

ASSEMBLY BILL NO. 226—ASSEMBLYMAN HANSEN

PREFILED FEBRUARY 13, 2017

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.
(BDR 24-88)

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; revising deadlines by which certain signature petitions of minor political parties and independent candidates must be filed; revising the circumstances under which candidates of major political parties appear on or are omitted from the ballot at a primary election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, if a major political party has two or more candidates for a
2 particular office, there must be a primary election where the person who receives
3 the highest number of votes is declared the nominee of that party for the office.
4 **Section 3** of this bill eliminates this provision and provides instead for the
5 circumstances under which candidates of major political parties appear on or are
6 omitted from the ballot at a primary election. **Section 3** provides that if more than
7 one major political party has candidates for a particular office, the names of the
8 candidates of both parties appear on the ballot at the primary election and from
9 each party, the candidate who receives the highest number of votes at the primary
10 election is declared the nominee of that party. **Section 3** also provides that if only
11 one major political party has candidates for a particular office, whether or not the
12 names of the candidates of the major political party appear on the ballot at the
13 primary election depends on whether a minor political party has nominated a
14 candidate for that office or an independent candidate has filed for the office. If there
15 is at least one candidate nominated by a minor political party or one independent
16 candidate who has filed for the office, **section 3** requires the candidates of the
17 major political party to appear on the ballot at the primary election. The major party
18 candidate who receives the highest number of votes in the primary election is the
19 nominee of that party and will be placed on the ballot at the general election along
20 with any minor political party candidates and independent candidates.
21 Alternatively, if for any particular office there are no candidates nominated by a
22 minor political party and no independent candidates file for the office, the



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23 candidates of the major political party: (1) appear on the ballot at the primary
24 election if there are more candidates than twice the number to be elected to that
25 office; and (2) do not appear on the ballot if there are not more than twice the
26 number of candidates to be elected to that office.

27 Under existing law, the names of candidates for a partisan office of a minor
28 political party do not appear on the ballot at a primary election. Instead, if the minor
29 political party has qualified as such, either by receiving a certain percentage of
30 votes at the preceding election or by collecting a certain number of signatures, the
31 party can name one candidate for each partisan office, and the name of each such
32 candidate must appear on the general election ballot. If a minor political party
33 wishes to place a candidate on the ballot for a general election by collecting a
34 certain number of signatures, the party must file a petition with the signatures with
35 the Secretary of State not later than the third Friday in June before the general
36 election. (NRS 293.1715) **Section 1** of this bill changes the deadline for a minor
37 political party to file its signature petition to the third Friday in May before the
38 general election.

39 Under existing law, the names of independent candidates for a partisan office
40 do not appear on the ballot at a primary election. Instead, a person wishing to run as
41 an independent candidate can be named as such on the general election ballot if he
42 or she files a petition with a certain number of signatures. The signature petition
43 must be filed with the appropriate filing officer not later than the third Friday in
44 June before the general election. (NRS 293.200) **Section 2** of this bill changes the
45 deadline for an independent candidate to file his or her signature petition to the
46 second Friday after the first Monday in March.

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

1 **Section 1.** NRS 293.1715 is hereby amended to read as
2 follows:

3 293.1715 1. The names of the candidates for partisan office
4 of a minor political party must not appear on the ballot for a primary
5 election.

6 2. The names of the candidates for partisan office of a minor
7 political party must be placed on the ballot for the general election if
8 the minor political party is qualified. To qualify as a minor political
9 party, the minor political party must have filed a certificate of
10 existence and be organized pursuant to NRS 293.171, must have
11 filed a list of its candidates for partisan office pursuant to the
12 provisions of NRS 293.1725 with the Secretary of State and:

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

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



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(c) Not later than the third Friday in ~~June~~ 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. 2. 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 10 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



1 manner prescribed in NRS 293.1276 to 293.1279, inclusive, not
2 later than 10 working days before the last day to file the petition
3 pursuant to subsection 4. Each person who signs the petition shall
4 add to his or her signature the address of the place at which the
5 person actually resides, the date that he or she signs the petition and
6 the name of the county where he or she is registered to vote. The
7 person who circulates each document of the petition shall sign an
8 affidavit attesting that the signatures on the document are genuine to
9 the best of his or her knowledge and belief and were signed in his or
10 her presence by persons registered to vote in that county.

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

13 4. Petitions of candidacy must be filed not earlier than the first
14 Monday in March preceding the general election and not later than
15 5 p.m. on the ~~third~~ *second* Friday ~~in June~~ *after the first Monday*
16 *in March.*

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

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

21 7. The names of independent candidates must be placed on the
22 general election ballot and must not appear on the primary election
23 ballot.

24 8. If the sufficiency of the petition of the candidacy of any
25 person seeking to qualify pursuant to this section is challenged, all
26 affidavits and documents in support of the challenge must be filed
27 not later than 5 p.m. on the fourth Friday in June. Any judicial
28 proceeding resulting from the challenge must be set for hearing not
29 more than 5 days after the fourth Friday in June.

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

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

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

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

38 11. An independent candidate for partisan office must file a
39 declaration of candidacy with the appropriate filing officer and pay
40 the fee required by NRS 293.193 not earlier than the first Monday in
41 March of the year in which the election is held nor later than 5 p.m.
42 on the second Friday after the first Monday in March.



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1 **Sec. 3.** NRS 293.260 is hereby amended to read as follows:

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

5 2. If ~~if a major political party has two or more candidates for a~~
6 ~~particular office, the person who receives the highest number of~~
7 ~~votes at the primary election must be declared the nominee of that~~
8 ~~major political party~~ *more than one major political party has*
9 *candidates for a particular office, the names of the candidates of*
10 *the major political parties must appear on the ballot at the primary*
11 *election and the persons who receive the highest number of votes*
12 *at the primary election must be declared the nominees of those*
13 *parties for the office.*

14 3. *If only one major political party has candidates for a*
15 *particular office and a minor political party has nominated a*
16 *candidate for the office or an independent candidate has filed for*
17 *the office, the names of the candidates of the major political party*
18 *must appear on the ballot at the primary election. The candidate*
19 *who receives the highest number of votes in the primary election*
20 *of the major political party must be declared the nominee of that*
21 *party and his or her name must be placed on the general election*
22 *ballot with the name of the nominee of the minor political party*
23 *for the office and the name of the independent candidate who has*
24 *filed for the office.*

25 4. *If only one major political party has candidates for a*
26 *particular office and no minor political party has nominated a*
27 *candidate for the office and no independent candidate has filed for*
28 *the office:*

29 (a) *If there are more candidates than twice the number to be*
30 *elected to the office, the names of the candidates must appear on*
31 *the ballot for a primary election. Except as otherwise provided in*
32 *this paragraph, the candidates of that party who receive the*
33 *highest number of votes in the primary election, not to exceed*
34 *twice the number to be elected to that office at the general*
35 *election, must be declared the nominees for the office. If only one*
36 *candidate is to be elected to the office and a candidate receives a*
37 *majority of the votes in the primary election for that office, that*
38 *candidate must be declared the nominee for that office and his or*
39 *her name must be placed on the ballot for the general election.*

40 (b) *If there are not more than twice the number of candidates*
41 *to be elected to the office, the candidates must, without a primary*
42 *election, be declared the nominees for the office.*

43 5. If not more than the number of candidates to be elected have
44 filed for nomination for:



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(a) Any partisan office or the office of judge of a district court, judge of the Court of Appeals or 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 the general election;

(b) Any nonpartisan office, other than the office of judge of a district court, judge of the Court of Appeals, justice of the Supreme Court or 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.

~~15.1~~ 6. If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

~~15.1~~ 7. If there are more than twice the number of candidates 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 the primary election, not to exceed twice the number to be elected, must be declared nominees for the office and the names of those candidates must be placed on the ballot for the general election, except that if one of those candidates receives a majority of the votes cast in the primary election for:

(a) The office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only nominee for the office and only his or her name must be placed on the ballot for the general election.

(b) Any other nonpartisan office, 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.

