

Amendment No. 1053

Senate Amendment to Assembly Bill No. 177 First Reprint
(BDR 24-627)

Proposed by: Senator Settelmeyer

Amendment Box: Replaces Amendment No. 1009.  
Consistent with Amendment No. 776.

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 177 R1 (§§ 2, 3.84-3.88, 18.5, 28.63).

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

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

KCP/BJE



Date: 5/31/2015

A.B. No. 177—Revises provisions governing elections. (BDR 24-627)



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; increasing the penalty for a candidate who files certain documents containing a false statement; requiring certain proofs of identity and residency when filing for candidacy; changing 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; enacting and revising various provisions governing statewide and local petitions for initiative or referendum; making changes relating to the single-subject and description-of-effect requirements applicable to such petitions; revising the process for asserting certain challenges to statewide petitions; defining certain circumstances when the

**Legislature proposes a different measure on the same subject as certain statewide petitions;** making various other changes relating to elections; providing penalties; and providing other matters properly relating thereto.

**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, 1.5, 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, 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, 28.2, 28.9, 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 a candidacy. **Section 29** of this bill requires that a candidate for election or appointment to the Legislature be an actual resident of this State for 2 years preceding the person's election or appointment.

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 category E felony.

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 category E felony.

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.

Existing law authorizes 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 change the deadline for an elector to file such a written challenge to the last Monday immediately preceding the first day of early voting for any general election.

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.

Under the Nevada Constitution, the Legislature is authorized to provide by law for procedures to facilitate the operation of the provisions of Article 19 of the Nevada Constitution regarding a statewide or local petition for initiative or referendum, including procedures to facilitate the process of proposing, circulating and submitting such a petition to the registered voters of this State. (Nev. Const. Art. 19, § 5) To this end, the Legislature has enacted procedures in existing law that are intended to facilitate the efficiency, veracity and clarity of the petition process and election process. (Chapter 295 of NRS) Such procedures include the statutory single-subject and description-of-effect requirements, which provide that each statewide or local petition must be limited to a single subject and include on each signature page a description of the effect of the petition if it is approved by the voters. (NRS 295.009; *Las Vegas Taxpayer Accountability Comm. v. City Council*, 125 Nev. 165, 176-78 (2009)) The procedures also require circulators of a statewide petition to verify in affidavits that they have complied with certain statutory safeguards during the petition process. (NRS 295.0575; *Las Vegas Convention & Visitors Auth. v. Miller*, 124 Nev. 669, 680-86 (2008)) The Nevada Supreme Court has upheld these procedures against constitutional challenges because the procedures carry out the State's important regulatory interests in protecting against fraud, subterfuge, misunderstanding, mischief and abuse and thereby safeguard the public's faith and confidence in the fairness, veracity and integrity of the petition process and election process. (*Nevadans for Prot. of Prop. Rights, Inc. v. Heller*, 122 Nev. 894, 901-03 (2006); *Nevadans for Nevada v. Beers*, 122 Nev. 930, 939-40 (2006); *Las Vegas Convention & Visitors Auth. v. Miller*, 124 Nev. 669, 691-95 (2008))

This bill enacts new and revised procedures that are intended to further facilitate the efficiency, veracity and clarity of the petition process and election process and carry out the State's important regulatory interests. Section 28.27 of this bill sets forth the Legislature's objectives in enacting the new and revised procedures. In particular, the procedures ensure that each petition receives a threshold level of support from the voters to discourage frivolous, spurious, vexatious or harassing petitions that unnecessarily consume public and private resources and cause disorder, inefficiency, unfairness and waste. The procedures also ensure that the voters receive accurate,

reliable, truthful and helpful information to assist them in making informed decisions. The procedures also ensure that the single-subject and description-of-effect requirements: (1) give the voters a clear and definite choice; (2) prevent confusion, inattention and deception; and (3) focus each proposal on a single subject so that the voters are presented with a meaningful opportunity to consider the merits and consequences of each proposal separately without being confused, misled or manipulated by intricate, complex or complicated multi-subject proposals.

Under existing law, in order for a statewide or local petition to comply with the single-subject requirement, the Nevada Supreme Court has held that all the parts of the initiative or referendum proposed by the petition must be functionally related and germane to each other and to the petition's purpose or subject. (*Las Vegas Taxpayer Accountability Comm. v. City Council*, 125 Nev. 165, 180 (2009); *Educ. Initiative PAC v. Comm. to Protect Nev. Jobs*, 129 Nev. Adv. Op. 5, 293 P.3d 874, 884 (2013)) Section 28.73 of this bill provides that if a proposed initiative creates, generates or increases any public revenue, each part of the proposed initiative that makes an appropriation or requires the expenditure of the money raised by the proposed initiative must be functionally related and germane to each other in a way that each such appropriation or expenditure is necessarily connected with and pertinent to achieving, advancing or implementing only the single purpose of the proposed initiative and no other purpose.

Under existing law, the Nevada Supreme Court has held that if a statewide or local petition violates the description-of-effect requirement, the petition is void in its entirety and is not severable, and no part of the petition may be submitted to the voters. (NRS 295.009, 295.015; *Las Vegas Taxpayer Accountability Comm. v. City Council*, 125 Nev. 165, 182-85 (2009); *Taxpayers for Prot. of Nev. Jobs v. Arena Initiative Comm.*, Nos. 57157, 58350 (Nev. Aug. 1, 2012)) By contrast, the Nevada Supreme Court has held that in the absence of a statute that prescribes a remedy for a violation of the single-subject requirement, the court will apply, on a case-by-case basis, common-law rules governing severance to determine whether the parts of the petition which violate the single-subject requirement may be severed from the petition and the remaining parts submitted to the voters. (*Nevadans for Prot. of Prop. Rights, Inc. v. Heller*, 122 Nev. 894, 909-13 (2006)) Section 28.35 of this bill requires the same remedy for a violation of the single-subject and description-of-effect requirements and provides that if a petition violates either requirement, the petition is void in its entirety and is not severable, and no part of the petition may be submitted to the voters at any election.

Under existing law, before a statewide petition may be circulated for signatures by the voters, the proponent of the petition must file a copy of the petition with the Secretary of State. (Nev. Const. Art. 19, §§ 1, 2; NRS 295.015) Existing law further provides that the description of effect for a statewide petition is prepared by the proponent of the petition, but any person may challenge the description of effect or the petition's compliance with the single-subject requirement by filing an action in the First Judicial District Court after the copy of the petition is placed on file with the Secretary of State. (NRS 295.009, 295.061; *Nevadans for Prot. of Prop. Rights, Inc. v. Heller*, 122 Nev. 894, 901-03 (2006); *Nevadans for Nevada v. Beers*, 122 Nev. 930, 939-40 (2006); *PEST Comm. v. Miller*, 626 F.3d 1097, 1099-1101 (9th Cir. 2010)) Existing law also provides that the number of signatures required to qualify the statewide petition for the ballot must be apportioned equally among Nevada's petition districts, which are coextensive with Nevada's congressional districts, and the number of signatures required from each petition district must be equal. (NRS 293.069, 293.127563, 295.012, 295.055; *Angle v. Miller*, 673 F.3d 1122, 1126-27 (9th Cir. 2012))

Sections 28.37-28.82 of this bill revise the procedures for a proponent of a statewide petition to propose, file and qualify the petition for the ballot and for a person to challenge the petition's description of effect and compliance with the single-subject requirement. Section 28.55, however, provides that these revised procedures do not apply to a proponent of a local petition.

Sections 28.57-28.65 provide that the proponent of a statewide petition must comply with certain threshold procedural requirements, including: (1) filing a copy of the proposed petition with the Secretary of State setting forth the full text of the measure proposed and a neutral summary; (2) filing an informational statement with certain contact information; and (3) circulating the proposed petition and collecting the

signatures of not less than 250 registered voters in this State who support the proposed petition, except that the signatures do not have to be apportioned equally among Nevada's petition districts. Sections 28.57-28.65 also establish procedures for assigning a standard title with an identifying number to the proposed petition, submitting the proposed petition for signature verification and issuing a declaration of sufficiency if the proposed petition has a sufficient number of signatures. Section 28.63 also establishes procedures for the proponent to withdraw the proposed petition at any time before it is submitted for signature verification.

Sections 28.65, 28.67 and 28.82 revise the process for asserting that a description of effect for a statewide petition is deficient or that such a petition fails to comply with the single-subject requirement. If the Secretary of State gives the proponent notice that a declaration of sufficiency has been issued for the proposed petition, sections 28.65 and 28.82 provide that a complaint asserting a single-subject challenge must be filed within 15 working days after such notice is given regarding the proposed petition. If a complaint is not filed within the prescribed time, any single-subject challenge is forever barred.

Section 28.67 provides that after such notice is given regarding the proposed petition, the proponent must file the description of effect with the Secretary of State, and any person who wants to object to the proponent's description of effect must file an objection with the Secretary of State within 15 working days and provide: (1) an explanation of how the description of effect violates the statutory requirements; and (2) one or more revised or substitute versions of the description of effect that are drafted to remedy the alleged violations. If an objection is filed, the parties may agree to meet and confer in good faith to negotiate a stipulated description of effect. If the parties decline or fail to negotiate a stipulated description of effect, the Attorney General must file a complaint in the First Judicial District Court naming the proponent as the defendant and asking for a declaratory judgment regarding whether the proponent's description of effect violates the statutory requirements, and any person who timely filed an objection with the Secretary of State has an unconditional right and standing to intervene as a party in the proceeding. The district court must conduct expedited proceedings and enter an order that approves or revises the proponent's description of effect.

Section 28.53 requires the Secretary of State to maintain a notification list to provide electronic notification to persons who submit a request to receive such notification concerning the filing, circulation and qualification of statewide petitions. Section 28.69 requires the Secretary of State to prepare an informational handbook for proponents and circulators of statewide petitions setting forth the requirements of statute and regulation that govern such petitions.

Finally, existing law provides that if a statewide petition for an initiative proposes a statute or an amendment to a statute, the Legislature may propose a different measure on the same subject as the initiative to compete on the ballot. (Nev. Const. Art. 19, § 2; *Tesoriere v. Dist. Court*, 50 Nev. 302, 309-10 (1927)) Under such circumstances, existing law prescribes certain requirements for how the Legislature's proposed measure and the initiative are presented to the voters on the ballot. (NRS 293.267)

Section 28.71 defines certain circumstances under which the Legislature shall be deemed to have proposed a different measure on the same subject as an initiative. Section 12.35 of this bill requires certain information to be included on the ballot explaining that: (1) the competing ballot questions propose different measures on the same subject and only one of the measures may be enacted into law; and (2) if both of the measures are approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes is enacted into law.

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

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



1       **Section 1.** Chapter 293 of NRS is hereby amended by adding thereto the  
2 provisions set forth as sections 1.5 to ~~1.9~~ **3.2**, inclusive, of this act.

3       **Sec. 1.5.** *“Ineligible candidate” means a person who is a candidate for any*  
4 *office and who:*

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

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

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

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

19       1. *Demand or receive a recount of the vote for the office for which he or she*  
20 *is an ineligible candidate pursuant to NRS 293.400 to 293.405, inclusive; or*

21       2. *Contest the election for the office for which he or she is an ineligible*  
22 *candidate pursuant to NRS 293.407 to 293.435, inclusive.*

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

26       2. *If a person is or becomes an ineligible candidate, the county clerk shall*  
27 *remove the name of the person from the ballot, except that no changes may be*  
28 *made on the ballot pursuant to this section for:*

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

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

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

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

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

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

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

51       (3) *If paper ballots are used, include a notice on or with each paper*  
52 *ballot informing a voter who uses the paper ballot that the person is not eligible*  
53 *to enter upon the duties of the office and that any vote cast for the person will be*



1 *a nullity and void and will not be given any legal force or effect for the purposes*  
2 *of determining the outcome of the election; and*

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

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

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

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

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

20 2. *The provisions of this section apply to any preelection action brought to*  
21 *challenge a person who is a candidate for any office on the grounds that the*  
22 *person is an ineligible candidate because the person fails to meet any*  
23 *qualification required for the office pursuant to the Constitution or laws of this*  
24 *State, including, without limitation, any action brought pursuant to NRS 281.050,*  
25 *293.182 or 293C.186 or any action brought for:*

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

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

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

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

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

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

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

42 **Sec. 3.2.** *As used in this section and NRS 293.127563 to 293.12795,*  
43 *inclusive, unless the context otherwise requires, "proposed petition" has the*  
44 *meaning ascribed to it in section 28.45 of this act.*

45 **Sec. 3.5.** NRS 293.010 is hereby amended to read as follows:

46 293.010 As used in this title, unless the context otherwise requires, the words  
47 and terms defined in NRS 293.013 to 293.121, inclusive, *and section 1.5 of this act*  
48 *have the meanings ascribed to them in those sections.*

49 **Sec. 3.7.** NRS 293.034 is hereby amended to read as follows:

50 293.034 "Certificate of election" means a certificate prepared by the county  
51 or city clerk or Governor, as the case may be, for the person having the highest  
52 number of votes for any district, county, township, city, state or statewide office as  
53 official recognition of the person's election to office ~~H~~, *except that if the name of*

1 *an ineligible candidate could not be removed from the ballot pursuant to section*  
2 *2 or 18.5 of this act, such a certificate must not be prepared for the ineligible*  
3 *candidate regardless of the number of votes cast for the ineligible candidate that*  
4 *are a nullity and void.*

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

6 293.042 "Contest" means an adversary proceeding between a candidate for a  
7 public office who has received the greatest number of votes and any other candidate  
8 for that office or, in certain cases, any registered voter of the appropriate political  
9 subdivision, for the purpose of determining the validity of an election ~~H~~, *except*  
10 *that a person who is or becomes an ineligible candidate may not contest the*  
11 *election for the office for which he or she is an ineligible candidate pursuant to*  
12 *section 1.8 of this act.*

13 **Sec. 3.84.** NRS 293.127563 is hereby amended to read as follows:

14 293.127563 1. As soon as practicable after each general election, the  
15 Secretary of State shall determine the number of signatures required to be gathered  
16 from each petition district within the State for a petition for initiative or referendum  
17 ~~that proposes~~ proposing a constitutional amendment or statewide measure ~~H~~.  
18 other than a proposed petition.

19 2. To determine the number of signatures required to be gathered from each  
20 petition district, the Secretary of State shall calculate the amount that equals 10  
21 percent of the voters who voted in this State at the last preceding general election  
22 and divide that amount by the number of petition districts. Fractional numbers must  
23 be rounded up to the nearest whole number.

24 **Sec. 3.85.** NRS 293.1276 is hereby amended to read as follows:

25 293.1276 1. Within 4 days, excluding Saturdays, Sundays and holidays,  
26 after the submission of a petition containing signatures which are required to be  
27 verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or  
28 306.110, or section 28.63 of this act, the county clerk shall determine the total  
29 number of signatures affixed to the documents and, in the case of a petition for  
30 initiative or referendum proposing a constitutional amendment or statewide  
31 measure, other than a proposed petition, shall tally the number of signatures for  
32 each petition district contained fully or partially within the county and forward that  
33 information to the Secretary of State.

34 2. If the Secretary of State finds that the total number of signatures filed with  
35 all the county clerks is less than 100 percent of the required number of registered  
36 voters, the Secretary of State shall so notify the person who submitted the petition  
37 and the county clerks and no further action may be taken in regard to the petition. If  
38 the petition is a petition to recall a county, district or municipal officer, the  
39 Secretary of State shall also notify the officer with whom the petition is to be filed.

40 3. After the petition is submitted to the county clerk, it must not be handled  
41 by any other person except by an employee of the county clerk's office until it is  
42 filed with the Secretary of State.

43 4. The Secretary of State may adopt regulations establishing procedures to  
44 carry out the provisions of this section.

45 **Sec. 3.86.** NRS 293.1277 is hereby amended to read as follows:

46 293.1277 1. If the Secretary of State finds that the total number of  
47 signatures submitted to all the county clerks is 100 percent or more of the number  
48 of registered voters needed to declare the petition sufficient, the Secretary of State  
49 shall immediately so notify the county clerks. Within 9 days, excluding Saturdays,  
50 Sundays and holidays, after notification, each of the county clerks shall determine  
51 the number of registered voters who have signed the documents submitted in the  
52 county clerk's county and, in the case of a petition for initiative or referendum  
53 proposing a constitutional amendment or statewide measure, other than a proposed

1 petition, shall tally the number of signatures for each petition district contained or  
2 fully contained within the county clerk's county. For the purpose of verification  
3 pursuant to this section, the county clerk shall not include in his or her tally of total  
4 signatures any signature included in the incorrect petition district.

5 2. Except as otherwise provided in subsection 3, if more than 500 names have  
6 been signed on the documents submitted to a county clerk, the county clerk shall  
7 examine the signatures by sampling them at random for verification. The random  
8 sample of signatures to be verified must be drawn in such a manner that every  
9 signature which has been submitted to the county clerk is given an equal  
10 opportunity to be included in the sample. The sample must include an examination  
11 of at least 500 or 5 percent of the signatures, whichever is greater. If documents  
12 were submitted to the county clerk for more than one petition district wholly  
13 contained within that county, a separate random sample must be performed for each  
14 petition district.

15 3. If a petition district comprises more than one county and the petition is for  
16 an initiative or referendum proposing a constitutional amendment or a statewide  
17 measure, other than a proposed petition, and if more than 500 names have been  
18 signed on the documents submitted for that petition district, the appropriate county  
19 clerks shall examine the signatures by sampling them at random for verification.  
20 The random sample of signatures to be verified must be drawn in such a manner  
21 that every signature which has been submitted to the county clerks within the  
22 petition district is given an equal opportunity to be included in the sample. The  
23 sample must include an examination of at least 500 or 5 percent of the signatures  
24 presented in the petition district, whichever is greater. The Secretary of State shall  
25 determine the number of signatures that must be verified by each county clerk  
26 within the petition district.

27 4. In determining from the records of registration the number of registered  
28 voters who signed the documents, the county clerk may use the signatures  
29 contained in the file of applications to register to vote. If the county clerk uses that  
30 file, the county clerk shall ensure that every application in the file is examined,  
31 including any application in his or her possession which may not yet be entered into  
32 the county clerk's records. Except as otherwise provided in subsection 5, the county  
33 clerk shall rely only on the appearance of the signature and the address and date  
34 included with each signature in making his or her determination.

35 5. If:

36 (a) Pursuant to NRS 293.506, a county clerk establishes a system to allow  
37 persons to register to vote by computer; or

38 (b) A person registers to vote pursuant to NRS 293D.230 and signs his or her  
39 application to register to vote using a digital signature or an electronic signature,  
40 the county clerk may rely on such other indicia as prescribed by the Secretary of  
41 State in making his or her determination.

42 6. In the case of a petition for initiative or referendum proposing a  
43 constitutional amendment or statewide measure, other than a proposed petition,  
44 when the county clerk is determining the number of registered voters who signed  
45 the documents from each petition district contained fully or partially within the  
46 county clerk's county, he or she must use the statewide voter registration list  
47 available pursuant to NRS 293.675.

48 7. Except as otherwise provided in subsection 9, upon completing the  
49 examination, the county clerk shall immediately attach to the documents a  
50 certificate properly dated, showing the result of the examination, including the tally  
51 of signatures by petition district, if required, and transmit the documents with the  
52 certificate to the Secretary of State. In the case of a petition for initiative or  
53 referendum proposing a constitutional amendment or statewide measure, other than

1 a proposed petition, if a petition district comprises more than one county, the  
2 appropriate county clerks shall comply with the regulations adopted by the  
3 Secretary of State pursuant to this section to complete the certificate. A copy of this  
4 certificate must be filed in the clerk's office. When the county clerk transmits the  
5 certificate to the Secretary of State, the county clerk shall notify the Secretary of  
6 State of the number of requests to remove a name received by the county clerk  
7 pursuant to NRS 295.055 or 306.015.

8 8. A person who submits a petition to the county clerk which is required to be  
9 verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or  
10 306.110 or section 28.63 of this act must be allowed to witness the verification of  
11 the signatures. A public officer who is the subject of a recall petition must also be  
12 allowed to witness the verification of the signatures on the petition.

13 9. For any petition containing signatures which are required to be verified  
14 pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county,  
15 district or municipal office within one county, the county clerk shall not transmit to  
16 the Secretary of State the documents containing the signatures of the registered  
17 voters.

18 10. The Secretary of State shall by regulation establish further procedures for  
19 carrying out the provisions of this section.

20 **Sec. 3.87. NRS 293.1278 is hereby amended to read as follows:**

21 293.1278 1. If the certificates received by the Secretary of State from all the  
22 county clerks establish that the number of valid signatures is less than 90 percent of  
23 the required number of registered voters, the petition shall be deemed to have failed  
24 to qualify, and the Secretary of State shall immediately so notify the petitioners and  
25 the county clerks.

26 2. If those certificates establish that the number of valid signatures is equal to  
27 or more than the sum of 100 percent of the number of registered voters needed to  
28 make the petition sufficient plus the total number of requests to remove a name  
29 received by the county clerks pursuant to NRS 295.055 or 306.015 and, in the case  
30 of a petition for initiative or referendum proposing a constitutional amendment or  
31 statewide measure, other than a proposed petition, that the petition has the  
32 minimum number of signatures required for each petition district, the petition shall  
33 be deemed to qualify as of the date of receipt by the Secretary of State of those  
34 certificates, and the Secretary of State shall immediately so notify the petitioners  
35 and the county clerks.

36 3. If the certificates establish that the petitioners have 100 percent or more of  
37 the number of registered voters needed to make the petition sufficient but the  
38 petition fails to qualify pursuant to subsection 2, each county clerk who received a  
39 request to remove a name pursuant to NRS 295.055 or 306.015 shall remove each  
40 name as requested, amend the certificate and transmit the amended certificate to the  
41 Secretary of State. If the amended certificates establish that the petitioners have 100  
42 percent or more of the number of registered voters needed to make the petition  
43 sufficient and, in the case of a petition for initiative or referendum proposing a  
44 constitutional amendment or statewide measure, other than a proposed petition,  
45 that the petition has the minimum number of signatures required for each petition  
46 district, the petition shall be deemed to qualify as of the date of receipt by the  
47 Secretary of State of the amended certificates, and the Secretary of State shall  
48 immediately so notify the petitioners and the county clerks.

49 **Sec. 3.88. NRS 293.1279 is hereby amended to read as follows:**

50 293.1279 1. If the statistical sampling shows that the number of valid  
51 signatures filed is 90 percent or more, but less than the sum of 100 percent of the  
52 number of signatures of registered voters needed to declare the petition sufficient  
53 plus the total number of requests to remove a name received by the county clerks

1 pursuant to NRS 295.055 or 306.015, the Secretary of State shall order the county  
2 clerks to examine the signatures for verification. The county clerks shall examine  
3 the signatures for verification until they determine that 100 percent of the number  
4 of signatures of registered voters needed to declare the petition sufficient are valid.  
5 If the county clerks received a request to remove a name pursuant to NRS 295.055  
6 or 306.015, the county clerks may not determine that 100 percent of the number of  
7 signatures of registered voters needed to declare the petition sufficient are valid  
8 until they have removed each name as requested pursuant to NRS 295.055 or  
9 306.015.

10 2. Except as otherwise provided in this subsection, if the statistical sampling  
11 shows that the number of valid signatures filed in any county is 90 percent or more  
12 but less than the sum of 100 percent of the number of signatures of registered voters  
13 needed to constitute 10 percent of the number of voters who voted at the last  
14 preceding general election in that county plus the total number of requests to  
15 remove a name received by the county clerk in that county pursuant to NRS  
16 295.055 or 306.015, the Secretary of State may order the county clerk in that  
17 county to examine every signature for verification. If the county clerk received a  
18 request to remove a name pursuant to NRS 295.055 or 306.015, the county clerk  
19 may not determine that 100 percent or more of the number of signatures of  
20 registered voters needed to constitute 10 percent of the number of voters who voted  
21 at the last preceding general election in that county are valid until the county clerk  
22 has removed each name as requested pursuant to NRS 295.055 or 306.015. In the  
23 case of a petition for initiative or referendum ~~that proposes~~ proposing a  
24 constitutional amendment or statewide measure, other than a proposed petition, if  
25 the statistical sampling shows that the number of valid signatures in any petition  
26 district is 90 percent or more but less than the sum of 100 percent of the number of  
27 signatures of registered voters required for that petition district pursuant to NRS  
28 295.012 plus the total number of requests to remove a name received by the county  
29 clerk or county clerks, if the petition district comprises more than one county,  
30 pursuant to NRS 295.055, the Secretary of State may order a county clerk to  
31 examine every signature for verification.

32 3. Within 12 days, excluding Saturdays, Sundays and holidays, after receipt  
33 of such an order, the county clerk or county clerks shall determine from the records  
34 of registration what number of registered voters have signed the petition and, if  
35 appropriate, tally those signatures by petition district. If necessary, the board of  
36 county commissioners shall allow the county clerk additional assistants for  
37 examining the signatures and provide for their compensation. In determining from  
38 the records of registration what number of registered voters have signed the petition  
39 and in determining in which petition district the voters reside, the county clerk must  
40 use the statewide voter registration list. The county clerk may rely on the  
41 appearance of the signature and the address and date included with each signature  
42 in determining the number of registered voters that signed the petition.

43 4. Except as otherwise provided in subsection 5, upon completing the  
44 examination, the county clerk or county clerks shall immediately attach to the  
45 documents of the petition an amended certificate, properly dated, showing the result  
46 of the examination and shall immediately forward the documents with the amended  
47 certificate to the Secretary of State. A copy of the amended certificate must be filed  
48 in the county clerk's office. In the case of a petition for initiative or referendum ~~to~~  
49 ~~propose~~ proposing a constitutional amendment or statewide measure, other than a  
50 proposed petition, if a petition district comprises more than one county, the county  
51 clerks shall comply with the regulations adopted by the Secretary of State pursuant  
52 to this section to complete the amended certificate.

5. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not forward to the Secretary of State the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the Secretary of State as of the date on which the Secretary of State receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the State.

7. If the amended certificates received from all county clerks by the Secretary of State establish that the petition is still insufficient, the Secretary of State shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

8. The Secretary of State shall adopt regulations to carry out the provisions of this section.

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

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

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

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

~~(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent, the vacancy may be filled by a candidate designated by the party central committee of 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 ~~1. If~~, and no vacancy in a nomination for a nonpartisan office may be filled after that time and date. ~~1.~~**

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

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

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

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

3. ~~Not~~ *Except as otherwise provided in sections 2 and 3 of this act, no change in a major or minor political party nomination for a partisan 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 it~~, and no vacancy in a major or minor political party nomination for a partisan 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.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~3. The provisions of this section do not apply to candidates for the office of district attorney. category E felony and shall be punished as provided in NRS 193.130.~~

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

293.177 1. Except as otherwise provided in NRS 293.165, 293.166 and section 2 of this act, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an

1 acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier  
2 than:

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

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

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

11 (a) For partisan office:

12  
13 DECLARATION OF CANDIDACY OF ..... FOR THE  
14 OFFICE OF .....

15  
16 State of Nevada

17  
18 County of .....

19  
20 For the purpose of having my name placed on the official ballot as a  
21 candidate for the ..... Party nomination for the office of ....., I,  
22 the undersigned ....., do swear or affirm under penalty of perjury that I  
23 actually, as opposed to constructively, reside at ....., in the City or  
24 Town of ....., County of ....., State of Nevada; that my actual, as  
25 opposed to constructive, residence , in accordance with NRS 281.050, in  
26 the State, district, county, township, city or other area prescribed by law to  
27 which the office pertains began on a date at least ~~120~~ 180 days  
28 immediately preceding the date of the close of filing of declarations of  
29 candidacy for this office; that my telephone number is ....., and the  
30 address at which I receive mail, if different than my residence, is .....; that  
31 I am registered as a member of the ..... Party; that I am a qualified  
32 elector pursuant to Section 1 of Article 2 of the Constitution of the State of  
33 Nevada; that if I have ever been convicted of treason or a felony, my civil  
34 rights have been restored by a court of competent jurisdiction; that I have  
35 not, in violation of the provisions of NRS 293.176, changed the designation  
36 of my political party or political party affiliation on an official application  
37 to register to vote in any state since December 31 before the closing filing  
38 date for this election; that I generally believe in and intend to support the  
39 concepts found in the principles and policies of that political party in the  
40 coming election; that if nominated as a candidate of the ..... Party at  
41 the ensuing election, I will accept that nomination and not withdraw; that I  
42 will not knowingly violate any election law or any law defining and  
43 prohibiting corrupt and fraudulent practices in campaigns and elections in  
44 this State; that I will qualify for the office if elected thereto, including, but  
45 not limited to, complying with any limitation prescribed by the Constitution  
46 and laws of this State concerning the number of years or terms for which a  
47 person may hold the office; and that I understand that my name will appear  
48 on all ballots as designated in this declaration.

49  
50 .....  
51 (Designation of name)  
52 .....  
53 .....

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

.....  
(Designation of name)

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

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

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

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

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

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

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

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

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

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

(b) Must not contain the social security number, ~~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~~ *for the candidate* is the Secretary of State ~~or to the~~ *;* *or*

(2) *The appropriate* district attorney ~~if~~ *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 NRS 293.182. ~~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 filing officer 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 category E felony and shall be punished as provided in NRS 193.130.*

**Sec. 8.** NRS 293.181 is hereby amended to read as follows:  
293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file with his or her declaration of candidacy or acceptance of candidacy a declaration of residency which must be in substantially the following form:

I, the undersigned, do swear or affirm under penalty of perjury that , ~~I have been a citizen resident of this State~~ as required by NRS 218A.200 ~~and~~ , *I will* have actually, as opposed to constructively, *been a citizen resident of this State and* resided at the following residence or residences ~~since November 1 of the preceding year~~ , *in accordance with NRS 281.050, for the 2 years immediately preceding the date of the general election:*

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

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

*3. Any person who knowingly and willfully files a declaration of residency which contains a false statement in violation of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

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

2       293.182 1. After a person files a declaration of candidacy or an acceptance  
3 of candidacy to be a candidate for an office, and not later than 5 ~~days after~~ *p.m.*  
4 ~~on the last day the person may withdraw his or her candidacy~~ *Monday*  
5 *immediately preceding the first day of the period of early voting by personal*  
6 *appearance for the general election* pursuant to NRS ~~293.202~~ 293.3568, an  
7 elector may file with the filing officer for the office a written challenge of the  
8 person on the grounds that the person fails to meet any qualification required for the  
9 office pursuant to the Constitution or ~~a statute~~ *laws* of this State . ~~including,~~  
10 ~~without limitation, a requirement concerning age or residency.~~ Before accepting  
11 the challenge from the elector, the filing officer shall notify the elector that if the  
12 challenge is found by a court to be frivolous, the elector may be required to pay the  
13 reasonable attorney's fees and ~~court~~ costs of the ~~challenged person.~~ *person who*  
14 *is being challenged.*

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

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

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

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

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

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

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

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

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

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

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

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

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

49       293.184 ~~++~~ In addition to any other *remedy* or penalty provided by law, if  
50 a person *knowingly and* willfully files a declaration of candidacy or acceptance of  
51 candidacy ~~knowing that the declaration of candidacy or acceptance of candidacy~~  
52 *which* contains a false statement:

~~1 (a) Except as otherwise provided in NRS 293.165 and 293.166, the name of~~  
~~2 the person must not appear on any ballot for the election for which the person filed~~  
~~3 the declaration of candidacy or acceptance of candidacy; and~~

~~4 —(b) 1. The person is an ineligible candidate, and the county clerk shall~~  
~~5 take appropriate action regarding the ineligible candidate pursuant to section 2~~  
~~6 of this act; and~~

~~7 2. The person is disqualified from entering upon the duties of the office for~~  
~~8 which he or she was a candidate.~~

~~9 —2. If the name of a person who is disqualified from entering upon the duties of~~  
~~10 an office pursuant to subsection 1 appears on a ballot for the election is disqualified~~  
~~11 because the deadline set forth in NRS 293.165 and 293.166 for making changes to~~  
~~12 the ballot has passed, the Secretary of State and county clerk must post a sign at~~  
~~13 each polling place where the person's name will appear on the ballot informing~~  
~~14 voters that the person is disqualified from entering upon the duties of office.~~ **filed**  
**15 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 the best of his or her knowledge and belief and were signed in his or her  
presence by persons registered to vote in that county.

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



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

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

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

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

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

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

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

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

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

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

293.203 Immediately upon receipt by the county clerk of the certified list of candidates from the Secretary of State, the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the 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 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.

~~11.12.~~ 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 number of votes in the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his or her name must be placed on the ballot for the general election.

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

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

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

(b) Any nonpartisan office, other than the office of justice of the Supreme Court, office of judge of the Court of Appeals or the office of member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection ~~124~~ **1** of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and

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

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

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

293.263 On the primary ballots for a major political party, the name of the major political party must appear at the top of the ballot. Except as otherwise provided in NRS 293.2565, **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 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. 12.35.** **NRS 293.267 is hereby amended to read as follows:**

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

2. Except as otherwise provided in NRS 293.2565, names of candidates must be grouped alphabetically 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,]~~ as an initiative in accordance with section 28.71 of this act and the Nevada Constitution, the measure proposed by the Legislature ~~[and approved by the Governor]~~ must be listed on the ballot before the ~~[statewide]~~ measure proposed by the 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]~~ propose different measures on the same ~~[issue,]~~ subject, and only one ~~[approach]~~ of the measures may be enacted into law. ~~[Please vote for only one.]~~ If both of the measures are approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes is enacted into law as provided in Section 2 of Article 19 of the Nevada Constitution.

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 proposes a different measure on the same subject as an initiative in accordance with section 28.71 of this act and the Nevada Constitution, the measure proposed by the Legislature must be listed on the ballot before the measure proposed by the initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:

The following questions propose different measures on the same subject, and only one of the measures may be enacted into law. If both of the measures are approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes is enacted into law as provided in Section 2 of Article 19 of the Nevada Constitution.

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

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

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

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

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

3. Every sample ballot or other instruction to voters prescribed 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.)

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

2       293.367 1. The basic factor to be considered by an election board when  
3 making a determination of whether a particular ballot must be rejected is whether  
4 any identifying mark appears on the ballot which, in the opinion of the election  
5 board, constitutes an identifying mark such that there is a reasonable belief  
6 entertained in good faith that the ballot has been tampered with and, as a result of  
7 the tampering, the outcome of the election would be affected.

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

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

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

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

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

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

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

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

25       293.3677 1. When counting a vote in an election ~~(b)~~:

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

28       (b) *A vote cast for an ineligible candidate is a nullity and void and must not*  
29 *be given any legal force or effect for the purposes of determining the outcome of*  
30 *the election.*

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

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

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

39       3. The Secretary of State:

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

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

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

48       293.370 1. When all the votes have been counted ~~(b)~~ *in the manner*  
49 *provided in NRS 293.3677*, the counting board officers shall enter on the tally lists  
50 by the name of each candidate the number of votes the candidate received ~~(b)~~ *and, if*  
51 *the name of an ineligible candidate could not be removed from the ballot*  
52 *pursuant to section 2 of this act, the number of votes the ineligible candidate*

1 *received that are a nullity and void.* The vote for and against any question  
2 submitted to the electors must be entered in the same manner.

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

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

6 (b) A general election.

7 **Sec. 17.** NRS 293.387 is hereby amended to read as follows:

8 293.387 1. As soon as the returns from all the precincts and districts in any  
9 county have been received by the board of county commissioners, the board shall  
10 meet and canvass the returns. The canvass must be completed on or before the sixth  
11 working day following the election.

12 2. In making its canvass, the board shall:

13 (a) Note separately any clerical errors discovered; and

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

16 3. The county clerk shall, as soon as the result is declared, enter upon the  
17 records of the board an abstract of the result, which must contain the number of  
18 votes cast for each candidate ~~H~~ *and, if the name of an ineligible candidate could*  
19 *not be removed from the ballot pursuant to section 2 of this act, the number of*  
20 *votes cast for the ineligible candidate that are a nullity and void.* The board, after  
21 making the abstract, shall cause the county clerk to certify the abstract and, by an  
22 order made and entered in the minutes of its proceedings, to make:

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

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

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

28 4. The Secretary of State shall, immediately after any primary election,  
29 compile the returns for all candidates voted for in more than one county. The  
30 Secretary of State shall make out and file in his or her office an abstract thereof,  
31 *which must contain the number of votes cast for each candidate and, if the name*  
32 *of an ineligible candidate could not be removed from the ballot pursuant to*  
33 *section 2 of this act, the number of votes cast for the ineligible candidate that are*  
34 *a nullity and void,* and shall certify to the county clerk of each county the name of  
35 each person nominated, and the name of the office for which the person is  
36 nominated.

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

38 293.393 1. On or before the sixth working day after any general election or  
39 any other election at which votes are cast for any United States Senator,  
40 Representative in Congress, member of the Legislature or any state officer who is  
41 elected statewide, the board of county commissioners shall open the returns of  
42 votes cast and make abstracts of the votes.

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

45 3. The county clerk shall make out a certificate of election to each of the  
46 persons having the highest number of votes for the district, county and township  
47 offices ~~H~~ *, except that if the name of an ineligible candidate could not be*  
48 *removed from the ballot pursuant to section 2 of this act, the county clerk shall*  
49 *not make out a certificate of election to the ineligible candidate regardless of the*  
50 *number of votes cast for the ineligible candidate that are a nullity and void.*

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



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

2       293.395 1. The board of county commissioners, after making the abstract of  
3 votes as provided in NRS 293.393, shall cause the county clerk to certify the  
4 abstract and, by an order made and entered in the minutes of its proceedings, to  
5 make:

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

7       (b) A mechanized report of that abstract in compliance with regulations  
8 adopted by the Secretary of State,  
9       and forthwith transmit them to the Secretary of State.

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

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

24       **Sec. 17.3.** NRS 293.397 is hereby amended to read as follows:

25       293.397 ~~††~~

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

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

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

37       293.400 1. ~~††~~ *Except as otherwise provided in section 1.7 of this act, if,*

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

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

46       (b) In a primary election for a United States Senator, Representative in  
47 Congress, state officer who is elected statewide or by district, district judge, or  
48 district officer whose district includes area in more than one county, the Secretary  
49 of State shall summon the candidates who have received the tie votes to appear  
50 before the Secretary of State at a time and place designated by the Secretary of  
51 State and the Secretary of State shall determine the tie by lot. If the tie vote is for  
52 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 ~~+~~, *except for ineligible candidates.*

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

293.403 1. ~~+~~ *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.

1       **Sec. 17.6.** NRS 293.407 is hereby amended to read as follows:

2       293.407 1. ~~TA~~ *Except as otherwise provided in section 1.8 of this act, a*  
3 candidate at any election, or any registered voter of the appropriate political  
4 subdivision, may contest the election of any candidate, except for the office of  
5 United States Senator or Representative in Congress.

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

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

14       (b) The name of the defendant;

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

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

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

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

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

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

25       293.427 1. The Secretary of State shall deliver the statement of contest filed  
26 pursuant to NRS 293.425 and all other documents, including any amendments to  
27 the statement, to the presiding officer of the appropriate house of the Legislature on  
28 the day of the organization of the Legislature.

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

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

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

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

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

50       293.430 1. If the contest is of the general election for the office of  
51 Governor, Lieutenant Governor, justice of the Supreme Court or judge of the Court  
52 of Appeals, the statement of contest and all depositions, ballots and other  
53 documents relating to the contest must be filed with the Secretary of State within

1 the time provided for filing statements of contests with the clerk of the district  
2 court.

3 2. Until the contest is decided, the candidate who received the highest number  
4 of votes for the office in the contested election must be seated and commence the  
5 duties of the office **H**, *except that if the name of an ineligible candidate for the*  
6 *office could not be removed from the ballot pursuant to section 2 of this act, the*  
7 *ineligible candidate must not be seated or commence the duties of the office*  
8 *regardless of the number of votes cast for the ineligible candidate that are a*  
9 *nullity and void.*

10 3. The Secretary of State shall deliver the statement of contest and all other  
11 papers and documents to the speaker of the assembly on the day of the organization  
12 of the Legislature.

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

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

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

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

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

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

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

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

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

42 2. *If a person is or becomes an ineligible candidate, the city clerk shall*  
43 *remove the name of the person from the ballot, except that no changes may be*  
44 *made on the ballot pursuant to this section for:*

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

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

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

52 3. *If the period for making changes on the ballot has elapsed pursuant to*  
53 *this section and, for that reason, the city clerk cannot remove the name of the*

1 *person who is or becomes an ineligible candidate from the ballot, the city clerk*  
2 *shall:*

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

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

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

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

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

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

25 293C.115 1. The governing body of a city incorporated pursuant to general  
26 law may by ordinance provide for a primary city election and a general city election  
27 on:

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

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

32 2. If a governing body of a city adopts an ordinance pursuant to paragraph (a)  
33 of subsection 1, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5,~~  
34 ~~inclusive, of NRS~~ 293.165, ~~and in NRS~~ 293.166, 293.175, 293.177 ~~+~~ and  
35 293.345 and ~~293.368~~ *section 2 of this act* apply for purposes of conducting the  
36 primary city elections and general city elections of the city.

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

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

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

42 **Sec. 19.3.** NRS 293C.175 is hereby amended to read as follows:

43 293C.175 1. Except as otherwise provided in NRS 293C.115, a primary city  
44 election must be held in each city of population category one, and in each city of  
45 population category two that has so provided by ordinance, on the first Tuesday  
46 after the first Monday in April of every year in which a general city election is to be  
47 held, at which time there must be nominated candidates for offices to be voted for  
48 at the next general city election.

49 2. Except as otherwise provided in NRS 293C.115, a candidate for any office  
50 to be voted for at the primary city election must file a declaration of candidacy with  
51 the city clerk not less than 60 days or more than 70 days before the date of the  
52 primary city election. The city clerk shall charge and collect from the candidate and  
53 the candidate must pay to the city clerk, at the time of filing the declaration of

1 candidacy, a filing fee in an amount fixed by the governing body of the city by  
2 ordinance or resolution. The filing fees collected by the city clerk must be deposited  
3 to the credit of the general fund of the city.

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

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

7 (a) If, in a primary city election held in a city of population category one or  
8 two, one candidate receives more than a majority of votes cast in that election for  
9 the office for which he or she is a candidate, the candidate must be declared elected  
10 to the office and the candidate's name must not be placed on the ballot for the  
11 general city election.

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

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

17 293C.180 *Except as otherwise provided in sections 18.3 and 18.5 of this act:*

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

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

25 3. If more than twice the number of candidates to be elected have filed for  
26 nomination for an office, the names of the candidates must appear on the ballot for  
27 a primary city election. Except as otherwise provided in subsection 4 of NRS  
28 293C.175, those candidates who receive the highest number of votes at that  
29 election, not to exceed twice the number to be elected, must be declared nominees  
30 for the office.

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

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

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

40  
41 DECLARATION OF CANDIDACY OF ..... FOR THE  
42 OFFICE OF .....

43  
44 State of Nevada

45  
46 City of .....

47 For the purpose of having my name placed on the official ballot as a  
48 candidate for the office of ....., I, ....., the undersigned do  
49 swear or affirm under penalty of perjury that I actually, as opposed to  
50 constructively, reside at ....., in the City or Town of .....,  
51 County of ....., State of Nevada; that my actual, as opposed to  
52 constructive, residence, *in accordance with NRS 281.050*, in the city,  
53 township or other area prescribed by law to which the office pertains began

on a date at least ~~30~~ 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 NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if ~~it~~ *the candidate fails to comply with the following:*

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

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

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

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

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

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

(b) Must not contain the social security number , ~~it~~ 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 city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. 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 city clerk duplicate copies of the process. The city clerk 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 city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

6. If the ~~city clerk~~ *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 ~~city clerk~~:

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

(a) *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 *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 category E felony and shall be punished as provided in NRS 193.130.*

**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~~ *p.m. on* the last ~~day the person may withdraw his or her candidacy~~ *Monday immediately preceding the first day of the period of early voting by personal appearance for the general city election* pursuant to NRS ~~293C.195,~~ 293C.3568, 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. ~~I, 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 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 ~~the 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. 22. NRS 293C.1865 is hereby amended to read as follows:

293C.1865 ~~++~~ 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 or 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 city clerk shall take appropriate action regarding the ineligible candidate pursuant to section 18.5 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 city 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. 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, 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 the second Tuesday after the second Monday in April must be filled by the person who received the next highest vote for the nomination in the primary city election.

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

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

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

293C.200 1. In addition to any other requirement provided by law, no person may be a candidate for a city office unless, for at least the ~~130~~ 180 days immediately preceding the date of the close of filing of declarations or acceptances of candidacy for the office that the person seeks, the person has in accordance with NRS 281.050, actually, as opposed to constructively, resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or which he or she will represent.

2. Any person who knowingly and willfully files a declaration of candidacy or an acceptance of candidacy ~~that~~ *which* contains a false statement ~~in this respect~~ *regarding the person's residency in violation of this section* is guilty of a ~~gross misdemeanor~~ *category E felony and shall be punished as provided in NRS 193.130.*

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

2       293C.257 For a primary city election, there must appear at the top of each  
3 ballot the designation "Candidates for city offices." Except as otherwise provided in  
4 NRS 293.2565, *and section 18.5 of this act*, following this designation must appear  
5 the names of candidates grouped alphabetically under the title and length of term of  
6 the office for which those candidates filed.

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

8       293C.260 1. Except as otherwise provided in NRS 293C.140, *and section*  
9 *18.5 of this act*, ballots for a general city election must contain the names of  
10 candidates who were nominated at the primary city election.

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

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

15       293C.262 1. ~~the~~ *Except as otherwise provided in section 18.5 of this act,*  
16 *the* offices for which there are candidates, the names of the candidates therefor and  
17 the questions to be voted upon must be printed on ballots for a city election in the  
18 following order:

19       (a) City offices:

20           (1) Mayor;

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

23           (3) Municipal judges.

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

27       2. The city clerk:

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

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

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

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

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

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

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

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

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

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

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

52       ~~(e)~~ (f) When an election board officer rejects a ballot for any alleged defect  
53 or illegality, the officer shall seal the ballot in an envelope and write upon the

1 envelope a statement that it was rejected and the reason for rejecting it. Each  
2 election board officer shall sign the envelope.

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

4 293C.369 1. When counting a vote in an election ~~+~~~~+~~ :

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

7 (b) *A vote cast for an ineligible candidate is a nullity and void and must not*  
8 *be given any legal force or effect for the purposes of determining the outcome of*  
9 *the election.*

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

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

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

18 3. The Secretary of State:

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

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

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

27 293C.372 When all the votes have been counted ~~+~~ *in the manner provided*  
28 *in NRS 293C.369*, the counting board officers shall enter on the tally lists by the  
29 name of each candidate the number of votes the candidate received ~~+~~ *and, if the*  
30 *name of an ineligible candidate could not be removed from the ballot pursuant to*  
31 *section 18.5 of this act, the number of votes the ineligible candidate received that*  
32 *are a nullity and void.* The vote for and against any question submitted to the  
33 electors must be entered in the same manner.

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

35 293C.387 1. The election returns from a special election, primary city  
36 election or general city election must be filed with the city clerk, who shall  
37 immediately place the returns in a safe or vault designated by the city clerk. No  
38 person may handle, inspect or in any manner interfere with the returns until they are  
39 canvassed by the mayor and the governing body of the city.

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

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

46 (a) Note separately any clerical errors discovered; and

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

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

51 5. The city clerk shall enter upon the records of the governing body of the city  
52 an abstract of the result. The abstract must be prepared in the manner prescribed by  
53 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 ~~and~~;

*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 ~~and~~

*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. 28.25.** Chapter 295 of NRS is hereby amended by adding thereto the provisions set forth as sections 28.27 to 28.71, inclusive, of this act.

**Sec. 28.27.** The Legislature hereby finds and declares that:

1. Section 5 of Article 19 of the Nevada Constitution authorizes the Legislature to provide by law for procedures to facilitate the operation of the



provisions of Article 19 of the Nevada Constitution regarding a statewide or local petition for initiative or referendum, including, without limitation, procedures to facilitate the process of proposing, circulating and submitting such a petition to the registered voters of this State.

2. When a statewide or local petition for initiative or referendum proposes a measure for consideration by the voters, the petition process does not include the same procedural components and safeguards provided by the state or local legislative process for consideration of a proposed measure, including, without limitation:

(a) The development, drafting, review, analysis, evaluation and revision of the form, substance and terms of the proposed measure throughout a multistage procedural process conducted by legislative and other public bodies and committees;

(b) Public input and scrutiny regarding the form, substance and terms of the proposed measure, and any changes thereto, throughout the multistage procedural process; and

(c) When required, executive approval or disapproval of the proposed measure as part of the multistage procedural process, with any executive disapproval subject to legislative override by a supermajority.

3. In the absence of such procedural components and safeguards, the petition process is more vulnerable and susceptible to fraud, subterfuge, misunderstanding, mischief and abuse which creates a significant risk of voter confusion, inattention and deception and which undermines the public's faith and confidence in the fairness, veracity and integrity of the petition process and election process.

4. The provisions of this chapter establish procedures to facilitate the petition process and election process which are intended to:

(a) Ensure that each petition receives a threshold level of support from the voters in order to:

(1) Discourage frivolous, spurious, vexatious or harassing petitions that consume and waste valuable public and private resources; and

(2) Encourage order, efficiency and fairness and the cost-effective and economical use of public and private resources throughout the petition process and election process.

(b) Ensure that the voters receive accurate, reliable, truthful and helpful information regarding each petition in order to assist the voters in reviewing, understanding, analyzing, evaluating and making informed decisions throughout the petition process and election process.

(c) Ensure that the voters are provided with a description of effect on each petition and that each petition embraces but one subject and matters necessarily connected therewith and pertaining thereto pursuant to NRS 295.009 in order to:

(1) Give the voters a clear and definite choice;

(2) Prevent confusion, inattention and deception; and

(3) Focus each proposal on a single subject so that the voters are presented with a meaningful opportunity to consider the merits and consequences of each proposal separately without being confused, misled or manipulated by intricate, complex or complicated multi-subject proposals that:

(I) Conceal, obscure or obfuscate the intent or purpose of the proposal; or

(II) Combine more popular provisions with less popular provisions to obtain approval of provisions that the voters otherwise would reject if the provisions were presented separately in single-subject proposals.



(d) Protect against fraud, subterfuge, misunderstanding, mischief and abuse in the petition process and election process.

(e) Safeguard the public's faith and confidence in the fairness, veracity and integrity of the petition process and election process.

Sec. 28.29. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 28.31 and 28.33 of this act have the meanings ascribed to them in those sections.

Sec. 28.31. "Local petition for initiative or referendum" means any county, city or other local petition for initiative or referendum authorized by the Nevada Constitution or laws of this State.

Sec. 28.33. "Statewide petition for initiative or referendum" means a petition for initiative or referendum authorized by Section 1 or 2 of Article 19 of the Nevada Constitution, as applicable, to:

1. Approve or disapprove a statute or resolution or any part thereof enacted by the Legislature; or

2. Propose a statute, an amendment to a statute or an amendment to the Nevada Constitution.

Sec. 28.35. 1. If, in any preelection action, a statewide or local petition for initiative or referendum, or any part thereof, is declared invalid by a court of competent jurisdiction for any violation of the description-of-effect or single-subject requirements of NRS 295.009:

(a) The petition is void in its entirety and is not severable, and no part of the petition may be submitted to the voters at any election; and

(b) Any signatures collected on the petition are not valid for any purpose.

2. The provisions of this section do not alter, abrogate or affect the application of any other statutory or common-law rules governing severance of a petition, or any part thereof, if the petition complies with the description-of-effect and single-subject requirements of NRS 295.009 but is declared invalid by a court of competent jurisdiction for reasons other than those expressly set forth in this section.

Sec. 28.37. As used in NRS 295.012 to 295.061, inclusive, and sections 28.37 to 28.71, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 28.39 to 28.51, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 28.39. "Description of effect" means the description of the effect of an initiative or referendum that must appear on each signature page of a statewide petition pursuant to paragraph (b) of subsection 1 of NRS 295.009.

Sec. 28.41. "Formalized petition" means a statewide petition that complies with the provisions of NRS 295.012 to 295.061, inclusive, and sections 28.37 to 28.71, inclusive, of this act in order to be circulated for signatures as a formalized petition.

Sec. 28.43. "Proponent of a statewide petition" or "proponent" means the person or persons who propose a statewide petition.

Sec. 28.45. "Proposed petition" means a statewide petition described in section 28.57 of this act.

Sec. 28.47. "Single-subject challenge" means any challenge alleging that a statewide petition violates the single-subject requirement in paragraph (a) of subsection 1 of NRS 295.009 which requires that the petition must embrace but one subject and matters necessarily connected therewith and pertaining thereto.

Sec. 28.49. 1. "Statewide petition" or "petition" has the meaning ascribed to "statewide petition for initiative or referendum" in section 28.33 of this act.

1 2. Except as otherwise provided in NRS 295.012 to 295.061, inclusive, and  
2 sections 28.37 to 28.71, inclusive, of this act, the term includes a proposed  
3 petition.

4 Sec. 28.51. 1. "Working day" means a day on which the Office of the  
5 Secretary of State or the appropriate court, as applicable, is regularly open for  
6 the transaction of business.

7 2. In computing any period of time measured by working days, the  
8 provisions of Rule 6 of the Nevada Rules of Civil Procedure which provide that 3  
9 days shall be added to the prescribed period after service by mail or electronic  
10 means do not apply to any period of working days prescribed by the provisions of  
11 NRS 295.012 to 295.061, inclusive, and sections 28.37 to 28.71, inclusive, of this  
12 act.

13 Sec. 28.53. 1. The Secretary of State shall maintain a notification list to  
14 provide electronic notification to persons who submit, in the manner prescribed  
15 by the Secretary of State, a request to receive electronic notification of  
16 information relating to statewide petitions.

17 2. The Secretary of State shall provide electronic notification to persons on  
18 the list as soon as practicable after:

19 (a) The filing of a proposed petition pursuant to section 28.57 of this act.

20 (b) The issuance of a declaration of sufficiency that a proposed petition has a  
21 sufficient number of signatures pursuant to section 28.65 of this act.

22 (c) The filing of a formalized petition pursuant to NRS 295.015.

23 (d) The determination that a formalized petition has a sufficient number of  
24 signatures pursuant to NRS 293.1276 to 293.1279, inclusive.

25 3. The Secretary of State may provide electronic notification to persons on  
26 the list of any other information relating to statewide petitions deemed  
27 appropriate by the Secretary of State.

28 Sec. 28.55. 1. The proponent of a statewide petition may not circulate the  
29 petition for signatures unless the proponent complies with the provisions of NRS  
30 295.012 to 295.061, inclusive, and sections 28.37 to 28.71, inclusive, of this act.

31 2. The proponent of a local petition for initiative or referendum is not  
32 subject to the provisions of NRS 295.012 to 295.061, inclusive, and sections 28.37  
33 to 28.71, inclusive, of this act.

34 Sec. 28.57. 1. Before the proponent of a statewide petition may begin to  
35 circulate the petition for signatures, the proponent must file with the Secretary of  
36 State, not earlier than the first day on which such filing is permitted by Section 1  
37 or 2 of Article 19 of the Nevada Constitution, as applicable, a copy of the  
38 proposed petition, in the form required by this section, setting forth the full text of  
39 the measure proposed for the initiative or referendum.

40 2. After the proponent files the proposed petition with the Secretary of State,  
41 the following procedural requirements must be satisfied in order for the proposed  
42 petition to become a formalized petition:

43 (a) The proponent must circulate the proposed petition for signatures and  
44 collect the signatures of not less than 250 persons and not more than 1,000  
45 persons who are registered voters in this State. The signatures collected on the  
46 proposed petition do not have to be apportioned equally among the petition  
47 districts pursuant to NRS 295.012.

48 (b) The proposed petition must be submitted for verification pursuant to  
49 section 28.63 of this act.

50 (c) The Secretary of State must issue a declaration of sufficiency that the  
51 proposed petition has a sufficient number of signatures pursuant to section 28.65  
52 of this act.

1 (d) The description of effect for the formalized petition must be determined  
2 pursuant to section 28.67 of this act.

3 3. If the proposed petition becomes a formalized petition, the signatures  
4 collected on the proposed petition, not to exceed 1,000 signatures, shall be  
5 deemed to be signatures collected on the formalized petition.

6 4. The proponent may not circulate a copy of the proposed petition that is  
7 different in any way from the copy of the proposed petition filed with the  
8 Secretary of State, and any signatures collected on a copy of the proposed petition  
9 that is different in any way from the filed copy are not valid for any purpose.

10 5. The proposed petition may not be amended, changed or revised in any  
11 way after the proposed petition is filed with the Secretary of State. If the  
12 proponent wants to amend, change or revise the proposed petition in any way  
13 after the proposed petition is filed with the Secretary of State, the proponent must  
14 file another proposed petition pursuant to this section, and any signatures  
15 collected on the previous proposed petition are not valid for the purposes of  
16 collecting signatures for any subsequent petition.

17 6. The proposed petition must be in the form required by Section 3 of  
18 Article 19 of the Nevada Constitution and the provisions of NRS 295.009,  
19 295.055 and 295.0575 and section 28.61 of this act and any regulations adopted  
20 pursuant thereto, except that the proposed petition:

21 (a) Must not include:

22 (1) Any references to the petition districts; or

23 (2) A description of effect; and

24 (b) Must set forth a neutral summary, in not more than 200 words, of the  
25 purpose of the initiative or referendum in the proposed petition. The neutral  
26 summary must appear on each signature page of the proposed petition and is not  
27 subject to challenge in any judicial or administrative proceeding.

28 7. Except as otherwise provided in this section, the provisions of NRS  
29 295.009, 295.055 and 295.0575 that apply to a formalized petition, other than the  
30 provisions relating to the petition districts, also apply to a proposed petition, and  
31 any reference to a petition in those provisions of NRS shall be deemed to include  
32 a proposed petition.

33 Sec. 28.59. 1. When the proponent files the proposed petition with the  
34 Secretary of State pursuant to section 28.57 of this act, the proponent shall also  
35 file an informational statement with the Secretary of State on a form prescribed  
36 by the Secretary of State.

37 2. The form for the informational statement must include, without  
38 limitation:

39 (a) The purpose of the proposed petition.

40 (b) The name, address and telephone number of the proponent or, if there is  
41 more than one proponent, the name, address and telephone number of each  
42 proponent.

43 (c) If any such proponent is a business or social organization, corporation,  
44 partnership, association, trust, unincorporated organization, labor union or other  
45 legal entity, the name, address and telephone number of each of its officers.

46 (d) The designation of a contact person and the name, address and telephone  
47 number of the contact person. The contact person is not required to be a  
48 proponent but must be authorized to address questions or issues relating to the  
49 proposed petition.

50 (e) Any other information deemed necessary by the Secretary of State.

51 3. During the period beginning on the date on which the proponent files the  
52 initial informational statement and ending on the date on which the proponent

1 files a notice of termination of activities pursuant to subsection 4, the proponent  
2 shall file with the Secretary of State:

3 (a) An updated informational statement not later than 30 days after the date  
4 on which there is any change in the information contained in the most recently  
5 filed informational statement; and

6 (b) An annual informational statement not later than January 15 after the  
7 end of each year, regardless of whether there is any change in the information  
8 contained in the most recently filed informational statement.

9 4. The provisions of subsection 3 apply to the proponent until the proponent  
10 files a notice of termination of activities with the Secretary of State on a form  
11 prescribed by the Secretary of State. The form for the notice must include,  
12 without limitation:

13 (a) A statement that the proponent has ceased all activities relating to the  
14 proposed petition or, if the proposed petition becomes a formalized petition, the  
15 formalized petition.

16 (b) Any other information deemed necessary by the Secretary of State.

17 5. Any form filed with the Secretary of State pursuant to this section must  
18 be signed by a proponent under an oath to God or penalty of perjury. A  
19 proponent who signs the form under an oath to God is subject to the same  
20 penalties as if the proponent had signed the form under penalty of perjury.

21 Sec. 28.61. 1. If the proponent properly files the proposed petition and  
22 informational statement with the Secretary of State pursuant to sections 28.57  
23 and 28.59 of this act, the Secretary of State shall assign to the proposed petition a  
24 title with an identifying number in substantially the following form, as  
25 applicable:

26 (a) "Proposed Initiative Petition No. ...."; or

27 (b) "Proposed Referendum Petition No. ...."

28 2. The title with the identifying number that is assigned to the proposed  
29 petition pursuant to this section must appear on each signature page of the  
30 proposed petition above the neutral summary. No title, description, caption,  
31 heading, slogan, word, term or phrase may appear on the proposed petition for  
32 the purpose of identifying the proposed petition other than the title with the  
33 identifying number that is assigned to the proposed petition pursuant to this  
34 section and the neutral summary.

35 3. Except as otherwise provided in subsection 4, the Secretary of State shall  
36 assign the title with an identifying number to the proposed petition in numerical  
37 sequence based on the date and time that the proposed petition and informational  
38 statement are filed with the Secretary of State during the current election cycle.

39 4. If, when the Secretary of State assigns the title with an identifying  
40 number to the proposed petition, the next number in the numerical sequence is  
41 already assigned to an initiative from the prior election cycle that proposes an  
42 amendment to the Nevada Constitution and will be resubmitted to the voters  
43 during the current election cycle under the same number pursuant to NRS  
44 295.035, the Secretary of State shall not use that number but shall assign the next  
45 available number in the numerical sequence to the proposed petition.

46 5. After the Secretary of State assigns the title with the identifying number  
47 to the proposed petition, the Secretary of State shall use the same identifying  
48 number for the title of the formalized petition if the proposed petition becomes a  
49 formalized petition.

50 6. The Secretary of State shall post on the Internet website of the Secretary  
51 of State:

52 (a) A copy of the proposed petition;

(b) The title with the identifying number that is assigned to the proposed petition; and

(c) The date on which the proposed petition was filed with the Secretary of State.

Sec. 28.63. 1. After the proposed petition has been circulated for signatures, the proposed petition is not effective for any purpose unless it is submitted for verification in the manner required by this section. If the proposed petition is not submitted for verification in the manner required by this section, the proposed petition is void, and any signatures collected on the proposed petition are not valid for any purpose.

2. The proposed petition may not be circulated for signatures on or after the day on which it is submitted for verification. To submit the proposed petition for verification, the proponent or a person acting on behalf of the proponent must submit to each county clerk for verification the document or documents of the proposed petition which were circulated for signatures within the clerk's county. The county clerk shall give the person submitting a document or documents a receipt stating the number of documents and pages and the statement of the person of the number of signatures contained therein.

3. All documents of the proposed petition which are submitted to a county clerk for verification must be submitted at the same time. If documents concerning the same proposed petition are submitted for verification to more than one county clerk, the documents must be submitted to each county clerk on the same day. At the time that the proposed petition is submitted to a county clerk for verification, the person submitting the document or documents shall designate a contact person who is authorized to address questions or issues relating to the proposed petition.

4. The provisions of NRS 293.12758 to 293.12795, inclusive, that apply to the verification of a formalized petition, other than the provisions relating to the petition districts, also apply to the verification of a proposed petition, and any reference to a petition in those provisions of NRS shall be deemed to include a proposed petition.

5. The proponent may withdraw the proposed petition at any time before the proposed petition is submitted to the county clerks for verification pursuant to this section by filing a notice of withdrawal with the Secretary of State on a form prescribed by the Secretary of State. If the proponent files a notice of withdrawal, the proposed petition is void, and any signatures collected on the proposed petition are not valid for any purpose.

Sec. 28.65. 1. If the proposed petition is in proper form and, after verification, the certificates received by the Secretary of State from all the county clerks establish that the proposed petition has not less than the minimum number of signatures required by section 28.57 of this act, the Secretary of State shall issue a declaration of sufficiency that the proposed petition has a sufficient number of signatures.

2. After issuing the declaration of sufficiency, the Secretary of State shall:

(a) Send a notice to the proponent of the proposed petition that the declaration of sufficiency has been issued for the proposed petition and provide a copy of the declaration of sufficiency to the proponent;

(b) Transmit a copy of the notice, declaration of sufficiency and proposed petition to the Attorney General; and

(c) Post on the Internet website of the Secretary of State:

(1) The notice and declaration of sufficiency; and

(2) The date on which the notice was sent to the proponent by the Secretary of State.



1 3. A declaration of sufficiency issued by the Secretary of State pursuant to  
2 this section is not subject to review in any judicial or administrative proceeding.

3 4. On or after the date on which the Secretary of State sends the notice to  
4 the proponent pursuant to subsection 2, any person who wants to bring a single-  
5 subject challenge against the proposed petition must file a complaint against the  
6 proponent pursuant to NRS 295.061 within the time provided by that section. If a  
7 complaint is not filed within the time provided by NRS 295.061, any single-  
8 subject challenge is forever barred, both with respect to the proposed petition and  
9 the formalized petition if the proposed petition becomes a formalized petition.

10 Sec. 28.67. 1. Not later than 5 working days after the date on which the  
11 Secretary of State sends the notice to the proponent that the declaration of  
12 sufficiency has been issued for the proposed petition pursuant to section 28.65 of  
13 this act, the proponent shall file with the Secretary of State, in the manner  
14 prescribed by the Secretary of State, the proponent's description of effect for the  
15 initiative or referendum.

16 2. The Secretary of State shall post on the Internet website of the Secretary  
17 of State:

18 (a) The proponent's description of effect; and

19 (b) The date on which the proponent's description of effect was filed with the  
20 Secretary of State.

21 3. If any person wants to object to the proponent's description of effect, the  
22 person must:

23 (a) File the objection with the Secretary of State, in the manner prescribed by  
24 the Secretary of State, not later than 15 working days after the date on which the  
25 proponent filed the description of effect with the Secretary of State; and

26 (b) Include with the objection:

27 (1) An explanation of how the proponent's description of effect allegedly  
28 violates NRS 295.009; and

29 (2) One or more revised or substitute versions of the description of effect  
30 that are drafted to remedy the alleged violations.

31 4. If there are no objections filed to the proponent's description of effect  
32 within the period prescribed by subsection 3:

33 (a) Any challenge to the description of effect is forever barred; and

34 (b) The proposed petition becomes the formalized petition, except that the  
35 neutral summary must be replaced by the description of effect, and the proponent  
36 may file a copy of the formalized petition, including the description of effect, with  
37 the Secretary of State pursuant to NRS 295.015.

38 5. If there are any objections filed to the proponent's description of effect  
39 within the period prescribed by subsection 3, the proponent and the persons who  
40 timely filed the objections may agree to meet and confer in good faith to negotiate  
41 a stipulated description of effect, but no party is required to negotiate a stipulated  
42 description of effect.

43 6. If the parties agree to meet and confer in good faith to negotiate a  
44 stipulated description of effect and, within 5 working days after the end of the  
45 period prescribed by subsection 3, the parties have negotiated a stipulated  
46 description of effect:

47 (a) The parties shall, not later than the first working day thereafter, notify  
48 the Secretary of State and the Attorney General, in the manner prescribed by  
49 those officers, that the parties have negotiated a stipulated description of effect  
50 and provide those officers with a copy of the stipulated description of effect;

51 (b) Any challenge to the stipulated description of effect is forever barred; and

52 (c) The proposed petition becomes the formalized petition, except that the  
53 neutral summary must be replaced by the description of effect, and the proponent

1 may file a copy of the formalized petition, including the description of effect, with  
2 the Secretary of State pursuant to NRS 295.015.

3 7. If the parties do not agree to meet and confer in good faith to negotiate a  
4 stipulated description of effect or if, within 5 working days after the end of the  
5 period prescribed by subsection 3, the parties have not negotiated a stipulated  
6 description of effect, the parties shall, not later than the first working day  
7 thereafter, notify the Secretary of State and the Attorney General, in the manner  
8 prescribed by those officers, regarding that information.

9 8. If the parties provide the notice required by subsection 7 to the Attorney  
10 General or if they fail to provide such notice within the required period, the  
11 Attorney General shall, not later than 5 working days thereafter, file a complaint  
12 in the First Judicial District Court naming the proponent as the defendant and  
13 asking for a declaratory judgment regarding whether the proponent's description  
14 of effect violates NRS 295.009. The Attorney General may serve the complaint on  
15 the proponent by certified mail or, with the consent of the proponent, by  
16 electronic mail, and is not required to serve the proponent personally. The State  
17 and any officer or employee thereof may not be assessed or held liable in the  
18 proceeding for any attorney's fees or other fees, costs or expenses of any other  
19 parties.

20 9. If a person filed an objection with the Secretary of State within the period  
21 prescribed by subsection 3, the person has an unconditional right and standing to  
22 intervene as a party in the proceeding for a declaratory judgment if the person  
23 files a motion to intervene not later than 5 working days after the Attorney  
24 General files the complaint. The motion to intervene must be accompanied by a  
25 memorandum of points and authorities and all affidavits and documents in  
26 support of the person's objection. A person may not intervene as a party in the  
27 proceeding if the person:

28 (a) Failed to file an objection with the Secretary of State within the period  
29 prescribed by subsection 3; or

30 (b) Filed an objection with the Secretary of State within the period prescribed  
31 by subsection 3 but failed to file a motion to intervene within the period  
32 prescribed by this subsection.

33 10. Unless otherwise ordered by the district court or stipulated by the  
34 parties, the district court:

35 (a) Shall set the matter for hearing not later than 7 working days after the  
36 complaint is filed;

37 (b) Shall conduct the hearing not later than 21 working days after the  
38 complaint is filed;

39 (c) Shall give priority to the matter over all other matters pending with the  
40 district court, except for criminal proceedings; and

41 (d) Shall not consolidate the hearing with any single-subject challenge  
42 regarding the proposed petition.

43 11. The district court shall enter a judgment or order that approves or  
44 revises the proponent's description of effect. A party who is aggrieved by the  
45 district court's judgment or order may appeal from that judgment or order by  
46 filing a notice of appeal with the district court clerk not later than 10 working  
47 days after the date that written notice of entry of the judgment or order appealed  
48 from is served.

49 12. After the district court enters its judgment or order:

50 (a) If no appeal is taken, any challenge to the approved or revised description  
51 of effect is forever barred and the proposed petition becomes the formalized  
52 petition, except that the neutral summary must be replaced by the description of



1 effect, and the proponent may file a copy of the formalized petition, including the  
2 description of effect, with the Secretary of State pursuant to NRS 295.015.

3 (b) If an appeal is taken, the proponent may treat the proposed petition as the  
4 formalized petition, except that the neutral summary must be replaced by the  
5 description of effect, and the proponent may file a copy of the formalized petition,  
6 including the description of effect, with the Secretary of State pursuant to NRS  
7 295.015, except that the formalized petition is subject to any judgment or order of  
8 the appellate court or district court as a result of the appeal.

9 13. The provisions of this section provide the exclusive means to challenge  
10 the proponent's description of effect, and no judicial or administrative  
11 proceeding may be commenced to challenge the proponent's description of effect  
12 other than by a complaint for a declaratory judgment filed by the Attorney  
13 General in the First Judicial District Court pursuant to this section.

14 Sec. 28.69. 1. The Secretary of State shall:

15 (a) Prepare a handbook for proponents and circulators of statewide petitions  
16 setting forth the requirements of statute and regulation that govern the proposal  
17 and circulation of proposed and formalized petitions; and

18 (b) Post a copy of the handbook on the Internet website of the Secretary of  
19 State in a form suitable for downloading and printing.

20 2. The handbook prepared by the Secretary of State pursuant to this  
21 section:

22 (a) Is intended as a general reference document to provide proponents and  
23 circulators of statewide petitions with general information only;

24 (b) Does not have the force and effect of law; and

25 (c) May not reasonably or justifiably be used or relied on by any proponent  
26 or circulator as a substitute for carefully reading and understanding the most  
27 recently enacted or adopted requirements of statute and regulation that govern  
28 the proposal and circulation of proposed and formalized petitions.

29 Sec. 28.71. 1. For the purposes of Section 2 of Article 19 of the Nevada  
30 Constitution, if an initiative proposes a statute or an amendment to a statute, the  
31 Legislature shall be deemed to have proposed a different measure on the same  
32 subject as the initiative if the Legislature proposes a measure for submission to  
33 the voters that:

34 (a) Has a purpose which is the same as or similar to the purpose of the  
35 initiative but uses different means to accomplish that purpose;

36 (b) Relates to the subject or purpose of the initiative but contains one or  
37 more provisions that conflict in substance with one or more provisions of the  
38 initiative; or

39 (c) Prohibits or otherwise prevents the purpose of the initiative from being  
40 accomplished.

41 2. The provisions of subsection 1:

42 (a) Are intended to be illustrative;

43 (b) Are not intended to be exhaustive or exclusive; and

44 (c) Must not be interpreted as a limitation on the Legislature's power to  
45 propose a different measure on the same subject as an initiative in accordance  
46 with the Nevada Constitution.

47 3. If the Legislature proposes a different measure on the same subject as an  
48 initiative in accordance with the Nevada Constitution, the Secretary of State shall  
49 submit the Legislature's measure and the initiative to the voters at the next  
50 succeeding general election in the manner prescribed by NRS 293.267.

51 Sec. 28.73. NRS 295.009 is hereby amended to read as follows:

52 295.009 1. Each statewide or local petition for initiative or referendum  
53 must:

(a) Embrace but one subject and matters necessarily connected therewith and pertaining thereto; and

(b) ~~Set~~ Except as otherwise provided in section 28.57 of this act, set forth, in not more than 200 words, a description of the effect of the initiative or referendum if the initiative or referendum is approved by the voters. The description must appear on each signature page of the petition.

2. For the purposes of paragraph (a) of subsection 1, ~~it is~~ :

(a) A petition for initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, if the parts of the proposed initiative or referendum are functionally related and germane to each other in a way that provides sufficient notice of the general subject of, and of the interests likely to be affected by, the proposed initiative or referendum.

(b) If a petition for initiative proposes to create, generate or increase any public revenue in any form, each part of the proposed initiative that makes an appropriation or otherwise requires the expenditure of the money raised by the proposed initiative must be functionally related and germane to each other in a way that each such appropriation or expenditure is necessarily connected with and pertinent to achieving, advancing or implementing only the single purpose of the proposed initiative and no other purpose.

Sec. 28.74. NRS 295.012 is hereby amended to read as follows:

295.012 The number of registered voters required pursuant to Section 1 or 2 of Article 19 of the Nevada Constitution , as applicable, to propose a statewide petition ~~for initiative or referendum~~ , other than a proposed petition, must be apportioned equally among the petition districts, and the number of signatures required from each petition district must be equal.

Sec. 28.75. NRS 295.015 is hereby amended to read as follows:

295.015 1. ~~Before~~ If a proposed petition becomes a formalized petition ~~for initiative or referendum~~ pursuant to section 28.67 of this act, the proponent may ~~be presented to the registered voters~~ not circulate the formalized petition for ~~their~~ signatures , unless the proponent files with the Secretary of State a copy of the formalized petition that includes:

(a) The full text of the measure proposed for the initiative or referendum, including in the identical form as set forth in the proposed petition pursuant to section 28.57 of this act; and

(b) The description required of effect for the formalized petition in the identical form as determined pursuant to NRS 295.009, must be placed on file with the Secretary of State. section 28.67 of this act.

2. If the proponent properly files the formalized petition, the Secretary of State shall assign to the formalized petition a title with the same identifying number assigned to the proposed petition pursuant to section 28.61 of this act in substantially the following form, as applicable:

(a) "Initiative Petition No. ...."; or

(b) "Referendum Petition No. ...."

3. The title with the identifying number that is assigned to the formalized petition pursuant to this section must appear on each signature page of the formalized petition above the description of effect. No title, description, caption, heading, slogan, word, term or phrase may appear on the formalized petition for the purpose of identifying the formalized petition other than the title with the identifying number that is assigned to the formalized petition pursuant to this section and the description of effect.

4. The proponent may not circulate a copy of the formalized petition that is different in any way from the copy of the formalized petition, including the description of effect, filed with the Secretary of State, and any signatures

collected on a copy of the formalized petition that is different in any way from the filed copy are not valid for any purpose.

5. The formalized petition, including the description of effect, may not be amended, changed or revised in any way after it is filed with the Secretary of State. If ~~the~~ the proponent wants to amend, change or revise the formalized petition ~~for initiative or referendum or a~~, including the description of ~~the~~ effect ~~of an initiative or referendum required pursuant to NRS 295.009 is amended~~, in any way after ~~the petition~~ it is ~~placed on file~~ filed with the Secretary of State pursuant to subsection 1.

~~(a) The revised petition must be placed on file with the Secretary of State before it is presented to the registered voters for their signatures;~~

~~(b) Any~~ , the proponent must file another proposed petition pursuant to section 28.57 of this act, and any signatures ~~that were~~ collected on the ~~original~~ formalized petition ~~before it was amended~~ are not valid ~~;~~ and

~~(c) The requirements for submission of the petition to each county clerk set forth in NRS 295.056 apply to the revised~~ for the purposes of collecting signatures for any subsequent petition.

~~3. Upon receipt of a~~

6. After the proponent files the formalized petition ~~for initiative or referendum placed on file pursuant to subsection 1 or 2.~~

~~(a) The~~ with the Secretary of State, the Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine ~~if~~ whether the initiative or referendum in the formalized petition may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Fiscal Analysis Division ~~must~~ shall prepare a fiscal note that includes an explanation of ~~any such~~ the anticipated financial effect.

~~(b) The Secretary of State shall consult with the Legislative Counsel regarding the petition for initiative or referendum. The Legislative Counsel may provide technical suggestions regarding the petition for initiative or referendum.~~

~~4. 7.~~ Not later than 10 ~~business~~ working days after the proponent files the formalized petition with the Secretary of State, ~~receives a petition for initiative or referendum filed pursuant to subsection 1 or 2,~~ the Secretary of State shall post on the Internet website of the Secretary of State a copy of ~~that~~ :

(a) The formalized petition, including the description ~~required pursuant to NRS 295.009, any~~ of effect; and

(b) Any fiscal note prepared by the Fiscal Analysis Division pursuant to ~~subsection 2 and any suggestions made by the Legislative Counsel pursuant to subsection 2, on the Secretary of State's Internet website,~~ this section.

Sec. 28.76. NRS 295.035 is hereby amended to read as follows:

295.035 If ~~the~~ a statewide petition for an initiative ~~petition~~ that proposes an amendment to the Nevada Constitution, ~~is approved by the voters when it is submitted for the first time at a general election pursuant to Section 2 of Article 19 of the Nevada Constitution and NRS 295.012 to 295.061, inclusive, and sections 28.37 to 28.71, inclusive, of this act, the Secretary of State, in resubmitting the initiative to the voters~~, ~~the Secretary of State~~ at the next succeeding general election, shall use the same identifying number or other identification used for the first submission.

Sec. 28.77. NRS 295.045 is hereby amended to read as follows:

295.045 1. ~~1. If a statewide~~ petition for a referendum ~~must be filed with~~  
is submitted by the Secretary of State ~~not less than 120 days before the date of~~ to  
the voters at the next succeeding general election ~~1.~~

~~2. The~~ pursuant to Section 1 of Article 19 of the Nevada Constitution and  
NRS 295.012 to 295.061, inclusive, and sections 28.37 to 28.71, inclusive, of this  
act, the Secretary of State shall certify the ~~questions~~ referendum to the county  
clerks, and they shall publish ~~them~~ the referendum in accordance with the  
provisions of law requiring county clerks to publish ~~questions and proposed~~  
~~constitutional amendments which are to be submitted for popular vote.~~

~~3. statewide measures pursuant to NRS 293.253.~~

2. The title of the statute or resolution on which the referendum is proposed  
must be set out on the ballot, and the question printed upon the ballot for the  
information of the voters must be as follows: "Shall the statute or resolution  
(setting out its title) be approved?"

~~1. 3.~~ Where a mechanical voting system is used, the title of the statute or  
resolution must appear on the list of offices and candidates and the statements of  
statewide measures to be voted on and may be condensed to no more than 25  
words.

~~1. 4.~~ The votes cast upon the question must be counted and canvassed as the  
votes for state officers are counted and canvassed.

Sec. 28.78. NRS 295.055 is hereby amended to read as follows:

295.055 1. The Secretary of State shall by regulation specify:

(a) The format for the signatures on a statewide petition ~~for an initiative or~~  
~~referendum~~ and make free specimens of the format available upon request. The  
regulations must ensure that the format includes, without limitation, that:

(1) ~~In addition to signing the petition, a~~ Each person who signs ~~1. the~~  
petition ~~1. shall, in addition to signing the petition:~~

(I) ~~Shall print~~ Print the person's given name followed by the  
person's surname on the petition before the person's signature; and

(II) ~~Must indicate~~ Indicate on the petition, other than a proposed  
petition, the petition district in which the person resides, if known.

(2) Each signature must be dated.

(b) The manner of fastening together several sheets circulated by one person to  
constitute a single document.

2. The registered voter may consult the list of the registered voters in this  
State posted on the website maintained by the Secretary of State pursuant to  
subsection 1 of NRS 293.4687 to determine the petition district in which the  
registered voter resides. The registered voter may rely on the information contained  
in the list when the registered voter indicates the appropriate petition district, unless  
the registered voter believes that the information is inaccurate.

3. Each document of the petition , other than a proposed petition, must bear  
the name of a petition district, and only registered voters of that petition district  
may sign the document.

4. A person who signs a petition may request that the county clerk remove the  
person's name from the petition by transmitting a request in writing to the county  
clerk at any time before the petition is ~~filed with~~ submitted for signature  
verification to the county clerk ~~1. pursuant to NRS 295.056 or section 28.63 of~~  
this act, as applicable.

Sec. 28.79. NRS 295.056 is hereby amended to read as follows:

295.056 1. ~~Before~~ After a formalized petition ~~for initiative or referendum~~  
~~is filed with the Secretary of State, the petitioners~~ has been circulated for  
signatures, the formalized petition is not effective for any purpose unless it is  
submitted for verification in the manner required by this section. If the

formalized petition is not submitted for verification in the manner required by this section, the formalized petition is void, and any signatures collected on the formalized petition are not valid for any purpose.

2. The formalized petition may not be circulated for signatures on or after the day on which it is submitted for verification. To submit the formalized petition for verification, the proponent or a person acting on behalf of the proponent must submit to each county clerk for verification pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for ~~signature~~ signatures within the clerk's county. The clerks shall give the person submitting a document or documents a receipt stating the number of documents and pages and the person's statement of the number of signatures contained therein.

~~2-3~~ 3. If ~~the~~ the formalized petition ~~for~~ is an initiative that proposes a statute or an amendment to a statute, the document or documents must be submitted not later than the second Tuesday in November of an even-numbered year.

~~2-3~~ 4. If ~~the~~ the formalized petition ~~for~~ is an initiative that proposes an amendment to the Nevada Constitution, the document or documents must be submitted not later than the third Tuesday in June of an even-numbered year.

~~4-4~~ 5. If the formalized petition is ~~for~~ a referendum, the document or documents must be submitted not later than the third Tuesday in June of an even-numbered year.

~~5-5~~ 6. All documents of the formalized petition which are submitted to a county clerk for verification must be submitted at the same time. If documents concerning the same formalized petition are submitted for verification to more than one county clerk, the documents must be submitted to each county clerk on the same day. At the time that the formalized petition is submitted to a county clerk for verification, the ~~petitioners may~~ person submitting the document or documents shall designate a contact person who is authorized ~~by the petitioners~~ to address questions or issues relating to the formalized petition.

7. The proponent may withdraw the formalized petition at any time before the formalized petition is submitted to the county clerks for verification pursuant to this section by filing a notice of withdrawal with the Secretary of State on a form prescribed by the Secretary of State. If the proponent files a notice of withdrawal, the formalized petition is void, and any signatures collected on the formalized petition are not valid for any purpose.

**Sec. 28.8. NRS 295.0575 is hereby amended to read as follows:**

295.0575 A statewide petition ~~for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum~~ may consist of more than one document. Each document of ~~the~~ the petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

1. That the circulator personally circulated the document.

2. The contact information of the circulator, including, without limitation, the street address of the residence where the circulator actually resides, unless a street address has not been assigned. If a street address has not been assigned, the document must contain the mailing address of the circulator.

3. That the circulator is 18 years of age or older.

4. The number of signatures thereon.

5. That all the signatures were affixed in the circulator's presence.

6. That each signer had an opportunity before signing to read the full text of the ~~act or resolution on which~~ measure proposed for the initiative or referendum. ~~is demanded.~~

**Sec. 28.81. NRS 295.0585 is hereby amended to read as follows:**

295.0585 After a statewide petition ~~for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum~~ is



submitted for signature verification to the county clerk ~~+~~ pursuant to NRS 295.056 or section 28.63 of this act, as applicable, the county clerk shall make true and correct copies of all the documents of the petition and signatures thereon and shall make such copies and signatures available to the public for a period of not less than 14 days.

**Sec. 28.82. NRS 295.061 is hereby amended to read as follows:**

295.061 1. ~~{Except as otherwise provided in subsection 2, whether an initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, and the description of the effect of an initiative or referendum required pursuant to NRS 295.009, may be challenged by filing.}~~ If any person wants to bring a single-subject challenge against a statewide petition, the person must file a complaint against the proponent of the petition in the First Judicial District Court not earlier than the date on which the Secretary of State sends the notice to the proponent that the declaration of sufficiency has been issued for the proposed petition pursuant to section 28.65 of this act and not later than 15 working days ~~1. Saturdays, Sundays and holidays excluded.~~ after a copy of the petition is placed on file with the Secretary of State pursuant to NRS 295.015. All that date.

2. If a complaint is filed pursuant to subsection 1, the plaintiff shall file all affidavits and documents in support of the challenge ~~must be filed~~ with the complaint. ~~The~~ Not later than 3 working days after the filing of the complaint, the plaintiff shall serve a copy of the complaint and all supporting affidavits and other documents on:

(a) The proponent; and

(b) The Secretary of State and the Attorney General who are entitled to be heard in the proceeding but who may not be made a party to the proceeding unless either officer intervenes as a party. Whether or not either officer intervenes as a party, the State and any officer or employee thereof may not be assessed or held liable in the proceeding for any attorney's fees or other fees, costs or expenses of any other parties.

3. Unless otherwise ordered by the court or stipulated by the parties, the court shall ~~set~~ :

(a) Set the matter for hearing not later than ~~15~~ 7 working days after the complaint is filed ;

(b) Conduct the hearing not later than 21 working days after the complaint is filed; and ~~shall give~~ ;

(c) Give priority to ~~such a complaint~~ the matter over all other matters pending with the court, except for criminal proceedings.

4. The court, or any party at the direction of the court, shall promptly give written notice to the Secretary of State and Attorney General of the entry of each order or judgment entered in the proceeding.

~~2. 5. The ~~legal sufficiency~~ provisions of subsections 1 to 4, inclusive, provide the exclusive means to bring a single-subject challenge against a statewide petition, and no judicial or administrative proceeding may be commenced to bring such a challenge other than by a complaint filed in the First Judicial District Court pursuant to subsections 1 to 4, inclusive.~~

6. If any person wants to challenge:

(a) A determination by the Secretary of State pursuant to NRS 293.1276 to 293.1279, inclusive, that a statewide petition ~~for initiative or referendum may be challenged by filing~~ , other than a proposed petition, has a sufficient number of signatures; or

(b) The validity of a statewide petition, other than a proposed petition, based on any other issue that:

(1) May be raised in a preelection challenge;  
(2) Has not been decided on the merits in a prior proceeding with regard to that petition; and  
(3) Is not expressly barred from being challenged by the provisions of NRS 295.012 to 295.061, inclusive, and sections 28.37 to 28.71, inclusive, of this act,  
the person must file a complaint against the proponent of the petition and the Secretary of State in ~~the district court~~ the First Judicial District Court not later than 7 working days ~~after the date on which the Secretary of State certifies that the petition is certified as sufficient by the Secretary of State. All~~ after the date on which the Secretary of State certifies that the petition is certified as sufficient by the Secretary of State. All number of signatures.  
7. If a complaint is filed pursuant to subsection 6, the plaintiff shall file all affidavits and documents in support of the challenge ~~must be filed~~ with the complaint.  
8. The State and any officer or employee thereof may not be assessed or held liable in the proceeding for any attorney's fees or other fees, costs or expenses of any other parties.  
9. Unless otherwise ordered by the court or stipulated by the parties, the court shall ~~set~~ :  
(a) Set the matter for hearing not later than 15 working days after the complaint is filed ; and ~~shall give~~  
(b) Give priority to ~~such a complaint~~ the matter over all other matters pending with the court, except for criminal proceedings.  
~~12. If a description of the effect of an initiative or referendum required pursuant to NRS 295.009 is challenged successfully pursuant to subsection 1 and such description is amended in compliance with the order of the court, the amended description may not be challenged.~~  
10. The provisions of subsections 6 to 9, inclusive, provide the exclusive means to bring a challenge described in those provisions against a statewide petition, and no judicial or administrative proceeding may be commenced to bring such a challenge other than by a complaint filed in the First Judicial District Court pursuant to subsections 6 to 9, inclusive.

**Sec. 28.83. NRS 295.300 is hereby amended to read as follows:**

295.300 A person shall not give compensation of any kind to any person in exchange for signing a statewide or local petition for initiative or referendum.

~~Sec. 28.4.~~ **Sec. 28.9.** 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 consideration. If the justices of the peace transmit such a notice to the Director of the Legislative Counsel Bureau and the board of county commissioners, the number of justices must not be increased during that period unless the Legislature, by resolution, expressly approves the increase.

4. Justices of the peace shall receive certificates of election from the boards of county commissioners of their respective counties ~~++~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 of this act, the board of county commissioners 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.*

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

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

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

~~++~~ (a) Is a qualified elector;

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

(1) *This State for ~~1 year next~~ the 2 years immediately preceding the person's election or appointment; and*

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

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

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

~~++~~ (c) At the time of election or appointment, has attained the age of 21 years ~~++~~; and

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

2. *Any person who knowingly and willfully files a declaration of candidacy or acceptance of candidacy pursuant to chapter 293 of NRS or an application for appointment to office as a Legislator which contains a false statement regarding the person's qualifications for the office in violation of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

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

218A.210 A person who is elected to office as a Legislator is entitled to receive a certificate of election from the Governor ~~+~~, *except that if the name of an ineligible candidate for office as a Legislator could not be removed from the ballot pursuant to section 2 of this act, the Governor 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. 29.2. NRS 218A.220 is hereby amended to read as follows:

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

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

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

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

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

3. If the former Legislator was elected or appointed from a district comprising more than one county, the county commissioners of each county within or partly within the district shall fill the vacancy by appointing a person who is a member of the same political party as the former Legislator and who ~~actually, as opposed to constructively, resides in the district.~~ *meets all qualifications for the office as required by NRS 218A.200.* To fill the vacancy:

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

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

(1) The chair of each board, on behalf of that board, shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of that board's county is of the population of the entire district. Populations must be determined by the last decennial census or

special census conducted by the Bureau of the Census of the United States Department of Commerce.

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

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

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

218A.400 1. Before the Assembly meets for each regular session, the Secretary of State shall make out a roll from the returns on file in the Secretary of State's office of the persons who received the highest number of votes to be elected to office as members of the Assembly in each district in the general election **H**, *except that if the name of an ineligible candidate for office as a member of the Assembly could not be removed from the ballot pursuant to section 2 of this act, the Secretary of State shall not include the ineligible candidate upon the roll of the persons elected to office 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 members whose names appear upon the roll must be allowed to participate in the organization of the Assembly.

2. On the first day of each regular session at a time that is appropriate for that regular session, the Secretary of State shall call the Assembly to order and shall preside over the Assembly until a presiding officer is elected.

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

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

245.010 All county officers elected by the people shall receive certificates of election from the boards of county commissioners of their respective counties **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 board of county commissioners 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. 29.6.** NRS 258.010 is hereby amended to read as follows:

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

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

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

(c) Constables must receive certificates of election from the boards of county commissioners of their respective counties **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 board of county commissioners 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.*

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

3. In a county whose population:

(a) Is less than 700,000, 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 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. ~~He~~

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

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

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

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

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

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

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

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

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

283.130 Any officer elected or appointed to fill any vacancy shall be commissioned, or shall receive a certificate of election or appointment to such office ~~if~~ , *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 2 or 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. 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. ~~“If~~ *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~~ ;

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

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

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

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

11 318.095 Except as otherwise provided in NRS 318.0953:

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

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

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

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

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

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

35 318.0951 Except as otherwise provided in NRS 318.0952 or 318.0953 ~~††~~ *and*  
36 *sections 1.7 and 2 of this act:*

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

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

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

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

51 386.260 1. Trustees shall be elected as provided in the election laws of this  
52 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 ~~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 board of county commissioners shall not order the county clerk to 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.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) ~~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.



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

2       539.157 1. ~~¶¶~~ *Except as otherwise provided in section 1.7 of this act,*  
3 *the* board of directors must declare elected the person or persons having the highest  
4 number of votes given for each office.

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

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

13       539.180 1. Upon the ballot for the election there shall be printed verbatim,  
14 as set forth in the recall petition, the reason for demanding the recall of the director,  
15 and in not more than 200 words, if furnished by the director, the director's  
16 justification of his or her course in office.

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

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

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

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

30       539.183 1. ~~¶¶~~ *Except as otherwise provided in section 1.7 of this act, if*  
31 there are other candidates nominated to be voted for at the special election, the  
32 candidate who receives the highest number of votes at the special election shall be  
33 deemed elected for the remainder of the term, whether it is the person against  
34 whom the recall petition was filed or another.

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

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

40       Section 96. Conduct of municipal elections.

41       1. All municipal elections must be nonpartisan in character and must  
42 be conducted in accordance with the provisions of the general election laws  
43 of the State of Nevada and any ordinance regulations as adopted by the City  
44 Council which are consistent with law and this Charter. (1959 Charter)

45       2. All full terms of office in the City Council are 4 years, and Council  
46 Members must be elected at large without regard to precinct residency.  
47 Except as otherwise provided in subsection 8, two full-term Council  
48 Members and the Mayor are to be elected in each year immediately  
49 preceding a federal presidential election, and two full-term Council  
50 Members are to be elected in each year immediately following a federal  
51 presidential election. In each election, the candidates receiving the greatest  
52 number of votes must be declared elected to the vacant full-term positions  
53 ~~¶~~, *except that if the name of an ineligible candidate could not be*

1 *removed from the ballot pursuant to section 18.5 of this act, the ineligible*  
2 *candidate must not be declared elected regardless of the number of votes*  
3 *cast for the ineligible candidate that are a nullity and void.* (Add. 17;  
4 Amd. 1; 11-5-1996)

5 3. In the event one or more 2-year term positions on the Council will  
6 be available at the time of a municipal election as provided in section 12,  
7 candidates must file specifically for such position(s). Candidates receiving  
8 the greatest respective number of votes must be declared elected to the  
9 respective available 2-year positions ~~++~~, *except that if the name of an*  
10 *ineligible candidate could not be removed from the ballot pursuant to*  
11 *section 18.5 of this act, the ineligible candidate must not be declared*  
12 *elected regardless of the number of votes cast for the ineligible candidate*  
13 *that are a nullity and void.* (Add. 15; Amd. 2; 6-4-1991)

14 4. Except as otherwise provided in subsection 8, a primary municipal  
15 election must be held on the first Tuesday after the first Monday in April of  
16 each odd-numbered year and a general municipal election must be held on  
17 the first Tuesday after the first Monday in June of each odd-numbered year.

18 5. A primary municipal election must not be held if no more than  
19 double the number of Council Members to be elected file as candidates. A  
20 primary municipal election must not be held for the office of Mayor if no  
21 more than two candidates file for that position. The primary municipal  
22 election must be held for the purpose of eliminating candidates in excess of  
23 a figure double the number of Council Members to be elected. (Add. 17;  
24 Amd. 1; 11-5-1996)

25 6. If, in the primary municipal election, a candidate receives votes  
26 equal to a majority of voters casting ballots in that election, ~~he or she~~ *the*  
27 *candidate* shall be considered elected to one of the vacancies and his or her  
28 name shall not be placed on the ballot for the general municipal election ~~++~~  
29 *, except that if the name of an ineligible candidate could not be removed*  
30 *from the ballot pursuant to section 18.5 of this act, the ineligible*  
31 *candidate must not be considered elected regardless of the number of*  
32 *votes cast for the ineligible candidate that are a nullity and void.* (Add.  
33 10; Amd. 7; 6-2-1981)

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

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

41 9. If the City Council adopts an ordinance pursuant to subsection 8,  
42 the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of~~  
43 ~~NRS~~ 293.165 ~~and in NRS~~, 293.166, 293.175, 293.177 ~~++~~ and 293.345  
44 and ~~293.368~~ *section 2 of this act* apply for the purposes of conducting the  
45 primary municipal elections and general municipal elections.

46 10. If the City Council adopts an ordinance pursuant to subsection 8,  
47 the ordinance must not affect the term of office of any elected official of the  
48 City serving in office on the effective date of the ordinance. The next  
49 succeeding term for that office may be shortened but may not be lengthened  
50 as a result of the ordinance.

51 11. The conduct of all municipal elections must be under the control  
52 of the City Council, which shall adopt by ordinance all regulations which it  
53 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~~, **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.

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

**Sec. 45.** Section 5.050 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1728, 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 ~~+~~ 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 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. 46.** Section 5.100 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 185, Statutes of Nevada 2007, at page 627, 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 municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within 6 working days after any election and canvass the returns and declare the result. The election returns shall 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 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 ~~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 ~~for~~ *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 ~~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. 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.

~~H~~. 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*

1 ~~this State or who are~~ or become ineligible ~~{before the close of filing and~~  
2 ~~any applicable period for withdrawal of candidacy,}~~ *candidates whose*  
3 *names must be removed from the ballot pursuant to section 18.5 of this*  
4 *act, the full names of all candidates* must be printed on the official ballots  
5 without party designation or symbol.

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

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

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

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

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

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

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

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

35 (a) July next following their election for those officers elected in June  
36 2007.

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

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

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

50 Sec. 5.010 Primary election.

51 1. A primary election must be held on the date fixed by the election  
52 laws of this state for statewide elections, at which time there must be  
53 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.

~~15.1~~ (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. ~~The full names of all candidates, except those~~ *Except for candidates who have withdrawn ~~1. died~~ pursuant to the election laws of this State or who are or become ineligible ~~1~~ candidates whose names must be removed from the ballot pursuant to section 2 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. 52.** Section 5.100 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 189, Statutes of Nevada 1977, at page 354, is hereby amended to read as follows:

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

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

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

3. The Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election ~~1~~, *except that if the name of an ineligible candidate could not be removed from the ballot*



*pursuant to section 2 of this act, the 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~~ *who are* elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in January next following their election.

**Sec. 53.** Section 5.040 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, 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 ~~and died~~ *pursuant to the election laws of this State or who are* or become ineligible ~~the~~ *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. 54.** Section 5.090 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 231, Statutes of Nevada 2011, at page 1003, 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 a municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until the returns are canvassed by the City Council.

2. The City Council shall meet within 6 working days after an election and canvass the returns and declare the result. The election returns must be sealed and kept by the City Clerk for 2 years, and no person may have access thereto 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 declared to be elected a certificate of election ~~and~~ *, 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~~ *who are* elected shall qualify and enter upon the discharge of their respective duties on the first Monday in:

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

(b) If the officer is elected pursuant to subsection 3 or 4 of section 5.010, January next following his or her 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 ~~and~~ *, 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. 55.** Section 5.010 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 1214, is hereby amended to read as follows:

**Sec. 5.010** Primary municipal election.

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

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

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

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

(a) If in the primary municipal 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 number of votes must be placed on the ballot for the general municipal election.

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

**Sec. 56.** Section 5.020 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 1215, is hereby amended to read as follows:

**Sec. 5.020** General municipal election.

1. Except as otherwise provided in subsection 2:

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

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

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

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

(e) On the Tuesday after the first Monday in June 2005, and every 6 years thereafter, there must be elected by the qualified voters of the City, at

1 a general municipal election to be held for that purpose, a Municipal Judge  
2 for Department 3 who will hold office until his or her successor has been  
3 elected and qualified.

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

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

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

18 **Sec. 57.** Section 5.050 of the Charter of the City of Henderson, being chapter  
19 266, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada  
20 2003, at page 1729, is hereby amended to read as follows:

21 Sec. 5.050 Names on ballots.

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

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

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

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

34 **Sec. 58.** Section 5.100 of the Charter of the City of Henderson, being chapter  
35 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada  
36 2013, at page 1216, is hereby amended to read as follows:

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

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

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

48 3. The City Clerk, under his or her hand and official seal, shall issue  
49 to each person elected a certificate of election ~~H~~, *except that if the name*  
50 *of an ineligible candidate could not be removed from the ballot pursuant*  
51 *to section 18.5 of this act, the City Clerk shall not issue a certificate of*  
52 *election to the ineligible candidate regardless of the number of votes cast*  
53 *for the ineligible candidate that are a nullity and void.* Except as

1 otherwise provided in section 1.070, the officers ~~isot~~ *who are* elected shall  
2 qualify and enter upon the discharge of their respective duties at the second  
3 regular meeting of the City Council held in June of the year of the general  
4 municipal election.

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

12 **Sec. 59.** Section 5.010 of the Charter of the City of Las Vegas, being chapter  
13 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada  
14 2011, at page 959, is hereby amended to read as follows:

15 Sec. 5.010 Primary municipal elections. Except as otherwise  
16 provided in section 5.020:

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

21 2. On the Tuesday after the first Monday in April 2003, and at each  
22 successive interval of 4 years, a primary municipal election must be held in  
23 the City at which time candidates for Mayor, for the other half of the offices  
24 of Council Member and for Municipal Judge, Department 1, must be  
25 nominated.

26 3. The candidates for Council Member who are to be nominated as  
27 provided in subsections 1 and 2 must be nominated and voted for separately  
28 according to the respective wards. The candidates from each even-  
29 numbered ward must be nominated as provided in subsection 1, and the  
30 candidates from each odd-numbered ward must be nominated as provided  
31 in subsection 2.

32 4. If the City Council has established an additional department or  
33 departments of the Municipal Court pursuant to section 4.010 and, as a  
34 result, more than one office of Municipal Judge is to be filled at any  
35 election, the candidates for those offices must be nominated and voted upon  
36 separately according to the respective departments.

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

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

42 (a) If, in the primary municipal election, regardless of the number of  
43 candidates for an office, one candidate receives a majority of votes which  
44 are cast in that election for the office for which he or she is a candidate, he  
45 or she must be declared elected for the term which commences on the day  
46 of the first regular meeting of the City Council next succeeding the meeting  
47 at which the canvass of the returns is made, and no general municipal  
48 election need be held for that office.

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

1       **Sec. 60.** Section 5.020 of the Charter of the City of Las Vegas, being chapter  
2 517, Statutes of Nevada 1983, as last amended by chapter 263, Statutes of Nevada  
3 2013, at page 1183, is hereby amended to read as follows:

4       Sec. 5.020 General municipal election.

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

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

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

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

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

26       **Sec. 61.** Section 5.050 of the Charter of the City of Las Vegas, being chapter  
27 517, Statutes of Nevada 1983, as amended by chapter 312, Statutes of Nevada  
28 2003, at page 1730, is hereby amended to read as follows:

29       Sec. 5.050 Names on ballots.

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

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

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

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

42       **Sec. 62.** Section 5.100 of the Charter of the City of Las Vegas, being chapter  
43 517, Statutes of Nevada 1983, as amended by chapter 193, Statutes of Nevada  
44 1991, at page 364, is hereby amended to read as follows:

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

48       1. The returns of any special, primary or general municipal election  
49 must be filed with the City Clerk, who shall immediately place those  
50 returns in a safe or vault, and no person may be permitted to handle, inspect  
51 or in any manner interfere with those returns until they have been  
52 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 Clerk for 6 months, and 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 who is 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 ~~have been~~ are elected shall qualify and enter upon the discharge of their respective duties on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made.

4. If the election for any office results in a tie, the City Council shall summon the candidates who received the equal number of votes 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. 63.** Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 963, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

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

2. Except as otherwise provided in section 5.025, a primary municipal election must be held on the Tuesday 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.

**Sec. 65.** Section 5.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last 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.

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

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

Sec. 5.080 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 shall be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may be permitted to 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 16 days after any election and shall 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.

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 ~~and~~ *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 ~~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. 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.

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

~~(c)~~ (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*

1 *this State or who are* or become ineligible ~~H~~ *candidates whose names*  
2 *must be removed from the ballot pursuant to section 18.5 of this act, the*  
3 *full names of all candidates* must be printed on the official ballots without  
4 party designation or symbol.

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

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

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

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

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

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

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

25 3. The City Clerk, under his or her hand and official seal, shall issue  
26 to each person declared to be elected a certificate of election ~~H~~ , *except*  
27 *that if the name of an ineligible candidate could not be removed from the*  
28 *ballot pursuant to section 18.5 of this act, the City Clerk shall not issue a*  
29 *certificate of election to the ineligible candidate regardless of the number*  
30 *of votes cast for the ineligible candidate that are a nullity and void.* The  
31 officers *who are* elected shall qualify and enter upon the discharge of their  
32 respective duties at the first regular City Council meeting following their  
33 election.

34 4. If any election results in a tie, the City Council shall summon the  
35 candidates who received the tie vote and determine the tie as provided in  
36 this subsection. The City Clerk shall provide and open in the presence of  
37 the candidates who received the tie vote an unused 52-card deck of playing  
38 cards, removing any jokers and blank cards. The City Clerk shall shuffle  
39 the cards thoroughly and present the shuffled deck to the City Manager, or  
40 to the person designated by the City Manager for this purpose. One of the  
41 candidates who received the tie vote shall then draw one card from the  
42 deck, and the City Clerk shall record the suit and number of the card. The  
43 card then must be returned to the deck, and the City Clerk shall shuffle the  
44 cards thoroughly and present the shuffled deck to the City Manager, or to  
45 the person designated by the City Manager for this purpose, and another of  
46 the candidates who received the tie vote shall draw one card from the deck.  
47 This process must be repeated until each of the candidates who received the  
48 tie vote has drawn one card from the deck and the result of each draw has  
49 been recorded. The candidate who draws the high card shall be deemed the  
50 winner of the election. For the purposes of this subsection, aces are high  
51 and twos are low. If the candidates draw cards of otherwise equal value, the  
52 card of the higher suit is the high card. Spades are highest, followed in  
53 descending order by hearts, clubs and diamonds. The City Clerk shall 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. 70.** Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 398, is hereby amended to read as follows:

Sec. 5.020 Primary elections.

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

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

**Sec. 71.** Section 5.050 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, 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~~ *or become ineligible* ~~H~~ *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. 72.** Section 5.100 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 399, 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 election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. 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 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 22 months, and no person may have access to them 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 a certificate of election to each person elected ~~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 who are elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.

4. If any election results 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. 73.** Section 5.015 of the Charter of the City of Wells, 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.

~~12. 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. 74.** Section 5.040 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 493, Statutes of Nevada 2009, at page 2938, 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 ~~1; 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. 75.** Section 5.090 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 185, Statutes of Nevada 2007, at page 629, 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 must 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

1 result. The election returns must then be sealed and kept by the City Clerk  
2 for 6 months, and no person shall have access thereto except on order of a  
3 court of competent jurisdiction or by order of the Board of Council  
4 Members.

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

13 (a) July next following their election for those officers elected in June  
14 2007 or 2009.

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

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

25 **Sec. 76.** Section 5.010 of the Charter of the City of Yerington, being chapter  
26 465, Statutes of Nevada 1971, as last amended by chapter 263, Statutes of Nevada  
27 2013, at page 1184, is hereby amended to read as follows:

28 Sec. 5.010 Municipal elections.

29 1. Except as otherwise provided in subsection 2:

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

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

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

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

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



1       **Sec. 77.** Section 5.040 of the Charter of the City of Yerington, being chapter  
2 465, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada  
3 2003, at page 1731, is hereby amended to read as follows:

4       Sec. 5.040 Names on ballots.

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

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

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

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

17       **Sec. 78.** Section 5.090 of the Charter of the City of Yerington, being chapter  
18 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

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

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

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

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

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

46       **Sec. 79.** Section 7 of the Moapa Valley Water District Act, being chapter  
47 477, Statutes of Nevada 1983, as last amended by chapter 28, Statutes of Nevada  
48 2011, at page 93, is hereby amended to read as follows:

49       Sec. 7. 1. Unless otherwise required for purposes of an election to  
50 incur an indebtedness, the Registrar of Voters of Clark County shall  
51 conduct, supervise and, by ordinance, regulate all district elections in  
52 accordance, as nearly as practicable, with the general election laws of the  
53 State, including, but not limited to, laws relating to the time of opening and

1 closing of polls, the manner of conducting the election, the canvassing,  
2 announcement and certification of results, and the preparation and  
3 disposition of ballots.

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

10 3. Each member of the Board must be elected by a plurality of the  
11 registered voters voting in the election area which the member represents.  
12 ~~HH~~ *Except as otherwise provided in section 1.7 of this act, if* there are two  
13 seats upon the Board to be filled at the same election, each of which  
14 represents the same election area, the two candidates therefor receiving the  
15 highest number of votes, respectively, are elected.

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

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

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

24 Sec. 8. 1. Unless otherwise required for purposes of an election to  
25 incur an indebtedness, the Registrar of Voters of Clark County shall  
26 conduct, supervise and, by ordinance, regulate all district elections in  
27 accordance, as nearly as practicable, with the general election laws of this  
28 state, including, but not limited to, laws relating to the time of opening and  
29 closing of polls, the manner of conducting the election, the canvassing,  
30 announcement and certification of results and the preparation and  
31 disposition of ballots.

32 2. Each candidate for election to the Board must file a declaration of  
33 candidacy with the Registrar of Voters not earlier than the first Monday in  
34 March of the year in which the election is to be held and not later than 5  
35 p.m. on the second Friday after the first Monday in March. Timely filing of  
36 such declaration is a prerequisite to election.

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

42 4. If a member of the Board is unopposed in seeking reelection, the  
43 Board may declare that member elected without a formal election, but that  
44 member may not participate in the declaration.

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

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

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

1       Sec. 83. 1. This section and sections 1, 3.2, 3.84 to 3.88, inclusive, 12.35  
2 and 28.25 to 28.83, inclusive, of this act become effective upon passage and  
3 approval.

4       2. All other sections of this act ~~becomes~~ become effective:

5       ~~++~~ (a) Upon passage and approval for the purpose of adopting any  
6 regulations and performing any other preparatory administrative tasks necessary to  
7 carry out the provisions of this act; and

8       ~~2-~~ (b) On January 1, 2016, for all other purposes.

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#### LEADLINES OF REPEALED SECTIONS

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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.