

Amendment No. 525

Assembly Amendment to Assembly Bill No. 226	(BDR 24-88)
Proposed by: Assembly Committee on Legislative Operations and Elections	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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

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

KCP



Date: 4/21/2017

A.B. No. 226—Revises provisions relating to elections. (BDR 24-88)



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

PREFILED FEBRUARY 13, 2017

Referred to Committee on Legislative Operations and Elections

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

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

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

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

Legislative Counsel's Digest:

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

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

Second, section 3 provides that if only one major political party has multiple candidates for a particular office, ~~whether or not the names of the candidates of the~~ and no other major political party ~~appear on the ballot at the primary election depends on whether a minor~~

political party has nominated a candidate for that office or an independent candidate has filed has any candidates for the office, ~~but~~ there is at least one candidate who was nominated by a minor political party or one independent candidate who has filed for the office, **section 3** requires the candidates of the major political party to appear on the ballot at the primary election. The major party candidate who receives the highest number of votes ~~will~~ at the primary election is the nominee of that party and ~~will be placed~~ appears on the ballot at the general election along with ~~any~~ each candidate who was nominated by a minor political party ~~and independent candidates. Alternatively,~~ and each independent candidate who has filed for the office.

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

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

~~Under existing law, the names of independent candidates for a partisan office do not appear on the ballot at a primary election. Instead, a person wishing to run as an independent candidate can be named as such on the general election ballot if he or she files a petition with a certain number of signatures. The signature petition must be filed with the appropriate filing officer not later than the third Friday in June before the general election. (NRS 293.200) Section 2 of this bill changes the deadline for an independent candidate to file his or her signature petition to the second Friday after the first Monday in March. the candidates do not appear on the ballot at the primary election but appear on the ballot at the general election; or (2) if there are more candidates than twice the number to be elected to that office, the candidates appear on the ballot at the primary election, and the candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected to that office at the general election, are declared the nominees for the office and appear on the ballot at the general election.~~

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

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

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

1 **Section 1.** ~~[NRS 292.1715 is hereby amended to read as follows:~~
2 ~~292.1715 1. The names of the candidates for partisan office of a minor~~
3 ~~political party must not appear on the ballot for a primary election.~~
4 ~~2. The names of the candidates for partisan office of a minor political party~~
5 ~~must be placed on the ballot for the general election if the minor political party is~~
6 ~~qualified. To qualify as a minor political party, the minor political party must have~~
7 ~~filed a certificate of existence and be organized pursuant to NRS 292.171, must~~
8 ~~have filed a list of its candidates for partisan office pursuant to the provisions of~~
9 ~~NRS 292.1725 with the Secretary of State and:~~
10 ~~(a) At the last preceding general election, [the minor political party] must have~~
11 ~~polled for any of its candidates for partisan office a number of votes equal to or~~
12 ~~more than 1 percent of the total number of votes cast for the offices of~~
13 ~~Representative in Congress;~~
14 ~~(b) On January 1 preceding a primary election, [the minor political party] must~~
15 ~~have been designated as the political party on the applications to register to vote of~~
16 ~~at least 1 percent of the total number of registered voters in this State; or~~
17 ~~(c) Not later than the third Friday in [June] May preceding the general election,~~
18 ~~must file a petition with the Secretary of State which is signed by a number of~~
19 ~~registered voters equal to at least 1 percent of the total number of votes cast at the~~
20 ~~last preceding general election for the offices of Representative in Congress.~~
21 ~~3. The name of only one candidate of each minor political party for each~~
22 ~~partisan office may appear on the ballot for a general election.~~
23 ~~4. A minor political party must file a copy of the petition required by~~
24 ~~paragraph (c) of subsection 2 with the Secretary of State before the petition may be~~
25 ~~circulated for signatures.] (Deleted by amendment.)~~

26 **Sec. 2.** ~~[NRS 292.200 is hereby amended to read as follows:~~
27 ~~292.200 1. An independent candidate for partisan office must file with the~~
28 ~~appropriate filing officer as set forth in NRS 292.185:~~
29 ~~(a) A copy of the petition of candidacy that he or she intends to subsequently~~
30 ~~circulate for signatures. The copy must be filed not earlier than the January 2~~
31 ~~preceding the date of the election and not later than 10 working days before the last~~
32 ~~day to file the petition pursuant to subsection 4. The copy of the petition must be~~
33 ~~filed with the appropriate filing officer before the petition may be circulated for~~
34 ~~signatures.~~
35 ~~(b) Either of the following:~~
36 ~~(1) A petition of candidacy signed by a number of registered voters equal~~
37 ~~to at least 1 percent of the total number of ballots cast in:~~
38 ~~(I) This State for that office at the last preceding general election in~~
39 ~~which a person was elected to that office, if the office is a statewide office;~~
40 ~~(II) The county for that office at the last preceding general election in~~
41 ~~which a person was elected to that office, if the office is a county office; or~~
42 ~~(III) The district for that office at the last preceding general election in~~
43 ~~which a person was elected to that office, if the office is a district office.~~
44 ~~(2) A petition of candidacy signed by 250 registered voters if the candidate~~
45 ~~is a candidate for statewide office, or signed by 100 registered voters if the~~
46 ~~candidate is a candidate for any office other than a statewide office.~~
47 ~~2. The petition may consist of more than one document. Each document must~~
48 ~~bear the name of the county in which it was circulated, and only registered voters of~~

1 ~~that county may sign the document. If the office is not a statewide office, only the~~
2 ~~registered voters of the county, district or municipality in question may sign the~~
3 ~~document. The documents that are circulated for signature in a county must be~~
4 ~~submitted to that county clerk for verification in the manner prescribed in NRS~~
5 ~~203.1276 to 203.1279, inclusive, not later than 10 working days before the last day~~
6 ~~to file the petition pursuant to subsection 4. Each person who signs the petition~~
7 ~~shall add to his or her signature the address of the place at which the person actually~~
8 ~~resides, the date that he or she signs the petition and the name of the county where~~
9 ~~he or she is registered to vote. The person who circulates each document of the~~
10 ~~petition shall sign an affidavit attesting that the signatures on the document are~~
11 ~~genuine to the best of his or her knowledge and belief and were signed in his or her~~
12 ~~presence by persons registered to vote in that county.~~

13 ~~2. The petition of candidacy may state the principle, if any, which the person~~
14 ~~qualified represents.~~

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

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

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

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

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

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

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

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

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

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

41 **(Deleted by amendment.)**

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

43 293.260 1. If there is no contest of election for nomination to a particular
44 office, neither the title of the office nor the name of the candidate may appear on
45 the ballot at the primary election.

46 2. If ~~if a major political party has two or more candidates for a particular office,~~
47 ~~the person who receives the highest number of votes at the primary election must be~~
48 ~~declared the nominee of that major political party] two or more [than] major~~
49 ~~political parties have candidates for a particular office and at least one of the~~
50 ~~major political [party] parties has multiple candidates for [a particular] the office,~~
51 ~~the names of the candidates of the major political parties with multiple candidates~~
52 ~~for the office must appear on the ballot at the primary election [and the persons]~~
53 ~~of their respective parties. The candidates~~ who receive the highest number of

1 votes at the primary election of their respective parties must be declared the
2 nominees of those parties for the office ~~+~~, and their names must be placed on
3 the ballot at the general election with the names of any other candidates for the
4 office who are entitled by law to be placed on the ballot at the general election.

5 3. If only one major political party has multiple candidates for a particular
6 office and ~~+~~ no other major political party has any candidates for the office but
7 at least one minor political party has nominated a candidate for the office or ~~+~~
8 at least one independent candidate has filed for the office, the names of the
9 candidates of the major political party must appear on the ballot at the primary
10 election ~~+~~ of the major political party. The candidate who receives the highest
11 number of votes ~~+~~ at the primary election of the major political party must be
12 declared the nominee of that party, and his or her name must be placed on the
13 ballot at the general election ~~ballot~~ with the name of ~~the nominee of the~~ each
14 candidate for the office who has been nominated by a minor political party ~~for~~
15 the office and the name of ~~the~~ each independent candidate who has filed for
16 the office.

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

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

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

36 ~~— (b) If there are not more than twice the number of candidates to be elected to~~
37 ~~the office, the candidates must, without a primary election, be declared the~~
38 ~~nominees for the office ~~+~~, and their names must be placed on the ballot at the~~
39 ~~general election.~~

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

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

46 (b) Any nonpartisan office, other than the office of judge of a district court,
47 judge of the Court of Appeals, justice of the Supreme Court or member of a town
48 advisory board, the names of those candidates must appear on the ballot for a
49 primary election unless the candidates were nominated pursuant to subsection 2 of
50 NRS 293.165. If a candidate receives one or more votes at the primary election, the
51 candidate must be declared elected to the office and his or her name must not be
52 placed on the ballot for the general election. If a candidate does not receive one or

1 more votes at the primary election, his or her name must be placed on the ballot for
2 the general election; and

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

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

9 ~~††~~ 7. If there are more than twice the number of candidates to be elected to
10 a nonpartisan office, the names of the candidates must appear on the ballot for a
11 primary election. Those candidates who receive the highest number of votes at the
12 primary election, not to exceed twice the number to be elected, must be declared
13 nominees for the office, and the names of those candidates must be placed on the
14 ballot for the general election, except that if one of those candidates receives a
15 majority of the votes cast in the primary election for ~~†~~

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

20 ~~(b) Any other~~ the nonpartisan office, other than the office of judge of a
21 district court, judge of the Court of Appeals or justice of the Supreme Court, the
22 candidate must be declared elected to the office and his or her name must not be
23 placed on the ballot for the general election.