

ASSEMBLY BILL NO. 226—ASSEMBLYMEN HANSEN,  
OHRENSCHALL, DALY AND DIAZ

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 the circumstances under which candidates of major political parties appear on or are omitted from the ballot at primary elections; revising provisions governing primary elections for certain judicial candidates; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, if a major political party has only one candidate for a particular office, the name of the candidate does not appear on the ballot at the primary election but appears on the ballot at the general election. If a major political party has two or more candidates for a particular office, there must be a primary election where the person who receives the highest number of votes is declared the nominee of that party for the office. (NRS 293.260) **Section 3** of this bill revises the circumstances under which candidates of a major political party either appear on the ballot at the primary election or are omitted from the ballot at the primary election and appear on the ballot at the general election when there are multiple candidates for the major political party.

First, **section 3** provides that if two or more major political parties have candidates for a particular office and at least one of the major political parties has multiple candidates for the office, the candidates of the major political parties with multiple candidates for the office appear on the ballot at the primary election of their respective parties. The candidates who receive the highest number of votes at the primary election of their respective parties are declared the nominees of those parties and appear on the ballot at the general election with any other candidates for the office who are entitled by law to be placed on the ballot at the general election, such as: (1) any candidate of a major political party that did not have a primary election because it had only one candidate for the office; (2) any candidate for the office nominated by a minor political party; or (3) any independent candidate who has filed for the office.



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Second, **section 3** provides that if only one major political party has multiple candidates for a particular office and no other major political party has any candidates for the office but there is at least one candidate who was nominated by a minor political party or one independent candidate who has filed for the office, **section 3** requires the candidates of the major political party to appear on the ballot at the primary election. The major party candidate who receives the highest number of votes at the primary election is the nominee of that party and appears on the ballot at the general election along with each candidate who was nominated by a minor political party and each independent candidate who has filed for the office.

Third, **section 3** provides that if only one major political party has multiple candidates for a particular office and no other major political party has any candidates for the office and there are no candidates nominated by a minor political party and no independent candidates file for the office, the candidates of the major political party are subject to the following rules: (1) if there are not more than twice the number of candidates to be elected to that office, the candidates do not appear on the ballot at the primary election but appear on the ballot at the general election; or (2) if there are more candidates than twice the number to be elected to that office, the candidates appear on the ballot at the primary election, and the candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected to that office at the general election, are declared the nominees for the office and appear on the ballot at the general election.

Under existing law, in an election for the nonpartisan office of judge of a district court, judge of the Nevada Court of Appeals or justice of the Nevada Supreme Court, if there are more than twice the number of candidates to be elected to the office, the candidates appear on the ballot at the primary election. The candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, are declared nominees for the office, and they appear on the ballot at the general election, except that if one of those candidates receives a majority of the votes cast at the primary election, the candidate is declared the only nominee for the office and only that candidate appears on the ballot at the general election. (NRS 293.260)

**Section 3** of this bill removes the existing exception that applies to situations when one of the state judicial candidates receives a majority of the votes cast at the primary election. As a result, in an election for the nonpartisan office of judge of a district court, judge of the Nevada Court of Appeals or justice of the Nevada Supreme Court, **section 3** provides that if there are more than twice the number of candidates to be elected to the office, the candidates appear on the ballot at the primary election, and those candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, are declared nominees for the office and appear on the ballot at the general election without any exceptions.

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

**Section 1.** (Deleted by amendment.)

**Sec. 2.** (Deleted by amendment.)

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

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



2. ~~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.~~ *two or more major political parties have candidates for a particular office and at least one of the major political parties has multiple candidates for the office, the names of the candidates of the major political parties with multiple candidates for the office must appear on the ballot at the primary election of their respective parties. The candidates who receive the highest number of votes at the primary election of their respective parties must be declared the nominees of those parties for the office* ~~+~~, *and their names must be placed on the ballot at the general election with the names of any other candidates for the office who are entitled by law to be placed on the ballot at the general election.*

3. *If only one major political party has multiple candidates for a particular office and no other major political party has any candidates for the office but at least one minor political party has nominated a candidate for the office or at least one independent candidate has filed for the office, the names of the candidates of the major political party must appear on the ballot at the primary election of the major political party. The candidate who receives the highest number of votes at the primary election of the major political party must be declared the nominee of that party, and his or her name must be placed on the ballot at the general election with the name of each candidate for the office who has been nominated by a minor political party and the name of each independent candidate who has filed for the office.*

4. *If only one major political party has multiple candidates for a particular office and no other major political party has any candidates for the office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office, then:*

(a) *If there are not more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office, and their names must be omitted from the ballot at the primary election of the major political party and placed on the ballot at the general election.*

(b) *If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot at the primary election of the major political party. The candidates of that party who receive the highest number of votes at the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the*



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*nominees for the office, and their names must be placed on the ballot at the general election.*

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

(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.

~~14.1~~ 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~~ *the nonpartisan office, other than 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 elected to the



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- 1 office and his or her name must not be placed on the ballot for the
- 2 general election.

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