

Amendment No. 529

Senate Amendment to Senate Bill No. 499

(BDR 24-1149)

Proposed by: Senate Committee on Legislative Operations and Elections

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

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

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) 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.



SENATE BILL NO. 499—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 23, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—~~Creates a modified blanket primary election system;~~ Revises certain deadlines relating to elections. (BDR 24-1149)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to elections; ~~creating a modified blanket primary election system for partisan offices; authorizing any person who files a declaration of acceptance of candidacy and pays a filing fee to be a candidate for a partisan office at a primary election; providing, with limited exceptions, that the two candidates at a primary election for a partisan office who receive the highest number of votes must be declared nominees and have their names placed on the ballot for the general election; providing, with limited exceptions, that the two nominees on the ballot for the general election must not be affiliated with the same political party unless all of the candidates at the primary election are affiliated with the same political party; providing that the two nominees on the ballot for the general election may not be independent candidates unless all of the candidates at the primary election are independent candidates; eliminating provisions that prohibit a voter from casting a ballot in a primary election for partisan office for a candidate with a political affiliation different than that of the voter; making various conforming changes;~~ revising deadlines by which certain signature petitions of minor political parties and independent candidates for office must be submitted and filed; revising deadlines by which signatures of certain signature petitions must be verified; revising deadlines by which certain vacancies in nominations for office must be filled; revising deadlines by which certain challenges to candidacies must be filed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, ~~major party candidates for a partisan office are nominated at a~~
- 2 ~~primary election. (NRS 293.175) Any person who files a declaration of acceptance of~~
- 3 ~~candidacy and pays a required filing fee may be named on a primary election ballot as a major~~
- 4 ~~party candidate for a partisan office. (NRS 293.177) The~~ the names of candidates for a

partisan office of a minor political party do not appear on the ballot at a primary election. Instead, if the minor political party has qualified as such, either by receiving a certain percentage of votes at the preceding election or by collecting a certain number of signatures, the party can name one candidate for each partisan office, and the name of each such candidate must appear on the general election ballot. (NRS 293.1715) The names of independent candidates for a partisan office also do not appear on the ballot at a primary election. Instead, a person wishing to run as an independent candidate can be named as such on the general election ballot if he or she files a petition with a certain number of signatures. (NRS 293.200)

This bill changes the ~~nominating process for partisan office to create a modified "blanket" primary system in which the names of all candidates appear on the primary election ballot and any registered voter may vote for a candidate, regardless of affiliation with any political party. Under section 11 of this bill, any person, regardless of party affiliation or lack thereof, may become a candidate for partisan office at a primary election by filing a declaration of acceptance of candidacy and paying the required fee. Under section 17 of this bill, the two candidates who receive the highest number of votes in the primary election are declared the nominees, and their names are placed on the general election ballot. However, if both of those candidates are affiliated with the same major or minor political party, the candidate who receives the second highest number of votes is not declared a nominee. Instead, the candidate who receives the next highest number of votes and who is not affiliated with the same major or minor political party is declared a nominee, and his or her name is placed on the general election ballot. Similarly, if the two candidates with the highest number of votes at a primary election are independent candidates, the candidate with the second highest number of votes is not declared a nominee. Instead, the candidate who receives the next highest number of votes and who is not an independent candidate is declared a nominee, and his or her name is placed on the general election ballot. The prohibition on the two nominees being affiliated with the same political party or both being independent candidates does not apply if all of the candidates at the primary election are affiliated with the same political party or are all independent candidates. Sections 1 10, 12 16 and 18 31 of this bill make conforming changes.~~ deadlines by which those petitions for minor political parties and independent candidates must be filed and the deadlines for verifying the signatures on those petitions.

Under existing law, if a minor political party wishes to place a candidate on the ballot for a general election by collecting a certain number of signatures, it must file the petition with the signatures with the Secretary of State not later than the third Friday in May before the general election. (NRS 293.1715) It must also have submitted the petition with the signatures to the applicable county clerk not later than 25 days before that May deadline. (NRS 293.172) A person wishing to run as an independent candidate must file a petition with the requisite number of signatures not later than the second Friday after the first Monday in March, and must have submitted a copy of the petition not later than 25 days before that March deadline. (NRS 293.200) A county clerk who receives those petitions must verify the signatures on the petitions within 25 days. (NRS 293.1276, 293.1277, 293.1279)

Sections 8 and 15.5 of this bill change the deadlines for minor political parties and independent candidates, respectively, to file their petitions with signatures to the third Friday in June before the general election. Sections 9 and 15.5 of this bill change the deadlines for submitting those petitions to the county clerk to not later than 10 days before the filing deadline. Sections 2-4 of this bill change the deadline for a county clerk to verify the signatures on each petition from 25 days to 10 days.

Under existing law, certain vacancies in nominations must be filled not later than the fourth Friday in June of an election year. (NRS 293.165, 293.166, 293.368) Sections 5, 6 and 21 of this bill change that deadline to the fourth Friday in July of an election year.

Existing law requires a challenge to the qualification of a minor political party to place the names of candidates on the ballot to be filed in a district court not later than the third Friday in June of an election year. (NRS 293.174) Section 10 of this bill changes that deadline to the fourth Friday in June. A challenge to the candidacy of an independent candidate must also be filed in district court not later than the third Friday in June. (NRS 293.200) Section 15.5 of this bill requires that any challenge to the sufficiency of a petition of an independent candidate must be filed in district court also not later than the fourth Friday in June of an election year.

Under existing law, in certain situations in which only one major political party has candidates for a partisan office and there are no minor political party or independent candidates for the office, a primary election is not held and the names of the candidates of the major political party all appear on the ballot at the general election. (NRS 293.260) Section 17 of this bill provides that, if a major political party has two or more candidates for an office, there must be a primary election regardless of whether there are any minor political party or independent candidates for the office.

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

Section 1. ~~[NRS 293.127565 is hereby amended to read as follows:~~

~~293.127565 1. At each building that is open to the general public and occupied by the government of this State or a political subdivision of this State or an agency thereof, other than a building of a public elementary or secondary school, an area must be designated for the use of any person to gather signatures on a petition at any time that the building is open to the public. The area must be reasonable and may be inside or outside of the building. Each public officer or employee in control of the operation of a building governed by this subsection shall:~~

~~(a) Designate the area at the building for the gathering of signatures; and
(b) On an annual basis, submit to the Secretary of State and the county clerk for the county in which the building is located a notice of the area at the building designated for the gathering of signatures on a petition. The Secretary of State and the county clerks shall make available to the public a list of the areas at public buildings designated for the gathering of signatures on a petition.~~

~~2. Before a person may use an area designated pursuant to subsection 1, the person must notify the public officer or employee in control of the operation of the building governed by subsection 1 of the dates and times that the person intends to use the area to gather signatures on a petition. The public officer or employee may not deny the person the use of the area.~~

~~3. Not later than 3 working days after the date of the decision that aggrieved the person, a person aggrieved by a decision made by a public officer or employee pursuant to subsection 1 or 2 may appeal the decision to the Secretary of State. The Secretary of State shall review the decision to determine whether the public officer or employee violated subsection 1 or 2. If the Secretary of State determines a public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Secretary of State shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.172, [293.200,] 295.056, 298.109, 306.035 or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition, but in no event may the deadline be extended for a period of more than 5 days.~~

~~4. The decision of the Secretary of State is a final decision for the purposes of judicial review. Not later than 7 days after the date of the decision by the Secretary of State, the decision of the Secretary of State may only be appealed in the First Judicial District Court. If the First Judicial District Court determines that the public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Court shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.172, [293.200,] 295.056, 298.109, 306.035 or 306.110 must be extended for a period equal to the time that the person was denied the use of a~~

1 public building for the purpose of gathering signatures on a petition, but in no event
2 may the deadline be extended for a period of more than 5 days.

3 ~~5. The Secretary of State may adopt regulations to carry out the provisions of~~
4 ~~subsection 3.~~ **(Deleted by amendment.)**

5 **Sec. 2.** NRS 293.1276 is hereby amended to read as follows:

6 293.1276 1. Within 4 days, excluding Saturdays, Sundays and holidays,
7 after the submission of a petition containing signatures which are required to be
8 verified pursuant to NRS 293.128, ~~293.172, 293.200,~~ 295.056, 298.109, 306.035
9 or 306.110, **and within 2 days, excluding Saturdays, Sundays and holidays, after**
10 **the submission of a petition containing signatures which are required to be**
11 **verified pursuant to NRS 293.172 or 293.200,** the county clerk shall determine the
12 total number of signatures affixed to the documents and, in the case of a petition for
13 initiative or referendum proposing a constitutional amendment or statewide
14 measure, shall tally the number of signatures for each petition district contained
15 fully or partially within the county and forward that information to the Secretary of
16 State.

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

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

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

28 **Sec. 3.** NRS 293.1277 is hereby amended to read as follows:

29 293.1277 1. If the Secretary of State finds that the total number of
30 signatures submitted to all the county clerks is 100 percent or more of the number
31 of registered voters needed to declare the petition sufficient, the Secretary of State
32 shall immediately so notify the county clerks. ~~Within 9 days, excluding Saturdays,~~
33 ~~Sundays and holidays, after~~ **After the** notification, each of the county clerks shall
34 determine the number of registered voters who have signed the documents
35 submitted in the county clerk's county and, in the case of a petition for initiative or
36 referendum proposing a constitutional amendment or statewide measure, shall tally
37 the number of signatures for each petition district contained or fully contained
38 within the county clerk's county. **This determination must be completed within 9**
39 **days, excluding Saturdays, Sundays and holidays, after the notification pursuant**
40 **to this subsection regarding a petition containing signatures which are required**
41 **to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or 306.110,**
42 **and within 3 days, excluding Saturdays, Sundays and holidays, after the**
43 **notification pursuant to this subsection regarding a petition containing**
44 **signatures which are required to be verified pursuant to NRS 293.172 or 293.200.**
45 For the purpose of verification pursuant to this section, the county clerk shall not
46 include in his or her tally of total signatures any signature included in the incorrect
47 petition district.

48 2. Except as otherwise provided in subsection 3, if more than 500 names have
49 been signed on the documents submitted to a county clerk, the county clerk shall
50 examine the signatures by sampling them at random for verification. The random
51 sample of signatures to be verified must be drawn in such a manner that every
52 signature which has been submitted to the county clerk is given an equal
53 opportunity to be included in the sample. The sample must include an examination

1 of at least 500 or 5 percent of the signatures, whichever is greater. If documents
2 were submitted to the county clerk for more than one petition district wholly
3 contained within that county, a separate random sample must be performed for each
4 petition district.

5 3. If a petition district comprises more than one county and the petition is for
6 an initiative or referendum proposing a constitutional amendment or a statewide
7 measure, and if more than 500 names have been signed on the documents submitted
8 for that petition district, the appropriate county clerks shall examine the signatures
9 by sampling them at random for verification. The random sample of signatures to
10 be verified must be drawn in such a manner that every signature which has been
11 submitted to the county clerks within the petition district is given an equal
12 opportunity to be included in the sample. The sample must include an examination
13 of at least 500 or 5 percent of the signatures presented in the petition district,
14 whichever is greater. The Secretary of State shall determine the number of
15 signatures that must be verified by each county clerk within the petition district.

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

24 5. If:

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

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

31 6. In the case of a petition for initiative or referendum proposing a
32 constitutional amendment or statewide measure, when the county clerk is
33 determining the number of registered voters who signed the documents from each
34 petition district contained fully or partially within the county clerk's county, he or
35 she must use the statewide voter registration list available pursuant to NRS
36 293.675.

37 7. Except as otherwise provided in subsection 9, upon completing the
38 examination, the county clerk shall immediately attach to the documents a
39 certificate properly dated, showing the result of the examination, including the tally
40 of signatures by petition district, if required, and transmit the documents with the
41 certificate to the Secretary of State. In the case of a petition for initiative or
42 referendum proposing a constitutional amendment or statewide measure, if a
43 petition district comprises more than one county, the appropriate county clerks shall
44 comply with the regulations adopted by the Secretary of State pursuant to this
45 section to complete the certificate. A copy of this certificate must be filed in the
46 clerk's office. When the county clerk transmits the certificate to the Secretary of
47 State, the county clerk shall notify the Secretary of State of the number of requests
48 to remove a name received by the county clerk pursuant to NRS 295.055 or
49 306.015.

50 8. A person who submits a petition to the county clerk which is required to be
51 verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or
52 306.110 must be allowed to witness the verification of the signatures. A public

1 officer who is the subject of a recall petition must also be allowed to witness the
2 verification of the signatures on the petition.

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

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

10 **Sec. 4.** NRS 293.1279 is hereby amended to read as follows:

11 293.1279 1. If the statistical sampling shows that the number of valid
12 signatures filed is 90 percent or more, but less than the sum of 100 percent of the
13 number of signatures of registered voters needed to declare the petition sufficient
14 plus the total number of requests to remove a name received by the county clerks
15 pursuant to NRS 295.055 or 306.015, the Secretary of State shall order the county
16 clerks to examine the signatures for verification. The county clerks shall examine
17 the signatures for verification until they determine that 100 percent of the number
18 of signatures of registered voters needed to declare the petition sufficient are valid.
19 If the county clerks received a request to remove a name pursuant to NRS 295.055
20 or 306.015, the county clerks may not determine that 100 percent of the number of
21 signatures of registered voters needed to declare the petition sufficient are valid
22 until they have removed each name as requested pursuant to NRS 295.055 or
23 306.015.

24 2. Except as otherwise provided in this subsection, if the statistical sampling
25 shows that the number of valid signatures filed in any county is 90 percent or more
26 but less than the sum of 100 percent of the number of signatures of registered voters
27 needed to constitute 10 percent of the number of voters who voted at the last
28 preceding general election in that county plus the total number of requests to
29 remove a name received by the county clerk in that county pursuant to NRS
30 295.055 or 306.015, the Secretary of State may order the county clerk in that
31 county to examine every signature for verification. If the county clerk received a
32 request to remove a name pursuant to NRS 295.055 or 306.015, the county clerk
33 may not determine that 100 percent or more of the number of signatures of
34 registered voters needed to constitute 10 percent of the number of voters who voted
35 at the last preceding general election in that county are valid until the county clerk
36 has removed each name as requested pursuant to NRS 295.055 or 306.015. In the
37 case of a petition for initiative or referendum that proposes a constitutional
38 amendment or statewide measure, if the statistical sampling shows that the number
39 of valid signatures in any petition district is 90 percent or more but less than the
40 sum of 100 percent of the number of signatures of registered voters required for that
41 petition district pursuant to NRS 295.012 plus the total number of requests to
42 remove a name received by the county clerk or county clerks, if the petition district
43 comprises more than one county, pursuant to NRS 295.055, the Secretary of State
44 may order a county clerk to examine every signature for verification.

45 3. ~~[Within 12 days, excluding Saturdays, Sundays and holidays, after]~~ *After*
46 *the* receipt of such an order, the county clerk or county clerks shall determine from
47 the records of registration what number of registered voters have signed the petition
48 and, if appropriate, tally those signatures by petition district. *This determination*
49 *must be completed within 12 days, excluding Saturdays, Sundays and holidays,*
50 *after the receipt of an order regarding a petition containing signatures which are*
51 *required to be verified pursuant to NRS 293.128, 295.056, 298.109, 306.035 or*
52 *306.110, and within 5 days, excluding Saturdays, Sundays and holidays, after the*
53 *receipt of an order regarding a petition containing signatures which are required*

1 to be verified pursuant to NRS 293.172 or 293.200. If necessary, the board of
2 county commissioners shall allow the county clerk additional assistants for
3 examining the signatures and provide for their compensation. In determining from
4 the records of registration what number of registered voters have signed the petition
5 and in determining in which petition district the voters reside, the county clerk must
6 use the statewide voter registration list. The county clerk may rely on the
7 appearance of the signature and the address and date included with each signature
8 in determining the number of registered voters that signed the petition.

9 4. Except as otherwise provided in subsection 5, upon completing the
10 examination, the county clerk or county clerks shall immediately attach to the
11 documents of the petition an amended certificate, properly dated, showing the result
12 of the examination and shall immediately forward the documents with the amended
13 certificate to the Secretary of State. A copy of the amended certificate must be filed
14 in the county clerk's office. In the case of a petition for initiative or referendum to
15 propose a constitutional amendment or statewide measure, if a petition district
16 comprises more than one county, the county clerks shall comply with the
17 regulations adopted by the Secretary of State pursuant to this section to complete
18 the amended certificate.

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

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

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

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

35 **Sec. 5.** NRS 293.165 is hereby amended to read as follows:

36 293.165 1. Except as otherwise provided in NRS 293.166, ~~if~~ a vacancy
37 occurring ~~to occur~~ in a major or minor political party nomination for a partisan
38 office ~~and the candidate originally nominated for the office is affiliated with a~~
39 ~~political party, the vacancy~~ may be filled by a candidate designated by the party
40 central committee of the county or State, as the case may be, of the major political
41 party or by the executive committee of the minor political party subject to the
42 provisions of subsections 3, ~~4~~ 5 and ~~5~~ 6.

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

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~~ July of the year in which the general election is held ~~if the candidate originally nominated for the office is affiliated with a political party~~ 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 ~~for by the executive committee of the minor 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. If a vacancy occurs in a 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, the candidate originally nominated for the office is an independent candidate and:~~

~~(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent:~~

~~(1) If a primary election was held for that partisan office, the vacancy must be filled by the person who received the next highest vote for the nomination in the primary election and who is an independent candidate.~~

~~(2) If no primary election was held for that partisan office or if there was not more than one person who was seeking the partisan nomination in the primary election, a person may become a candidate for the partisan office at the general election if, on or after the third Monday in June and before 5 p.m. on the fourth Friday in June, the person:~~

~~(I) Files a declaration of candidacy or acceptance of candidacy on a form prescribed by paragraph (b) of subsection 2 of NRS 293.177 indicating that the person is an independent candidate; and~~

~~(II) Pays the fee required by NRS 293.193.~~

~~(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.~~

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

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

(b) A vacancy in the nomination is otherwise created,

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

~~6.~~ All designations provided for in this section must be filed on or before 5 p.m. on the fourth Friday in ~~June~~ July 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. 6. NRS 293.166 is hereby amended to read as follows:

293.166 1. ~~A~~ If a vacancy ~~occurring~~ occurs in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county ~~and the candidate originally nominated for the office is affiliated with a political party, the vacancy~~ may be filled as follows, subject to the provisions of subsections 2, 3 and 4. The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who actually, as opposed to constructively, resides in the district to fill the vacancy, with the chair of the board of county commissioners of

the county whose population residing within the district is the greatest presiding. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairs on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of 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 party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county after the primary election and before 5 p.m. on the fourth Friday in ~~June~~ July 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 nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

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

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

(b) A vacancy in the nomination is otherwise created,

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

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

Sec. 7. ~~[NRS 293.171 is hereby amended to read as follows:~~

~~293.171 1. To be organized as a minor political party, an organization must file with the Secretary of State a certificate of existence which includes the:~~

~~(a) Name of the political party;~~

~~(b) Names of its officers;~~

~~(c) Names of the members of its executive committee; and~~

~~(d) Name of the person authorized to file the list of its candidates for partisan office with the Secretary of State.~~

~~2. A copy of the constitution or bylaws of the party must be affixed to the certificate.~~

~~3. A minor political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate.~~

~~4. [The constitution or bylaws of a minor political party must provide a procedure for the nomination of its candidates in such a manner that only one candidate may be nominated for each office.~~

~~5.] A minor political party whose candidates for partisan office do not appear on the ballot for the [general] primary election must file a notice of continued existence with the Secretary of State not later than the second Friday in August preceding the general election.~~

~~[6.] 5. A minor political party which fails to file a notice of continued existence as required by subsection [5] 4 ceases to exist as a minor political party in this State.] (Deleted by amendment.)~~

Sec. 8. 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 names of the candidates for partisan office of ~~that~~ a minor political party ~~wishes to place on the ballot for the offices of President and Vice President of the United States~~ 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 ~~with the Secretary of State the names~~ of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State ~~the offices of President and Vice President of the United States not later than the last Tuesday in August~~ 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~~ June 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. ~~2.~~ A minor political party must file a copy of the petition required by paragraph (c) of subsection ~~2~~ 4 with the Secretary of State before the petition may be circulated for signatures.

Sec. 9. NRS 293.172 is hereby amended to read as follows:

293.172 1. A petition filed pursuant to subsection ~~2~~ 4 of NRS 293.1715 may consist of more than one document. Each document of the petition must:

(a) Bear the name of the minor political party and ,if applicable, the candidate and office to which the candidate is to be nominated. ~~names of the candidates for the offices of President and Vice President of the United States.~~

(b) Include the affidavit of the person who circulated the document verifying that the signers are registered voters in this State according to his or her best information and belief and that the signatures are genuine and were signed in his or her presence.

(c) Bear the name of a county and be submitted to the county clerk of that county for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than ~~25~~ 10 working days before the last day to file the petition. A challenge to the form of a document must be made in a district court in the county that is named on the document.

(d) Be signed only by registered voters of the county that is named on the document.

2. If the office to which the candidate is to be nominated is a county office, only the registered voters of that county may sign the petition. If the office to which the candidate is to be nominated is a district office, only the registered voters of that district may sign the petition.

1 3. Each person who signs a petition shall also provide the address of the place
2 where he or she resides, the date that he or she signs and the name of the county in
3 which he or she is registered to vote.

4 4. ~~13.1~~ The county clerk shall not disqualify the signature of a voter who
5 failed to provide all the information required by subsection 3 ~~12~~ if the voter is
6 registered in the county named on the document.

7 **Sec. 10.** NRS 293.174 is hereby amended to read as follows:

8 293.174 If the qualification of a minor political party to place the names of
9 candidates ~~for the offices of President and Vice President of the United States~~
10 on the ballot pursuant to NRS 293.1715 is challenged, all affidavits and documents
11 in support of the challenge must be filed not later than 5 p.m. on the ~~third~~ fourth
12 Friday in June. Any judicial proceeding resulting from the challenge must be set for
13 hearing not more than 5 days after the ~~third~~ fourth Friday in June. A challenge
14 pursuant to this section must be filed with the First Judicial District Court if the
15 petition was filed with the Secretary of State. The district court in which the
16 challenge is filed shall give priority to such proceedings over all other matters
17 pending with the court, except for criminal proceedings.

18 **Sec. 11.** ~~NRS 293.175 is hereby amended to read as follows:~~

19 ~~293.175 1. The primary election must be held on the second Tuesday in~~
20 ~~June of each even numbered year.~~

21 ~~2. Candidates for partisan office [of a major political party] and candidates for~~
22 ~~nonpartisan office must be nominated at the primary election. Any person may~~
23 ~~become a candidate for partisan office at the primary election by filing a~~
24 ~~declaration of candidacy or acceptance of candidacy and paying the fee required~~
25 ~~by NRS 293.193 during the period prescribed by paragraph (b) of subsection 1 of~~
26 ~~NRS 293.177.~~

27 ~~3. [Candidates for partisan office of a minor political party must be nominated~~
28 ~~in the manner prescribed pursuant to NRS 293.171 to 293.174, inclusive.~~

29 ~~4. Independent candidates for partisan office must be nominated in the~~
30 ~~manner provided in NRS 293.200.~~

31 ~~5.] The provisions of NRS 293.175 to 293.203, inclusive:~~

32 ~~(a) Apply to a special election to fill a vacancy, except to the extent that~~
33 ~~compliance with the provisions is not possible because of the time at which the~~
34 ~~vacancy occurred.~~

35 ~~(b) Do not apply to the nomination of the officers of incorporated cities.~~

36 ~~(c) Do not apply to the nomination of district officers whose nomination is~~
37 ~~otherwise provided for by statute.] (Deleted by amendment.)~~

38 **Sec. 12.** ~~NRS 293.177 is hereby amended to read as follows:~~

39 ~~293.177 1. Except as otherwise provided in NRS 293.165, a name may not be~~
40 ~~printed on a ballot to be used at a primary election unless the person named has~~
41 ~~filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee~~
42 ~~required by NRS 293.193 not earlier than:~~

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

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

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

51 ~~(a) For partisan office [;], if the candidate is affiliated with a political party:~~

~~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 Party nomination 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 the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days 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 registered as a member of the Party; 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 I have not, in violation of the provisions of NRS 292.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.~~

~~.....
(Designation of name)~~

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

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

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

~~—(b) For partisan office, if the candidate will run for the office as an independent candidate.~~

~~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 nomination 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 the State, district, county, township, city or
other area prescribed by law to which the office pertains began on a date
at least 30 days 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 that nomination and not withdraw; that
I will not knowingly violate any election law or any law defining and
prohibiting corrupt and fraudulent practices in campaigns and elections
in this State; that I will qualify for the office if elected thereto, including,
but not limited to, complying with any limitation prescribed by the
Constitution and laws of this State concerning the number of years or
terms for which a person may hold the office; and that I understand that
my name will appear on all ballots as designated in this declaration.~~

~~.....
(Designation of name)~~

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

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

~~.....
Notary Public or other person
authorized to administer an oath
(c) 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 the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days 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:~~

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

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

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

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

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

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

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

~~5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 202.182. 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 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, the filing officer:~~

~~(a) May 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; and~~

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

~~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 202.182. 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.] (Deleted by amendment.)~~

Sec. 13. [NRS 202.180 is hereby amended to read as follows:

~~202.180 1. Ten or more registered voters may file a certificate of candidacy designating any registered voter as a candidate for:~~

~~(a) [Their major political party's nomination for any partisan elective office, or as a candidate for nomination] Nomination for any nonpartisan office other than a judicial office, not earlier than the first Monday in February of the year in which the election is to be held nor later than 5 p.m. on the first Friday in March; or~~

~~(b) Nomination for a judicial office, not earlier than the first Monday in December of the year immediately preceding the year in which the election is to be held nor later than 5 p.m. on the first Friday in January of the year in which the election is to be held.~~

~~2. When the certificate has been filed, the officer in whose office it is filed shall notify the person named in the certificate. If the person named in the certificate files an acceptance of candidacy and pays the required fee, as provided by law, he or she is a candidate in the primary election in like manner as if he or she had filed a declaration of candidacy.~~

~~3. If a certificate of candidacy relates to a partisan office, all of the signers must be of the same major political party as the candidate designated.]] (Deleted by amendment.)~~

1 **Sec. 14.** ~~[NRS 292.187 is hereby amended to read as follows:~~
2 ~~293.187 1. Not later than 5 working days after the last day on which any~~
3 ~~candidate may withdraw his or her candidacy pursuant to NRS 292.202;~~

4 ~~(a) The Secretary of State shall forward to each county clerk a certified list~~
5 ~~containing the name and mailing address of each person for whom candidacy~~
6 ~~papers have been filed in the Office of the Secretary of State, and who is entitled to~~
7 ~~be voted for in the county at the next succeeding primary election, together with the~~
8 ~~title of the office for which the person is a candidate and, if applicable, the party or~~
9 ~~principles he or she represents; and~~

10 ~~(b) Each county clerk shall forward to the Secretary of State a certified list~~
11 ~~containing the name and mailing address of each person for whom candidacy~~
12 ~~papers have been filed in the office of the county clerk, and who is entitled to be~~
13 ~~voted for in the county at the next succeeding primary election, together with the~~
14 ~~title of the office for which the person is a candidate and, if applicable, the party or~~
15 ~~principles he or she represents;~~

16 ~~2. There must be a party designation only for candidates for partisan offices~~
17 ~~[-] who have filed a declaration of candidacy or acceptance of candidacy form~~
18 ~~indicating an affiliation with a political party.[-] (Deleted by amendment.)~~

19 **Sec. 15.** ~~[NRS 292.194 is hereby amended to read as follows:~~
20 ~~293.194 The filing fee of an independent candidate who files a petition~~
21 ~~pursuant to NRS [292.200 or] 298.109 [-], of a candidate of a minor political party or~~
22 ~~of a candidate of a new major political party,] must be returned to the candidate by~~
23 ~~the [officer to whom the fee was paid] Secretary of State within 10 days after the~~
24 ~~date on which a final determination is made that the petition of the candidate [-,~~
25 ~~minor political party or new major political party] failed to contain the required~~
26 ~~number of signatures.[-] (Deleted by amendment.)~~

27 **Sec. 15.5. NRS 293.200 is hereby amended to read as follows:**

28 293.200 1. An independent candidate for partisan office must file with the
29 appropriate filing officer as set forth in NRS 293.185:

30 (a) A copy of the petition of candidacy that he or she intends to subsequently
31 circulate for signatures. The copy must be filed not earlier than the January 2
32 preceding the date of the election and not later than ~~25~~ 10 working days before the
33 last day to file the petition pursuant to subsection 4. The copy of the petition must
34 be filed with the appropriate filing officer before the petition may be circulated for
35 signatures.

36 (b) Either of the following:

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

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

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

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

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

48 2. The petition may consist of more than one document. Each document must
49 bear the name of the county in which it was circulated, and only registered voters of
50 that county may sign the document. If the office is not a statewide office, only the
51 registered voters of the county, district or municipality in question may sign the
52 document. The documents that are circulated for signature in a county must be
53 submitted to that county clerk for verification in the manner prescribed in NRS

293.1276 to 293.1279, inclusive, not later than ~~25~~ 10 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~~ third Friday ~~after the first Monday in March~~ in June.

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 names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the sufficiency of the petition of 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~~ Friday in ~~March~~ June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth ~~Monday~~ Friday in ~~March~~ June.

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. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

11. 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 nor later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 16. ~~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 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) Any 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.] any candidate for partisan office regardless of the political party affiliation of the voter or candidate.] (Deleted by amendment.)~~

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

2 293.260 1. Where there is no contest of election for nomination to a
3 particular office, neither the title of the office nor the name of the candidate may
4 appear on the ballot ~~+~~ at the primary election.

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

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

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

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

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

30 ~~5. Except as otherwise provided in subsections 3 and 4, at an election for a~~
31 ~~partisan office, the two candidates who receive the highest number of votes at the~~
32 ~~primary election must be declared the nominees, and their names must be placed~~
33 ~~on the ballot at the general election.~~

34 ~~3. Except as otherwise provided in subsection 5, if the two candidates who~~
35 ~~receive the highest number of votes at the primary election are affiliated with the~~
36 ~~same political party:~~

37 ~~(a) The candidate who receives the second highest number of votes must not~~
38 ~~be declared a nominee, and his or her name must not be placed on the ballot at~~
39 ~~the general election; and~~

40 ~~(b) The candidate who receives the next highest number of votes and who is~~
41 ~~not affiliated with the political party with which the candidate who receives the~~
42 ~~highest number of votes is affiliated must be declared a nominee, and his or her~~
43 ~~name must be placed on the ballot at the general election.~~

44 ~~4. Except as otherwise provided in subsection 5, if the two candidates who~~
45 ~~receive the highest number of votes at the primary election are independent~~
46 ~~candidates:~~

47 ~~(a) The candidate who receives the second highest number of votes must not~~
48 ~~be declared the nominee, and his or her name must not be placed on the ballot at~~
49 ~~the general election; and~~

50 ~~(b) The candidate who receives the next highest number of votes and who is~~
51 ~~affiliated with a political party must be declared the nominee, and his or her~~
52 ~~name must be placed on the ballot at the general election.~~

~~5. The provisions of subsections 3 and 4 do not apply if all of the candidates at a primary election for a partisan office are affiliated with the same political party or are all independent candidates.~~

~~6. If a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary election must be declared the nominee of that major political party for the office.~~

3. 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 2 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. 7. 4.~~ 4. If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

Sec. 18. ~~NRS 293.263 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] partisan office, there must appear at the top of the ballot [.] the designation "Partisan Offices." Except as otherwise provided in NRS 293.2565, 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. Next to the name of each candidate must appear the party affiliation of the candidate or the designation of the candidate as an independent candidate, as applicable.] (Deleted by amendment.)~~

Sec. 19. ~~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, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:~~

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

~~(Deleted by amendment.)~~

Sec. 20. ~~NRS 293.287 is hereby amended to read as follows:~~

~~293.287 1. A registered voter applying to vote at any primary election shall give his or her name [and political affiliation, if any] to the election board officer in charge of the election board register, and the officer shall immediately announce the name [and political affiliation].~~

~~2. Any person's right to vote may be challenged by any registered voter upon~~

~~+~~ ~~(a) Any] any of the grounds allowed for a challenge in NRS 293.303. +;~~

~~(b) The ground that the person applying does not belong to the political party designated upon the register; or~~

~~(c) The ground that the register does not show that the person designated the political party to which he or she claims to belong.]~~

~~3. Any such challenge must be disposed of in the manner provided by NRS 293.303.~~

~~4. A registered voter who has designated on his or her application to register to vote an affiliation with a minor political party may vote a nonpartisan ballot at the primary election. +] (Deleted by amendment.)~~

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

293.368 1. Except as otherwise provided in subsection 4 ~~5~~ of NRS 293.165, if a candidate on the ballot at a primary election dies after 5 p.m. of the second Tuesday in April, the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

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

3. Whenever a candidate whose name appears upon the ballot at a general election dies after 5 p.m. on the fourth Friday in ~~June~~ July of the year in which the general election is held, the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.

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

1 Sec. 22. ~~[NRS 202B.070 is hereby amended to read as follows:~~
2 ~~202B.070 A mechanical voting system must provide facilities for voting for~~
3 ~~{the} all candidates [of as many political parties or organizations as may make~~
4 ~~nominations,] and for or against all measures [.] to which a voter is entitled to~~
5 ~~vote.] (Deleted by amendment.)~~

6 Sec. 23. ~~[NRS 202B.080 is hereby amended to read as follows:~~
7 ~~202B.080 A mechanical voting system must [.] except at primary elections,]~~
8 ~~permit the voter to vote for all the candidates of one party or in part for the~~
9 ~~candidates of one party and in part for the candidates of one or more other parties.]~~
10 ~~(Deleted by amendment.)~~

11 Sec. 24. ~~[NRS 202B.130 is hereby amended to read as follows:~~
12 ~~202B.130 1. Before any election where a mechanical voting system is to be~~
13 ~~used, the county clerk shall prepare or cause to be prepared a computer program on~~
14 ~~eards, tape or other material suitable for use with the computer or counting device~~
15 ~~to be employed for counting the votes cast. The program must cause the computer~~
16 ~~or counting device to operate in the following manner:~~

17 ~~(a) All lawful votes cast by each voter must be counted.~~
18 ~~(b) All unlawful votes [., including, but not limited to, overvotes or, in a~~
19 ~~primary election, votes cast for a candidate of a major political party other than the~~
20 ~~party, if any, of the registration of the voter] must not be counted.~~

21 ~~(c) If the election is:~~
22 ~~(1) A primary election held in an even numbered year; or~~
23 ~~(2) A general election;~~
24 ~~→ the total votes, other than absentee votes and votes in a mailing precinct, must be~~
25 ~~accumulated by precinct.~~

26 ~~(d) The computer or counting device must halt or indicate by appropriate signal~~
27 ~~if a ballot is encountered which lacks a code identifying the precinct in which it was~~
28 ~~voted. [and, in a primary election, identifying the major political party of the~~
29 ~~voter.]~~

30 ~~2. The program must be prepared under the supervision of the accuracy~~
31 ~~certification board appointed pursuant to the provisions of NRS 202B.140.~~

32 ~~3. The county clerk shall take such measures as he or she deems necessary to~~
33 ~~protect the program from being altered or damaged.] (Deleted by amendment.)~~

34 Sec. 25. ~~[NRS 202C.115 is hereby amended to read as follows:~~
35 ~~202C.115 1. The governing body of a city incorporated pursuant to general~~
36 ~~law may by ordinance provide for a primary city election and a general city election~~
37 ~~on:~~

38 ~~(a) The dates set forth for primary elections and general elections pursuant to~~
39 ~~the provisions of chapter 292 of NRS; or~~

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

42 ~~2. If a governing body of a city adopts an ordinance pursuant to paragraph (a)~~
43 ~~of subsection 1, the dates set forth in NRS 292.12755, in subsections 2 to [5.] 6,~~
44 ~~inclusive, of NRS 292.165, and in NRS 292.175, 293.177, 293.345 and 293.360~~
45 ~~apply for purposes of conducting the primary city elections and general city~~
46 ~~elections of the city.~~

47 ~~3. If a governing body of a city adopts an ordinance pursuant to subsection 1:~~
48 ~~(a) The term of office of any elected city official may not be shortened as a~~
49 ~~result of the ordinance; and~~

50 ~~(b) Each elected city official holds office until the end of his or her term and~~
51 ~~until his or her successor has been elected and qualified.] (Deleted by~~
52 ~~amendment.)~~

1 **Sec. 26.** ~~[NRS 298.025 is hereby amended to read as follows:~~
2 ~~298.025 1. Each major political party shall, at the state convention of the~~
3 ~~major political party held in that year, select from the qualified electors who are~~
4 ~~legally registered members of the major political party:~~
5 ~~(a) A nominee to the position of presidential elector; and~~
6 ~~(b) An alternate to the nominee for presidential elector;~~
7 ~~→ for each position of presidential elector required by law.~~
8 ~~2. Each minor political party shall choose from the qualified electors who are~~
9 ~~legally registered members of the minor political party:~~
10 ~~(a) A nominee to the position of presidential elector; and~~
11 ~~(b) An alternate to the nominee for presidential elector;~~
12 ~~→ for each position of presidential elector required by law. [The] A person who is~~
13 ~~authorized to file the list of candidates for partisan office of the minor political~~
14 ~~party with the Secretary of State [pursuant to NRS 293.1725] shall, not later than~~
15 ~~the last Tuesday in August, submit to the Secretary of State the list of nominees for~~
16 ~~presidential elector and alternates.~~
17 ~~3. Each independent candidate nominated for the office of President pursuant~~
18 ~~to NRS 298.109 shall, at the time of filing the petition as required pursuant to~~
19 ~~subsection 1 of NRS 298.109, or within 10 days thereafter, choose from the~~
20 ~~qualified electors:~~
21 ~~(a) A nominee to the position of presidential elector; and~~
22 ~~(b) An alternate to the nominee for presidential elector;~~
23 ~~→ for each position of presidential elector required by law.] (Deleted by~~
24 ~~amendment.)~~

25 **Sec. 27.** ~~[NRS 298.045 is hereby amended to read as follows:~~
26 ~~298.045 1. Except as otherwise provided in subsection 2, a nominee for~~
27 ~~presidential elector or an alternate may not serve as a presidential elector unless the~~
28 ~~nominee for presidential elector or the alternate signs a pledge in substantially the~~
29 ~~following form:~~

30
31 ~~If selected for the position of presidential elector, I agree to serve as such~~
32 ~~and to vote only for the nominees for President and Vice President of the~~
33 ~~political party or the independent candidates who received the highest~~
34 ~~number of votes in this State at the general election.~~

35
36 ~~2. If a nominee for presidential elector or an alternate is physically unable to~~
37 ~~sign the pledge, the pledge may be signed by proxy in the presence of the nominee~~
38 ~~for presidential elector or the alternate, as applicable.~~

39 ~~3. The chair and secretary of the convention of a major political party, [the] a~~
40 ~~person who is authorized to file the list of candidates for partisan office of a minor~~
41 ~~political party with the Secretary of State [pursuant to NRS 293.1725] or an~~
42 ~~independent candidate shall submit to the Secretary of State each pledge signed~~
43 ~~pursuant to this section with the list of nominees for presidential elector and~~
44 ~~alternates.] (Deleted by amendment.)~~

45 **Sec. 28.** ~~[NRS 304.040 is hereby amended to read as follows:~~
46 ~~304.040 Except as otherwise provided in NRS 304.200 to 304.250, inclusive,~~
47 ~~[party] candidates for Representative in Congress shall be nominated in the same~~
48 ~~manner as state officers are nominated.] (Deleted by amendment.)~~

49 **Sec. 29.** ~~[NRS 304.240 is hereby amended to read as follows:~~
50 ~~304.240 1. If the Governor issues an election proclamation calling for a~~
51 ~~special election pursuant to NRS 304.230, no primary election may be held.~~
52 ~~[Except as otherwise provided in this subsection, a candidate must be nominated in~~
53 ~~the manner provided in chapter 293 of NRS and must file a declaration or~~

~~acceptance of candidacy within the time prescribed by the Secretary of State pursuant to NRS 293.204, which must be established to allow a sufficient amount of time for the mailing of election ballots.] A candidate [of a major political party] is nominated by filing a declaration or acceptance of candidacy within the time prescribed by the Secretary of State pursuant to NRS 293.204 [A minor political party that wishes to place its candidates on the ballot must file a list of its candidates with the Secretary of State not more than 46 days before the special election and not less than 32 days before the special election. To have his or her name appear on the ballot, an independent candidate must file a petition of candidacy with the appropriate filing officer not more than 46 days before the special election and not less than 32 days before the special election.] , **which must be established to allow a sufficient amount of time for the mailing of election ballots.**~~

~~2. Except as otherwise provided in NRS 304.200 to 304.250, inclusive:~~

~~(a) The election must be conducted pursuant to the provisions of chapter 293 of NRS.~~

~~(b) The general election laws of this State apply to the election.] (Deleted by amendment.)~~

~~Sec. 30. [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:~~

~~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.] (Deleted by amendment.)~~

~~Sec. 31. [NRS 293.1725, 293.176, 293.200, 293B.190, 293B.300, 293B.305 and 293B.310 are hereby repealed.] (Deleted by amendment.)~~

~~†~~

LEADLINES OF REPEALED SECTIONS

~~293.1725 Candidates: Submission of list to Secretary of State; filing of declaration of candidacy and certificate of nomination.~~

~~293.176 When candidacy for major political party prohibited; exception.~~

~~293.200 Independent candidates: Qualification; petition of candidacy; time limit for challenge; declaration of candidacy.~~

~~293B.190 Primary elections: Partisan and nonpartisan arrangement of list of candidates and measures to be voted on at election.~~

~~293B.300 Primary elections: Issuance of partisan ballot; directions to voter.~~

~~293B.305 Primary elections: Issuance of nonpartisan ballot; alternative directions to voter.~~

~~293B.310 Primary elections: Optional manner of voting when party comprises less than 5 percent of voters.]~~