, as set forth in the recall petition, the reason for demanding the recall of the director, and in not more than 200 words, if furnished by the director, the director's justification of his or her course in office.

2. If there are no other candidates nominated to be voted for at the special election, there shall be printed on the ballot the name of the director sought to be recalled, the office which he or she holds, and the words "For Recall" and "Against Recall."

3. ~~It~~ *Except as otherwise provided in section 2 of this act, if* there are other candidates nominated for the office to be voted for at the special election, there shall be printed upon the ballot the name of the director sought to be recalled, and the office which he or she holds, and the name or names of such other candidates as may be nominated to be voted for at the special election, and the words "For Recall" and "Against Recall" shall be omitted.

4. In other respects the ballot shall conform with the requirements of the general election laws of this state.

Sec. 42. NRS 539.183 is hereby amended to read as follows:

539.183 1. ~~It~~ *Except as otherwise provided in section 1.7 of this act, if* there are other candidates nominated to be voted for at



1 the special election, the candidate who receives the highest number
2 of votes at the special election shall be deemed elected for the
3 remainder of the term, whether it is the person against whom the
4 recall petition was filed or another.

5 2. If any director is recalled upon a special election and the
6 other candidates are not nominated to be voted for at the special
7 election, the vacancy thereby created shall be filled in the manner
8 provided by law.

9 **Sec. 43.** Section 96 of the Charter of Boulder City is hereby
10 amended to read as follows:

11 Section 96. Conduct of municipal elections.

12 1. All municipal elections must be nonpartisan in
13 character and must be conducted in accordance with the
14 provisions of the general election laws of the State of Nevada
15 and any ordinance regulations as adopted by the City Council
16 which are consistent with law and this Charter. (1959
17 Charter)

18 2. All full terms of office in the City Council are 4 years,
19 and Council Members must be elected at large without regard
20 to precinct residency. Except as otherwise provided in
21 subsection 8, two full-term Council Members and the Mayor
22 are to be elected in each year immediately preceding a federal
23 presidential election, and two full-term Council Members are
24 to be elected in each year immediately following a federal
25 presidential election. In each election, the candidates
26 receiving the greatest number of votes must be declared
27 elected to the vacant full-term positions **H**, *except that if the*
28 *name of an ineligible candidate could not be removed from*
29 *the ballot pursuant to section 18.5 of this act, the ineligible*
30 *candidate must not be declared elected regardless of the*
31 *number of votes cast for the ineligible candidate that are a*
32 *nullity and void.* (Add. 17; Amd. 1; 11-5-1996)

33 3. In the event one or more 2-year term positions on the
34 Council will be available at the time of a municipal election
35 as provided in section 12, candidates must file specifically for
36 such position(s). Candidates receiving the greatest respective
37 number of votes must be declared elected to the respective
38 available 2-year positions **H**, *except that if the name of an*
39 *ineligible candidate could not be removed from the ballot*
40 *pursuant to section 18.5 of this act, the ineligible candidate*
41 *must not be declared elected regardless of the number of*
42 *votes cast for the ineligible candidate that are a nullity and*
43 *void.* (Add. 15; Amd. 2; 6-4-1991)

44 4. Except as otherwise provided in subsection 8, a
45 primary municipal election must be held on the first Tuesday



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1 after the first Monday in April of each odd-numbered year
2 and a general municipal election must be held on the first
3 Tuesday after the first Monday in June of each odd-numbered
4 year.

5 5. A primary municipal election must not be held if no
6 more than double the number of Council Members to be
7 elected file as candidates. A primary municipal election must
8 not be held for the office of Mayor if no more than two
9 candidates file for that position. The primary municipal
10 election must be held for the purpose of eliminating
11 candidates in excess of a figure double the number of Council
12 Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

13 6. If, in the primary municipal election, a candidate
14 receives votes equal to a majority of voters casting ballots in
15 that election, ~~he or she~~ *the candidate* shall be considered
16 elected to one of the vacancies and his or her name shall not
17 be placed on the ballot for the general municipal election ~~†~~,
18 *except that if the name of an ineligible candidate could not*
19 *be removed from the ballot pursuant to section 18.5 of this*
20 *act, the ineligible candidate must not be considered elected*
21 *regardless of the number of votes cast for the ineligible*
22 *candidate that are a nullity and void.* (Add. 10; Amd. 7;
23 6-2-1981)

24 7. In each primary and general municipal election, voters
25 are entitled to cast ballots for candidates in a number equal to
26 the number of seats to be filled in the municipal elections.
27 (Add. 11; Amd. 5; 6-7-1983)

28 8. The City Council may by ordinance provide for a
29 primary municipal election and general municipal election on
30 the dates set forth for primary elections and general elections
31 pursuant to the provisions of chapter 293 of NRS.

32 9. If the City Council adopts an ordinance pursuant to
33 subsection 8, the dates set forth in NRS 293.12755, ~~†in~~
34 ~~subsections 2 to 5, inclusive, of NRS†~~ 293.165 ~~†and in NRS†~~,
35 *293.166, 293.175, 293.177 †† and 293.345 and †293.368†*
36 *section 2 of this act* apply for the purposes of conducting the
37 primary municipal elections and general municipal elections.

38 10. If the City Council adopts an ordinance pursuant to
39 subsection 8, the ordinance must not affect the term of office
40 of any elected official of the City serving in office on the
41 effective date of the ordinance. The next succeeding term for
42 that office may be shortened but may not be lengthened as a
43 result of the ordinance.

44 11. The conduct of all municipal elections must be under
45 the control of the City Council, which shall adopt by



ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 44. Section 5.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada 2013, at page 1182, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) On the first Tuesday after the first Monday in June 1973, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and one Council Member who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the first Tuesday after the first Monday in June 1975, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(c) On the first Tuesday after the first Monday in June 1975, there shall be elected by the qualified voters of the City at a general municipal election to be held for that purpose one Council Member who shall hold office for a period of 2 years and until his or her successor has been elected and qualified.

(d) On the first Tuesday after the first Monday in June 1977, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~,



1 293.166, 293.175, 293.177 ~~§~~ and 293.345 and ~~293.368~~
2 *section 2 of this act* apply for the purposes of conducting the
3 primary municipal elections and general municipal elections.

4 4. If the City Council adopts an ordinance pursuant to
5 subsection 2, the term of office of any elected official may be
6 shortened but may not be lengthened as a result of the
7 ordinance.

8 **Sec. 45.** Section 5.050 of the Charter of the City of Caliente,
9 being chapter 31, Statutes of Nevada 1971, as amended by chapter
10 312, Statutes of Nevada 2003, at page 1728, is hereby amended to
11 read as follows:

12 Sec. 5.050 Names on ballots.

13 1. ~~The full names of all candidates, except those~~
14 *Except for candidates* who have withdrawn ~~and died~~ *pursuant*
15 *to the election laws of this State or who are* or become
16 ineligible ~~§~~ *candidates whose names must be removed from*
17 *the ballot pursuant to section 18.5 of this act, the full names*
18 *of all candidates* must be printed on the official ballots
19 without party designation or symbol.

20 2. If two or more candidates have the same surname or
21 surnames so similar as to be likely to cause confusion and:

22 (a) None of them is an incumbent, their middle names or
23 middle initials, if any, must be included in their names as
24 printed on the ballot; or

25 (b) One of them is an incumbent, the name of the
26 incumbent must be listed first and must be printed in bold
27 type.

28 **Sec. 46.** Section 5.100 of the Charter of the City of Caliente,
29 being chapter 31, Statutes of Nevada 1971, as amended by chapter
30 185, Statutes of Nevada 2007, at page 627, is hereby amended to
31 read as follows:

32 Sec. 5.100 Election returns; canvass; certificates of
33 election; entry of officers upon duties; tie vote procedure.

34 1. The election returns from any municipal election shall
35 be filed with the City Clerk, who shall immediately place
36 such returns in a safe or vault, and no person shall be
37 permitted to handle, inspect or in any manner interfere with
38 such returns until canvassed by the City Council.

39 2. The City Council shall meet within 6 working days
40 after any election and canvass the returns and declare the
41 result. The election returns shall then be sealed and kept by
42 the City Clerk for 6 months, and no person shall have access
43 thereto except on order of a court of competent jurisdiction or
44 by order of the City Council.



3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election ~~+~~ , *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~+~~ who are elected shall qualify and enter upon the discharge of their respective duties on the first Monday in July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The *City* Clerk shall then issue to the winner a certificate of election ~~+~~ , *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 47. Section 5.015 of the Charter of the City of Carlin, being chapter 493, Statutes of Nevada 2009, as amended by chapter 501, Statutes of Nevada 2011, at page 3310, is hereby amended to read as follows:

Sec. 5.015 Filing of declarations of candidacy.

~~+~~ A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk as provided by the election laws of this State. The City Clerk shall charge and collect from the candidate and the candidate must pay to the City Clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the City Council by ordinance or resolution.

~~{2. If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.}~~

Sec. 48. Section 5.040 of the Charter of the City of Carlin, being chapter 493, Statutes of Nevada 2009, at page 2937, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates* who have withdrawn ~~{, died}~~ *pursuant to the election laws of this State or who are* or become ineligible ~~{before the close of filing and any applicable period}~~



~~for withdrawal of candidacy.~~ *candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 49. Section 5.090 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 628, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person is permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Council Members.

2. The Board of Council Members shall meet on or before the sixth working day after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Council Members.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election ~~H~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~to~~ *who are* elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

(a) July next following their election for those officers elected in June 2007.

(b) January next following their election for those officers elected in November 2008 and November of every even-numbered year thereafter.



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4. If any election should result in a tie, the Board of Council Members shall summon the candidates who received the tie vote and determine the tie by lot. The *City* Clerk shall then issue to the winner a certificate of election ~~H~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 50. Section 5.010 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 100, Statutes of Nevada 1999, at page 271, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the date fixed by the election laws of this state for statewide elections, at which time there must be nominated candidates for offices to be voted for at the next general election.

2. A candidate for any office to be voted for at any primary election must file a declaration of candidacy as provided by the election laws of this state.

3. All candidates for the office of Mayor and Supervisor, and candidates for the office of Municipal Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.

4. *Except as otherwise provided in sections 1.7 and 2 of this act:*

(a) If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.

~~5.1~~ (b) If in the primary election one candidate receives more than a majority of votes cast in that election for the office for which he or she is a candidate, his or her name alone must be placed on the ballot for the general election.

(c) If in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election.

Sec. 51. Section 5.050 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.



1 1. ~~{The full names of all candidates, except those}~~
2 *Except for candidates* who have withdrawn ~~{, died}~~ *pursuant*
3 *to the election laws of this State or who are* or become
4 ineligible ~~{}~~ *candidates whose names must be removed from*
5 *the ballot pursuant to section 2 of this act, the full names of*
6 *all candidates* must be printed on the official ballots without
7 party designation or symbol.

8 2. If two or more candidates have the same surname or
9 surnames so similar as to be likely to cause confusion and:

10 (a) None of them is an incumbent, their middle names or
11 middle initials, if any, must be included in their names as
12 printed on the ballot; or

13 (b) One of them is an incumbent, the name of the
14 incumbent must be listed first and must be printed in bold
15 type.

16 **Sec. 52.** Section 5.100 of the charter of Carson City, being
17 chapter 213, Statutes of Nevada 1969, as amended by chapter 189,
18 Statutes of Nevada 1977, at page 354, is hereby amended to read as
19 follows:

20 Sec. 5.100 Election returns; canvass; certificates of
21 election; entry of officers upon duties.

22 1. The election returns from any special, primary or
23 general municipal election shall be filed with the Clerk, who
24 shall immediately place such returns in a safe or vault, and no
25 person shall be permitted to handle, inspect or in any manner
26 interfere with such returns until canvassed by the Board.

27 2. The Board shall meet within 10 days after any
28 election and canvass the returns and declare the result. The
29 election returns shall then be sealed and kept by the Clerk for
30 6 months and no person shall have access thereto except on
31 order of a court of competent jurisdiction or by order of the
32 Board.

33 3. The Clerk, under his or her hand and official seal,
34 shall issue to each person declared to be elected a certificate
35 of election ~~{}~~ *, except that if the name of an ineligible*
36 *candidate could not be removed from the ballot pursuant to*
37 *section 2 of this act, the Clerk shall not issue a certificate of*
38 *election to the ineligible candidate regardless of the number*
39 *of votes cast for the ineligible candidate that are a nullity*
40 *and void.* The officers ~~{so}~~ *who are* elected shall qualify and
41 enter upon the discharge of their respective duties on the 1st
42 Monday in January next following their election.



1 **Sec. 53.** Section 5.040 of the Charter of the City of Elko,
2 being chapter 276, Statutes of Nevada 1971, as amended by chapter
3 312, Statutes of Nevada 2003, at page 1729, is hereby amended to
4 read as follows:

5 Sec. 5.040 Names on ballots.

6 1. ~~The full names of all candidates, except those~~
7 *Except for candidates* who have withdrawn ~~to die~~ *pursuant*
8 *to the election laws of this State or who are* or become
9 ineligible ~~to~~ *candidates whose names must be removed from*
10 *the ballot pursuant to section 18.5 of this act, the full names*
11 *of all candidates* must be printed on the official ballots
12 without party designation or symbol.

13 2. If two or more candidates have the same surname or
14 surnames so similar as to be likely to cause confusion and:

15 (a) None of them is an incumbent, their middle names or
16 middle initials, if any, must be included in their names as
17 printed on the ballot; or

18 (b) One of them is an incumbent, the name of the
19 incumbent must be listed first and must be printed in bold
20 type.

21 **Sec. 54.** Section 5.090 of the Charter of the City of Elko,
22 being chapter 276, Statutes of Nevada 1971, as last amended by
23 chapter 231, Statutes of Nevada 2011, at page 1003, is hereby
24 amended to read as follows:

25 Sec. 5.090 Election returns; canvass; certificates of
26 election; entry of officers upon duties; tie vote procedure.

27 1. The election returns from a municipal election must
28 be filed with the City Clerk, who shall immediately place the
29 returns in a safe or vault. No person may handle, inspect or in
30 any manner interfere with the returns until the returns are
31 canvassed by the City Council.

32 2. The City Council shall meet within 6 working days
33 after an election and canvass the returns and declare the
34 result. The election returns must be sealed and kept by the
35 City Clerk for 2 years, and no person may have access thereto
36 except on order of a court of competent jurisdiction or by
37 order of the City Council.

38 3. The City Clerk, under his or her hand and official
39 seal, shall issue to each person declared to be elected a
40 certificate of election ~~to~~ *, except that if the name of an*
41 *ineligible candidate could not be removed from the ballot*
42 *pursuant to section 18.5 of this act, the City Clerk shall not*
43 *issue a certificate of election to the ineligible candidate*
44 *regardless of the number of votes cast for the ineligible*
45 *candidate that are a nullity and void.* The officers ~~to~~ *who*



1 *are* elected shall qualify and enter upon the discharge of their
2 respective duties on the first Monday in:

3 (a) If the officer is elected pursuant to subsection 1 or 2 of
4 section 5.010, July next following his or her election.

5 (b) If the officer is elected pursuant to subsection 3 or 4 of
6 section 5.010, January next following his or her election.

7 4. If any election should result in a tie, the City Council
8 shall summon the candidates who received the tie vote and
9 determine the tie by lot. The *City* Clerk shall then issue to the
10 winner a certificate of election ~~to~~, *except that if the name of*
11 *an ineligible candidate could not be removed from the ballot*
12 *pursuant to section 18.5 of this act, the City Clerk shall not*
13 *issue a certificate of election to the ineligible candidate*
14 *regardless of the number of votes cast for the ineligible*
15 *candidate that are a nullity and void.*

16 **Sec. 55.** Section 5.010 of the Charter of the City of Henderson,
17 being chapter 266, Statutes of Nevada 1971, as last amended by
18 chapter 266, Statutes of Nevada 2013, at page 1214, is hereby
19 amended to read as follows:

20 Sec. 5.010 Primary municipal election.

21 1. Except as otherwise provided in section 5.020, a
22 primary municipal election must be held on the Tuesday after
23 the first Monday in April of each odd-numbered year, at
24 which time there must be nominated candidates for offices to
25 be voted for at the next general municipal election.

26 2. A candidate for any office to be voted for at any
27 primary municipal election must file a declaration of
28 candidacy as provided by the election laws of this State.

29 3. All candidates for elective office must be voted upon
30 by the registered voters of the City at large.

31 4. *Except as otherwise provided in sections 18.3 and*
32 *18.5 of this act:*

33 (a) If in the primary municipal election no candidate
34 receives a majority of votes cast in that election for the office
35 for which he or she is a candidate, the names of the two
36 candidates receiving the highest number of votes must be
37 placed on the ballot for the general municipal election.

38 (b) If in the primary municipal election, regardless of the
39 number of candidates for an office, one candidate receives a
40 majority of votes cast in that election for the office for which
41 he or she is a candidate, he or she must be declared elected
42 and no general municipal election need be held for that office.
43 Such candidate shall enter upon his or her respective duties at
44 the second regular meeting of the City Council held in June
45 of the year of the general municipal election.



1 **Sec. 56.** Section 5.020 of the Charter of the City of Henderson,
2 being chapter 266, Statutes of Nevada 1971, as last amended by
3 chapter 266, Statutes of Nevada 2013, at page 1215, is hereby
4 amended to read as follows:

5 Sec. 5.020 General municipal election.

6 1. Except as otherwise provided in subsection 2:

7 (a) A general municipal election must be held in the City
8 on the first Tuesday after the first Monday in June of each
9 odd-numbered year, at which time the registered voters of the
10 City shall elect city officers to fill the available elective
11 positions.

12 (b) All candidates for the office of Mayor, Council
13 Member and Municipal Judge must be voted upon by the
14 registered voters of the City at large. The term of office for
15 members of the City Council and the Mayor is 4 years.
16 Except as otherwise provided in subsection 3 of section
17 4.015, the term of office for a Municipal Judge is 6 years.

18 (c) On the Tuesday after the first Monday in June 2001,
19 and every 6 years thereafter, there must be elected by the
20 qualified voters of the City, at a general municipal election to
21 be held for that purpose, a Municipal Judge for Department 1
22 who will hold office until his or her successor has been
23 elected and qualified.

24 (d) On the Tuesday after the first Monday in June 2003
25 and every 6 years thereafter, there must be elected by the
26 qualified voters of the City, at a general municipal election to
27 be held for that purpose, a Municipal Judge for Department 2
28 who will hold office until his or her successor has been
29 elected and qualified.

30 (e) On the Tuesday after the first Monday in June 2005,
31 and every 6 years thereafter, there must be elected by the
32 qualified voters of the City, at a general municipal election to
33 be held for that purpose, a Municipal Judge for Department 3
34 who will hold office until his or her successor has been
35 elected and qualified.

36 2. The City Council may by ordinance provide for a
37 primary municipal election and general municipal election on
38 the dates set forth for primary elections and general elections
39 pursuant to the provisions of chapter 293 of NRS.

40 3. If the City Council adopts an ordinance pursuant to
41 subsection 2, the dates set forth in NRS 293.12755, ~~the~~
42 ~~subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~,
43 ~~293.166~~, 293.175, 293.177 ~~and~~ 293.345 and ~~293.368~~
44 ~~section 2 of this act~~ apply for the purposes of conducting the
45 primary municipal elections and general municipal elections.



4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 57. Section 5.050 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~The full names of all candidates, except those~~
Except for candidates who have withdrawn ~~to die~~ pursuant to the election laws of this State or who are or become ineligible ~~to~~ *candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 58. Section 5.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1216, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election



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1 ***H***, except that if the name of an ineligible candidate could
2 not be removed from the ballot pursuant to section 18.5 of
3 this act, the City Clerk shall not issue a certificate of
4 election to the ineligible candidate regardless of the number
5 of votes cast for the ineligible candidate that are a nullity
6 and void. Except as otherwise provided in section 1.070, the
7 officers ~~to~~ who are elected shall qualify and enter upon the
8 discharge of their respective duties at the second regular
9 meeting of the City Council held in June of the year of the
10 general municipal election.

11 4. If any election results in a tie, the City Council shall
12 summon the candidates who received the tie vote and
13 determine the tie by lot. The City Clerk shall then issue to the
14 winner a certificate of election ***H***, except that if the name of
15 an ineligible candidate could not be removed from the ballot
16 pursuant to section 18.5 of this act, the City Clerk shall not
17 issue a certificate of election to the ineligible candidate
18 regardless of the number of votes cast for the ineligible
19 candidate that are a nullity and void.

20 **Sec. 59.** Section 5.010 of the Charter of the City of Las Vegas,
21 being chapter 517, Statutes of Nevada 1983, as last amended by
22 chapter 218, Statutes of Nevada 2011, at page 959, is hereby
23 amended to read as follows:

24 Sec. 5.010 Primary municipal elections. Except as
25 otherwise provided in section 5.020:

26 1. On the Tuesday after the first Monday in April 2001,
27 and at each successive interval of 4 years, a primary
28 municipal election must be held in the City at which time
29 candidates for half of the offices of Council Member and for
30 Municipal Judge, Department 2, must be nominated.

31 2. On the Tuesday after the first Monday in April 2003,
32 and at each successive interval of 4 years, a primary
33 municipal election must be held in the City at which time
34 candidates for Mayor, for the other half of the offices of
35 Council Member and for Municipal Judge, Department 1,
36 must be nominated.

37 3. The candidates for Council Member who are to be
38 nominated as provided in subsections 1 and 2 must be
39 nominated and voted for separately according to the
40 respective wards. The candidates from each even-numbered
41 ward must be nominated as provided in subsection 1, and the
42 candidates from each odd-numbered ward must be nominated
43 as provided in subsection 2.

44 4. If the City Council has established an additional
45 department or departments of the Municipal Court pursuant to



1 section 4.010 and, as a result, more than one office of
2 Municipal Judge is to be filled at any election, the candidates
3 for those offices must be nominated and voted upon
4 separately according to the respective departments.

5 5. Each candidate for the municipal offices which are
6 provided for in subsections 1, 2 and 4 must file a declaration
7 of candidacy with the City Clerk. All filing fees collected by
8 the City Clerk must be paid into the City Treasury.

9 6. *Except as otherwise provided in sections 18.3 and*
10 *18.5 of this act:*

11 (a) If, in the primary municipal election, regardless of the
12 number of candidates for an office, one candidate receives a
13 majority of votes which are cast in that election for the office
14 for which he or she is a candidate, he or she must be declared
15 elected for the term which commences on the day of the first
16 regular meeting of the City Council next succeeding the
17 meeting at which the canvass of the returns is made, and no
18 general municipal election need be held for that office.

19 (b) If, in the primary municipal election, no candidate
20 receives a majority of votes which are cast in that election for
21 the office for which he or she is a candidate, the names of the
22 two candidates who receive the highest number of votes must
23 be placed on the ballot for the general municipal election.

24 **Sec. 60.** Section 5.020 of the Charter of the City of Las Vegas,
25 being chapter 517, Statutes of Nevada 1983, as last amended by
26 chapter 263, Statutes of Nevada 2013, at page 1183, is hereby
27 amended to read as follows:

28 Sec. 5.020 General municipal election.

29 1. Except as otherwise provided in subsection 2, a
30 general municipal election must be held in the City on the
31 Tuesday after the first Monday in June of each odd-numbered
32 year and on the same day every 2 years thereafter, at which
33 time there must be elected those officers whose offices are
34 required to be filled by election in that year.

35 2. The City Council may by ordinance provide for a
36 primary municipal election and general municipal election on
37 the dates set forth for primary elections and general elections
38 pursuant to the provisions of chapter 293 of NRS.

39 3. If the City Council adopts an ordinance pursuant to
40 subsection 2, the dates set forth in NRS 293.12755, ~~the~~
41 ~~subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~,
42 ~~293.166, 293.175, 293.177~~ ~~and~~ 293.345 and ~~293.368~~
43 *section 2 of this act* apply for the purposes of conducting the
44 primary municipal elections and general municipal elections.



4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

5. All candidates for elective office, except the office of Council Member, must be voted upon by the registered voters of the City at large.

Sec. 61. Section 5.050 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~{The full names of all of the candidates, except those}~~
Except for candidates who have withdrawn ~~{, died}~~ *pursuant to the election laws of this State or who are* or become ineligible ~~{}~~ *candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same name or names which are so similar as likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballots; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 62. Section 5.100 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 193, Statutes of Nevada 1991, at page 364, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; declaration of results; certificates of election; entry of officers upon duties; procedure for tied vote.

1. The returns of any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may be permitted to handle, inspect or in any manner interfere with those returns until they have been canvassed by the City Council.

2. The City Council shall meet within 10 days after any election, canvass the returns and declare the result. The election returns must then be sealed and kept by the City



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1 Clerk for 6 months, and no person may have access to the
2 returns except on order of a court of competent jurisdiction or
3 by order of the City Council.

4 3. The City Clerk, under his or her hand and official
5 seal, shall issue to each person who is declared to be elected a
6 certificate of election ~~H~~ , *except that if the name of an*
7 *ineligible candidate could not be removed from the ballot*
8 *pursuant to section 18.5 of this act, the City Clerk shall not*
9 *issue a certificate of election to the ineligible candidate*
10 *regardless of the number of votes cast for the ineligible*
11 *candidate that are a nullity and void.* The officers who ~~have~~
12 ~~been~~ *are* elected shall qualify and enter upon the discharge
13 of their respective duties on the day of the first regular
14 meeting of the City Council next succeeding the meeting at
15 which the canvass of the returns is made.

16 4. If the election for any office results in a tie, the City
17 Council shall summon the candidates who received the equal
18 number of votes and determine the tie by lot. The *City* Clerk
19 shall then issue to the winner a certificate of election ~~H~~ ,
20 *except that if the name of an ineligible candidate could not*
21 *be removed from the ballot pursuant to section 18.5 of this*
22 *act, the City Clerk shall not issue a certificate of election to*
23 *the ineligible candidate regardless of the number of votes*
24 *cast for the ineligible candidate that are a nullity and void.*

25 **Sec. 63.** Section 5.020 of the Charter of the City of North Las
26 Vegas, being chapter 573, Statutes of Nevada 1971, as last amended
27 by chapter 218, Statutes of Nevada 2011, at page 963, is hereby
28 amended to read as follows:

29 Sec. 5.020 Primary municipal elections; declaration of
30 candidacy.

31 1. The City Council shall provide by ordinance for
32 candidates for elective office to declare their candidacy and
33 file the necessary documents. The seats for City Council
34 Members must be designated by the numbers one through
35 four, which numbers must correspond with the wards the
36 candidates for City Council Members will seek to represent.
37 A candidate for the office of City Council Member shall
38 include in his or her declaration of candidacy the number of
39 the ward which he or she seeks to represent. Each candidate
40 for City Council must be designated as a candidate for the
41 City Council seat that corresponds with the ward that he or
42 she seeks to represent.

43 2. Except as otherwise provided in section 5.025, a
44 primary municipal election must be held on the Tuesday
45 following the first Monday in April preceding the general



municipal election, at which time there must be nominated candidates for offices to be voted for at the next general municipal election. In the primary municipal election:

(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

3. Except as otherwise provided in ~~subsection 4,~~ *sections 18.3 and 18.5 of this act*, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election ~~+~~

~~4. If,~~ *but*, regardless of the number of candidates for an office, *if* one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election ~~need~~ *must* be held for that office.

Sec. 64. Section 5.025 of the Charter of the City of North Las Vegas, being chapter 218, Statutes of Nevada 2011, as amended by chapter 263, Statutes of Nevada 2013, at page 1184, is hereby amended to read as follows:

Sec. 5.025 City Council authorized to provide for primary and general municipal elections in even-numbered years.

1. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

2. If the City Council adopts an ordinance pursuant to subsection 1, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~, *293.166*, 293.175, 293.177 ~~+~~ *and* 293.345 and ~~293.368~~ *section 2 of this act* apply for the purposes of conducting the primary municipal elections and general municipal elections.

3. If the City Council adopts an ordinance pursuant to subsection 1, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.



1 **Sec. 65.** Section 5.050 of the Charter of the City of North Las
2 Vegas, being chapter 573, Statutes of Nevada 1971, as last amended
3 by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby
4 amended to read as follows:

5 Sec. 5.050 Names on ballots.

6 1. ~~{The full names of all candidates, except those}~~
7 *Except for candidates* who have withdrawn ~~{, died}~~ *pursuant*
8 *to the election laws of this State or who are* or become
9 ineligible ~~{}~~ *candidates whose names must be removed from*
10 *the ballot pursuant to section 18.5 of this act, the full names*
11 *of all candidates* must be printed on the official ballots
12 without party designation or symbol.

13 2. If two or more candidates have the same surname or
14 surnames so similar as to be likely to cause confusion and:

15 (a) None of them is an incumbent, their middle names or
16 middle initials, if any, must be included in their names as
17 printed on the ballot; or

18 (b) One of them is an incumbent, the name of the
19 incumbent must be listed first and must be printed in bold
20 type.

21 3. In any election regulated by this Charter, the names of
22 candidates as printed on the ballot shall not include any title,
23 designation or other reference which will indicate the
24 profession or occupation of such candidates.

25 **Sec. 66.** Section 5.080 of the Charter of the City of North Las
26 Vegas, being chapter 573, Statutes of Nevada 1971, as last amended
27 by chapter 465, Statutes of Nevada 1985, at page 1440, is hereby
28 amended to read as follows:

29 Sec. 5.080 Election returns; canvass; certificates of
30 election; entry of officers upon duties; tie vote procedure.

31 1. The election returns from any special, primary or
32 general municipal election shall be filed with the City Clerk,
33 who shall immediately place the returns in a safe or vault, and
34 no person may be permitted to handle, inspect or in any
35 manner interfere with the returns until canvassed by the City
36 Council.

37 2. The City Council shall meet at any time within 16
38 days after any election and shall canvass the returns and
39 declare the result. The election returns must then be sealed
40 and kept by the City Clerk for 6 months, and no person may
41 have access thereto except on order of a court of competent
42 jurisdiction or by order of the City Council.

43 3. The City Clerk, under his or her hand and official
44 seal, shall issue to each person declared to be elected a
45 certificate of election ~~{}~~ *, except that if the name of an*



ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void. The officers ~~to~~ who are elected shall qualify and enter upon the discharge of their respective duties on the 1st day of July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election ~~to~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 67. Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1829, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be deposited to the credit of the General Fund of the City.

2. *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

(a) If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the date fixed by the election laws of the State for statewide elections, at which time there must be nominated candidates for the office to be voted for at the next general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election. The general election must be held on the date fixed by the election laws of the State for the statewide general election.

~~(b)~~ (b) In the primary election:

~~(a)~~ (1) The names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.



* A B 1 7 7 R 2 *

~~(b)~~ (2) Candidates for Council Member who represent a specific ward must be voted upon only by the registered voters of that ward.

~~(e)~~ (3) Candidates for Mayor and Council Member at large must be voted upon by all registered voters of the City.

~~(4)~~ 3. The Mayor and all Council Members must be voted upon by all registered voters of the City at the general election.

Sec. 68. Section 5.050 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~The full names of all candidates, except those~~
Except for candidates who have withdrawn ~~and died~~ pursuant to the election laws of this State or who are or become ineligible ~~and~~ *candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

Sec. 69. Section 5.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1830, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may handle, inspect or in any manner interfere with those returns until canvassed by the City Council.

2. The City Council and City Manager shall meet within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.



1 3. The City Clerk, under his or her hand and official
2 seal, shall issue to each person declared to be elected a
3 certificate of election **H** , *except that if the name of an*
4 *ineligible candidate could not be removed from the ballot*
5 *pursuant to section 18.5 of this act, the City Clerk shall not*
6 *issue a certificate of election to the ineligible candidate*
7 *regardless of the number of votes cast for the ineligible*
8 *candidate that are a nullity and void.* The officers *who are*
9 elected shall qualify and enter upon the discharge of their
10 respective duties at the first regular City Council meeting
11 following their election.

12 4. If any election results in a tie, the City Council shall
13 summon the candidates who received the tie vote and
14 determine the tie as provided in this subsection. The City
15 Clerk shall provide and open in the presence of the candidates
16 who received the tie vote an unused 52-card deck of playing
17 cards, removing any jokers and blank cards. The City Clerk
18 shall shuffle the cards thoroughly and present the shuffled
19 deck to the City Manager, or to the person designated by the
20 City Manager for this purpose. One of the candidates who
21 received the tie vote shall then draw one card from the deck,
22 and the City Clerk shall record the suit and number of the
23 card. The card then must be returned to the deck, and the City
24 Clerk shall shuffle the cards thoroughly and present the
25 shuffled deck to the City Manager, or to the person
26 designated by the City Manager for this purpose, and another
27 of the candidates who received the tie vote shall draw one
28 card from the deck. This process must be repeated until each
29 of the candidates who received the tie vote has drawn one
30 card from the deck and the result of each draw has been
31 recorded. The candidate who draws the high card shall be
32 deemed the winner of the election. For the purposes of this
33 subsection, aces are high and twos are low. If the candidates
34 draw cards of otherwise equal value, the card of the higher
35 suit is the high card. Spades are highest, followed in
36 descending order by hearts, clubs and diamonds. The City
37 Clerk shall issue to the winner a certificate of election **H** ,
38 *except that if the name of an ineligible candidate could not*
39 *be removed from the ballot pursuant to section 18.5 of this*
40 *act, the City Clerk shall not issue a certificate of election to*
41 *the ineligible candidate regardless of the number of votes*
42 *cast for the ineligible candidate that are a nullity and void.*



1 **Sec. 70.** Section 5.020 of the Charter of the City of Sparks,
2 being chapter 470, Statutes of Nevada 1975, as last amended by
3 chapter 41, Statutes of Nevada 2001, at page 398, is hereby
4 amended to read as follows:

5 Sec. 5.020 Primary elections.

6 1. Candidates for the offices of Mayor, City Attorney
7 and Municipal Judge must be voted upon by the registered
8 voters of the City at large. Candidates to represent a ward as a
9 member of the City Council must be voted upon by the
10 registered voters of the ward to be represented by them.

11 2. ~~{The}~~ *Except as otherwise provided in sections 18.3*
12 *and 18.5 of this act, the* names of the two candidates for
13 Mayor, City Attorney and Municipal Judge and the names of
14 the two candidates to represent the ward as a member of the
15 City Council from each ward who receive the highest number
16 of votes at the primary election must be placed on the ballot
17 for the general election.

18 **Sec. 71.** Section 5.050 of the Charter of the City of Sparks,
19 being chapter 470, Statutes of Nevada 1975, as amended by chapter
20 312, Statutes of Nevada 2003, at page 1731, is hereby amended to
21 read as follows:

22 Sec. 5.050 Names on ballots.

23 1. ~~{The full names of all candidates, except those}~~
24 *Except for candidates* who have withdrawn ~~{, died}~~ *pursuant*
25 *to the election laws of this State or who are* or become
26 ineligible ~~{}~~ *candidates whose names must be removed from*
27 *the ballot pursuant to section 18.5 of this act, the full names*
28 *of all candidates* must be printed on the official ballots
29 without party designation or symbol.

30 2. If two or more candidates have the same surname or
31 surnames so similar as to be likely to cause confusion and:

32 (a) None of them is an incumbent, their middle names or
33 middle initials, if any, must be included in their names as
34 printed on the ballot; or

35 (b) One of them is an incumbent, the name of the
36 incumbent must be listed first and must be printed in bold
37 type.

38 **Sec. 72.** Section 5.100 of the Charter of the City of Sparks,
39 being chapter 470, Statutes of Nevada 1975, as last amended by
40 chapter 41, Statutes of Nevada 2001, at page 399, is hereby
41 amended to read as follows:

42 Sec. 5.100 Election returns: Canvass; certificates of
43 election; entry of officers upon duties; tie vote procedure.

44 1. The election returns from any election must be filed
45 with the City Clerk, who shall immediately place the returns



1 in a safe or vault. No person may handle, inspect or in any
2 manner interfere with the returns until canvassed by the City
3 Council.

4 2. The City Council shall meet within 10 days after any
5 election and canvass the returns and declare the result. The
6 election returns must then be sealed and kept by the City
7 Clerk for 22 months, and no person may have access to them
8 except on order of a court of competent jurisdiction or by
9 order of the City Council.

10 3. The City Clerk, under his or her hand and official
11 seal, shall issue a certificate of election to each person elected
12 ~~+~~, *except that if the name of an ineligible candidate could*
13 *not be removed from the ballot pursuant to section 18.5 of*
14 *this act, the City Clerk shall not issue a certificate of*
15 *election to the ineligible candidate regardless of the number*
16 *of votes cast for the ineligible candidate that are a nullity*
17 *and void.* The officers *who are* elected shall qualify and enter
18 upon the discharge of their respective duties at the first
19 regular City Council meeting following their election.

20 4. If any election results in a tie, the City Council shall
21 summon the candidates who received the tie vote and
22 determine the tie by lot. The City Clerk shall then issue to the
23 winner a certificate of election ~~+~~, *except that if the name of*
24 *an ineligible candidate could not be removed from the ballot*
25 *pursuant to section 18.5 of this act, the City Clerk shall not*
26 *issue a certificate of election to the ineligible candidate*
27 *regardless of the number of votes cast for the ineligible*
28 *candidate that are a nullity and void.*

29 **Sec. 73.** Section 5.015 of the Charter of the City of Wells,
30 being chapter 493, Statutes of Nevada 2009, as amended by chapter
31 501, Statutes of Nevada 2011, at page 3310, is hereby amended to
32 read as follows:

33 Sec. 5.015 Filing of declarations of candidacy.

34 ~~++~~ A candidate to be voted for at the general election
35 must file a declaration of candidacy with the City Clerk as
36 provided by the election laws of this State. The City Clerk
37 shall charge and collect from the candidate and the candidate
38 must pay to the City Clerk, at the time of filing the
39 declaration of candidacy, a filing fee in an amount fixed by
40 the City Council by ordinance or resolution.

41 ~~[2.—If, due to the death or ineligibility of or withdrawal~~
42 ~~by a candidate, a vacancy occurs in a nomination after the~~
43 ~~close of filing and any applicable period for withdrawal of~~
44 ~~candidacy, the candidate's name must remain on the ballot for~~
45 ~~the general election and, if elected, a vacancy exists.]~~



1 **Sec. 74.** Section 5.040 of the Charter of the City of Wells,
2 being chapter 275, Statutes of Nevada 1971, as last amended by
3 chapter 493, Statutes of Nevada 2009, at page 2938, is hereby
4 amended to read as follows:

5 Sec. 5.040 Names on ballots.

6 1. ~~{The full names of all candidates, except those}~~
7 *Except for candidates* who have withdrawn ~~{, died}~~ *pursuant*
8 *to the election laws of this State or who are* or become
9 ineligible ~~{before the close of filing and any applicable period~~
10 ~~*for withdrawal of candidacy.}*~~ *candidates whose names must*
11 *be removed from the ballot pursuant to section 18.5 of this*
12 *act, the full names of all candidates* must be printed on the
13 official ballots without party designation or symbol.

14 2. If two or more candidates have the same surname or
15 surnames so similar as to be likely to cause confusion and:

16 (a) None of them is an incumbent, their middle names or
17 middle initials, if any, must be included in their names as
18 printed on the ballot; or

19 (b) One of them is an incumbent, the name of the
20 incumbent must be listed first and must be printed in bold
21 type.

22 **Sec. 75.** Section 5.090 of the Charter of the City of Wells,
23 being chapter 275, Statutes of Nevada 1971, as last amended by
24 chapter 185, Statutes of Nevada 2007, at page 629, is hereby
25 amended to read as follows:

26 Sec. 5.090 Election returns; canvass; certificates of
27 election; entry of officers upon duties; tie vote procedure.

28 1. The election returns from any municipal election must
29 be filed with the City Clerk, who shall immediately place
30 such returns in a safe or vault, and no person is permitted to
31 handle, inspect or in any manner interfere with such returns
32 until canvassed by the Board of Council Members.

33 2. The Board of Council Members shall meet on or
34 before the sixth working day after any election and canvass
35 the returns and declare the result. The election returns must
36 then be sealed and kept by the City Clerk for 6 months, and
37 no person shall have access thereto except on order of a court
38 of competent jurisdiction or by order of the Board of Council
39 Members.

40 3. The City Clerk, under his or her hand and official
41 seal, shall issue to each person declared to be elected a
42 certificate of election ~~{H}~~ *, except that if the name of an*
43 *ineligible candidate could not be removed from the ballot*
44 *pursuant to section 18.5 of this act, the City Clerk shall not*
45 *issue a certificate of election to the ineligible candidate*



1 *regardless of the number of votes cast for the ineligible*
2 *candidate that are a nullity and void.* The officers ~~is~~ *who*
3 *are* elected shall qualify and enter upon the discharge of their
4 respective duties on the first Monday in:

5 (a) July next following their election for those officers
6 elected in June 2007 or 2009.

7 (b) January next following their election for those officers
8 elected in November 2010 and every even-numbered year
9 thereafter.

10 4. If any election should result in a tie, the Board of
11 Council Members shall summon the candidates who received
12 the tie vote and determine the tie by lot. The *City* Clerk shall
13 then issue to the winner a certificate of election ~~H~~ *, except*
14 *that if the name of an ineligible candidate could not be*
15 *removed from the ballot pursuant to section 18.5 of this act,*
16 *the City Clerk shall not issue a certificate of election to the*
17 *ineligible candidate regardless of the number of votes cast*
18 *for the ineligible candidate that are a nullity and void.*

19 **Sec. 76.** Section 5.010 of the Charter of the City of Yerington,
20 being chapter 465, Statutes of Nevada 1971, as last amended by
21 chapter 263, Statutes of Nevada 2013, at page 1184, is hereby
22 amended to read as follows:

23 Sec. 5.010 Municipal elections.

24 1. Except as otherwise provided in subsection 2:

25 (a) On the first Tuesday after the first Monday in June
26 1975, and at each successive interval of 4 years, there must be
27 elected by the qualified voters of the City, at a general
28 municipal election to be held for that purpose, a Mayor and
29 two Council Members, who shall hold office for a period of 4
30 years and until their successors have been elected and
31 qualified.

32 (b) On the first Tuesday after the first Monday in June
33 1977, and at each successive interval of 4 years thereafter,
34 there must be elected by the qualified voters of the City, at a
35 general municipal election to be held for that purpose, two
36 Council Members, who shall hold office for a period of 4
37 years and until their successors have been elected and
38 qualified.

39 2. The City Council may by ordinance provide for a
40 primary municipal election and general municipal election on
41 the dates set forth for primary elections and general elections
42 pursuant to the provisions of chapter 293 of NRS.

43 3. If the City Council adopts an ordinance pursuant to
44 subsection 2, the dates set forth in NRS 293.12755, ~~in~~
45 ~~subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~ ,



1 293.166, 293.175, 293.177 ~~and~~ 293.345 and ~~293.368~~
2 *section 2 of this act* apply for the purposes of conducting the
3 primary municipal elections and general municipal elections.

4 4. If the City Council adopts an ordinance pursuant to
5 subsection 2, the term of office of any elected official may be
6 shortened but may not be lengthened as a result of the
7 ordinance.

8 **Sec. 77.** Section 5.040 of the Charter of the City of Yerington,
9 being chapter 465, Statutes of Nevada 1971, as amended by chapter
10 312, Statutes of Nevada 2003, at page 1731, is hereby amended to
11 read as follows:

12 Sec. 5.040 Names on ballots.

13 1. ~~The full names of all candidates, except those~~
14 *Except for candidates* who have withdrawn ~~and died~~ *pursuant*
15 *to the election laws of this State or who are* or become
16 ineligible ~~and candidates whose names must be removed from~~
17 *the ballot pursuant to section 18.5 of this act, the full names*
18 *of all candidates* must be printed on the official ballots
19 without party designation or symbol.

20 2. If two or more candidates have the same surname or
21 surnames so similar as to be likely to cause confusion
22 and:

23 (a) None of them is an incumbent, their middle names or
24 middle initials, if any, must be included in their names as
25 printed on the ballot; or

26 (b) One of them is an incumbent, the name of the
27 incumbent must be listed first and must be printed in bold
28 type.

29 **Sec. 78.** Section 5.090 of the Charter of the City of Yerington,
30 being chapter 465, Statutes of Nevada 1971, at page 913, is hereby
31 amended to read as follows:

32 Sec. 5.090 Election returns; canvass; certificates of
33 election; entry of officers upon duties; tie vote procedure.

34 1. The election returns from any municipal election shall
35 be filed with the City Clerk, who shall immediately place
36 such returns in a safe or vault, and no person shall be
37 permitted to handle, inspect or in any manner interfere with
38 such returns until canvassed by the City Council.

39 2. The City Council shall meet within 10 days after any
40 election and canvass the returns and declare the results. The
41 election returns shall then be sealed and kept by the City
42 Clerk for 6 months, and no person shall have access thereto
43 except on order of a court of competent jurisdiction or by
44 order of the City Council.



3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election ~~HH~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers ~~HH~~ who are elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election ~~HH~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 79. Section 7 of the Moapa Valley Water District Act, being chapter 477, Statutes of Nevada 1983, as last amended by chapter 28, Statutes of Nevada 2011, at page 93, is hereby amended to read as follows:

Sec. 7. 1. Unless otherwise required for purposes of an election to incur an indebtedness, the Registrar of Voters of Clark County shall conduct, supervise and, by ordinance, regulate all district elections in accordance, as nearly as practicable, with the general election laws of the State, including, but not limited to, laws relating to the time of opening and closing of polls, the manner of conducting the election, the canvassing, announcement and certification of results, and the preparation and disposition of ballots.

2. A candidate for election to the Board shall file a declaration of candidacy with the Registrar of Voters of Clark County. The declaration of candidacy must be filed not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March of that year. Timely filing of such a declaration is a prerequisite to election.

3. Each member of the Board must be elected by a plurality of the registered voters voting in the election area which the member represents. ~~HH~~ *Except as otherwise provided in section 1.7 of this act, if* there are two seats upon the Board to be filled at the same election, each of which



1 represents the same election area, the two candidates therefor
2 receiving the highest number of votes, respectively, are
3 elected.

4 4. If a member of the Board is unopposed in seeking
5 reelection, the Board may declare that member elected
6 without a formal election, but that member must not
7 participate in the declaration.

8 5. If no person files candidacy for election to a particular
9 seat upon the Board, the seat must be filled in the manner of
10 filling a vacancy.

11 **Sec. 80.** Section 8 of the Virgin Valley Water District Act,
12 being chapter 100, Statutes of Nevada 1993, as last amended by
13 chapter 353, Statutes of Nevada 2013, at page 1850, is hereby
14 amended to read as follows:

15 Sec. 8. 1. Unless otherwise required for purposes of
16 an election to incur an indebtedness, the Registrar of Voters
17 of Clark County shall conduct, supervise and, by ordinance,
18 regulate all district elections in accordance, as nearly as
19 practicable, with the general election laws of this state,
20 including, but not limited to, laws relating to the time of
21 opening and closing of polls, the manner of conducting the
22 election, the canvassing, announcement and certification of
23 results and the preparation and disposition of ballots.

24 2. Each candidate for election to the Board must file a
25 declaration of candidacy with the Registrar of Voters not
26 earlier than the first Monday in March of the year in which
27 the election is to be held and not later than 5 p.m. on the
28 second Friday after the first Monday in March. Timely filing
29 of such declaration is a prerequisite to election.

30 3. ~~HH~~ *Except as otherwise provided in section 1.7 of*
31 *this act, if* the Board establishes various election areas within
32 the District and there are two or more seats upon the Board to
33 be filled at the same election, each of which represents the
34 same election area, the two candidates therefor receiving the
35 highest number of votes, respectively, are elected.

36 4. If a member of the Board is unopposed in seeking
37 reelection, the Board may declare that member elected
38 without a formal election, but that member may not
39 participate in the declaration.

40 5. If no person files candidacy for election to a particular
41 seat upon the Board, the seat must be filled in the manner
42 provided in subsection 3 of section 7 of this act for filling a
43 vacancy.



1 **Sec. 81.** The provisions of NRS 354.599 do not apply to any
2 additional expenses of a local government that are related to the
3 provisions of this act.

4 **Sec. 82.** NRS 293.302, 293.368, 293C.291 and 293C.370 are
5 hereby repealed.

6 **Sec. 83.** This act becomes effective:

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

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

LEADLINES OF REPEALED SECTIONS

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

293.368 Counting of votes cast for deceased candidate.

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

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

