

ASSEMBLY BILL NO. 389—ASSEMBLYMAN MARCHANT

MARCH 20, 2017

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing elections. (BDR 24-16)

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

CONTAINS UNFUNDED MANDATE (§§ 5, 9, 49)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

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

AN ACT relating to elections; prohibiting the name of an ineligible candidate from appearing on the ballot unless the period for changing the ballot has elapsed; providing certain remedies and penalties in preelection challenges to the qualifications of a candidate; prohibiting the filling of a vacancy in a nomination for office under certain circumstances; providing that certain persons who take part in a voter registration drive must be citizens of the United States; prohibiting persons who have been convicted of certain crimes from having access to certain election materials; authorizing certain officials to conduct investigations after elections under certain circumstances; amending certain residency requirements for candidates; revising provisions governing the filing of a declaration or acceptance of candidacy; prescribing the penalty for a candidate who files certain documents containing a false statement; requiring certain proofs of identity and residency when filing for candidacy; clarifying the deadline for an elector to file certain preelection challenges to the qualifications of a candidate; providing that a vote cast for an ineligible candidate is a nullity and void for the purposes of determining the outcome of an election; requiring that voting systems meet or exceed certain standards for the security of information; prohibiting an ineligible candidate from demanding a recount, filing a contest of election or receiving a certificate of election; making conforming changes to the definition of “actual residence” for purposes of candidacy; specifying that a person who is not a citizen of the United States is not authorized to vote or register to vote in this State; making various other changes relating to elections; providing penalties; and providing other matters properly relating thereto.



* A B 3 8 9 *

Legislative Counsel's Digest:

Under certain circumstances, existing law sets forth procedures for filling a vacancy in a nomination for a nonpartisan or partisan office, except that no changes may be made to the ballot after a statutorily-prescribed date preceding any general election. If, after that date, a vacancy occurs in a nomination, the nominee's name must remain on the ballot for the general election and, if that person is elected, a vacancy in the office exists. (NRS 293.165, 293.166, 293.368, 293C.190, 293C.370) Further, under existing law, if a candidate whose name appears on a ballot is disqualified from entering upon the duties of an office or dies after the deadline for making changes to the ballot has passed, the Secretary of State and local election officials are required to post a sign at each polling place where the person's name will appear on the ballot notifying voters of the candidate's disqualification or death. (NRS 293.184, 293.302, 293C.1865, 293C.291)

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

In the absence of a statute prescribing a different rule, the general rule under the common law is that the votes cast for a deceased, disqualified or ineligible candidate are not treated as void but are counted in determining the outcome of the election with regard to the other candidates, which renders the election nugatory and prevents the election of the candidate who receives the next highest number of votes. (*Ingersoll v. Lamb*, 75 Nev. 1, 4 (1959)) **Sections 3, 35, 48 and 63** of this bill abrogate the common-law rule and provide that any vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of the election. **Sections 4 and 41-46** of this bill also provide that an ineligible candidate may not demand or receive a recount of the vote at the election or contest the results of the election.

Sections 5 and 49 of this bill provide that the name of an ineligible candidate must not appear on the ballot at any election unless the period for making changes on the ballot has elapsed. If the period has elapsed, local election officials must provide notice to the voters at each affected polling place, on or near each mechanical voting device and on or with each paper ballot and absent ballot that the ineligible candidate is not eligible to take office and that any vote cast for the ineligible candidate will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.

Under existing law, there are several different types of preelection court actions that may be brought to challenge a candidate on grounds that the candidate fails to meet any qualification required for the office, including actions for a declaratory judgment or a writ of mandamus. (NRS 281.050, 293.182, 293C.186; *DeStefano v. Berkus*, 121 Nev. 627, 628-31 (2005); *Child v. Lomax*, 124 Nev. 600, 604-05 (2008)) **Section 6** of this bill provides that in any preelection action where the court finds that a candidate fails to meet any qualification required for the office: (1) the candidate becomes an ineligible candidate and local election officials must take appropriate action to remove the candidate's name from the ballot or provide the required notice to voters; (2) the candidate is disqualified from taking office; and (3) the court may order the candidate to pay the attorney's fees and costs of the party who brought the action, including the Attorney General or a district attorney or city attorney.

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



293C.387, 293C.395, 386.260, 539.157; Caliente City Charter § 5.100; Carlin City Charter § 5.090; Carson City Charter § 5.100; Elko City Charter § 5.090; Henderson City Charter § 5.100; Las Vegas City Charter § 5.100; North Las Vegas City Charter § 5.080; Reno City Charter § 5.100; Sparks City Charter § 5.100; Wells City Charter § 5.090; Yerington City Charter § 5.090) **Sections 12, 38-40, 46, 65, 66, 68, 70, 74, 75, 77, 79, 83, 87, 93, 96, 99, 101, 105, 109, 113, 116, 122 and 125** of this bill provide that if the name of an ineligible candidate could not be removed from the ballot, a certificate of election must not be issued to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Existing law sets forth procedures for filling certain vacancies in a nomination for a nonpartisan or partisan office that occur before a statutorily prescribed date preceding any general election. (NRS 293.165, 293.166, 293C.190) **Section 7** of this bill prohibits a vacancy in a nomination for a partisan office from being filled if the vacancy occurs because the candidate fails to meet any qualification required for the office or is found by a court to be disqualified from taking office, except that the prohibition does not apply to such a vacancy occurring before certain special elections. If a vacancy in a nomination for a nonpartisan or partisan office occurs for certain other reasons, **sections 15, 16 and 57** of this bill allow such a vacancy to be filled in the manner provided by existing law before the statutorily-prescribed date preceding the general election.

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

Existing law sets forth certain residency requirements for candidates. In particular, a candidate must actually, as opposed to constructively, reside in the State, district, county, city or township to which the office pertains for at least 30 days preceding the date of the close of filing for candidacy. (NRS 293.1755, 293C.200) Additionally, a candidate for election or appointment to the Legislature must be an actual, as opposed to constructive, resident of this State for 1 year preceding the person's election or appointment. (NRS 218A.200) **Sections 18 and 58** of this bill provide that all candidates must be an actual resident of the State, district, county, city or township to which the office pertains for at least 180 days preceding the date of the close of filing for candidacy. **Section 69** of this bill provides that a candidate for election or appointment to the Legislature must be an actual resident of: (1) this State for 1 year immediately preceding the person's election or appointment; and (2) the legislative district prescribed by law for the office for at least 180 days immediately preceding the date of the close of filing of, as applicable, declarations or acceptances of candidacy for the office or applications for appointment to the office.

Existing law: (1) requires a candidate to file a declaration or acceptance of candidacy before his or her name may appear on a ballot; and (2) provides that a candidate who knowingly and willfully files a declaration or acceptance of candidacy which contains a false statement regarding residency is guilty of a gross misdemeanor. (NRS 293.1755, 293.177, 293C.185, 293C.200) **Sections 18, 19, 53**



and 58 of this bill provide that a candidate who knowingly and willfully files a declaration or acceptance of candidacy which contains a false statement is guilty of a gross misdemeanor.

Existing law requires a candidate for election or appointment to the Legislature to meet certain qualifications for the office. (NRS 218A.200) A candidate for election to the Legislature must also file a declaration of residency with his or her declaration or acceptance of candidacy. (NRS 293.181) Sections 20 and 69 of this bill provide that any such candidate who knowingly and willfully files a declaration or acceptance of candidacy, a declaration of residency or an application for appointment which contains a false statement is guilty of a gross misdemeanor.

Under existing law, a person who receives a certificate of election or appointment to office as a Legislator must take and subscribe to the official oath before taking office. (NRS 218A.220) Section 71 of this bill prohibits a person from taking and subscribing to the official oath as a Legislator if, after the person files a declaration or acceptance of candidacy and on or before the date of the general election, a court finds that the person is an ineligible candidate because the person fails to meet any qualification required for the office.

Before the Assembly meets for each regular session, existing law requires the Secretary of State to make out a roll from the election returns of the persons who received the highest number of votes to be elected as members of the Assembly, and the members whose names appear upon the roll must be allowed to participate in the organization of the Assembly. (NRS 218A.400) Section 73 of this bill provides that if the name of an ineligible candidate for office as a member of the Assembly could not be removed from the ballot, the Secretary of State shall not include the ineligible candidate upon the roll of the persons elected as members of the Assembly and the name of the ineligible candidate must not appear upon the roll regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

The Nevada Supreme Court has interpreted existing law to authorize an elector to file a written challenge to a candidate's qualifications not later than 5 working days after the last day for the candidate to formally withdraw his or her candidacy. Depending on the state or local office being sought by the candidate, the Attorney General or the appropriate district attorney or city attorney must review the challenge and, if he or she determines that probable cause exists to support the challenge, must bring a preelection court action challenging the candidate's qualifications within a statutorily-prescribed period. (NRS 293.182, 293C.186; *Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 477-79 (2002) (interpreting NRS 293.182 to permit an elector to file a written challenge not later than 5 working days after the last day for the candidate to formally withdraw his or her candidacy)) Sections 21 and 54 of this bill codify the Nevada Supreme Court's interpretation so that the period for an elector to file such a written challenge and the period for the Attorney General or the appropriate district attorney or city attorney to review such a challenge and bring a preelection court action are calculated using working days instead of calendar days.

Existing law defines the term "actual residence" to mean the place where a candidate is legally domiciled and maintains a permanent habitation, and when a candidate maintains more than one place of permanent habitation, the place designated by the candidate as his or her principal permanent habitation is deemed to be the candidate's actual residence. (NRS 281.050) The Nevada Supreme Court has held that the place designated by the candidate as his or her principal permanent habitation must be the place where the candidate actually resides and is legally domiciled in order for the candidate to be eligible to the office. (*Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 484-86 (2002); *Chachas v. Miller*, 120 Nev. 51, 53-56 (2004)) Section 78 of this bill amends existing law to reflect the Court's holding.



Existing law provides that to qualify to register to vote and, subsequently, vote in an election in this State, a person must meet certain qualifications, including, that the person must be a citizen of the United States. (Nev. Const. Art. 2, § 1; NRS 293.485) **Section 14** of this bill specifies that nothing in the election laws of this State shall be construed to authorize a person who is not a citizen of the United States to register to vote or vote in an election in this State.

Section 8 of this bill provides that every person who as part of a voter registration drive collects or submits to the county clerk completed applications to register to vote must be a citizen of the United States.

Section 9 of this bill provides that every person who will have access to rosters, ballots, mechanical recording devices, ballot boxes or containers in which ballots are deposited or transported must submit to the county or city clerk, as applicable, fingerprints and written authorization for the clerk to obtain the person's criminal history report. If the criminal history report indicates that the person has been convicted of a crime involving theft or fraud, the county or city clerk shall not allow the person to have access to such elections materials.

Section 10 of this bill provides that a county clerk, city clerk, law enforcement agency, district attorney or city attorney may conduct an investigation upon determining that there is reasonable suspicion that any part of the voting system has been illegally altered or tampered or interfered with.

Existing law requires the Secretary of State and each county and city clerk to ensure that each voting system used in this State meets certain requirements, including meeting or exceeding standards for voting systems established by the Federal Election Commission. (NRS 293.2696) **Section 33** of this bill requires that the voting system also meet or exceed the standards for the security of information established by the National Institute of Standards and Technology.

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

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *"Ineligible candidate" means a person who is a candidate for any office and who:*

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

Sec. 3. *1. Notwithstanding any other provision of law, any vote cast for an ineligible candidate is a nullity and void and must not be given any legal force or effect for the purposes of determining the outcome of a primary election, general election or special election or any other election.*



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

Sec. 4. *A person who is or becomes an ineligible candidate may not:*

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

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

Sec. 5. 1. *Except as otherwise provided in this section, the name of a person who is or becomes an ineligible candidate must not appear on the ballot at a primary election, general election or special election or any other election.*

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

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

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

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

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

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

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

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

(3) *If paper ballots are used, include a notice on or with each paper ballot informing a voter who uses the paper ballot that*



1 *the person is not eligible to enter upon the duties of the office and*
2 *that any vote cast for the person will be a nullity and void and will*
3 *not be given any legal force or effect for the purposes of*
4 *determining the outcome of the election; and*

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

12 **Sec. 6. 1. In addition to any other remedy or penalty**
13 **provided by law, if a court of competent jurisdiction finds in any**
14 **preelection action that a person who is a candidate for any office**
15 **fails to meet any qualification required for the office pursuant to**
16 **the Constitution or laws of this State:**

17 *(a) The person is an ineligible candidate, and the county clerk*
18 *or city clerk, as applicable, shall take appropriate action regarding*
19 *the ineligible candidate pursuant to section 5 or 48 of this act;*

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

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

27 **2. The provisions of this section apply to any preelection**
28 **action brought to challenge a person who is a candidate for any**
29 **office on the grounds that the person is an ineligible candidate**
30 **because the person fails to meet any qualification required for the**
31 **office pursuant to the Constitution or laws of this State, including,**
32 **without limitation, any action brought pursuant to NRS 281.050,**
33 **293.182 or 293C.186 or any action brought for:**

34 *(a) Declaratory or injunctive relief pursuant to chapter 30 or*
35 *33 of NRS;*

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

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

38 **Sec. 7. 1. Except as otherwise provided in this section, a**
39 **vacancy occurring in a major or minor political party nomination**
40 **for a partisan office may not be filled by the party if the vacancy**
41 **occurs because the candidate who is the party's nominee:**

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



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

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

9 ***Sec. 8. 1. Every person who as part of a voter registration***
10 ***drive collects or submits to the county clerk completed applications***
11 ***to register to vote must be a citizen of the United States.***

12 ***2. As used in this section, "voter registration drive" means an***
13 ***effort undertaken by one or more persons to:***

14 ***(a) Distribute applications to register to vote; or***

15 ***(b) Assist:***

16 ***(1) Electors to complete or submit applications to register to***
17 ***vote; or***

18 ***(2) Registered voters to update or correct their existing***
19 ***voter registration information.***

20 ***Sec. 9. 1. Every person, including, without limitation, an***
21 ***election board officer, deputy clerk and an employee of the county***
22 ***clerk or city clerk who will have access to rosters, ballots,***
23 ***mechanical recording devices, ballot boxes or containers in which***
24 ***ballots are deposited or transported must submit to the county***
25 ***clerk or city clerk fingerprints and written permission authorizing***
26 ***the county or city clerk, as applicable, to forward the fingerprints***
27 ***to the Central Repository for Nevada Records of Criminal History***
28 ***for submission to the Federal Bureau of Investigation for its***
29 ***report on the criminal history of the person.***

30 ***2. If the report on the criminal history of the person indicates***
31 ***that the person has been convicted of any crime involving theft or***
32 ***fraud, the county clerk or city clerk shall not allow the person to***
33 ***have access to rosters, ballots, mechanical recording devices,***
34 ***ballot boxes or containers in which ballots are deposited or***
35 ***transported.***

36 ***3. Any fees for fingerprinting and submission to the Central***
37 ***Repository and the Federal Bureau of Investigation must be paid***
38 ***by the county clerk or city clerk.***

39 ***Sec. 10. A county clerk, city clerk, law enforcement agency,***
40 ***district attorney or city attorney may conduct an investigation***
41 ***upon determining that there is reasonable suspicion that any part***
42 ***of the voting system has been illegally altered or tampered or***
43 ***interfered with. As part of the investigation, the county clerk, city***
44 ***clerk, law enforcement agency, district attorney or city attorney***



1 *may inspect any sealed record or container without first obtaining*
2 *a court order to do so.*

3 **Sec. 11.** NRS 293.010 is hereby amended to read as follows:

4 293.010 As used in this title, unless the context otherwise
5 requires, the words and terms defined in NRS 293.013 to 293.121,
6 inclusive, *and section 2 of this act* have the meanings ascribed to
7 them in those sections.

8 **Sec. 12.** NRS 293.034 is hereby amended to read as follows:

9 293.034 "Certificate of election" means a certificate prepared
10 by the county or city clerk or Governor, as the case may be, for the
11 person having the highest number of votes for any district, county,
12 township, city, state or statewide office as official recognition of the
13 person's election to office **H**, *except that if the name of an*
14 *ineligible candidate could not be removed from the ballot pursuant*
15 *to section 5 or 49 of this act, such a certificate must not be*
16 *prepared for the ineligible candidate regardless of the number of*
17 *votes cast for the ineligible candidate that are a nullity and void.*

18 **Sec. 13.** NRS 293.042 is hereby amended to read as follows:

19 293.042 "Contest" means an adversary proceeding between a
20 candidate for a public office who has received the greatest number
21 of votes and any other candidate for that office or, in certain cases,
22 any registered voter of the appropriate political subdivision, for the
23 purpose of determining the validity of an election **H**, *except that a*
24 *person who is or becomes an ineligible candidate may not contest*
25 *the election for the office for which he or she is an ineligible*
26 *candidate pursuant to section 4 of this act.*

27 **Sec. 14.** NRS 293.127 is hereby amended to read as follows:

28 293.127 1. This title must be liberally construed to the end
29 that:

30 (a) All electors, including, without limitation, electors who are
31 elderly or disabled, have an opportunity to participate in elections
32 and to cast their votes privately;

33 (b) An eligible voter with a physical or mental disability is not
34 denied the right to vote solely because of the physical or mental
35 disability; and

36 (c) The real will of the electors is not defeated by any
37 informality or by failure substantially to comply with the provisions
38 of this title with respect to the giving of any notice or the conducting
39 of an election or certifying the results thereof.

40 2. For purposes of counting a vote, the real will of an elector
41 must be determined pursuant to NRS 293.3677 or 293C.369 or
42 regulations adopted pursuant to NRS 293.3677 or 293C.369.

43 *3. Nothing in this title shall be construed to authorize a*
44 *person who is not a citizen of the United States to register to vote*
45 *or vote in an election in this State.*



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

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

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

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

~~4. No~~

2. *Except as otherwise provided in section 5 of this act, no change in a nomination for a nonpartisan office may be made on the ballot for the general election after 5 p.m. on the fourth Friday in July of the year in which the general election is held ~~{4f}, and no vacancy in a nomination for a nonpartisan office may be filled after that time and date. ‡~~*

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

~~—(b) A vacancy in the nomination is otherwise created;~~

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



~~5. All designations provided for in this section must be filed on or before 5 p.m. on the fourth Friday in 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. 16. NRS 293.166 is hereby amended to read as follows:

293.166 1. *Except as otherwise provided in this section and sections 5 and 7 of this act:*

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

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

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

(b) A vacancy occurring in a *major political* party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county may be filled as follows . ~~†, subject to the provisions of subsections 2, 3 and 4.~~ The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who actually, as opposed to constructively, resides in the district to fill the vacancy, with the chair of the board of county commissioners of the county whose population residing within the district is the greatest presiding. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairs on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each as a group select one candidate, and the nominee must be chosen by drawing lots among the persons so selected.

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



* A B 3 8 9 *

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

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

3. ~~No~~ *Except as otherwise provided in sections 5 and 7 of this act, no* change in a major or minor political party nomination for a partisan office may be made on the ballot for the general election after 5 p.m. on the fourth Friday in July of the year in which the general election is held ~~If~~ , *and no vacancy in a major or minor political party nomination for partisan office may be filled* after that time and date . ~~+~~

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

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

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

Sec. 17. NRS 293.1715 is hereby amended to read as follows:

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

2. ~~The~~ *Except as otherwise provided in sections 5 and 7 of this act, the* names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election if the minor political party is qualified. To qualify as a minor political party, the minor political party must have filed a certificate of existence and be organized pursuant to NRS 293.171, must have filed a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:

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

(b) On January 1 preceding a primary election, the minor political party must have been designated as the political party on



1 the applications to register to vote of at least 1 percent of the total
2 number of registered voters in this State; or

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

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

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

14 **Sec. 18.** NRS 293.1755 is hereby amended to read as follows:

15 293.1755 1. In addition to any other requirement provided by
16 law, no person may be a candidate for any office unless, for at least
17 the ~~{30}~~ 180 days immediately preceding the date of the close of
18 filing of declarations of candidacy or acceptances of candidacy for
19 the office which the person seeks, the person has, in accordance
20 with NRS 281.050, actually, as opposed to constructively, resided in
21 the State, district, county, township or other area prescribed by law
22 to which the office pertains and, if elected, over which he or she will
23 have jurisdiction or will represent.

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

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

31 **Sec. 19.** NRS 293.177 is hereby amended to read as follows:

32 293.177 1. Except as otherwise provided in NRS 293.165 ~~{}~~
33 *and 293.166 and section 5 of this act*, a name may not be printed on
34 a ballot to be used at a primary election unless the person named has
35 filed a declaration of candidacy or an acceptance of candidacy, and
36 has paid the fee required by NRS 293.193 not earlier than:

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

41 (b) For all other candidates, the first Monday in March of the
42 year in which the election is to be held ~~{not}~~ *and not* later than 5
43 p.m. on the second Friday after the first Monday in March.



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

(a) For partisan 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 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 accordance with NRS 281.050*, in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least ~~30~~ 180 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am 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 293.176, 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



1 may hold the office; and that I understand that my name will
2 appear on all ballots as designated in this declaration.

3
4
5 (Designation of name)

6
7
8 (Signature of candidate for office)

9
10 Subscribed and sworn to before me
11 this day of the month of of the year

12
13
14 Notary Public or other person
15 authorized to administer an oath

16
17 (b) For nonpartisan office:

18
19 DECLARATION OF CANDIDACY OF FOR THE
20 OFFICE OF

21
22 State of Nevada

23
24 County of

25
26 For the purpose of having my name placed on the official
27 ballot as a candidate for the office of, I, the
28 undersigned, do swear or affirm under penalty of
29 perjury that I actually, as opposed to constructively, reside at
30, in the City or Town of, County of,
31 State of Nevada; that my actual, as opposed to constructive,
32 residence , *in accordance with NRS 281.050*, in the State,
33 district, county, township, city or other area prescribed by law
34 to which the office pertains began on a date at least ~~130~~ 180
35 days immediately preceding the date of the close of filing of
36 declarations of candidacy for this office; that my telephone
37 number is, and the address at which I receive mail, if
38 different than my residence, is; that I am a qualified
39 elector pursuant to Section 1 of Article 2 of the Constitution
40 of the State of Nevada; that if I have ever been convicted of
41 treason or a felony, my civil rights have been restored by a
42 court of competent jurisdiction; that if nominated as a
43 nonpartisan candidate at the ensuing election, I will accept the
44 nomination and not withdraw; that I will not knowingly
45 violate any election law or any law defining and prohibiting



corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. ~~If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.~~



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

Sec. 20. NRS 293.181 is hereby amended to read as follows:

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

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

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

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate actually, as opposed to constructively, resided or resides in accordance with NRS 281.050,



1 if one has been assigned. The declaration of residency must not be
2 accepted for filing if any of the candidate's addresses are listed as a
3 post office box unless a street address has not been assigned to the
4 residence.

5 **3. Any person who knowingly and willfully files a declaration**
6 **of residency which contains a false statement in violation of this**
7 **section is guilty of a gross misdemeanor.**

8 **Sec. 21.** NRS 293.182 is hereby amended to read as follows:

9 293.182 1. After a person files a declaration of candidacy or
10 an acceptance of candidacy to be a candidate for an office, and not
11 later than 5 **working** days after the last day the person may withdraw
12 his or her candidacy pursuant to NRS 293.202, an elector may file
13 with the filing officer for the office a written challenge of the person
14 on the grounds that the person fails to meet any qualification
15 required for the office pursuant to the Constitution or ~~{a statute}~~
16 **laws** of this State . ~~{, including, without limitation, a requirement~~
17 ~~concerning age or residency.}~~ Before accepting the challenge from
18 the elector, the filing officer shall notify the elector that if the
19 challenge is found by a court to be frivolous, the elector may be
20 required to pay the reasonable attorney's fees and ~~{court}~~ costs of
21 the ~~{challenged person.}~~ **person who is being challenged.**

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

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

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

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

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

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

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

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

44 5. If, at the hearing, the court determines by a preponderance of
45 the evidence that the challenge is valid or that the person otherwise



1 fails to meet any qualification required for the office pursuant to the
2 Constitution or ~~{a statute}~~ **laws** of this State, or if the person fails to
3 appear at the hearing ~~:-~~

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

7 ~~—(b) The~~ , **the** person is ~~{disqualified from entering upon the~~
8 ~~duties of the office for which he or she filed the declaration of~~
9 ~~candidacy or acceptance of candidacy.}~~ **an ineligible candidate and**
10 **is subject to the provisions of section 6 of this act.**

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

15 **Sec. 22.** NRS 293.184 is hereby amended to read as follows:

16 293.184 ~~{-}~~ In addition to any other **remedy or** penalty
17 provided by law, if a person **knowingly and** willfully files a
18 declaration of candidacy or acceptance of candidacy ~~{knowing that~~
19 ~~the declaration of candidacy or acceptance of candidacy}~~ **which**
20 contains a false statement:

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

25 ~~—(b)}~~ **1. The person is an ineligible candidate, and the county**
26 **clerk shall take appropriate action regarding the ineligible**
27 **candidate pursuant to section 5 of this act; and**

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

30 ~~—2.— If the name of a person who is disqualified from entering~~
31 ~~upon the duties of an office pursuant to subsection 1 appears on a~~
32 ~~ballot for the election is disqualified because the deadline set forth~~
33 ~~in NRS 293.165 and 293.166 for making changes to the ballot has~~
34 ~~passed, the Secretary of State and county clerk must post a sign at~~
35 ~~each polling place where the person's name will appear on the ballot~~
36 ~~informing voters that the person is disqualified from entering upon~~
37 ~~the duties of office.}~~ **filed the declaration of candidacy or**
38 **acceptance of candidacy.**

39 **Sec. 23.** NRS 293.200 is hereby amended to read as follows:

40 293.200 1. An independent candidate for partisan office must
41 file with the appropriate filing officer as set forth in NRS 293.185:

42 (a) A copy of the petition of candidacy that he or she intends to
43 subsequently circulate for signatures. The copy must be filed not
44 earlier than the January 2 preceding the date of the election and not
45 later than 10 working days before the last day to file the petition



1 pursuant to subsection 4. The copy of the petition must be filed with
2 the appropriate filing officer before the petition may be circulated
3 for signatures.

4 (b) Either of the following:

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

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

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

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

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

21 2. The petition may consist of more than one document. Each
22 document must bear the name of the county in which it was
23 circulated, and only registered voters of that county may sign the
24 document. If the office is not a statewide office, only the registered
25 voters of the county, district or municipality in question may sign
26 the document. The documents that are circulated for signature in a
27 county must be submitted to that county clerk for verification in the
28 manner prescribed in NRS 293.1276 to 293.1279, inclusive, not
29 later than 10 working days before the last day to file the petition
30 pursuant to subsection 4. Each person who signs the petition shall
31 add to his or her signature the address of the place at which the
32 person actually resides, the date that he or she signs the petition and
33 the name of the county where he or she is registered to vote. The
34 person who circulates each document of the petition shall sign an
35 affidavit attesting that the signatures on the document are genuine to
36 the best of his or her knowledge and belief and were signed in his or
37 her presence by persons registered to vote in that county.

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

40 4. Petitions of candidacy must be filed not earlier than the first
41 Monday in March preceding the general election and not later than 5
42 p.m. on the third Friday in June.

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



* A B 3 8 9 *

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

7. ~~The~~ *Except as otherwise provided in section 5 of this act, the* names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the 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 Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Friday in 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 ~~not~~ *and not* later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 24. NRS 293.203 is hereby amended to read as follows:

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

1. The date of the election.

2. The location of the polling places.

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

4. The names of the candidates ~~and~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 5 of this act, a statement that the person is not eligible to enter upon the duties of the office and that any vote cast for the person will be a nullity and void and will not be given any legal force or effect for the purposes of determining the outcome of the election.*

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



* A B 3 8 9 *

1 ➤ The notice required for a general election pursuant to this section
2 may be published in conjunction with the notice required for a
3 proposed constitution or constitutional amendment pursuant to NRS
4 293.253. If the notices are combined in this manner, they must be
5 published three times in accordance with subsection 3 of
6 NRS 293.253.

7 **Sec. 25.** NRS 293.2546 is hereby amended to read as follows:

8 293.2546 The Legislature hereby declares that each voter has
9 the right:

10 1. To receive and cast a ballot that:

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

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

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

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

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

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

24 6. To request assistance in voting, if necessary.

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

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

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

33 10. *To be informed:*

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

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

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

40 ~~11.1~~ 12. To have complaints about elections and election
41 contests resolved fairly, accurately and efficiently.

42 **Sec. 26.** NRS 293.257 is hereby amended to read as follows:

43 293.257 1. There must be a separate primary ballot for each
44 major political party. ~~The~~ *Except as otherwise provided in section*
45 *5 of this act, the* names of candidates for partisan offices who have



1 designated a major political party in the declaration of candidacy or
2 acceptance of candidacy must appear on the primary ballot of the
3 major political party designated.

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

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

13 **Sec. 27.** NRS 293.260 is hereby amended to read as follows:

14 293.260 *Except as otherwise provided in sections 3 and 5 of*
15 *this act:*

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

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

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

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

29 (b) Any nonpartisan office, other than the office of judge of a
30 district court, judge of the Court of Appeals, justice of the Supreme
31 Court or member of a town advisory board, the names of those
32 candidates must appear on the ballot for a primary election unless
33 the candidates were nominated pursuant to subsection ~~2~~ 1 of NRS
34 293.165. If a candidate receives one or more votes at the primary
35 election, the candidate must be declared elected to the office and his
36 or her name must not be placed on the ballot for the general
37 election. If a candidate does not receive one or more votes at the
38 primary election, his or her name must be placed on the ballot for
39 the general election; and

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

43 4. If there are not more than twice the number of candidates to
44 be elected to a nonpartisan office, the candidates must, without a
45 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.

5. 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.

Sec. 28. NRS 293.263 is hereby amended to read as follows:

293.263 On the primary ballots for a major political party, the name of the major political party must appear at the top of the ballot. Except as otherwise provided in NRS 293.2565, *and section 5 of this act*, following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the partisan office for which those candidates filed.

Sec. 29. NRS 293.265 is hereby amended to read as follows:

293.265 On nonpartisan primary ballots, there must appear at the top of the ballot the designation "Nonpartisan Offices." Except as otherwise provided in NRS 293.2565, *and section 5 of this act*, following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the nonpartisan office for which those candidates filed.

Sec. 30. NRS 293.267 is hereby amended to read as follows:

293.267 1. ~~{Ballots}~~ *Except as otherwise provided in section 5 of this act, ballots* for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.

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

3. Except as otherwise provided in subsection 4:

(a) Immediately following the name of each candidate for a partisan office must appear the name or abbreviation of his or her



* A B 3 8 9 *

1 political party, the words "no political party" or the abbreviation
2 "NPP," as the case may be.

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

6 4. Where a system of voting other than by paper ballot is used,
7 the Secretary of State may provide for any placement of the name or
8 abbreviation of the political party, the words "no political party" or
9 "nonpartisan" or the abbreviation "NPP" or "NP," as appropriate,
10 which clearly relates the designation to the name of the candidate to
11 whom it applies.

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

19
20 The following questions are alternative approaches to the
21 same issue, and only one approach may be enacted into law.
22 Please vote for only one.

23 **Sec. 31.** NRS 293.268 is hereby amended to read as follows:

24 293.268 ~~That~~ *Except as otherwise provided in section 5 of*
25 *this act, the* offices for which there are candidates, the names of the
26 candidates therefor, and the questions to be voted upon must be
27 printed on ballots in the following order:

- 28 1. President and Vice President of the United States.
- 29 2. United States Senator and Representative in Congress, in
30 that sequence.
- 31 3. Governor, Lieutenant Governor, Secretary of State,
32 Treasurer, Controller and Attorney General, in that sequence.
- 33 4. State Senators and members of the Assembly.
- 34 5. County and township partisan offices.
- 35 6. Statewide nonpartisan offices.
- 36 7. District nonpartisan offices.
- 37 8. County nonpartisan offices.
- 38 9. City offices:
 - 39 (a) Mayor;
 - 40 (b) Council members according to ward in numerical order, if
41 no wards, in alphabetical order; and
 - 42 (c) Municipal judges.
- 43 10. Township nonpartisan offices.



1 11. Questions presented to the voters of the State with advisory
2 questions listed in consecutive order after any other questions
3 presented to the voters of the State.

4 12. Questions presented only to the voters of a special district
5 or political subdivision of the State with advisory questions listed in
6 consecutive order after any other questions presented only to the
7 voters of a special district or political subdivision of the State.

8 **Sec. 32.** NRS 293.269 is hereby amended to read as follows:

9 293.269 1. Every ballot upon which appears the names of
10 candidates for any statewide office or for President and Vice
11 President of the United States shall contain for each office an
12 additional line equivalent to the lines on which the candidates'
13 names appear and placed at the end of the group of lines containing
14 the names of the candidates for that office. Each additional line shall
15 contain a square in which the voter may express a choice of that line
16 in the same manner as the voter would express a choice of a
17 candidate, and the line shall read "None of these candidates."

18 2. ~~Only~~ *Except as otherwise provided in section 3 of this act,*
19 *only* votes cast for the named candidates shall be counted in
20 determining nomination or election to any statewide office or
21 presidential nominations or the selection of presidential electors, but
22 for each office the number of ballots on which the additional line
23 was chosen shall be listed following the names of the candidates and
24 the number of their votes in every posting, abstract and
25 proclamation of the results of the election.

26 3. Every sample ballot or other instruction to voters prescribed
27 or approved by the Secretary of State shall clearly explain that the
28 voter may mark the choice of the line "None of these candidates"
29 only if the voter has not voted for any candidate for the office.

30 **Sec. 33.** NRS 293.2696 is hereby amended to read as follows:

31 293.2696 The Secretary of State and each county and city clerk
32 shall ensure that each voting system used in this State:

33 1. Secures to each voter privacy and independence in the act of
34 voting, including, without limitation, confidentiality of the ballot of
35 the voter;

36 2. Allows each voter to verify privately and independently the
37 votes selected by the voter on the ballot before the ballot is cast and
38 counted;

39 3. Provides each voter with the opportunity, in a private and
40 independent manner, to change the ballot and to correct any error
41 before the ballot is cast and counted, including, without limitation,
42 the opportunity to correct an error through the issuance of a
43 replacement ballot if the voter is otherwise unable to change the
44 ballot or correct the error;



4. Provides a permanent paper record with a manual audit capacity; ~~and~~

5. Meets or exceeds the standards for voting systems established by the Federal Election Commission, including, without limitation, the error rate standards ~~+~~ ; and

6. *Meets or exceeds the standards for the security of information established by the National Institute of Standards and Technology.*

Sec. 34. NRS 293.367 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

Sec. 35. NRS 293.3677 is hereby amended to read as follows:

293.3677 1. When counting a vote in an election ~~+~~ ~~+~~ :

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

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

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



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

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

3. The Secretary of State:

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

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

Sec. 36. NRS 293.370 is hereby amended to read as follows:

293.370 When all the votes have been counted ~~in the~~ *in the manner provided in NRS 293.3677*, counting board officers shall produce a tally list organized by precinct and ballot type indicating the number of votes that each candidate received ~~and~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 5 of this act, the number of votes the ineligible candidate received that are a nullity and void*. The votes for and against any question submitted to the electors must be entered in the same manner.

Sec. 37. NRS 293.387 is hereby amended to read as follows:

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

2. In making its canvass, the board shall:

(a) Note separately any clerical errors discovered; and

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

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate ~~and~~ *and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 5 of this act, the number of votes cast for the ineligible candidate that are a nullity and void*. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and



(b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State, and transmit them to the Secretary of State not more than 7 working days after the election.

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. The Secretary of State shall make out and file in his or her office an abstract thereof ~~H~~ *which must contain the number of votes cast for each candidate and, if the name of an ineligible candidate could not be removed from the ballot pursuant to section 5 of this act, the number of votes cast for the ineligible candidate that are a nullity and void*, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which the person is nominated.

Sec. 38. NRS 293.393 is hereby amended to read as follows:

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

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

3. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the district, county and township offices ~~H~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 5 of this act, the county clerk shall not make out a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

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

Sec. 39. NRS 293.395 is hereby amended to read as follows:

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

(a) A copy of the certified abstract; and

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

2. On the fourth Tuesday of November after each general election, the justices of the Supreme Court, or a majority thereof, shall meet with the Secretary of State, and shall open and canvass



1 the vote for the number of presidential electors to which this State
2 may be entitled, United States Senator, Representative in Congress,
3 members of the Legislature, state officers who are elected statewide
4 or by district, district judges, or district officers whose districts
5 include area in more than one county and for and against any
6 question submitted.

7 3. The Governor shall issue certificates of election to and
8 commission the persons having the highest number of votes and
9 shall issue proclamations declaring the election of those persons ~~H~~,
10 *except that if the name of an ineligible candidate could not be*
11 *removed from the ballot pursuant to section 5 of this act, the*
12 *Governor shall not issue a certificate of election to, commission or*
13 *issue a proclamation declaring the election of the ineligible*
14 *candidate regardless of the number of votes cast for the ineligible*
15 *candidate that are a nullity and void.*

16 **Sec. 40.** NRS 293.397 is hereby amended to read as follows:

17 293.397 ~~H~~**A**

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

25 **2. *If the name of an ineligible candidate could not be***
26 ***removed from the ballot pursuant to section 5 of this act, a***
27 ***certificate of election or commission must not be issued or given to***
28 ***the ineligible candidate regardless of the number of votes cast for***
29 ***the ineligible candidate that are a nullity and void.***

30 **Sec. 41.** NRS 293.400 is hereby amended to read as follows:

31 293.400 1. ~~H~~**F** ***Except as otherwise provided in section 3 of***
32 ***this act, if,*** after the completion of the canvass of the returns of any
33 election, two or more persons receive an equal number of votes,
34 which is sufficient for the election of one or more but fewer than all
35 of them to the office, the person or persons elected must be
36 determined as follows:

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

42 (b) In a primary election for a United States Senator,
43 Representative in Congress, state officer who is elected statewide or
44 by district, district judge, or district officer whose district includes
45 area in more than one county, the Secretary of State shall summon



1 the candidates who have received the tie votes to appear before the
2 Secretary of State at a time and place designated by the Secretary of
3 State and the Secretary of State shall determine the tie by lot. If the
4 tie vote is for the office of Secretary of State, the Governor shall
5 perform these duties.

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

14 2. The summons mentioned in this section must be mailed to
15 the address of the candidate as it appears upon the candidate's
16 declaration of candidacy at least 5 days before the day fixed for the
17 determination of the tie vote and must contain the time and place
18 where the determination will take place.

19 3. The right to a recount extends to all candidates in case of a
20 tie ~~H~~, *except for ineligible candidates.*

21 **Sec. 42.** NRS 293.403 is hereby amended to read as follows:

22 293.403 1. ~~HA~~ *Except as otherwise provided in section 4 of*
23 *this act, a* candidate defeated at any election may demand and
24 receive a recount of the vote for the office for which he or she is a
25 candidate to determine the number of votes received for the
26 candidate and the number of votes received for the person who won
27 the election if within 3 working days after the canvass of the vote
28 and the certification by the county clerk or city clerk of the abstract
29 of votes the candidate who demands the recount:

30 (a) Files in writing a demand with the officer with whom the
31 candidate filed his or her declaration of candidacy or acceptance of
32 candidacy; and

33 (b) Deposits in advance the estimated costs of the recount with
34 that officer.

35 2. Any voter at an election may demand and receive a recount
36 of the vote for a ballot question if within 3 working days after the
37 canvass of the vote and the certification by the county clerk or city
38 clerk of the abstract of votes, the voter:

39 (a) Files in writing a demand with:

40 (1) The Secretary of State, if the demand is for a recount of a
41 ballot question affecting more than one county; or

42 (2) The county or city clerk who will conduct the recount, if
43 the demand is for a recount of a ballot question affecting only one
44 county or city; and



(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 43. NRS 293.407 is hereby amended to read as follows:

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

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

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

(b) The name of the defendant;

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

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

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



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

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

5 **Sec. 44.** NRS 293.427 is hereby amended to read as follows:

6 293.427 1. The Secretary of State shall deliver the statement
7 of contest filed pursuant to NRS 293.425 and all other documents,
8 including any amendments to the statement, to the presiding officer
9 of the appropriate house of the Legislature on the day of the
10 organization of the Legislature.

11 2. Until the contest has been decided, the candidate who
12 received the highest number of votes for the office in the contested
13 election must be seated as a member of the appropriate house **H**,
14 *except that if the name of an ineligible candidate for the office*
15 *could not be removed from the ballot pursuant to section 5 of this*
16 *act, the ineligible candidate must not be seated as a member of the*
17 *appropriate house regardless of the number of votes cast for the*
18 *ineligible candidate that are a nullity and void.*

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

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

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

35 **Sec. 45.** NRS 293.430 is hereby amended to read as follows:

36 293.430 1. If the contest is of the general election for the
37 office of Governor, Lieutenant Governor, justice of the Supreme
38 Court or judge of the Court of Appeals, the statement of contest and
39 all depositions, ballots and other documents relating to the contest
40 must be filed with the Secretary of State within the time provided
41 for filing statements of contests with the clerk of the district court.

42 2. Until the contest is decided, the candidate who received the
43 highest number of votes for the office in the contested election must
44 be seated and commence the duties of the office **H**, *except that if*
45 *the name of an ineligible candidate for the office could not be*



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

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

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

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

15 **Sec. 46.** NRS 293.435 is hereby amended to read as follows:

16 293.435 1. After both houses sitting in joint session have
17 decided an election contest, the Secretary of State shall execute and
18 deliver a certificate of election to the person declared elected, unless
19 such a certificate was already issued to that person **H**, *except that if*
20 *the name of an ineligible candidate could not be removed from the*
21 *ballot pursuant to section 5 of this act, the Secretary of State shall*
22 *not execute and deliver a certificate of election to the ineligible*
23 *candidate regardless of the number of votes cast for the ineligible*
24 *candidate that are a nullity and void.*

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

28 **Sec. 47.** Chapter 293C of NRS is hereby amended by adding
29 thereto the provisions set forth as sections 48 and 49 of this act.

30 **Sec. 48. 1.** *Notwithstanding any other provision of law, any*
31 *vote cast for an ineligible candidate is a nullity and void and must*
32 *not be given any legal force or effect for the purposes of*
33 *determining the outcome of a primary city election, general city*
34 *election or special election or any other city election.*

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

37 **Sec. 49. 1.** *Except as otherwise provided in this section, the*
38 *name of a person who is or becomes an ineligible candidate must*
39 *not appear on the ballot at a primary city election, general city*
40 *election or special election or any other city election.*

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



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

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

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

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

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

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

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

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

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

40 **Sec. 50.** NRS 293C.115 is hereby amended to read as follows:

41 293C.115 1. The governing body of a city incorporated
42 pursuant to general law may by ordinance provide for a primary city
43 election and a general city election on:

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



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

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

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

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

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

Sec. 51. NRS 293C.175 is hereby amended to read as follows:

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

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

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

4. *Except as otherwise provided in sections 48 and 49 of this act:*

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

(b) If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the



highest number of votes must be placed on the ballot for the general city election.

Sec. 52. NRS 293C.180 is hereby amended to read as follows:
293C.180 *Except as otherwise provided in sections 48 and 49 of this act:*

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

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

3. If more than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must appear on the ballot for a primary city election. Except as otherwise provided in subsection 4 of NRS 293C.175, 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. 53. NRS 293C.185 is hereby amended to read as follows:
293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, *and section 49 of this act*, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

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

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

City of.....

For the purpose of having my name placed on the official ballot as a candidate for the office of, I,, the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of



* A B 3 8 9 *

....., State of Nevada; that my actual, as opposed to constructive, residence *, in accordance with NRS 281.050,* in the city, township or other area prescribed by law to which the office pertains began on a date at least ~~130~~ 180 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

Sec. 54. NRS 293C.186 is hereby amended to read as follows:

293C.186 1. After a person files a declaration of candidacy or an acceptance of candidacy to be a candidate for an office, and not later than 5 working days after the last day the person may withdraw his or her candidacy pursuant to NRS 293C.195, an elector may file with the city clerk a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or ~~{a statute}~~ *laws* of this State. ~~{, including, without limitation, a requirement concerning age or residency.}~~ Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and ~~{court}~~ costs of the ~~{challenged person.}~~ *person who is being challenged.*

2. A challenge filed pursuant to subsection 1 must:

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

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

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

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

4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 *working* days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why



1 the challenge is not valid. A certified copy of the order must be
2 served upon the person. The court shall give priority to such
3 proceedings over all other matters pending with the court, except for
4 criminal proceedings.

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

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

13 ~~—(b) The person is disqualified from entering upon the duties of~~
14 ~~the office for which he or she filed the declaration of candidacy or~~
15 ~~acceptance of candidacy.}~~ *, the person is an ineligible candidate*
16 *and is subject to the provisions of section 6 of this act.*

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

21 **Sec. 55.** NRS 293C.1865 is hereby amended to read as
22 follows:

23 293C.1865 ~~{1.}~~ In addition to any other *remedy or* penalty
24 provided by law, if a person *knowingly and* willfully files a
25 declaration of candidacy or acceptance of candidacy ~~{knowing that~~
26 ~~the declaration of candidacy or acceptance of candidacy}~~ *which*
27 contains a false statement:

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

32 ~~—(b)}~~ *1. The person is an ineligible candidate, and the city*
33 *clerk shall take appropriate action regarding the ineligible*
34 *candidate pursuant to section 49 of this act; and*

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

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



1 **Sec. 56.** NRS 293C.187 is hereby amended to read as follows:

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

- 12 1. The date of the election.
- 13 2. The location of the polling places.
- 14 3. The hours during which the polling places will be open for
15 voting.
- 16 4. The names of the candidates ~~and~~ *and, if the name of an*
17 *ineligible candidate could not be removed from the ballot pursuant*
18 *to section 49 of this act, a statement that the person is not eligible*
19 *to enter upon the duties of the office and that any vote cast for the*
20 *person will be a nullity and void and will not be given any legal*
21 *force or effect for the purposes of determining the outcome of the*
22 *election.*

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

25 **Sec. 57.** NRS 293C.190 is hereby amended to read as follows:

26 293C.190 1. Except as otherwise provided in NRS 293C.115,
27 a vacancy occurring in a nomination for a city office after the close
28 of filing and on or before 5 p.m. of the first Tuesday after the first
29 Monday in March in a year in which a general city election is held
30 must be filled by filing a nominating petition that is signed by at
31 least 1 percent of the persons who are registered to vote and who
32 voted for that office at the last preceding general city election.
33 Except as otherwise provided in NRS 293C.115, the petition must
34 be filed not earlier than the third Tuesday in February and not later
35 than the third Tuesday after the third Monday in March. A candidate
36 nominated pursuant to the provisions of this subsection may be
37 elected only at a general city election, and the candidate's name
38 must not appear on the ballot for a primary city election.

39 2. Except as otherwise provided in NRS 293C.115, a vacancy
40 occurring in a nomination for a city office after 5 p.m. of the first
41 Tuesday after the first Monday in March and on or before 5 p.m. of
42 the second Tuesday after the second Monday in April must be filled
43 by the person who received the next highest vote for the nomination
44 in the primary city election.



3. Except to place a candidate nominated pursuant to subsection 1 on the ballot and except as otherwise provided in NRS 293C.115, *and section 49 of this act*, no change may be made on the ballot for the general city election after 5 p.m. of the second Tuesday after the second Monday in April of the year in which the general city election is held ~~[If a nominee dies]~~, *and no vacancy in a nomination for a city office may be filled* after that time and date. ~~[the nominee's name must remain on the ballot for the general city election and, if elected, a vacancy exists.]~~

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

Sec. 58. NRS 293C.200 is hereby amended to read as follows:

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

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

Sec. 59. NRS 293C.257 is hereby amended to read as follows:

293C.257 For a primary city election, there must appear at the top of each ballot the designation "Candidates for city offices." Except as otherwise provided in NRS 293.2565, *and section 48 of this act*, following this designation must appear the names of candidates grouped alphabetically under the title and length of term of the office for which those candidates filed.

Sec. 60. NRS 293C.260 is hereby amended to read as follows:

293C.260 1. Except as otherwise provided in NRS 293C.140, *and section 49 of this act*, ballots for a general city election must contain the names of candidates who were nominated at the primary city election.

2. Except as otherwise provided in NRS 293.2565, *and section 49 of this act*, the names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.



1 **Sec. 61.** NRS 293C.262 is hereby amended to read as follows:
2 293C.262 1. ~~The~~ *Except as otherwise provided in section*
3 *49 of this act, the* offices for which there are candidates, the names
4 of the candidates therefor and the questions to be voted upon must
5 be printed on ballots for a city election in the following order:

6 (a) City offices:

7 (1) Mayor;

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

10 (3) Municipal judges.

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

14 2. The city clerk:

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

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

20 **Sec. 62.** NRS 293C.367 is hereby amended to read as follows:

21 293C.367 1. The basic factor to be considered by an election
22 board when making a determination of whether a particular ballot
23 must be rejected is whether any identifying mark appears on the
24 ballot which, in the opinion of the election board, constitutes an
25 identifying mark such that there is a reasonable belief entertained in
26 good faith that the ballot has been tampered with and, as a result of
27 the tampering, the outcome of the election would be affected.

28 2. Regulations for counting ballots must include provisions
29 that:

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

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

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

37 ~~(c)~~ (d) Only devices provided for in this chapter or chapter
38 293 or 293B of NRS may be used in marking ballots.

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

41 ~~(e)~~ (f) When an election board officer rejects a ballot for any
42 alleged defect or illegality, the officer shall seal the ballot in an
43 envelope and write upon the envelope a statement that it was
44 rejected and the reason for rejecting it. Each election board officer
45 shall sign the envelope.



1 **Sec. 63.** NRS 293C.369 is hereby amended to read as follows:
2 293C.369 1. When counting a vote in an election ~~+,+:~~ :

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

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

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

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

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

18 3. The Secretary of State:

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

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

27 **Sec. 64.** NRS 293C.372 is hereby amended to read as follows:

28 293C.372 When all the votes have been counted ~~++~~ *++ in the*
29 *manner provided in NRS 293C.369*, the counting board officers
30 shall produce a tally list organized by precinct and ballot type
31 indicating the number of votes each candidate received ~~++ and, if~~
32 *++ and, if the name of an ineligible candidate could not be removed from the*
33 *ballot pursuant to section 49 of this act, the number of votes the*
34 *ineligible candidate received that are a nullity and void.* The votes
35 for and against any question submitted to the electors must be
36 entered in the same manner.

37 **Sec. 65.** NRS 293C.387 is hereby amended to read as follows:

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

44 2. After the governing body of a city receives the returns from
45 all the precincts and districts in the city, it shall meet with the mayor



1 to canvass the returns. The canvass must be completed on or before
2 the sixth working day following the election.

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

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

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

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

10 5. The city clerk shall enter upon the records of the governing
11 body of the city an abstract of the result. The abstract must be
12 prepared in the manner prescribed by regulations adopted by the
13 Secretary of State and must contain the number of votes cast for
14 each candidate **H and, if the name of an ineligible candidate could**
15 **not be removed from the ballot pursuant to section 49 of this act,**
16 **the number of votes cast for the ineligible candidate that are a**
17 **nullity and void.**

18 6. After the abstract is entered, the:

19 (a) City clerk shall seal the election returns, maintain them in a
20 vault for at least 22 months and give no person access to them
21 during that period, unless access is ordered by a court of competent
22 jurisdiction or by the governing body of the city.

23 (b) Governing body of the city shall, by an order made and
24 entered in the minutes of its proceedings, cause the city clerk to:

25 (1) Certify the abstract;

26 (2) Make a copy of the certified abstract;

27 (3) Make a mechanized report of the abstract in compliance
28 with regulations adopted by the Secretary of State;

29 (4) Transmit a copy of the certified abstract and the
30 mechanized report of the abstract to the Secretary of State within 7
31 working days after the election; and

32 (5) Transmit on paper or by electronic means to each public
33 library in the city, or post on a website maintained by the city or the
34 city clerk on the Internet or its successor, if any, a copy of the
35 certified abstract within 30 days after the election.

36 7. After the abstract of the results from a:

37 (a) Primary city election has been certified, the city clerk shall
38 certify the name of each person nominated and the name of the
39 office for which the person is nominated.

40 (b) General city election has been certified, the city clerk shall:

41 (1) Issue under his or her hand and official seal to each
42 person elected a certificate of election; and

43 (2) Deliver the certificate to the persons elected upon their
44 application at the office of the city clerk **H,**



1 *↪ except that if the name of an ineligible candidate could not be*
2 *removed from the ballot pursuant to section 49 of this act, the city*
3 *clerk shall not issue a certificate of election to the ineligible*
4 *candidate regardless of the number of votes cast for the ineligible*
5 *candidate that are a nullity and void.*

6 8. The officers elected to the governing body of the city qualify
7 and enter upon the discharge of their respective duties on the first
8 regular meeting of that body next succeeding that in which the
9 canvass of returns was made pursuant to subsection 2.

10 **Sec. 66.** NRS 293C.395 is hereby amended to read as follows:
11 293C.395 ~~1A~~

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

19 *2. If the name of an ineligible candidate could not be*
20 *removed from the ballot pursuant to section 49 of this act, a*
21 *certificate of election or commission must not be issued or given to*
22 *the ineligible candidate regardless of the number of votes cast for*
23 *the ineligible candidate that are a nullity and void.*

24 **Sec. 67.** NRS 306.070 is hereby amended to read as follows:

25 306.070 1. ~~1A~~ *Except as otherwise provided in sections 5*
26 *and 49 of this act, if* there are no other candidates nominated to be
27 voted for at the special election, there must be printed on the ballot
28 the name of the officer sought to be recalled, the office which he or
29 she holds, and the words "For Recall" and "Against Recall."

30 2. If there are other candidates nominated for the office to be
31 voted for at the special election, there must be printed upon the
32 ballot the name of the officer sought to be recalled, and the office
33 which he or she holds, and the name or names of such other
34 candidates as may be nominated to be voted for at the special
35 election, and the words "For Recall" and "Against Recall" must be
36 omitted.

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

39 **Sec. 68.** NRS 4.020 is hereby amended to read as follows:

40 4.020 1. There must be one justice court in each of the
41 townships of the State, for which there must be elected by the
42 qualified electors of the township at least one justice of the peace.
43 Except as otherwise provided in subsection 3, the number of justices
44 of the peace in a township must be increased according to the
45 population of the township, as certified by the Governor in



1 even-numbered years pursuant to NRS 360.285, in accordance with
2 and not to exceed the following schedule:

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

4 (1) In a township whose population is less than 1,100,000,
5 one justice of the peace for each 100,000 population of the
6 township, or fraction thereof, until the township has four justices of
7 the peace, and thereafter, one justice of the peace for each 125,000
8 population of the township, or fraction thereof, over a population of
9 300,000; and

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

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

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

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

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

29 3. If the schedule set forth in subsection 1 provides for an
30 increase in the number of justices of the peace in a township and, in
31 the opinion of a majority of the justices of the peace in that
32 township, the caseload does not warrant an additional justice of the
33 peace, the justices of the peace shall notify the Director of the
34 Legislative Counsel Bureau and the board of county commissioners
35 of their opinion on or before March 15 of the even-numbered year in
36 which the population of the township provides for such an increase.
37 The Director of the Legislative Counsel Bureau shall submit the
38 opinion to the next regular session of the Legislature for its
39 consideration. If the justices of the peace transmit such a notice to
40 the Director of the Legislative Counsel Bureau and the board of
41 county commissioners, the number of justices must not be increased
42 during that period unless the Legislature, by resolution, expressly
43 approves the increase.

44 4. Justices of the peace shall receive certificates of election
45 from the boards of county commissioners of their respective



counties ~~H~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 5 of this act, the board of county commissioners shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

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

Sec. 69. NRS 218A.200 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

Sec. 70. NRS 218A.210 is hereby amended to read as follows:

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



Sec. 71. NRS 218A.220 is hereby amended to read as follows:

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

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

Sec. 72. NRS 218A.260 is hereby amended to read as follows:

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

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

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

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

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

(1) The chair of each board, on behalf of that board, shall cast a proportionate number of votes according to the percent,



1 rounded to the nearest whole percent, which the population of that
2 board's county is of the population of the entire district. Populations
3 must be determined by the last decennial census or special census
4 conducted by the Bureau of the Census of the United States
5 Department of Commerce.

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

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

17 **Sec. 73.** NRS 218A.400 is hereby amended to read as follows:

18 218A.400 1. Before the Assembly meets for each regular
19 session, the Secretary of State shall make out a roll from the returns
20 on file in the Secretary of State's office of the persons who received
21 the highest number of votes to be elected to office as members of
22 the Assembly in each district in the general election **H**, *except that*
23 *if the name of an ineligible candidate for office as a member of*
24 *the Assembly could not be removed from the ballot pursuant to*
25 *section 5 of this act, the Secretary of State shall not include the*
26 *ineligible candidate upon the roll of the persons elected to office*
27 *as members of the Assembly and the name of the ineligible*
28 *candidate must not appear upon the roll regardless of the number*
29 *of votes cast for the ineligible candidate that are a nullity and void.*
30 The members whose names appear upon the roll must be allowed to
31 participate in the organization of the Assembly.

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

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

42 **Sec. 74.** NRS 245.010 is hereby amended to read as follows:

43 245.010 All county officers elected by the people shall receive
44 certificates of election from the boards of county commissioners of
45 their respective counties **H**, *except that if the name of an ineligible*



candidate could not be removed from the ballot pursuant to section 5 of this act, the board of county commissioners shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.

Sec. 75. NRS 258.010 is hereby amended to read as follows:

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

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

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

(c) Constables must receive certificates of election from the boards of county commissioners of their respective counties ~~H~~ , *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 5 of this act, the board of county commissioners shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

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

3. In a county whose population:

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

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

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

Sec. 76. NRS 267.040 is hereby amended to read as follows:

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



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

3. *Except as otherwise provided in section 49 of this act, the names of all candidates so filed must be placed upon the official ballots to be voted at the election.*

Sec. 77. NRS 267.050 is hereby amended to read as follows:
267.050 Within 6 working days after the date of the election, the legislative authority of the incorporated city shall:

1. Meet and canvass the returns of the election.

2. Declare the result thereof.

3. Issue certificates of election to the 15 qualified electors having the highest vote therefor ~~{H}~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 49 of this act, the legislative authority of the incorporated city shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 78. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to *his or her* eligibility to *any* office is the person's actual residence within the State, ~~{or}~~ county, ~~{or}~~ district, *ward, subdistrict or any other unit prescribed by law*, as the case may be, during all the period for which residence is claimed by the person. If any person absents himself or herself from the jurisdiction of that person's residence with the intention in good faith to return without delay and continue such residence, the period of absence must not be considered in determining the question of residence.

2. If a person who has filed ~~{as a candidate}~~ *a declaration of candidacy or acceptance of candidacy* for *any* elective office moves the person's residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law ~~{for which the person is a candidate and}~~, *as the case may be*, in which the person is required actually, as opposed to constructively, to reside ~~{a vacancy is created thereby and the appropriate action for filling the vacancy must be taken.}~~ *in order for the person to be eligible to the office, the person is an ineligible candidate and the county clerk or city clerk, as applicable, shall take appropriate action regarding the ineligible candidate pursuant to section 5 or 49 of this act.* A person shall be deemed to have moved the person's residence for the purposes of this section if:

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

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



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

4. *If, in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy or acceptance of candidacy for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is an ineligible candidate and is subject to the provisions of section 6 of this act.*

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

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

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

Sec. 79. NRS 283.130 is hereby amended to read as follows:

283.130 Any officer elected or appointed to fill any vacancy shall be commissioned, or shall receive a certificate of election or appointment to such office ~~“”~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 5 or 49 of this act, a certificate or commission must not be issued or given to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 80. NRS 309.060 is hereby amended to read as follows:

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

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

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

(b) *Except as otherwise provided in section 3 of this act,* declare the persons receiving respectively the highest number of votes for directors to be elected ~~“”~~; and



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

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

8 **Sec. 81.** NRS 318.095 is hereby amended to read as follows:

9 318.095 Except as otherwise provided in NRS 318.0953:

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

18 2. The office of trustee is a nonpartisan office. The general
19 election laws of this State govern the candidacy, nominations and
20 election of a member of the board. ~~†The†~~ *Except as otherwise*
21 *provided in section 5 of this act, the* names of the candidates for
22 trustee of a district may be placed on the ballot for the primary or
23 general election.

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

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

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

37 **Sec. 82.** NRS 318.0951 is hereby amended to read as follows:

38 318.0951 Except as otherwise provided in NRS 318.0952 or
39 318.0953 ~~††~~ *and sections 3 and 5 of this act:*

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

43 2. Except as otherwise provided in NRS 318.083, if there are
44 two regular terms which end on the first Monday in January next
45 following the biennial election, the two qualified electors receiving



1 the highest and next highest number of votes must be elected. If
2 there are three regular terms so ending, the three qualified electors
3 receiving the highest, next highest and third highest number of votes
4 must be elected.

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

10 **Sec. 83.** NRS 386.260 is hereby amended to read as follows:

11 386.260 1. Trustees shall be elected as provided in the
12 election laws of this state.

13 2. After the close of any election, and in accordance with law,
14 the board of county commissioners shall make abstracts of the votes
15 cast for trustees and shall order the county clerk to issue ~~election~~
16 certificates *of election* to the candidates elected ~~+~~, *except that if*
17 *the name of an ineligible candidate could not be removed from the*
18 *ballot pursuant to section 5 of this act, the board of county*
19 *commissioners shall not order the county clerk to issue a*
20 *certificate of election to the ineligible candidate regardless of the*
21 *number of votes cast for the ineligible candidate that are a nullity*
22 *and void.*

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

26 **Sec. 84.** NRS 450.080 is hereby amended to read as follows:

27 450.080 Except in counties where the board of county
28 commissioners is the board of hospital trustees ~~+~~ *and except as*
29 *otherwise provided in sections 3 and 5 of this act:*

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

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

37 **Sec. 85.** NRS 474.110 is hereby amended to read as follows:

38 474.110 1. The election having been held, the board of
39 county commissioners shall, on the first Monday succeeding the
40 election, if then in session, or at its next succeeding general or
41 special session, proceed to canvass the votes cast at the election.

42 2. If upon such canvass it appears that a majority of all votes
43 cast in the district, and in each portion of the counties included in
44 the district if lands in more than one county are included therein, are



1 in favor of the formation of the district, the board shall, by an order
2 entered in its minutes, declare:

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

5 (b) ~~The~~ *Except as otherwise provided in section 3 of this act,*
6 *the* persons receiving, respectively, the highest number of votes for
7 the directors to be elected to those offices.

8 **Sec. 86.** NRS 539.055 is hereby amended to read as follows:

9 539.055 1. The board of county commissioners shall meet on
10 or before the sixth working day succeeding such election and
11 proceed to canvass the votes. ~~least thereat.~~

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

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

17 (b) ~~Declare~~ *Except as otherwise provided in section 3 of this*
18 *act, declare* the persons receiving respectively the highest number
19 of votes for directors to be duly elected.

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

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

28 **Sec. 87.** NRS 539.157 is hereby amended to read as follows:

29 539.157 1. ~~The~~ *Except as otherwise provided in section 3*
30 *of this act, the* board of directors must declare elected the person or
31 persons having the highest number of votes given for each office.

32 2. The secretary shall immediately make out and deliver to
33 such person or persons a certificate of election ~~H~~ signed by the
34 secretary and authenticated with the seal of the board ~~H~~, *except*
35 *that if the name of an ineligible candidate could not be removed*
36 *from the ballot pursuant to section 5 of this act, the secretary shall*
37 *not make out and deliver a certificate of election to the ineligible*
38 *candidate regardless of the number of votes cast for the ineligible*
39 *candidate that are a nullity and void.*

40 **Sec. 88.** NRS 539.180 is hereby amended to read as follows:

41 539.180 1. Upon the ballot for the election there shall be
42 printed verbatim, as set forth in the recall petition, the reason for
43 demanding the recall of the director, and in not more than 200
44 words, if furnished by the director, the director's justification of his
45 or her course in office.



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

3. ~~HH~~ *Except as otherwise provided in section 5 of this act*, if there are other candidates nominated for the office to be voted for at the special election, there shall be printed upon the ballot the name of the director sought to be recalled, and the office which he or she holds, and the name or names of such other candidates as may be nominated to be voted for at the special election, and the words “For Recall” and “Against Recall” shall be omitted.

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

Sec. 89. NRS 539.183 is hereby amended to read as follows:

539.183 1. ~~HH~~ *Except as otherwise provided in section 3 of this act*, if there are other candidates nominated to be voted for at the special election, the candidate who receives the highest number of votes at the special election shall be deemed elected for the remainder of the term, whether it is the person against whom the recall petition was filed or another.

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

Sec. 90. Section 96 of the Charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of municipal elections.

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

2. All full terms of office in the City Council are 4 years, and Council Members must be elected at large without regard to precinct residency. Except as otherwise provided in subsection 8, two full-term Council Members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council Members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions ~~HH~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 49 of this act, the ineligible*



candidate must not be declared elected regardless of the number of votes cast for the ineligible candidate that are a nullity and void. (Add. 17; Amd. 1; 11-5-1996)

3. In the event one or more 2-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available 2-year positions ~~H~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 49 of this act, the ineligible candidate must not be declared elected regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* (Add. 15; Amd. 2; 6-4-1991)

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

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

6. If, in the primary municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, ~~he or she~~ *the candidate* shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general municipal election ~~H~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 49 of this act, the ineligible candidate must not be declared elected regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* (Add. 10; Amd. 7; 6-2-1981)

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

8. The City Council may by ordinance provide for a primary municipal election and general municipal election on



the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

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

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

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

Sec. 91. Section 5.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 336, Statutes of Nevada 2015, at page 1889, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. Except as otherwise provided in subsection 2:

(a) On the second Tuesday after the first Monday in June 2019, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the second Tuesday after the first Monday in June 2017, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on



the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

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

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

Sec. 92. Section 5.050 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1728, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~The full names of all candidates, except those~~ *Except for candidates* who have withdrawn ~~and died~~ *pursuant to the election laws of this State or who are* or become ineligible ~~and candidates whose names must be removed from the ballot pursuant to section 49 of this act, the full names of all candidates~~ must be printed on the official ballots without party designation or symbol.

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

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

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

Sec. 93. Section 5.100 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 185, Statutes of Nevada 2007, at page 627, is hereby amended to read as follows:

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

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

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



1 result. The election returns shall then be sealed and kept by
2 the City Clerk for 6 months, and no person shall have access
3 thereto except on order of a court of competent jurisdiction or
4 by order of the City Council.

5 3. The City Clerk, under his or her hand and official
6 seal, shall issue to each person declared to be elected a
7 certificate of election ~~+~~, *except that if the name of an*
8 *ineligible candidate could not be removed from the ballot*
9 *pursuant to section 49 of this act, the City Clerk shall not*
10 *issue a certificate of election to the ineligible candidate*
11 *regardless of the number of votes cast for the ineligible*
12 *candidate that are a nullity and void.* The officers ~~to~~ *who*
13 *are* elected shall qualify and enter upon the discharge of their
14 respective duties on the first Monday in July next following
15 their election.

16 4. If any election should result in a tie, the City Council
17 shall summon the candidates who received the tie vote and
18 determine the tie by lot. The *City* Clerk shall then issue to the
19 winner a certificate of election ~~+~~, *except that if the name of*
20 *an ineligible candidate could not be removed from the ballot*
21 *pursuant to section 49 of this act, the City Clerk shall not*
22 *issue a certificate of election to the ineligible candidate*
23 *regardless of the number of votes cast for the ineligible*
24 *candidate that are a nullity and void.*

25 **Sec. 94.** Section 5.015 of the Charter of the City of Carlin,
26 being chapter 493, Statutes of Nevada 2009, as amended by chapter
27 501, Statutes of Nevada 2011, at page 3310, is hereby amended to
28 read as follows:

29 Sec. 5.015 Filing of declarations of candidacy.

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

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

42 **Sec. 95.** Section 5.040 of the Charter of the City of Carlin,
43 being chapter 493, Statutes of Nevada 2009, at page 2937, is hereby
44 amended to read as follows:

45 Sec. 5.040 Names on ballots.



1 1. ~~{The full names of all candidates, except those}~~
2 *Except for candidates* who have withdrawn ~~{, died}~~ *pursuant*
3 *to the election laws of this State or who are* or become
4 ineligible ~~{before the close of filing and any applicable period~~
5 ~~for withdrawal of candidacy,}~~ *candidates whose names must*
6 *be removed from the ballot pursuant to section 49 of this*
7 *act, the full names of all candidates* must be printed on the
8 official ballots without party designation or symbol.

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

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

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

17 **Sec. 96.** Section 5.090 of the Charter of the City of Carlin,
18 being chapter 344, Statutes of Nevada 1971, as last amended by
19 chapter 185, Statutes of Nevada 2007, at page 628, is hereby
20 amended to read as follows:

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

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

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

35 3. The City Clerk, under his or her hand and official
36 seal, shall issue to each person declared to be elected a
37 certificate of election ~~{,}~~ *, except that if the name of an*
38 *ineligible candidate could not be removed from the ballot*
39 *pursuant to section 49 of this act, the City Clerk shall not*
40 *issue a certificate of election to the ineligible candidate*
41 *regardless of the number of votes cast for the ineligible*
42 *candidate that are a nullity and void.* The officers ~~{so}~~ *who*
43 *are* elected shall qualify and enter upon the discharge of their
44 respective duties on the first Monday in:



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

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

6 4. If any election should result in a tie, the Board of
7 Council Members shall summon the candidates who received
8 the tie vote and determine the tie by lot. The **City** Clerk shall
9 then issue to the winner a certificate of election **H**, *except*
10 *that if the name of an ineligible candidate could not be*
11 *removed from the ballot pursuant to section 49 of this act,*
12 *the City Clerk shall not issue a certificate of election to the*
13 *ineligible candidate regardless of the number of votes cast*
14 *for the ineligible candidate that are a nullity and void.*

15 **Sec. 97.** Section 5.010 of the Charter of Carson City, being
16 chapter 213, Statutes of Nevada 1969, as last amended by chapter
17 295, Statutes of Nevada 2015, at page 1481, is hereby amended to
18 read as follows:

19 Sec. 5.010 Primary election.

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

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

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

31 4. *Except as otherwise provided in sections 3 and 5 of*
32 *this act:*

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

36 ~~15.1~~ (b) If in the primary election one candidate receives a
37 majority of votes cast in that election for the office for which
38 he or she is a candidate, the candidate must be declared
39 elected to the office and his or her name must not be placed
40 on the ballot for the general election.

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



1 **Sec. 98.** Section 5.050 of the Charter of Carson City, being
2 chapter 213, Statutes of Nevada 1969, as amended by chapter 312,
3 Statutes of Nevada 2003, at page 1729, is hereby amended to read as
4 follows:

5 Sec. 5.050 Names on ballots.

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

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

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

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

21 **Sec. 99.** Section 5.100 of the Charter of Carson City, being
22 chapter 213, Statutes of Nevada 1969, as amended by chapter 189,
23 Statutes of Nevada 1977, at page 354, is hereby amended to read as
24 follows:

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

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

32 2. The Board shall meet within 10 days after any
33 election and canvass the returns and declare the result. The
34 election returns shall then be sealed and kept by the Clerk for
35 6 months and no person shall have access thereto except on
36 order of a court of competent jurisdiction or by order of the
37 Board.

38 3. The Clerk, under his or her hand and official seal,
39 shall issue to each person declared to be elected a certificate
40 of election ~~{}~~ , *except that if the name of an ineligible*
41 *candidate could not be removed from the ballot pursuant to*
42 *section 5 of this act, the Clerk shall not issue a certificate of*
43 *election to the ineligible candidate regardless of the number*
44 *of votes cast for the ineligible candidate that are a nullity*
45 *and void.* The officers ~~{, and}~~ *who are* elected shall qualify and



enter upon the discharge of their respective duties on the 1st Monday in January next following their election.

Sec. 100. Section 5.040 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.040 Names on ballots.

1. ~~The full names of all candidates, except those~~
Except for candidates who have withdrawn ~~and died~~ pursuant to the election laws of this State or who are or become ineligible ~~and~~ *candidates whose names must be removed from the ballot pursuant to section 49 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

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

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

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

Sec. 101. Section 5.090 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 231, Statutes of Nevada 2011, at page 1003, is hereby amended to read as follows:

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

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

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

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election ~~and~~ *, except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 49 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate*



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

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

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

9 4. If any election should result in a tie, the City Council
10 shall summon the candidates who received the tie vote and
11 determine the tie by lot. The *City* Clerk shall then issue to the
12 winner a certificate of election ~~H~~, *except that if the name of*
13 *an ineligible candidate could not be removed from the ballot*
14 *pursuant to section 49 of this act, the City Clerk shall not*
15 *issue a certificate of election to the ineligible candidate*
16 *regardless of the number of votes cast for the ineligible*
17 *candidate that are a nullity and void.*

18 **Sec. 102.** Section 5.010 of the Charter of the City of
19 Henderson, being chapter 266, Statutes of Nevada 1971, as last
20 amended by chapter 266, Statutes of Nevada 2013, at page 1214, is
21 hereby amended to read as follows:

22 Sec. 5.010 Primary municipal election.

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

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

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

33 4. *Except as otherwise provided in sections 48 and 49*
34 *of this act:*

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

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



the second regular meeting of the City Council held in June of the year of the general municipal election.

Sec. 103. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 336, Statutes of Nevada 2015, at page 1890, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2:

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

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

(c) On the second Tuesday after the first Monday in June 2019, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his or her successor has been elected and qualified.

(d) On the second Tuesday after the first Monday in June 2021, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.

(e) On the second Tuesday after the first Monday in June 2017, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

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

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~the subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~, **293.166**, 293.175, 293.177 ~~and~~ **293.368** and **293.368**



section 5 of this act apply for the purposes of conducting the primary municipal elections and general municipal elections.

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

Sec. 104. Section 5.050 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~{The full names of all candidates, except those}~~
Except for candidates who have withdrawn ~~{, died}~~ *pursuant to the election laws of this State or who are* or become ineligible ~~{}~~ *candidates whose names must be removed from the ballot pursuant to section 49 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

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

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

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

Sec. 105. Section 5.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1216, is hereby amended to read as follows:

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

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

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



3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election ~~H~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 49 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* Except as otherwise provided in section 1.070, the officers ~~set~~ *who are* elected shall qualify and enter upon the discharge of their respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election ~~H~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 49 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 106. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 959, is hereby amended to read as follows:

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

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

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

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



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

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

6. *Except as otherwise provided in sections 48 and 49 of this act:*

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

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

Sec. 107. Section 5.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 336, Statutes of Nevada 2015, at page 1892, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

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

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

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, ~~the subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~, ~~293.166~~, 293.175, 293.177 ~~and~~ 293.345 and ~~293.368~~



section 5 of this act apply for the purposes of conducting the primary municipal elections and general municipal elections.

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

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

Sec. 108. Section 5.050 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~{The full names of all of the candidates, except those}~~
Except for candidates who have withdrawn ~~{, died}~~ *pursuant to the election laws of this State or who are* or become ineligible ~~{}~~ *candidates whose names must be removed from the ballot pursuant to section 49 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

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

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

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

Sec. 109. Section 5.100 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 193, Statutes of Nevada 1991, at page 364, is hereby amended to read as follows:

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

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



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

3. The City Clerk, under his or her hand and official seal, shall issue to each person who is declared to be elected a certificate of election ~~H~~ , *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 49 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers who ~~have been~~ *are* elected shall qualify and enter upon the discharge of their respective duties on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made.

4. If the election for any office results in a tie, the City Council shall summon the candidates who received the equal number of votes and determine the tie by lot. The *City* Clerk shall then issue to the winner a certificate of election ~~H~~ , *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 49 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 110. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 963, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

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



2. Except as otherwise provided in section 5.025, a primary municipal election must be held on the Tuesday following the first Monday in April preceding the general municipal election, at which time there must be nominated candidates for offices to be voted for at the next general municipal election. In the primary municipal election:

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

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

3. Except as otherwise provided in ~~subsection 4,~~ *sections 48 and 49 of this act*, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election ~~+~~.

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

Sec. 111. Section 5.025 of the Charter of the City of North Las Vegas, being chapter 218, Statutes of Nevada 2011, as amended by chapter 263, Statutes of Nevada 2013, at page 1184, is hereby amended to read as follows:

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

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

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

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



1 **Sec. 112.** Section 5.050 of the Charter of the City of North Las
2 Vegas, being chapter 573, Statutes of Nevada 1971, as last amended
3 by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby
4 amended to read as follows:

5 Sec. 5.050 Names on ballots.

6 1. ~~The full names of all candidates, except those~~
7 *Except for candidates* who have withdrawn ~~to die~~ *pursuant*
8 *to the election laws of this State or who are* or become
9 ineligible ~~to~~ *candidates whose names must be removed from*
10 *the ballot pursuant to section 49 of this act, the full names*
11 *of all candidates* must be printed on the official ballots
12 without party designation or symbol.

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

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

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

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

25 **Sec. 113.** Section 5.080 of the Charter of the City of North Las
26 Vegas, being chapter 573, Statutes of Nevada 1971, as last amended
27 by chapter 465, Statutes of Nevada 1985, at page 1440, is hereby
28 amended to read as follows:

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

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

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

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



ineligible candidate could not be removed from the ballot pursuant to section 49 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void. The officers ~~to~~ who are elected shall qualify and enter upon the discharge of their respective duties on the 1st day of July next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election ~~to~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 49 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 114. Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1829, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

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

2. *Except as otherwise provided in sections 48 and 49 of this act:*

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

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

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



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

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

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

Sec. 115. Section 5.050 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~The full names of all candidates, except those~~
Except for candidates who have withdrawn ~~and died~~ pursuant to the election laws of this State or who are or become ineligible ~~and~~ *candidates whose names must be removed from the ballot pursuant to section 49 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

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

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

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

Sec. 116. Section 5.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2013, at page 1830, is hereby amended to read as follows:

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

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

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



1 3. The City Clerk, under his or her hand and official
2 seal, shall issue to each person declared to be elected a
3 certificate of election **H**, *except that if the name of an*
4 *ineligible candidate could not be removed from the ballot*
5 *pursuant to section 49 of this act, the City Clerk shall not*
6 *issue a certificate of election to the ineligible candidate*
7 *regardless of the number of votes cast for the ineligible*
8 *candidate that are a nullity and void.* The officers *who are*
9 elected shall qualify and enter upon the discharge of their
10 respective duties at the first regular City Council meeting
11 following their election.

12 4. If any election results in a tie, the City Council shall
13 summon the candidates who received the tie vote and
14 determine the tie as provided in this subsection. The City
15 Clerk shall provide and open in the presence of the candidates
16 who received the tie vote an unused 52-card deck of playing
17 cards, removing any jokers and blank cards. The City Clerk
18 shall shuffle the cards thoroughly and present the shuffled
19 deck to the City Manager, or to the person designated by the
20 City Manager for this purpose. One of the candidates who
21 received the tie vote shall then draw one card from the deck,
22 and the City Clerk shall record the suit and number of the
23 card. The card then must be returned to the deck, and the City
24 Clerk shall shuffle the cards thoroughly and present the
25 shuffled deck to the City Manager, or to the person
26 designated by the City Manager for this purpose, and another
27 of the candidates who received the tie vote shall draw one
28 card from the deck. This process must be repeated until each
29 of the candidates who received the tie vote has drawn one
30 card from the deck and the result of each draw has been
31 recorded. The candidate who draws the high card shall be
32 deemed the winner of the election. For the purposes of this
33 subsection, aces are high and twos are low. If the candidates
34 draw cards of otherwise equal value, the card of the higher
35 suit is the high card. Spades are highest, followed in
36 descending order by hearts, clubs and diamonds. The City
37 Clerk shall issue to the winner a certificate of election **H**,
38 *except that if the name of an ineligible candidate could not*
39 *be removed from the ballot pursuant to section 49 of this*
40 *act, the City Clerk shall not issue a certificate of election to*
41 *the ineligible candidate regardless of the number of votes*
42 *cast for the ineligible candidate that are a nullity and void.*

43 **Sec. 117.** Section 5.020 of the Charter of the City of Sparks,
44 being chapter 470, Statutes of Nevada 1975, as last amended by



chapter 41, Statutes of Nevada 2001, at page 398, is hereby amended to read as follows:

Sec. 5.020 Primary elections.

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

2. ~~{The}~~ *Except as otherwise provided in sections 48 and 49 of this act, the* names of the two candidates for Mayor, City Attorney and Municipal Judge and the names of the two candidates to represent the ward as a member of the City Council from each ward who receive the highest number of votes at the primary election must be placed on the ballot for the general election.

Sec. 118. Section 5.050 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~{The full names of all candidates, except those}~~ *Except for candidates* who have withdrawn ~~{, died}~~ *to the election laws of this State or who are* or become ineligible ~~{}~~ *candidates whose names must be removed from the ballot pursuant to section 49 of this act, the full names of all candidates* must be printed on the official ballots without party designation or symbol.

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

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

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

Sec. 119. Section 5.100 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 399, is hereby amended to read as follows:

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

1. The election returns from any election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any



* A B 3 8 9 *

manner interfere with the returns until canvassed by the City Council.

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

3. The City Clerk, under his or her hand and official seal, shall issue a certificate of election to each person elected ~~to~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 49 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.* The officers *who are* elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election ~~to~~, *except that if the name of an ineligible candidate could not be removed from the ballot pursuant to section 49 of this act, the City Clerk shall not issue a certificate of election to the ineligible candidate regardless of the number of votes cast for the ineligible candidate that are a nullity and void.*

Sec. 120. Section 5.015 of the Charter of the City of Wells, being chapter 493, Statutes of Nevada 2009, as amended by chapter 501, Statutes of Nevada 2011, at page 3310, is hereby amended to read as follows:

Sec. 5.015 Filing of declarations of candidacy.

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

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



1 **Sec. 121.** Section 5.040 of the Charter of the City of Wells,
2 being chapter 275, Statutes of Nevada 1971, as last amended by
3 chapter 493, Statutes of Nevada 2009, at page 2938, is hereby
4 amended to read as follows:

5 Sec. 5.040 Names on ballots.

6 1. ~~{The full names of all candidates, except those}~~
7 *Except for candidates* who have withdrawn ~~{, died}~~ *pursuant*
8 *to the election laws of this State or who are* or become
9 ineligible ~~{before the close of filing and any applicable period~~
10 ~~*for withdrawal of candidacy.}*~~ *candidates whose names must*
11 *be removed from the ballot pursuant to section 49 of this*
12 *act, the full names of all candidates* must be printed on the
13 official ballots without party designation or symbol.

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

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

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

22 **Sec. 122.** Section 5.090 of the Charter of the City of Wells,
23 being chapter 275, Statutes of Nevada 1971, as last amended by
24 chapter 185, Statutes of Nevada 2007, at page 629, is hereby
25 amended to read as follows:

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

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

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

40 3. The City Clerk, under his or her hand and official
41 seal, shall issue to each person declared to be elected a
42 certificate of election ~~{H}~~ *, except that if the name of an*
43 *ineligible candidate could not be removed from the ballot*
44 *pursuant to section 49 of this act, the City Clerk shall not*
45 *issue a certificate of election to the ineligible candidate*



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

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

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

10 4. If any election should result in a tie, the Board of
11 Council Members shall summon the candidates who received
12 the tie vote and determine the tie by lot. The *City* Clerk shall
13 then issue to the winner a certificate of election ~~H~~, *except*
14 *that if the name of an ineligible candidate could not be*
15 *removed from the ballot pursuant to section 49 of this act,*
16 *the City Clerk shall not issue a certificate of election to the*
17 *ineligible candidate regardless of the number of votes cast*
18 *for the ineligible candidate that are a nullity and void.*

19 **Sec. 123.** Section 5.010 of the Charter of the City of
20 Yerington, being chapter 465, Statutes of Nevada 1971, as last
21 amended by chapter 336, Statutes of Nevada 2015, at page 1893, is
22 hereby amended to read as follows:

23 Sec. 5.010 Municipal elections.

24 1. Except as otherwise provided in subsection 2:

25 (a) On the second Tuesday after the first Monday in June
26 2019, and at each successive interval of 4 years, there must be
27 elected by the qualified voters of the City, at a general
28 municipal election to be held for that purpose, a Mayor and
29 two Council Members, who shall hold office for a period of 4
30 years and until their successors have been elected and
31 qualified.

32 (b) On the second Tuesday after the first Monday in June
33 2017, and at each successive interval of 4 years thereafter,
34 there must be elected by the qualified voters of the City, at a
35 general municipal election to be held for that purpose, two
36 Council Members, who shall hold office for a period of 4
37 years and until their successors have been elected and
38 qualified.

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

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



1 293.166, 293.175, 293.177 ~~§~~ and 293.345 and ~~293.368~~
2 *section 5 of this act* apply for the purposes of conducting the
3 primary municipal elections and general municipal elections.

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

8 **Sec. 124.** Section 5.040 of the Charter of the City of
9 Yerington, being chapter 465, Statutes of Nevada 1971, as amended
10 by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby
11 amended to read as follows:

12 Sec. 5.040 Names on ballots.

13 1. ~~The full names of all candidates, except those~~
14 *Except for candidates* who have withdrawn ~~and died~~ *pursuant*
15 *to the election laws of this State or who are* or become
16 ineligible ~~§~~ *candidates whose names must be removed from*
17 *the ballot pursuant to section 49 of this act, the full names*
18 *of all candidates* must be printed on the official ballots
19 without party designation or symbol.

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

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

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

28 **Sec. 125.** Section 5.090 of the Charter of the City of
29 Yerington, being chapter 465, Statutes of Nevada 1971, at page 913,
30 is hereby amended to read as follows:

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

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

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

44 3. The City Clerk, under his or her hand and official
45 seal, shall issue to each person declared to be elected a



1 certificate of election ~~H~~ , *except that if the name of an*
2 *ineligible candidate could not be removed from the ballot*
3 *pursuant to section 49 of this act, the City Clerk shall not*
4 *issue a certificate of election to the ineligible candidate*
5 *regardless of the number of votes cast for the ineligible*
6 *candidate that are a nullity and void.* The officers ~~to~~ *who*
7 *are* elected shall qualify and enter upon the discharge of their
8 respective duties on the 1st Monday in July next following
9 their election.

10 4. If any election should result in a tie, the City Council
11 shall summon the candidates who received the tie vote and
12 determine the tie by lot. The *City* Clerk shall then issue to the
13 winner a certificate of election ~~H~~ , *except that if the name of*
14 *an ineligible candidate could not be removed from the ballot*
15 *pursuant to section 49 of this act, the City Clerk shall not*
16 *issue a certificate of election to the ineligible candidate*
17 *regardless of the number of votes cast for the ineligible*
18 *candidate that are a nullity and void.*

19 **Sec. 126.** Section 7 of the Moapa Valley Water District Act,
20 being chapter 477, Statutes of Nevada 1983, as last amended by
21 chapter 28, Statutes of Nevada 2011, at page 93, is hereby amended
22 to read as follows:

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

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

39 3. Each member of the Board must be elected by a
40 plurality of the registered voters voting in the election area
41 which the member represents. ~~H~~ *Except as otherwise*
42 *provided in section 3 of this act, if* there are two seats upon
43 the Board to be filled at the same election, each of which
44 represents the same election area, the two candidates therefor



1 receiving the highest number of votes, respectively, are
2 elected.

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

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

10 **Sec. 127.** Section 8 of the Virgin Valley Water District Act,
11 being chapter 100, Statutes of Nevada 1993, as last amended by
12 chapter 353, Statutes of Nevada 2013, at page 1850, is hereby
13 amended to read as follows:

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

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

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

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

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

43 **Sec. 128.** The provisions of NRS 354.599 do not apply to any
44 additional expenses of a local government that are related to the
45 provisions of this act.



1 **Sec. 129.** NRS 293.302, 293.368, 293C.291 and 293C.370 are
2 hereby repealed.

3 **Sec. 130.** This act becomes effective:

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

7 2. On January 1, 2018, for all other purposes.

LEADLINES OF REPEALED SECTIONS

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

293.368 Counting of votes cast for deceased candidate.

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

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

