

Amendment No. 1076

Senate Amendment to Senate Bill No. 123 First Reprint	(BDR 24-726)
Proposed by: Senate Committee on Finance	
Resolves Conflicts with: A.B. 50	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 123 R1 (§§ 6, 9, 86).

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: 6/1/2019

S.B. No. 123—Revises provisions relating to elections. (BDR 24-726)



SENATE BILL NO. 123—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

PREFILED JANUARY 31, 2019

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections. (BDR 24-726)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.CONTAINS UNFUNDED MANDATE (§§ 1, 21)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to elections; ~~authorizing an elector to register to vote on the day of certain elections at certain polling places; setting forth requirements for such registration;~~ enacting provisions governing the security and integrity of elections; revising provisions relating to candidates and declarations of candidacy; revising provisions regarding local elections; revising provisions regarding voter registration; making various other changes relating to elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State serves as the Chief Officer of Elections and is responsible for the execution and enforcement of state and federal law relating to Nevada's elections. (NRS 293.124) Existing law also requires the Secretary of State to adopt regulations relating to the security and integrity of Nevada's elections. (NRS 293.247) Sections 3, 4, 6-9 and 86 of this bill establish additional requirements regarding the security and integrity of such elections.

Section 3 of this bill defines the term "information system" to mean any computer or other system used to collect, process, distribute or store information, and section 4 of this bill defines "security of an information system" to include the security of: (1) the physical infrastructure of the system; and (2) the information on the system.

Section 6 of this bill requires each county or city clerk and their staff members who administer elections to complete an annual training class on cybersecurity. Section 6 also requires any county or city clerk or other local election official to immediately notify the Secretary of State if there has been an attack or attempted attack on the security of an election information system.

Under existing law, any records of state agencies or local governments relating to a suspected or confirmed threat or attack on the security of an information system are confidential and not public records and may be disclosed only under certain limited circumstances. (NRS 480.940) Consistently with this existing law, section 7 of this bill provides that any records of the Secretary of State or county or city clerk relating to the security of an election information system, including records relating to the prevention

of a threat or attack on the security of an election information system, are confidential and not public records and may be disclosed only under certain limited circumstances.

Section 8 of this bill requires the Secretary of State to adopt regulations for conducting risk-limiting audits of elections. Section 8 defines “risk-limiting audit” as an audit that uses statistical principles and methods to limit the risk of certifying an incorrect election outcome. Section 86 of this bill requires the Secretary of State to establish a pilot program for conducting risk-limiting audits of the results of the 2020 general election. Section 9 of this bill, which becomes effective January 1, 2022, requires each county clerk to conduct risk-limiting audits of elections in accordance with the regulations adopted by the Secretary of State.

Existing federal law establishes the United States Election Assistance Commission and charges the federal agency with various duties, including the development of standards for voting systems. (52 U.S.C. §§ 20921, 21081) Existing state law requires the Secretary of State and each county and city clerk to ensure that each voting system used in this State meets or exceeds the standards for voting systems established by the United States Election Assistance Commission. (NRS 293.2696) Section 5 of this bill defines the term “United States Election Assistance Commission” for Nevada’s elections laws, and sections 33, 38, 41 and 42 of this bill change certain existing references in Nevada’s elections laws so they properly refer to the United States Election Assistance Commission.

Under existing law, with certain exceptions, in order for a person to be named as a candidate on an official ballot at any election, the person must file a declaration of candidacy with the appropriate filing officer. (NRS 293.057, 293.165, 293.166, 293.177, 293.185, 293C.145, 293C.175 and 293C.185) Section 2 of this bill defines the term “declaration of candidacy” for Nevada’s elections laws.

Under existing law, ten or more registered voters may file a certificate of candidacy designating a qualified person as a candidate for an office, and if the person named in the certificate files an acceptance of candidacy and pays the required fee, the person becomes a candidate as if he or she had filed a declaration of candidacy. (NRS 293.180) Section 85 of this bill repeals this existing law. Based on this repeal, the terms “acceptance of candidacy” and “certificate of candidacy” are removed from existing law by various sections of this bill, and the term “declaration of candidacy” remains as the appropriate term for the official document that a person must file to be named as a candidate on an official ballot at any election.

Under existing law, in even-numbered years, the first day that judicial candidates may file a declaration of candidacy is the first Monday in January, and the first day that nonjudicial candidates may file a declaration of candidacy is the first Monday in March. (NRS 293.177) However, in cities that hold their city elections in odd-numbered years, the first day that judicial and nonjudicial candidates may file a declaration of candidacy is 70 days before the applicable election. (NRS 293C.145, 293C.175 and 293C.185) Existing law also: (1) requires the Secretary of State to forward certain information to each county clerk after deadlines calculated by using the filing dates for certain candidates; and (2) prohibits counties, cities and other political subdivisions from making certain changes to election districts after deadlines calculated by using the filing dates for certain candidates. (NRS 293.187, 293.209) Sections 22 and 29 of this bill clarify these deadlines so they are calculated by using the filing dates for nonjudicial candidates.

Existing law requires election boards to have rosters of registered voters in polling places. (NRS 293.275) Sections 34 and 43 of this bill require that, in a county or city which uses electronic rosters, the county or city clerk must complete a test of the electronic rosters to ensure their functionality before the first day of early voting.

Under existing law, if there has been a tie vote for certain county, city or other local offices, the winner is determined by lot. (NRS 293.400) Section 35 of this bill provides that when a tie vote occurs in a primary election for nonpartisan office: (1) if the candidates with the tie vote received the highest number of votes in the primary election, those candidates must be declared the nominees and placed on the ballot for the general election; or (2) if the candidates with the tie vote received the second highest number of votes in the primary election, those candidates, along with the candidate who received the highest number of votes in the primary election, must be declared the nominees and

placed on the ballot for the general election. Section 32 of this bill makes conforming changes.

Existing law authorizes the county or city clerk to rent privately owned locations to be designated as polling places on election day. (NRS 293.437) Section 37 of this bill provides that the legal rights and remedies of the owner or lessor of such private property are not impaired or affected by renting the property for use as a polling place.

Existing law requires the county clerk or field registrar of voters to list a person's political party as nonpartisan if the person does not indicate a political party affiliation on an application to preregister or register to vote. (NRS 293.518) Section 38 of this bill provides that if a person who is already preregistered or registered to vote in a county submits a new application in the same county but does not make any indications about political party affiliation on the new application, the county clerk or field registrar of voters must not change the person's existing political party affiliation that was established by his or her prior application and is listed in the current records of the county clerk.

Existing law sets forth different deadlines for registering to vote depending on whether the method used for registration is by mail, computer or appearing in person at the office of the county or city clerk. Existing law also requires the county or city clerk to publish a notice in a newspaper in the county or city indicating the day and time that registration will close, but existing law does not explicitly require the notice to indicate the day and time that each different method of registration will close. (NRS 293.560, 293C.527) The last day to register to vote for a primary election, primary city election, general election or general city election: (1) by mail is the fourth Tuesday preceding the election; (2) by appearing in person at the office of the county or city clerk, as applicable, is the third Tuesday preceding the election; and (3) by computer is the Thursday preceding the first day of the period for early voting for the election. Sections 1 and 21 of this bill authorize an elector to register to vote in person for a primary election, primary city election, general election or general city election on the day of the election at certain polling places required to be designated by the county or city clerk as a site for registering to vote on election day. To register to vote, an elector must appear at such a site, complete an application to register to vote and provide proof of identity and residence. Upon completion of the application and verification of identity and residence, the elector: (1) is deemed registered to vote; (2) may vote in that election only at the polling place at which he or she registered to vote; and (3) must vote by casting a provisional ballot. Sections 1-5, 10, 12-20, 22-26 and 28-32 of this bill make conforming changes.

Existing law provides that the counties and certain cities must complete the canvass of the election returns in the county or city, respectively, on or before the sixth working day following the election. (NRS 293.387, 293.393, 293C.387) However, various city charters set different periods for certain cities to complete the canvass of the election returns following the election. Sections 11-2, 11-4, 27-5 and 33-45 of this bill provide that all counties and cities must complete the canvass of the election returns on or before the 10th day following the election. Sections 40 and 50 of this bill clarify that the notice must: (1) indicate the day and time that each different method of registration will close; and (2) be published once each week for 4 consecutive weeks next preceding the day that the last method of registration will close.

Under the Nevada Constitution, persons may circulate different types of petitions for initiative or referendum that propose changes in state law, such as amendments to the Nevada Constitution or Nevada Revised Statutes. If the petitions receive a sufficient number of valid signatures, they are placed on the ballot for approval or disapproval by the voters. (Nev. Const. Art. 19, §§ 1, 2) Existing law requires a copy of each petition to be placed on file with the Secretary of State before it may be circulated for signatures. (NRS 295.015) Section 57 of this bill requires the Secretary of State to assign to each petition that is placed on file a unique identifier that must: (1) consist of a serial number or letter, or both; and (2) distinguish among each different type of petition received.

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

Delete existing sections 1 through 48 of this bill and replace with the following new sections 1 through 88:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. "Declaration of candidacy" means a declaration of candidacy that a person must file with the appropriate filing officer pursuant to this title in order to be named as a candidate on an official ballot at any election.

Sec. 3. "Information system" has the meaning ascribed to it in NRS 480.906.

Sec. 4. "Security of an information system" has the meaning ascribed to it in NRS 480.910.

Sec. 5. "United States Election Assistance Commission" means the Election Assistance Commission created pursuant to 52 U.S.C. § 20921, as amended, or any successor agency.

Sec. 6. 1. At least once each year, each county or city clerk and all members of their staff whose duties include administering an election must complete a training class on cybersecurity that is approved by the Secretary of State.

2. If any county or city clerk or other local election official identifies or is informed of a confirmed attack or attempted attack on the security of an information system used by the county or city clerk or other local election official, the county or city clerk or other local election official shall immediately notify the Secretary of State regarding such attack or attempted attack.

Sec. 7. 1. Any records of the Secretary of State or a county or city clerk that relate to the security of an information system used for elections are confidential and are not public records pursuant to chapter 239 of NRS. Such records include, without limitation:

(a) Risk assessments;

(b) Vulnerability assessments; and

(c) Any other information that identifies the preparation for or prevention of a threat or attack on an information system used for elections.

2. The Secretary of State or a county or city clerk shall not disclose any records that are confidential pursuant to this section, except that such records may be provided confidentially to:

(a) Any state agency or local government;

(b) A cybersecurity incident response team appointed pursuant to NRS 480.928; or

(c) Appropriate law enforcement officers or prosecuting attorneys, but only for the purpose of preparing for and mitigating risks to or otherwise protecting the security of elections or as part of a criminal investigation.

Sec. 8. 1. The Secretary of State shall adopt regulations for conducting a risk-limiting audit of an election, which may include, without limitation:

(a) Procedures to conduct a risk-limiting audit;

(b) Criteria for which elections must be audited; and

(c) Criteria to determine the scope of the risk-limiting audit.

2. As used in this section, "risk-limiting audit" means an audit protocol that:

(a) Makes use of statistical principles and methods; and

(b) Is designed to limit the risk of certifying an incorrect election outcome.

Sec. 9. Section 8 of this act is hereby amended to read as follows:

1. The Secretary of State shall adopt regulations for conducting a risk-limiting audit of an election, which may include, without limitation:

- (a) Procedures to conduct a risk-limiting audit;
- (b) Criteria for which elections must be audited; and
- (c) Criteria to determine the scope of the risk-limiting audit.

2. In accordance with the regulations adopted by the Secretary of State pursuant to this section, each county clerk shall conduct a risk-limiting audit of the results of an election prior to the certification of the results of the election pursuant to NRS 293.395.

3. As used in this section, "risk-limiting audit" means an audit protocol that:

- (a) Makes use of statistical principles and methods; and
- (b) Is designed to limit the risk of certifying an incorrect election outcome.

Sec. 10. NRS 293.010 is hereby amended to read as follows:

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

Sec. 11. NRS 293.12758 is hereby amended to read as follows:

293.12758 1. The county clerk shall issue a receipt to any person who submits a petition for the verification of signatures ~~for~~ pursuant to the election laws of this State, including, without limitation, a petition ~~[a declaration of or acceptance]~~ of candidacy. The receipt must state:

- (a) The number of documents submitted;
- (b) The number of pages of each document; and
- (c) The number of signatures which the person declares are on the petition.

2. If a petition consists of more than one document, all of the documents must be submitted to the county clerk for verification at the same time.

3. The county clerk shall not accept a petition unless each page of the petition is numbered.

4. Each signature on the petition must be signed in ink. The county clerk shall disregard any signature which is not signed in ink.

5. As used in this section, "document" includes material which is separately compiled and bound together and may consist of one or more sheets of paper.

Sec. 12. 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 ~~for acceptance of candidacy,~~ with the appropriate filing officer and pays the filing 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 change 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, 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]~~ Each designation of a candidate provided for in this section must be filed ~~for or~~ with the appropriate filing officer before 5 p.m. on the fourth Friday in July of the year in which the general election is held. In each case, the candidate must file a declaration of candidacy with the appropriate filing officer and pay the [statutory] filing fee [must be paid and an acceptance of the designation must be filed on or] required by NRS 293.193 before 5 p.m. on the date the designation is filed.

Sec. 13. NRS 293.166 is hereby amended to read as follows:

293.166 1. A vacancy occurring in a 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 party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county after the primary election and before 5 p.m. on the fourth Friday in July of the year in which the general election is held and:

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

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

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

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

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

4. ~~The~~ Each designation of a ~~nominee pursuant to~~ candidate provided for in this section must be filed with the ~~Secretary of State on or~~ appropriate filing officer before 5 p.m. on the fourth Friday in July of the year in which the general election is held. In each case, the candidate must file a declaration of candidacy with the appropriate filing officer and pay the ~~statutory~~ filing fee ~~must be paid with~~ required by NRS 293.193 before 5 p.m. on the date the designation ~~is filed~~.

Sec. 14. NRS 293.1725 is hereby amended to read as follows:

293.1725 1. Except as otherwise provided in subsection 4, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:

(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; or

(b) Files or will file a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715,

➤ must file with the Secretary of State a list of its candidates for partisan office not earlier than the first Monday in March preceding the election ~~nor~~ and not later than 5 p.m. on the second Friday after the first Monday in March. The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. The list may be amended not later than 5 p.m. on the second Friday after the first Monday in March.

2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his or her declaration of candidacy.

3. Each candidate on the list must file his or her declaration of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 not earlier than the date on which the list of candidates for partisan office of the minor political party is filed with the Secretary of State ~~nor~~ and not later than 5 p.m. on the second Friday after the first Monday in March.

4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election pursuant to subsection 2 of NRS 293.1715 must file with the Secretary of State a certificate of nomination for these offices not later than the last Tuesday in August.

Sec. 15. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations of candidacy ~~for acceptances of candidacy~~ for the office which the person seeks, the person has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the

office pertains and, if elected, over which he or she will have jurisdiction or will represent.

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

3. The provisions of this section do not apply to candidates for:

(a) Any federal office.

(b) The office of district attorney.

Sec. 16. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy ~~for an acceptance of candidacy,~~ with the appropriate filing officer and ~~has~~ paid the filing fee required by NRS 293.193 not earlier than:

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

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

2. A declaration of candidacy ~~for an acceptance of candidacy~~ required to be filed ~~by~~ pursuant to this ~~section~~ chapter 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 the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 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 may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy ~~for acceptance of candidacy~~ which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

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

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

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

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited

1 to, complying with any limitation prescribed by the Constitution and laws
2 of this State concerning the number of years or terms for which a person
3 may hold the office; that I understand that knowingly and willfully filing a
4 declaration of candidacy ~~for acceptance of candidacy~~ which contains a
5 false statement is a crime punishable as a gross misdemeanor and also
6 subjects me to a civil action disqualifying me from entering upon the duties
7 of the office; and that I understand that my name will appear on all ballots
8 as designated in this declaration.
9

10
11 (Designation of name)
12

13
14 (Signature of candidate for office)
15

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

18
19 Notary Public or other person
20 authorized to administer an oath
21
22

23 3. The address of a candidate which must be included in the declaration of
24 candidacy ~~for acceptance of candidacy~~ pursuant to subsection 2 must be the street
25 address of the residence where the candidate actually, as opposed to constructively,
26 resides in accordance with NRS 281.050, if one has been assigned. The declaration
27 ~~for acceptance~~ of candidacy must not be accepted for filing if the candidate fails to
28 comply with the following provisions of this subsection or, if applicable, the
29 provisions of subsection 4:

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

32 (b) Except as otherwise provided in subsection 4, the candidate shall present to
33 the filing officer:

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

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

41 4. If the candidate executes an oath or affirmation under penalty of perjury
42 stating that the candidate is unable to present to the filing officer the proof of
43 residency required by subsection 3 because a street address has not been assigned to
44 the candidate's residence or because the rural or remote location of the candidate's
45 residence makes it impracticable to present the proof of residency required by
46 subsection 3, the candidate shall present to the filing officer:

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

49 (b) Alternative proof of the candidate's residential address that the filing
50 officer determines is sufficient to verify where the candidate actually, as opposed to
51 constructively, resides in accordance with NRS 281.050. The Secretary of State
52 may adopt regulations establishing the forms of alternative proof of the candidate's

1 residential address that the filing officer may accept to verify where the candidate
2 actually, as opposed to constructively, resides in accordance with NRS 281.050.

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

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

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

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

19 7. If the filing officer receives credible evidence indicating that a candidate
20 has been convicted of a felony and has not had his or her civil rights restored by a
21 court of competent jurisdiction, the filing officer:

22 (a) May conduct an investigation to determine whether the candidate has been
23 convicted of a felony and, if so, whether the candidate has had his or her civil rights
24 restored by a court of competent jurisdiction; and

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

29 8. The receipt of information by the Attorney General or district attorney
30 pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to
31 subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045
32 apply.

33 9. Any person who knowingly and willfully files a declaration of candidacy
34 ~~for acceptance of candidacy~~ which contains a false statement in violation of this
35 section is guilty of a gross misdemeanor.

36 **Sec. 17. NRS 293.181 is hereby amended to read as follows:**

37 293.181 1. A candidate for the office of State Senator, Assemblyman or
38 Assemblywoman must execute and file with his or her declaration of candidacy
39 ~~for acceptance of candidacy~~ a declaration of residency which must be in
40 substantially the following form:
41

42 I, the undersigned, do swear or affirm under penalty of perjury that I have
43 been a citizen resident of this State as required by NRS 218A.200; that I
44 understand that knowingly and willfully filing a declaration of residency
45 which contains a false statement is a crime punishable as a gross
46 misdemeanor and also subjects me to a civil action disqualifying me from
47 entering upon the duties of the office; and that I have actually, as opposed
48 to constructively, resided at the following residence or residences since
49 November 1 of the preceding year:
50

51
52 Street Address

.....
Street Address

.....
City or Town

.....
City or Town

.....
State

.....
State

From To.....
Dates of Residency

From To.....
Dates of Residency

.....
Street Address

.....
Street Address

.....
City or Town

.....
City or Town

.....
State

.....
State

From To.....
Dates of Residency

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

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

Sec. 18. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy ~~for an acceptance of candidacy~~ to be a candidate for an office, and not later than 5 days after the last day the person may withdraw his or her candidacy pursuant to NRS 293.202, an elector may file with the filing officer for the office 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 laws of this State. 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 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:

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

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

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district 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 the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, or if the person fails to appear at the hearing, the person is subject to the provisions of NRS 293.2045.

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and court costs of the person who was challenged.

Sec. 19. NRS 293.184 is hereby amended to read as follows:

293.184 1. In addition to any other remedy or penalty provided by law, if a person knowingly and willfully files a declaration of candidacy ~~for acceptance of candidacy~~ which contains a false statement:

(a) The name of the person must not appear on any ballot for the election for which the person filed the declaration of ~~candidacy or acceptance of~~ candidacy, except that if the statutory deadline for making changes to the ballot has passed, the provisions of subsection 2 apply; and

(b) The person is disqualified from entering upon the duties of the office for which the person filed the declaration of ~~candidacy or acceptance of~~ candidacy.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election because the statutory deadline for making changes to the ballot has passed, the appropriate election officers shall post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of the office.

3. The provisions of this section may be enforced in any preelection action to which the provisions of NRS 293.2045 apply.

Sec. 20. NRS 293.185 is hereby amended to read as follows:

293.185 ~~[The] A~~ declaration of candidacy ~~[, the certificate of candidacy and the acceptance of candidacy]~~ must be filed with the appropriate filing officer, during regular office hours, as follows:

1. For United States Senator, Representative in Congress, statewide offices, State Senators, Assemblymen and Assemblywomen to be elected from districts comprising more than one county, and all other offices whose districts comprise more than one county, with the Secretary of State.

2. For Representative in Congress and district offices voted for wholly within one county, State Senators, Assemblymen and Assemblywomen to be elected from districts comprising but one or part of one county, county and township officers, with the county clerk.

Sec. 21. NRS 293.186 is hereby amended to read as follows:

293.186 The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy ~~[, acceptance of candidacy or certificate of candidacy]~~ shall give to the candidate:

1. If the candidate is a candidate for judicial office, the form prescribed by the Administrative Office of the Courts for the making of a financial disclosure statement;

2. If the candidate is not a candidate for judicial office and is required to file electronically the financial disclosure statement, access to the electronic form prescribed by the Secretary of State; or

3. If the candidate is not a candidate for judicial office, is required to submit the financial disclosure statement electronically and has submitted an affidavit to the Secretary of State pursuant to NRS 281.572, the form prescribed by the Secretary of State,

➤ accompanied by instructions on how to complete the form and the time by which it must be filed.

Sec. 22. NRS 293.187 is hereby amended to read as follows:

293.187 1. Not later than 5 working days after the last day on which ~~any~~ a candidate for nonjudicial office may withdraw his or her candidacy pursuant to NRS 293.202:

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

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

2. There must be a party designation only for candidates for partisan offices.

Sec. 23. NRS 293.193 is hereby amended to read as follows:

293.193 1. Fees as listed in this section for filing declarations of candidacy ~~for acceptances of candidacy~~ must be paid to the filing officer by cash, cashier's check or certified check.

United States Senator.....	\$500
Representative in Congress.....	300
Governor.....	300
Justice of the Supreme Court.....	300
Any state office, other than Governor or justice of the Supreme Court.....	200
District judge.....	150
Justice of the peace.....	100
Any county office.....	100
State Senator.....	100
Assemblyman or Assemblywoman.....	100
Any district office other than district judge.....	30
Constable or other town or township office.....	30

For the purposes of this subsection, trustee of a county school district, hospital or hospital district is not a county office.

2. No filing fee may be required from a candidate for an office the holder of which receives no compensation.

3. The county clerk shall pay to the county treasurer all filing fees received from candidates. The county treasurer shall deposit the money to the credit of the general fund of the county.

4. Except as otherwise provided in NRS 293.194, a filing fee paid pursuant to this section is not refundable.

Sec. 24. NRS 293.194 is hereby amended to read as follows:

293.194 The filing fee of an independent candidate who files a petition pursuant to NRS 293.200 or 298.109, of a candidate of a minor political party or of a candidate of a new major political party, must be returned to the candidate by the filing officer to whom the fee was paid within 10 days after the date on which a final determination is made that the petition of the candidate, minor political party or new major political party failed to contain the required number of signatures.

Sec. 25. NRS 293.200 is hereby amended to read as follows:

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

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

(b) Either of the following:

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

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

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

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

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

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

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

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

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

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

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

8. If the sufficiency of the petition of the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth 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 filing 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. 26. 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 for judicial and nonjudicial office from the Secretary of State ~~to~~ pursuant to NRS 293.187, 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.
5. A list of the offices to which the candidates seek nomination or election.

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

Sec. 27. NRS 293.204 is hereby amended to read as follows:

293.204 ~~to~~ Except as otherwise provided in NRS 306.110, if a special election is held pursuant to the provisions of this title, the Secretary of State shall prescribe the ~~time~~ period during which a candidate must file a declaration ~~for acceptance~~ of candidacy ~~to~~ with the appropriate filing officer and pay the filing fee required by NRS 293.193.

Sec. 28. NRS 293.2045 is hereby amended to read as follows:

293.2045 1. In addition to any other remedy or penalty provided by law, but except as otherwise provided in NRS 293.1265, if a court of competent jurisdiction finds in any preelection action that a person who is a candidate for any office fails to meet any qualification required for the office pursuant to the Constitution or laws of this State:

(a) The name of the person must not appear on any ballot for the election for which the person filed a declaration of ~~candidate or acceptance of~~ candidacy,

except that if the statutory deadline for making changes to the ballot has passed, the provisions of subsection 2 apply; and

(b) The person is disqualified from entering upon the duties of the office for which the person filed a declaration of ~~[candidacy or acceptance of]~~ candidacy.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election because the statutory deadline for making changes to the ballot has passed, the appropriate election officers shall post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of the office.

3. The provisions of this section apply to any preelection action brought to challenge a person who is a candidate for any office on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, including, without limitation, any action brought pursuant to NRS 281.050, 293.182 or 293C.186 or any action brought for:

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

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

(c) Any other legal or equitable relief.

Sec. 29. NRS 293.209 is hereby amended to read as follows:

293.209 1. A political subdivision of this State shall not create, divide, change the boundaries of, abolish or consolidate an election district after the first day of filing by candidates for nonjudicial office during any year in which a general election or general city ~~[general]~~ election is held for that election district.

2. This section does not prohibit a political subdivision from annexing territory in a year in which a general election or general city ~~[general]~~ election is held for that election district.

Sec. 30. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election and are effective on or before the last business day of February immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy ~~[, certificate of candidacy, acceptance of candidacy]~~ and any petition which is filed pursuant to the ~~[general]~~ election laws of this State.

3. The regulations must prescribe:

(a) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

(b) The form and placement of instructions to voters;

(c) The disposition of election returns;

(d) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;

(e) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(f) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(g) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;

(h) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors, registered voters or other persons who are authorized to use approved electronic transmission pursuant to the provisions of this title;

(i) The forms for applications to preregister and register to vote and any other forms necessary for the administration of this title; and

(j) Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 31. NRS 293.257 is hereby amended to read as follows:

293.257 1. There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have designated a major political party in the declaration of candidacy ~~{for acceptance of candidacy}~~ must appear on the primary ballot of the major political party designated.

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

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

Sec. 32. NRS 293.260 is hereby amended to read as follows:

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

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

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

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

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

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

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

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~~ Except as otherwise provided in NRS 293.400, 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. 33. NRS 293.2696 is hereby amended to read as follows:

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

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

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

3. Provides each voter with the opportunity, in a private and independent manner, to change the ballot and to correct any error before the ballot is cast and counted, including, without limitation, the opportunity to correct an error through the issuance of a replacement ballot if the voter is otherwise unable to change the 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~~ United States Election Assistance Commission, including, without limitation, the error rate standards.

Sec. 34. NRS 293.275 is hereby amended to read as follows:

293.275 ~~No~~

1. An election board may not perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it the roster for the polling place.

2. If a county clerk uses an electronic roster, not earlier than 2 weeks before and not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance, the county clerk shall complete a test of the electronic roster to ensure its functionality in accordance with regulations adopted by the Secretary of State.

Sec. 35. NRS 293.400 is hereby amended to read as follows:

293.400 1. If, after the completion of the canvass of the returns of any election, two or more persons receive an equal number of votes, which is sufficient for the election of one or more but fewer than all of them to the office, the person or persons elected must be determined as follows:

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

(b) In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Secretary of State shall summon the candidates who have received the tie votes to appear before the Secretary of State at a time and place designated by the Secretary of State and the Secretary of State shall determine the tie by lot. If the tie vote is for the office of Secretary of State, the Governor shall perform these duties.

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

(d) In a primary election for a nonpartisan office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie vote, or district which is wholly located within one county:

(1) If the candidates who received the tie votes received the highest number of votes at the primary election, all of those candidates must be declared nominees for the office and placed on the ballot for the general election.

(2) If the candidates who have received the tie votes did not receive the highest number of votes but received the next highest number of votes, the candidate who received the highest number of votes at the primary election and the candidates who received the tie votes at the primary election must be declared the nominees for the office and placed on the ballot for the general election.

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

3. The right to a recount extends to all candidates in case of a tie.

Sec. 36. NRS 293.403 is hereby amended to read as follows:

293.403 1. A candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election if within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes the candidate who demands the recount:

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

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

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

(a) Files in writing a demand with:

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

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one 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. 16.]~~ **Sec. 37. NRS 293.437 is hereby amended to read as follows:**

293.437 1. The county or city clerk may designate any building, public or otherwise, or any portion of a building, as the site for any polling place or any number of polling places for any of the precincts or districts in the county or city.

2. If, in the opinion of the county or city clerk, the convenience and comfort of the voters and election officers will be best served by putting two or more polling places in any such building, or if, in the opinion of the county or city clerk, the expense to the county or city for polling places can be diminished by putting two or more polling places in any such building, the county or city clerk may so provide.

3. In precincts where there are no public buildings or other appropriate locations owned by the State, county, township, city, town or precinct, privately owned locations may be rented at a rate not to exceed \$35 for each election if only one precinct is involved and at a rate not to exceed \$50 for each election if more than one precinct is involved.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a polling place pursuant to subsection 3, except to the extent necessary to conduct voting at that location.

Sec. 38. NRS 293.518 is hereby amended to read as follows:

293.518 1. Except as otherwise provided in sections 3 and 4 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, at the time a person preregisters or an elector registers to vote, the person or elector must indicate:

(a) A political party affiliation; or

(b) That he or she is not affiliated with a political party.

➤ A person or an elector who indicates that he or she is "independent" shall be deemed not affiliated with a political party.

2. If a person or an elector indicates that he or she is not affiliated with a political party, or is independent, the county clerk or field registrar of voters shall list the person's or elector's political party as nonpartisan.

3. If a person or an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall list the person's or elector's political party as indicated by the person or elector.

4. If a person or an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall:

(a) List the person's or elector's political party as the party indicated in the application to preregister or register to vote, as applicable.

(b) When compiling data related to preregistration and voter registration for the county, report the person's or elector's political party as "other party."

5. ~~¶¶~~ Except as otherwise provided in subsection 6, if a person or an elector does not make any of the indications described in subsection 1, the county clerk or field registrar of voters shall:

(a) List the person's or elector's political party as nonpartisan; and

(b) Mail to the person or elector a notice setting forth that the person has been preregistered or the elector has been registered to vote, as applicable, as a nonpartisan because he or she did not make any of the indications described in subsection 1.

6. Except as otherwise provided in subsection 7, if a person who is preregistered or registered to vote:

(a) Submits a new paper application to preregister or register to vote in the same county in which the person is preregistered or registered to vote; and

(b) The person does not make any of the indications described in subsection 1 on the new paper application,

↳ the county clerk or field registrar of voters shall not change the person's existing political party affiliation that was established by his or her prior application pursuant to this section and is listed in the current records of the county clerk.

7. The provisions of subsection 6 do not apply to a voter who registers to vote using the National Mail Voter Registration Application promulgated by the United States Election Assistance Commission pursuant to the National Voter Registration Act, 52 U.S.C. § 20501 et seq., as amended.

Sec. 39. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may preregister or register to vote by mailing an application to preregister or register to vote to the county clerk of the county in which the person resides or may preregister or register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to preregister to vote may be used to correct information in a previous application. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to preregister or register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in ~~subsection~~ **subsections 5 and 6** of NRS 293.518, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is:

(1) Preregistered to vote; or

(2) Registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➤ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the registrar of voters' register on the date the application is postmarked or received by the county clerk, whichever is earlier.

8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

9. The Secretary of State shall prescribe the form for applications to preregister or register to vote by:

(a) Mail, which must be used to preregister or register to vote by mail in this State.

(b) Computer, which must be used to preregister or register to vote in a county if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.

10. The application to preregister or register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be preregistered or registered to vote, as applicable. Please retain the duplicate copy or receipt from your application to preregister or register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) If the application is to:

(1) Preregister to vote, the question, “Are you at least 17 years of age and not more than 18 years of age?” and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.

(2) Register to vote, the question, “Will you be at least 18 years of age on or before election day?” and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked “no” in response to the question set forth in:

(1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).

(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

11. Except as otherwise provided in ~~subsection~~ subsections 5 and 6 of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person’s current residence is other than that indicated on the application to preregister or register to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, preregisters or registers to vote pursuant to this section may be assisted in completing the application to preregister or register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to preregister or register to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 40. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300:

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the third Tuesday preceding the primary or general election.

(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the first day of the period for early voting.

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any ~~means~~ method of registration is the third Saturday preceding the recall or special election.

2. For a primary or special election, the office of the county clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. during the last 2 days a person may register to vote in person if approved by the board of county commissioners.

3. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. The office of the county clerk may close at 5 p.m. if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which a person may register to vote in person, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

↳ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the ~~close~~ day that the last method of registration for ~~any~~ the election ~~is~~ as set forth in subsection 1, will be closed.

5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

6. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 41. NRS 293B.063 is hereby amended to read as follows:

293B.063 No mechanical voting system may be used in this State unless it meets or exceeds the standards for voting systems established by the ~~Federal~~ United States Election Assistance Commission. ~~[pursuant to federal law.]~~

Sec. 42. NRS 293B.104 is hereby amended to read as follows:

293B.104 The Secretary of State shall not approve any mechanical voting system which does not meet or exceed the standards for voting systems established by the ~~Federal~~ United States Election Assistance Commission. ~~[pursuant to federal law.]~~

For the purpose of having my name placed on the official ballot as a candidate for the office of _____, I, _____, the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at _____, in the City or Town of _____ County of _____, State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is _____, and the address at which I receive mail, if different than my residence, is _____; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept 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; that I understand that knowingly and willfully filing a declaration of candidacy ~~for acceptance of candidacy~~ which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I

understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

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

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

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

3. The address of a candidate that must be included in the declaration ~~for 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 ~~for acceptance~~ of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

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

(b) Except as otherwise provided in subsection 4, the candidate 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; or

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

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

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

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

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

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

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

6. By filing the declaration ~~for 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 ~~for 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.

7. If the city clerk 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 city clerk:

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

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

8. The receipt of information by the city attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186 to which the provisions of NRS 293.2045 apply.

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

Sec. 45. NRS 293C.186 is hereby amended to read as follows:

293C.186 1. After a person files a declaration of candidacy ~~for an acceptance of candidacy~~ to be a candidate for an office, and not later than 5 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 laws of this State. 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 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 the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, or if the person fails to appear at the hearing, the person is subject to the provisions of NRS 293.2045.

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and court costs of the person who was challenged.

Sec. 46. NRS 293C.1865 is hereby amended to read as follows:

293C.1865 1. In addition to any other remedy or penalty provided by law, if a person knowingly and willfully files a declaration of candidacy ~~for acceptance of candidacy~~ which contains a false statement:

(a) The name of the person must not appear on any ballot for the election for which the person filed the declaration of ~~candidacy or acceptance of~~ candidacy, except that if the statutory deadline for making changes to the ballot has passed, the provisions of subsection 2 apply; and

(b) The person is disqualified from entering upon the duties of the office for which the person filed the declaration of ~~candidacy or acceptance of~~ candidacy.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election because the statutory deadline for making changes to the ballot has passed, the appropriate election officers shall post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of the office.

3. The provisions of this section may be enforced in any preelection action to which the provisions of NRS 293.2045 apply.

Sec. 47. NRS 293C.190 is hereby amended to read as follows:

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

2. Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after 5 p.m. of the first Tuesday after the first Monday in March and on or before 5 p.m. of the second Tuesday after the second Monday in April of the year in which the general city election is held must be filled by the person who received the next highest vote for the nomination 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, 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 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~~
a candidate nominated pursuant to subsection 1 must file a declaration of
candidacy with the appropriate filing officer and pay the filing fee ~~(must be paid~~
and an acceptance of the designation must be filed) established by the governing
body of the city on or before 5 p.m. on ~~(that)~~ the date ~~[]~~ on which the nominating
petition is filed pursuant to subsection 1 or on the third Tuesday after the third
Monday in March of the year in which the general city election is held,
whichever occurs first.

Sec. 48. NRS 293C.195 is hereby amended to read as follows:

293C.195 A withdrawal of candidacy for a city office must be in writing and presented to the city clerk by the candidate in person within 2 days, excluding Saturdays, Sundays and holidays, after the last day for filing a declaration of ~~[candidacy or an acceptance of]~~ candidacy.

Sec. 49. 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 days immediately preceding the date of the close of filing of declarations ~~for~~ ~~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 ~~for acceptance of candidacy~~ which contains a false statement regarding the person's residency in violation of this section is guilty of a gross misdemeanor.

Sec. 50. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300:

(a) For a primary city election or general city election, or a recall or special election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the third Tuesday preceding the primary city election or general city election.

(3) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters and:

(I) The governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the Thursday preceding the first day of the period for early voting.

(II) The governing body of the city has not provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the third Tuesday preceding any primary city election or general city election.

(b) If a recall or special election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special election by any ~~means~~ method of registration is the third Saturday preceding the recall or special election.

2. For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

3. For a general election:

(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. The office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which a person may register to vote in person, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➤ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the ~~close~~ day on which the last method of registration for any the election, as set forth in subsection 1, will be closed.

5. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 51. NRS 294A.0035 is hereby amended to read as follows:

294A.0035 "Campaign expenses" means:

1. All expenses incurred by a candidate for a campaign, including, without limitation:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund;

(j) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;

(k) Fees for filing declarations of ~~candidacy or acceptances of~~ candidacy; and

(l) Repayment or forgiveness of a loan.

2. Expenditures, as defined in NRS 294A.0075.

3. The disposal of any unspent contributions pursuant to NRS 294A.160.

Sec. 52. NRS 294A.005 is hereby amended to read as follows:

294A.005 "Candidate" means any person:

1. Who files a declaration of candidacy;

2. ~~Who files an acceptance of candidacy;~~

3. Whose name appears on an official ballot at any election; or

1 ~~4.~~ 3. Who has received one or more contributions in excess of \$100,
2 regardless of whether:

3 (a) The person has filed a declaration of ~~candidate or an acceptance of~~
4 candidacy; or

5 (b) The name of the person appears on an official ballot at any election.

6 **Sec. 53. NRS 294A.160 is hereby amended to read as follows:**

7 294A.160 1. It is unlawful for a candidate to spend money received as a
8 contribution for the candidate's personal use.

9 2. Notwithstanding the provisions of NRS 294A.286, a candidate or public
10 officer may use contributions to pay for any legal expenses that the candidate or
11 public officer incurs in relation to a campaign or serving in public office without
12 establishing a legal defense fund. Any such candidate or public officer shall report
13 any expenditure of contributions to pay for legal expenses in the same manner and
14 at the same time as the report filed pursuant to NRS 294A.120 or 294A.200. A
15 candidate or public officer shall not use contributions to satisfy a civil or criminal
16 penalty imposed by law.

17 3. Every candidate for office at a primary election, general election or special
18 election who is elected to that office and received contributions that were not spent
19 or committed for expenditure before the primary election, general election or
20 special election shall dispose of the money through one or any combination of the
21 following methods:

22 (a) Return the unspent money to contributors;

23 (b) Use the money in the candidate's next election or for the payment of other
24 expenses related to public office or his or her campaign, regardless of whether he or
25 she is a candidate for a different office in the candidate's next election;

26 (c) Contribute the money to:

27 (1) The campaigns of other candidates for public office or for the payment
28 of debts related to their campaigns;

29 (2) A political party; or

30 (3) Any combination of persons or groups set forth in subparagraphs (1)
31 and (2);

32 (d) Donate the money to any tax-exempt nonprofit entity; or

33 (e) Donate the money to any governmental entity or fund of this State or a
34 political subdivision of this State. A candidate who donates money pursuant to this
35 paragraph may request that the money be used for a specific purpose.

36 4. Every candidate for office at a primary election, general election or special
37 election who withdraws pursuant to NRS 293.202 or 293C.195 after filing a
38 declaration of ~~candidate or an acceptance of~~ candidacy, is removed from the
39 ballot by court order or is defeated for or otherwise not elected to that office and
40 who received contributions that were not spent or committed for expenditure before
41 the primary election, general election or special election shall, not later than the
42 15th day of the second month after the election, dispose of the money through one
43 or any combination of the following methods:

44 (a) Return the unspent money to contributors;

45 (b) Contribute the money to:

46 (1) The campaigns of other candidates for public office or for the payment
47 of debts related to their campaigns;

48 (2) A political party; or

49 (3) Any combination of persons or groups set forth in subparagraphs (1)
50 and (2);

51 (c) Donate the money to any tax-exempt nonprofit entity; or

1 (d) Donate the money to any governmental entity or fund of this State or a
2 political subdivision of this State. A candidate who donates money pursuant to this
3 paragraph may request that the money be used for a specific purpose.

4 5. Every candidate for office who withdraws after filing a declaration of
5 ~~candidate or an acceptance of~~ candidacy, is defeated for that office at a primary
6 election or is removed from the ballot by court order before a primary election or
7 general election and who received a contribution from a person in excess of \$5,000
8 shall, not later than the 15th day of the second month after the primary election or
9 general election, as applicable, return any money in excess of \$5,000 to the
10 contributor.

11 6. Except for a former public officer who is subject to the provisions of
12 subsection 10, every person who qualifies as a candidate by receiving one or more
13 qualifying contributions in excess of \$100 but who, within 4 years after the date of
14 receiving the first of those qualifying contributions, does not:

15 (a) File a declaration of ~~candidate or an acceptance of~~ candidacy; or

16 (b) Appear on an official ballot at any election,

17 ➤ shall, not later than the 15th day of the month after the end of the 4-year period,
18 dispose of all contributions that have not been spent or committed for expenditure
19 through one or any combination of the methods set forth in subsection 4.

20 7. Except as otherwise provided in subsection 8, every public officer who:

21 (a) Does not run for reelection to the office which he or she holds;

22 (b) Is not a candidate for any other office and does not qualify as a candidate
23 by receiving one or more qualifying contributions in excess of \$100; and

24 (c) Has contributions that are not spent or committed for expenditure
25 remaining from a previous election,

26 ➤ shall, not later than the 15th day of the second month after the expiration of the
27 public officer's term of office, dispose of those contributions in the manner
28 provided in subsection 4.

29 8. Every public officer who:

30 (a) Resigns from his or her office;

31 (b) Is not a candidate for any other office and does not qualify as a candidate
32 by receiving one or more qualifying contributions in excess of \$100; and

33 (c) Has contributions that are not spent or committed for expenditure
34 remaining from a previous election,

35 ➤ shall, not later than the 15th day of the second month after the effective date of
36 the resignation, dispose of those contributions in the manner provided in subsection
37 4.

38 9. Except as otherwise provided in subsection 10, every public officer who:

39 (a) Does not run for reelection to the office which he or she holds or who
40 resigns from his or her office;

41 (b) Is a candidate for any other office or qualifies as a candidate by receiving
42 one or more qualifying contributions in excess of \$100; and

43 (c) Has contributions that are not spent or committed for expenditure
44 remaining from a previous election,

45 ➤ may use the unspent contributions in a future election. Such a public officer is
46 subject to the reporting requirements set forth in NRS 294A.120, 294A.125,
47 294A.128, 294A.200 and 294A.362 for as long as the public officer is a candidate
48 for any office or qualifies as a candidate by receiving one or more qualifying
49 contributions in excess of \$100.

50 10. Every former public officer described in subsection 9 who qualifies as a
51 candidate by receiving one or more qualifying contributions in excess of \$100 but
52 who, within 4 years after the date of receiving the first of those qualifying
53 contributions, does not:

(a) File a declaration of ~~[candidacy or an acceptance of]~~ candidacy; or
(b) Appear on an official ballot at any election,
shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

11. In addition to the methods for disposing of the unspent money set forth in this section, a Legislator may donate not more than \$500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

12. Any contributions received before a candidate for office at a primary election, general election or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 4.

13. The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

14. As used in this section:

(a) "Contribution" includes, without limitation, any interest and other income earned on a contribution.

(b) "Qualifying contribution" means the receipt of a contribution that causes a person to qualify as a candidate pursuant to subsection ~~44~~ 3 of NRS 294A.005.

Sec. 54. NRS 294A.290 is hereby amended to read as follows:

294A.290 1. The filing officer shall give to each candidate who files a declaration of candidacy ~~[or acceptance of candidacy]~~ a copy of the form set forth in subsection 2. The filing officer shall inform the candidate that subscription to the Code is voluntary.

2. The Code must be in the following form:

CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty and fair play which every candidate for public office in the State of Nevada has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, the voters may exercise their constitutional right to vote for the candidate of their choice and that the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

1. I will conduct my campaign openly and publicly and limit attacks against my opponent to legitimate challenges to my opponent's voting record or qualifications for office.

2. I will not use character defamation or other false attacks on a candidate's personal or family life.

3. I will not use campaign material which misrepresents, distorts or otherwise falsifies the facts, nor will I use malicious or unfounded accusations which are intended to create or exploit doubts, without justification, about the personal integrity of my opposition.

4. I will not condone any dishonest or unethical practice which undermines the American system of free elections or impedes or prevents the full and free expression of the will of the voters.

I, the undersigned, as a candidate for election to public office in the State of Nevada, hereby voluntarily pledge myself to conduct my campaign in accordance with the principles and practices set forth in this Code.

Date

Signature of Candidate

3. A candidate who subscribes to the Code and submits the form set forth in subsection 2 to the filing officer may indicate on the candidate's campaign materials that he or she subscribes to the Code.

4. The Secretary of State shall provide a sufficient number of copies of the form to the county clerks, registrar of voters and other filing officers.

Sec. 55. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of \$100 or \$1,000, as is appropriate, that was made during the periods for reporting. Each report required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each campaign expense in excess of \$100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the campaign expense or expenditure and the date on which the campaign expense was incurred or the expenditure was made.

2. The categories of campaign expense or expenditure for use on the report of campaign expenses or expenditures are:

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;
- (h) Expenses related to special events;
- (i) Expenses related to a legal defense fund;
- (j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;
- (k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;
- (l) Fees for filing declarations ~~[of candidacy or acceptances]~~ of candidacy;
- (m) Repayments or forgiveness of loans;
- (n) The disposal of unspent contributions pursuant to NRS 294A.160; and
- (o) Other miscellaneous expenses.

3. Each report of campaign expenses or expenditures described in subsection 1 must:

(a) List the disposition of any unspent contributions using the categories set forth in subsection 3 of NRS 294A.160 or subsection 3 of NRS 294A.286, as applicable; and

(b) For any campaign expense or expenditure that is paid for using a credit card or debit card, itemize each transaction and identify the business or other entity from whom the purchase of the campaign expense or expenditure was made.

Sec. 56. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. ~~[An acceptance of candidacy;~~

~~2.1~~ The registration of a nonprofit corporation pursuant to NRS 294A.225, a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

~~4.1~~ 3. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 or 294A.280 relating to the making, accepting or reporting of contributions, campaign expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 57. NRS 295.015 is hereby amended to read as follows:

295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, the person who intends to circulate the petition must:

(a) File a copy of the petition for initiative or referendum, including the description of the effect of the initiative or referendum required pursuant to NRS 295.009, with the Secretary of State.

(b) Submit to the Secretary of State on a form prescribed by the Secretary of State:

(1) The name and signature of the person.

(2) If the person has formed a committee for political action for the purposes of advocating the passage of the initiative or referendum, the name of that committee for political action.

(3) The names of not more than three persons who are authorized to withdraw the petition or submit an amended petition.

2. If a petition for initiative or referendum or ~~the~~ the description of the effect of ~~the~~ the initiative or referendum required pursuant to NRS 295.009 is amended after the petition is placed on file with the Secretary of State pursuant to subsection 1:

(a) The revised petition must be placed on file with the Secretary of State before it is presented to the registered voters for their signatures;

(b) Any signatures that were collected on the original petition before it was amended are not valid; and

(c) The requirements for submission of the petition to each county clerk set forth in NRS 295.056 apply to the revised petition.

3. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1 or 2:

(a) The Secretary of State shall assign to the petition for initiative or referendum a unique identifier that must:

(1) Consist of a serial number or letter, or both; and

(2) Distinguish among each different type of petition received.

(b) The Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine ~~whether~~ whether the petition for initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the petition for initiative or referendum may

have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Fiscal Analysis Division must prepare a fiscal note regarding the petition that includes an explanation of any such effect.

~~(b)~~ (c) The Secretary of State shall consult with the Legislative Counsel regarding the petition for initiative or referendum. The Legislative Counsel may provide technical suggestions regarding the petition for initiative or referendum.

4. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1 or 2, the Secretary of State shall post on the Secretary of State's Internet website a copy of the petition, including ~~the~~ :

(a) The description of the effect of the initiative or referendum required pursuant to NRS 295.009 ~~any~~ ;

(b) The unique identifier assigned to the petition by the Secretary of State pursuant to subsection 3;

(c) Any fiscal note regarding the petition prepared by the Fiscal Analysis Division pursuant to subsection 3 ; and ~~any~~ ;

(d) Any suggestions regarding the petition made by the Legislative Counsel pursuant to subsection 3. ~~on the Secretary of State's Internet website.~~

Sec. 58. NRS 304.240 is hereby amended to read as follows:

304.240 1. If the Governor issues an election proclamation calling for a special election pursuant to NRS 304.230, no primary election may be held.

2. Except as otherwise provided in this ~~subsection~~ this section, a candidate must be nominated in the manner provided in chapter 293 of NRS and must file a declaration ~~for acceptance~~ of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 within the time prescribed by the Secretary of State pursuant to NRS 293.204, which must be established to allow a sufficient amount of time for the mailing of election ballots.

3. A candidate of a major political party is nominated by filing a declaration ~~for acceptance~~ of candidacy with the appropriate filing officer and paying the filing fee required by NRS 293.193 within the time prescribed by the Secretary of State pursuant to NRS 293.204.

4. A minor political party that wishes to place its candidates on the ballot must file a list of its candidates with the Secretary of State not more than 46 days before the special election and not less than 32 days before the special election.

5. To have his or her name appear on the ballot, an independent candidate must file a petition of candidacy with the appropriate filing officer not more than 46 days before the special election and not less than 32 days before the special election.

~~(2)~~ 6. Except as otherwise provided in NRS 304.200 to 304.250, inclusive:

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

(b) The general election laws of this State apply to the election.

Sec. 59. NRS 306.015 is hereby amended to read as follows:

306.015 1. Before a petition to recall a public officer is circulated, the persons proposing to circulate the petition must file a notice of intent with the filing officer ~~with whom the public officer filed his or her declaration of candidacy.~~

2. The notice of intent:

(a) Must be signed by three registered voters who actually voted in this State or in the county, district or municipality electing the officer at the last preceding general election.

(b) Must be signed before a person authorized by law to administer oaths that the statements and signatures contained in the notice are true.

(c) Is valid until the date on which the call for a special election is issued, as set forth in NRS 306.040.

3. The petition may consist of more than one document. The persons filing the notice of intent shall submit the petition that was circulated for signatures to the filing officer within 90 days after the date on which the notice of intent was filed. The filing officer shall immediately submit the petition to the county clerk for verification pursuant to NRS 306.035. Any person who fails to submit the petition to the filing officer as required by this subsection is guilty of a misdemeanor. Copies of the petition are not valid for any subsequent petition.

4. The county clerk shall, upon completing the verification of the signatures on the petition, file the petition with the filing officer.

5. Any person who signs a petition to recall any public officer may request that the county clerk remove the person's name from the petition by submitting a request in writing to the county clerk at any time before the petition is submitted for the verification of the signatures thereon pursuant to NRS 306.035.

6. A person who signs a notice of intent pursuant to subsection 1 or a petition to recall a public officer is immune from civil liability for conduct related to the exercise of the person's right to participate in the recall of a public officer.

~~17. As used in this section, "filing officer" means the officer with whom the public officer to be recalled filed his or her declaration of candidacy or acceptance of candidacy pursuant to NRS 293.185, 293C.145 or 293C.175.~~

Sec. 60. NRS 306.110 is hereby amended to read as follows:

306.110 1. A petition to nominate other candidates for the office must be signed by registered voters of the State, or of the county, district or municipality holding the election, equal in number to 25 percent of the number of registered voters who voted in the State, or in the county, district or municipality holding the election at the general election at which the public officer was elected. Each petition may consist of more than one document. Each document must bear the name of one county and must not be signed by a person who is not a registered voter of that county.

2. The nominating petition must be filed, at least 20 days before the date of the special election, with the filing officer with whom the recall petition is filed. Each document of the petition must be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the county clerk of the county named on the document.

3. ~~Each~~ A candidate who is nominated for office pursuant to this section must file ~~[an acceptance]~~ a declaration of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 or by the governing body of a city at least 20 days before the date of the special election.

Sec. 61. NRS 217.468 is hereby amended to read as follows:

217.468 1. Except as otherwise provided in subsections 2 and 3, the Division shall cancel the fictitious address of a participant 4 years after the date on which the Division approved the application.

2. The Division shall not cancel the fictitious address of a participant if, before the fictitious address of the participant is cancelled, the participant shows to the satisfaction of the Division that the participant remains in imminent danger of becoming a victim of domestic violence, human trafficking, sexual assault or stalking.

3. The Division may cancel the fictitious address of a participant at any time if:

(a) The participant changes his or her confidential address from the one listed in the application and fails to notify the Division within 48 hours after the change of address;

(b) The Division determines that false or incorrect information was knowingly provided in the application; or

(c) The participant files a declaration ~~[for acceptance]~~ of candidacy ~~[pursuant to NRS 293.177 or 293C.185], as defined in section 2 of this act.~~

Sec. 62. Chapter 218A of NRS is hereby amended by adding thereto a new section to read as follows:
“Declaration of candidacy” has the meaning ascribed to it in section 2 of this act.

Sec. 63. NRS 218A.003 is hereby amended to read as follows:
218A.003 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 218A.006 to 218A.090, inclusive, **and section 62 of this act** have the meanings ascribed to them in those sections.

Sec. 64. NRS 218A.635 is hereby amended to read as follows:
218A.635 1. Except as otherwise provided in subsections 2 and 4, for each day or portion of a day during which a Legislator attends a pre-session orientation conference, a training session conducted pursuant to NRS 218A.285 or a conference, meeting, seminar or other gathering at which the Legislator officially represents the State of Nevada or its Legislature, the Legislator is entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

2. A nonreturning Legislator must not be paid the compensation or per diem allowance and travel expenses provided in subsection 1 for attendance at a conference, meeting, seminar or other gathering unless:

(a) It is conducted by a statutory committee or a legislative committee and the Legislator is a member of that committee; or

(b) The Majority Leader of the Senate or Speaker of the Assembly designates the Legislator to attend because of the Legislator's knowledge or expertise.

3. For the purposes of this section, “nonreturning Legislator” means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration ~~[for an acceptance]~~ of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

4. This section does not apply:

(a) During a regular or special session; or

(b) To any Legislator who is otherwise entitled to receive a salary and the per diem allowance and travel expenses.

Sec. 65. NRS 218A.660 is hereby amended to read as follows:

218A.660 1. Except as otherwise provided in this section and NRS 218A.655, each Legislator is entitled to receive, during the legislative interim, an allowance for travel within the State to participate in a meeting of a legislative committee or subcommittee of which the Legislator is not a member or with an officer, employee, agency, board, bureau, commission, department, division, district or other unit of federal, state or local government or any other public entity regarding an issue relating to the State.

2. The allowance for travel payable pursuant to this section applies only to trips whose one-way distance is 50 miles or more or whose round-trip distance is 100 miles or more.

3. The maximum allowance for travel payable to each Legislator pursuant to this section during a legislative interim is \$3,000, except that no allowance for travel pursuant to this section is payable to a Legislator for travel that occurs during the legislative interim at any time after the date on which the Legislator has filed a declaration ~~for an acceptance~~ of candidacy for an elective office and remains a candidate for that office.

4. Transportation must be by the most economical means, considering total cost and time spent in transit. The allowance is:

(a) If the travel is by private conveyance, the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax.

(b) If the travel is not by private conveyance, the actual amount expended.

5. Claims made pursuant to this section must be paid from the Legislative Fund unless otherwise provided by specific statute. A claim must not be paid unless the Legislator submits a signed statement affirming:

(a) The date of travel;

(b) The purpose of the travel and of the participant's attendance; and

(c) The places of departure and arrival and, if the travel is by private conveyance, the actual miles traveled. If the travel is not by private conveyance, the claim must include a receipt or other evidence of the expenditure.

Sec. 66. NRS 218D.150 is hereby amended to read as follows:

218D.150 1. Except as otherwise provided in this section, each:

(a) Incumbent member of the Assembly may request the drafting of:

(1) Not more than 4 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 5 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(b) Incumbent member of the Senate may request the drafting of:

(1) Not more than 8 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 10 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(c) Newly elected member of the Assembly may request the drafting of:

(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(d) Newly elected member of the Senate may request the drafting of:

(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

2. Except as otherwise provided in this subsection, on or before the first day of a regular session, each:

1 (a) Incumbent member of the Assembly must:

2 (1) Prefile at least 4 of the legislative measures that he or she requested
3 pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1; or

4 (2) Inform the Legislative Counsel of which 4 legislative measures that he
5 or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of
6 subsection 1 that he or she withdraws.

7 ➤ If an incumbent member of the Assembly does not request the maximum number
8 of legislative measures authorized by subparagraphs (1) and (2) of paragraph (a) of
9 subsection 1, the number of legislative measures that he or she must prefile or
10 withdraw pursuant to this paragraph is reduced by that number of unused requests.

11 (b) Incumbent member of the Senate must:

12 (1) Prefile at least 8 of the legislative measures that he or she requested
13 pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1; or

14 (2) Inform the Legislative Counsel of which 8 legislative measures that he
15 or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of
16 subsection 1 that he or she withdraws.

17 ➤ If an incumbent member of the Senate does not request the maximum number of
18 legislative measures authorized by subparagraphs (1) and (2) of paragraph (b) of
19 subsection 1, the number of legislative measures that he or she must prefile or
20 withdraw pursuant to this paragraph is reduced by that number of unused requests.

21 (c) Newly elected member of the Assembly must:

22 (1) Prefile at least 2 of the legislative measures that he or she requested
23 pursuant to subparagraph (1) of paragraph (c) of subsection 1; or

24 (2) Inform the Legislative Counsel of which 2 legislative measures that he
25 or she requested pursuant to subparagraph (1) of paragraph (c) of subsection 1 that
26 he or she withdraws.

27 ➤ If a newly elected member of the Assembly does not request the maximum
28 number of legislative measures authorized by subparagraph (1) of paragraph (c) of
29 subsection 1, the number of legislative measures that he or she must prefile or
30 withdraw pursuant to this paragraph is reduced by that number of unused requests.

31 (d) Newly elected member of the Senate must:

32 (1) Prefile at least 4 of the legislative measures that he or she requested
33 pursuant to subparagraph (1) of paragraph (d) of subsection 1; or

34 (2) Inform the Legislative Counsel of which 4 legislative measures that he
35 or she requested pursuant to subparagraph (1) of paragraph (d) of subsection 1 that
36 he or she withdraws.

37 ➤ If a newly elected member of the Senate does not request the maximum number
38 of legislative measures authorized by subparagraph (1) of paragraph (d) of
39 subsection 1, the number of legislative measures that he or she must prefile or
40 withdraw pursuant to this paragraph is reduced by that number of unused requests.

41 3. A Legislator may not request the drafting of a legislative measure pursuant
42 to subsection 1 on or after the date on which the Legislator becomes a nonreturning
43 Legislator. For the purposes of this subsection, "nonreturning Legislator" means a
44 Legislator who, in the year that the Legislator's term of office expires:

45 (a) Has not filed a declaration ~~for an acceptance~~ of candidacy within the time
46 allowed for filing for election as a member of the Senate or the Assembly;

47 (b) Has failed to win nomination as a candidate for the Senate or the Assembly
48 at the primary election; or

49 (c) Has withdrawn as a candidate for the Senate or the Assembly.

50 4. A Legislator may not request the drafting of a legislative measure pursuant
51 to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator
52 files a declaration ~~for an acceptance~~ of candidacy for election to the House in
53 which he or she is not currently a member. If the Legislator is elected to the other

House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration ~~for acceptance~~ of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.

5. In addition to the number of requests authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every 18 legislative measures that were referred to the respective standing committee during the immediately preceding regular session.

(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 67. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405,

396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 7 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

1 (a) Shall not refuse to provide a copy of that public record in a readily
2 available medium because the officer, employee or agent has already prepared or
3 would prefer to provide the copy in a different medium.

4 (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare
5 the copy of the public record and shall not require the person who has requested the
6 copy to prepare the copy himself or herself.

7 **Sec. 68. NRS 244.027 is hereby amended to read as follows:**

8 244.027 1. Whenever two or more members of a board of county
9 commissioners are to be elected at the same election for the same term in any
10 county in this state having less than 100,000 population, and the county has not
11 been divided into commissioner districts in the manner provided by NRS 244.050,
12 the county clerk shall designate the offices to be filled alphabetically or
13 numerically. ~~Such~~ The designation ~~shall~~ must be made on or before the first
14 Monday in June of the year in which ~~such~~ the election is held.

15 2. For purposes of election, the offices ~~shall~~ must be considered separate
16 offices and no declaration of candidacy ~~for acceptance of candidacy shall~~, as
17 defined in section 2 of this act, must be accepted unless ~~such~~ the declaration ~~for~~
18 ~~acceptance~~ of candidacy indicates the particular office for which ~~the declaration~~
19 ~~or acceptance~~ it is filed.

20 **Sec. 69. NRS 248.005 is hereby amended to read as follows:**

21 248.005 1. No person is eligible to the office of sheriff unless the person:

22 (a) Will have attained the age of 21 years on the date he or she would take
23 office if so elected;

24 (b) Is a qualified elector; and

25 (c) On or after January 1, 2010, meets the requirements set forth in subsection
26 2 or 3, as applicable.

27 2. If a person described in paragraph (c) of subsection 1 is a candidate for the
28 office of sheriff in a county whose population is 100,000 or more, the person must
29 meet the following requirements at the time he or she files his or her declaration of
30 candidacy ~~for acceptance of candidacy~~ for the office:

31 (a) He or she has a history of at least 5 consecutive years of employment or
32 service:

33 (1) As a peace officer;

34 (2) As a law enforcement officer of an agency of the United States;

35 (3) As a law enforcement officer of another state or political subdivision
36 thereof; or

37 (4) In any combination of the positions described in subparagraphs (1), (2)
38 and (3); and

39 (b) He or she has:

40 (1) Been certified as a category I peace officer by the Commission;

41 (2) Been certified as a category I peace officer or its equivalent by the
42 certifying authority of another state that, as determined by the Commission,
43 imposes requirements for certification as a category I peace officer in this State; or

44 (3) Successfully completed a federal law enforcement training program
45 approved by the Commission.

46 3. If a person described in paragraph (c) of subsection 1 is a candidate for the
47 office of sheriff in a county whose population is less than 100,000, the person is not
48 required to meet any requirements with respect to employment, service,
49 certification or training at the time he or she files his or her declaration of
50 candidacy ~~for acceptance of candidacy~~ for the office. However, such a person
51 forfeits his or her office if, within 1 year after the date on which the person takes
52 office, the person fails to earn certification by the Commission as a category I peace
53 officer, category II peace officer or category III peace officer.

4. A person who has been convicted of a felony in this State or any other state is not qualified to be a candidate for or elected or appointed to the office of sheriff regardless of whether the person has been restored to his or her civil rights.

5. As used in this section:

(a) "Category I peace officer" has the meaning ascribed to it in NRS 289.460.

(b) "Category II peace officer" has the meaning ascribed to it in NRS 289.470.

(c) "Category III peace officer" has the meaning ascribed to it in NRS 289.480.

(d) "Commission" means the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500.

(e) "Declaration of candidacy" has the meaning ascribed to it in section 2 of this act.

(f) "Peace officer" has the meaning ascribed to it in NRS 289.010.

Sec. 70. NRS 266.038 is hereby amended to read as follows:

266.038 A person who wishes to become a candidate for an elective office of a newly created city must:

1. Reside within the boundaries of the newly created city; and

2. File a declaration of candidacy as defined in section 2 of this act, with the county clerk not less than 30 days ~~before~~ and not more than 90 days before the date of the election.

Sec. 71. 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, county, 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.

2. Except as otherwise provided in subsections 3 and 4, if any person absents himself or herself from the jurisdiction of that person's actual residence with the intention in good faith to return without delay and continue such actual residence, the period of absence must not be considered in determining the question of residence.

3. If a person who has filed a declaration of candidacy ~~for acceptance of candidacy~~ for any elective office moves the person's actual residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law, as the case may be, in which the person is required actually, as opposed to constructively, to reside in order for the person to be eligible to the office, a vacancy is created thereby and the appropriate action for filling the vacancy must be taken.

4. Once a person's actual residence is fixed, the person shall be deemed to have moved the person's actual residence for the purposes of this section if:

(a) The person has acted affirmatively and has actually removed himself or herself from the place of permanent habitation where the person actually resided and was legally domiciled;

(b) The person has an intention to abandon the place of permanent habitation where the person actually resided and was legally domiciled; and

(c) The person has an intention to remain in another place of permanent habitation where the person actually resides and is legally domiciled.

5. Except as otherwise provided in this subsection and NRS 293.1265, the district court has jurisdiction to determine the question of residence in any preelection action for declaratory judgment brought against a person who has filed a declaration of candidacy ~~for acceptance of candidacy~~ for any elective office. If the question of residence relates to whether an incumbent meets any qualification concerning residence required for the term of office in which the incumbent is presently serving, the district court does not have jurisdiction to determine the question of residence in an action for declaratory judgment brought by a person pursuant to this section but has jurisdiction to determine the question of residence

1 only in an action to declare the office vacant that is authorized by NRS 283.040 and
2 brought by the Attorney General or the appropriate district attorney pursuant to that
3 section.

4 6. Except as otherwise provided in NRS 293.1265, if in any preelection action
5 for declaratory judgment, the district court finds that a person who has filed a
6 declaration of candidacy ~~for acceptance of candidacy~~ for any elective office fails to
7 meet any qualification concerning residence required for the office pursuant to the
8 Constitution or laws of this State, the person is subject to the provisions of NRS
9 293.2045.

10 7. For the purposes of this section, in determining whether a place of
11 permanent habitation is the place where a person actually resides and is legally
12 domiciled:

13 (a) It is the public policy of this State to avoid sham residences and to ensure
14 that the person actually, as opposed to constructively, resides in the area prescribed
15 by law for the office so the person has an actual connection with the constituents
16 who reside in the area and has particular knowledge of their concerns.

17 (b) The person may have more than one residence but only one legal domicile,
18 and the person's legal domicile requires both the fact of actual living in the place
19 and the intention to remain there as a permanent residence. If the person
20 temporarily leaves the person's legal domicile, or leaves for a particular purpose,
21 and does not take up a permanent residence in another place, then the person's legal
22 domicile has not changed. Once the person's legal domicile is fixed, the fact of
23 actual living in another place, the intention to remain in the other place and the
24 intention to abandon the former legal domicile must all exist before the person's
25 legal domicile can change.

26 (c) Evidence of the person's legal domicile includes, without limitation:

27 (1) The place where the person lives the majority of the time and the length
28 of time the person has lived in that place.

29 (2) The place where the person lives with the person's spouse or domestic
30 partner, if any.

31 (3) The place where the person lives with the person's children, dependents
32 or relatives, if any.

33 (4) The place where the person lives with any other individual whose
34 relationship with the person is substantially similar to a relationship with a spouse,
35 domestic partner, child, dependent or relative.

36 (5) The place where the person's dogs, cats or other pets, if any, live.

37 (6) The place listed as the person's residential address on the voter
38 registration card issued to the person pursuant to NRS 293.517.

39 (7) The place listed as the person's residential address on any driver's
40 license or identification card issued to the person by the Department of Motor
41 Vehicles, any passport or military identification card issued to the person by the
42 United States or any other form of identification issued to the person by a
43 governmental agency.

44 (8) The place listed as the person's residential address on any registration
45 for a motor vehicle issued to the person by the Department of Motor Vehicles or
46 any registration for another type of vehicle or mode of transportation, including,
47 without limitation, any aircraft, vessels or watercraft, issued to the person by a
48 governmental agency.

49 (9) The place listed as the person's residential address on any applications
50 for issuance or renewal of any license, certificate, registration, permit or similar
51 type of authorization issued to the person by a governmental agency which has the
52 authority to regulate an occupation or profession.

(10) The place listed as the person's residential address on any document which the person is authorized or required by law to file or record with a governmental agency, including, without limitation, any deed, declaration of homestead or other record of real or personal property, any applications for services, privileges or benefits or any tax documents, forms or returns, but excluding the person's declaration of ~~candidate or acceptance of~~ candidacy.

(11) The place listed as the person's residential address on any type of check, payment, benefit or reimbursement issued to the person by a governmental agency or by any type of company that provides insurance, workers' compensation, health care or medical benefits or any self-insured employer or third-party administrator.

(12) The place listed as the person's residential address on the person's paycheck, paystub or employment records.

(13) The place listed as the person's residential address on the person's bank statements, insurance statements, mortgage statements, loan statements, financial accounts, credit card accounts, utility accounts or other billing statements or accounts.

(14) The place where the person receives mail or deliveries from the United States Postal Service or commercial carriers.

(d) The evidence listed in paragraph (c) is intended to be illustrative and is not intended to be exhaustive or exclusive. The presence or absence of any particular type of evidence listed in paragraph (c) is not, by itself, determinative of the person's legal domicile, but such a determination must be based upon all the facts and circumstances of the person's particular case.

8. As used in this section:

(a) "Actual residence" means the place of permanent habitation where a person actually resides and is legally domiciled. If the person maintains more than one place of permanent habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration of candidacy ~~for 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 ~~candidate or acceptance of~~ candidacy" ~~means a declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS.~~ has the meaning ascribed to it in section 2 of this act.

Sec. 72. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

"Declaration of candidacy" has the meaning ascribed to it in section 2 of this act.

Sec. 73. NRS 281.556 is hereby amended to read as follows:

281.556 As used in NRS 281.556 to 281.581, inclusive, unless the context otherwise requires, the words and terms defined in NRS 281.558 to 281.5587, inclusive, and section 72 of this act have the meanings ascribed to them in those sections.

Sec. 74. NRS 281.558 is hereby amended to read as follows:

281.558 1. "Candidate" means any person who seeks to be elected to a public office and:

(a) Who files a declaration of candidacy; or

(b) ~~[Who files an acceptance of candidacy; or~~

~~(c)]~~ Whose name appears on an official ballot at any election.

2. The term does not include a candidate for judicial office who is subject to the requirements of the Nevada Code of Judicial Conduct.

Sec. 75. NRS 281.574 is hereby amended to read as follows:

281.574 1. A list of each public officer who is required to file a financial disclosure statement must be submitted electronically to the Secretary of State, in a form prescribed by the Secretary of State, on or before December 1 of each year by:

(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;

(b) Each city clerk for all public officers of the city;

(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and

(d) The Director of the Department of Administration for all public officers of the Executive Branch.

2. Each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the Secretary of State, a list of each candidate who filed a declaration of candidacy ~~for acceptance of candidacy~~ with that officer within 10 days after the last day to qualify as a candidate for the applicable office.

Sec. 76. Chapter 281A of NRS is hereby amended by adding thereto a new section to read as follows:

"Declaration of candidacy" has the meaning ascribed to it in section 2 of this act.

Sec. 77. NRS 281A.030 is hereby amended to read as follows:

281A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 281A.032 to 281A.170, inclusive, **and section 76 of this act** have the meanings ascribed to them in those sections.

Sec. 78. NRS 281A.050 is hereby amended to read as follows:

281A.050 "Candidate" means any person:

1. Who files a declaration of candidacy; **or**

2. ~~Who files an acceptance of candidacy; or~~

3. Whose name appears on an official ballot at any election.

Sec. 79. NRS 281A.520 is hereby amended to read as follows:

281A.520 1. Except as otherwise provided in subsections 4 and 5, a public officer or employee shall not request or otherwise cause a governmental entity to incur an expense or make an expenditure to support or oppose:

(a) A ballot question.

(b) A candidate.

2. For the purposes of paragraph (b) of subsection 1, an expense incurred or an expenditure made by a governmental entity shall be considered an expense incurred or an expenditure made in support of a candidate if:

(a) The expense is incurred or the expenditure is made for the creation or dissemination of a pamphlet, brochure, publication, advertisement or television programming that prominently features the activities of a current public officer of the governmental entity who is a candidate for a state, local or federal elective office; and

(b) The pamphlet, brochure, publication, advertisement or television programming described in paragraph (a) is created or disseminated during the period specified in subsection 3.

3. The period during which the provisions of subsection 2 apply to a particular governmental entity begins when a current public officer of that governmental entity files a declaration of candidacy ~~for acceptance of candidacy~~ and ends on the date of the general election, general city election or special election for the office for which the current public officer of the governmental entity is a candidate.

4. The provisions of this section do not prohibit the creation or dissemination of, or the appearance of a candidate in or on, as applicable, a pamphlet, brochure, publication, advertisement or television programming that:

(a) Is made available to the public on a regular basis and merely describes the functions of:

(1) The public office held by the public officer who is the candidate; or

(2) The governmental entity by which the public officer who is the candidate is employed; or

(b) Is created or disseminated in the course of carrying out a duty of:

(1) The public officer who is the candidate; or

(2) The governmental entity by which the public officer who is the candidate is employed.

5. The provisions of this section do not prohibit an expense or an expenditure incurred to create or disseminate a television program that provides a forum for discussion or debate regarding a ballot question, if persons both in support of and in opposition to the ballot question participate in the television program.

6. As used in this section:

(a) "Governmental entity" means:

(1) The government of this State;

(2) An agency of the government of this State;

(3) A political subdivision of this State; and

(4) An agency of a political subdivision of this State.

(b) "Pamphlet, brochure, publication, advertisement or television programming" includes, without limitation, a publication, a public service announcement and any programming on a television station created to provide community access to cable television. The term does not include:

(1) A press release issued to the media by a governmental entity; or

(2) The official website of a governmental entity.

Sec. 80. NRS 318.09523 is hereby amended to read as follows:

318.09523 In any election for a general improvement district, if at 5:00 p.m. on the last day for filing a declaration of ~~[a candidacy or an acceptance of]~~ candidacy, **as defined in section 2 of this act**, there is only one candidate nominated for the office, that candidate must be declared elected and no election may be held for that office.

Sec. 81. NRS 386.250 is hereby amended to read as follows:

386.250 ~~[1. Candidates]~~ **A candidate** for the office of trustee ~~[shall be]~~ **of a county school district must:**

1. Be nominated in the manner provided by the primary election laws of this ~~[state.]~~ **State; and**

2. [The] File a declaration of candidacy ~~[and the acceptance of a candidacy by candidates for the office of trustee of county school districts shall be filed]~~, **as defined in section 2 of this act**, with the county clerk of the county whose boundaries are coterminous with the **boundaries of the** county school district. ~~[boundaries.]~~

Sec. 82. NRS 474.140 is hereby amended to read as follows:

474.140 1. Except as otherwise provided in subsection 2:

(a) At the next general election and in conjunction therewith after the organization of any district, and in conjunction with every general election thereafter, an election, to be known as the biennial election of the district, must be held.

(b) The general election laws of this State govern the nomination and election of the members of the board of directors. The election must be conducted under the supervision of the county clerk or registrar of voters. The returns of the election

1 must be certified to and canvassed as provided by the general law concerning
2 elections. The candidate or candidates, according to the number of directors to be
3 elected, receiving the most votes, are elected. Any new member of the board must
4 qualify in the same manner as members of the first board qualify.

5 2. If at 5 p.m. on the last day for filing a declaration of candidacy ~~for an~~
6 ~~acceptance of candidacy~~, as defined in section 2 of this act, for the office of
7 director, there is only one candidate nominated for the office, that candidate must
8 be declared elected and no election may be held for that office.

9 Sec. 83. Section 8 of Assembly Bill No. 50 of this session is hereby
10 amended to read as follows:

11 Sec. 8. NRS 293C.185 is hereby amended to read as follows:

12 293C.185 1. Except as otherwise provided in NRS 293C.190, a
13 name may not be printed on a ballot to be used at a primary or general city
14 election unless the person named has, in accordance with NRS 293C.145 or
15 293C.175, as applicable, timely filed a declaration of candidacy ~~for an~~
16 ~~acceptance of candidacy~~ with the appropriate filing officer and paid the
17 filing fee established by the governing body of the city.

18 2. A declaration ~~for acceptance~~ of candidacy required to be filed
19 pursuant to this chapter must be in substantially the following form:

20
21 DECLARATION OF CANDIDACY OF FOR THE
22 OFFICE OF

23
24 State of Nevada

25
26 City of

27
28 For the purpose of having my name placed on the official ballot as
29 a candidate for the office of, I,, the
30 undersigned do swear or affirm under penalty of perjury that I
31 actually, as opposed to constructively, reside at, in the
32 City or Town of, County of, State of
33 Nevada; that my actual, as opposed to constructive, residence in the
34 city, township or other area prescribed by law to which the office
35 pertains began on a date at least 30 days immediately preceding the
36 date of the close of filing of declarations of candidacy for this
37 office; that my telephone number is, and the address at
38 which I receive mail, if different than my residence, is;
39 that I am a qualified elector pursuant to Section 1 of Article 2 of the
40 Constitution of the State of Nevada; that if I have ever been
41 convicted of treason or a felony, my civil rights have been restored
42 by a court of competent jurisdiction; that if nominated as a
43 candidate at the ensuing election I will accept the nomination and
44 not withdraw; that I will not knowingly violate any election law or
45 any law defining and prohibiting corrupt and fraudulent practices in
46 campaigns and elections in this State; that I will qualify for the
47 office if elected thereto, including, but not limited to, complying
48 with any limitation prescribed by the Constitution and laws of this
49 State concerning the number of years or terms for which a person
50 may hold the office; that I understand that knowingly and willfully
51 filing a declaration of candidacy ~~for acceptance of candidacy~~
52 which contains a false statement is a crime punishable as a gross
53 misdemeanor and also subjects me to a civil action disqualifying

me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

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

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

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

3. The address of a candidate that must be included in the declaration ~~for 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 ~~for acceptance~~ of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

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

(b) Except as otherwise provided in subsection 4, the candidate 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; or

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

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

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

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

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

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

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

6. By filing the declaration ~~for 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 ~~for 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.

7. If the city clerk 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 city clerk:

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

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

8. The receipt of information by the city attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186 to which the provisions of NRS 293.2045 apply.

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

Sec. 84. Section 9 of Assembly Bill No. 50 of this session is hereby amended to read as follows:

Sec. 9. NRS 293C.190 is hereby amended to read as follows:

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

~~2. Except as otherwise provided in NRS 293C.115, a] A vacancy occurring in a nomination for a city office [after 5 p.m. of the first Tuesday after the first Monday in March and on or] before 5 p.m. of the [second Tuesday after the second Monday in April] **fourth Friday in July** of the~~

year in which the general city election is held must be filled by the person who received the next highest vote for the nomination 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 203C.115, not if a primary city election was held for that city office. If no primary city election was held for that city office or if there was not more than one person who was seeking the nomination in the primary city election, a person may become a candidate for the city office at the general city election if the person files a declaration of candidacy with the appropriate filing officer and pays the filing fee established by the governing body of the city before 5 p.m. on the fourth Friday in July.~~

2. 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]~~ on the fourth Friday in July of the year in which the general city election is held. If ~~[at]~~ after that time and date:

(a) A nominee dies ~~[after that time and date.]~~ 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 city election and, if elected, a vacancy exists.

~~[4. Except as otherwise provided in NRS 203C.115, a candidate nominated pursuant to subsection 1 must file a declaration of candidacy with the appropriate filing officer and pay the filing fee established by the governing body of the city on or before 5 p.m. on the date on which the nominating petition is filed pursuant to subsection 1 or on the third Tuesday after the third Monday in March of the year in which the general city election is held, whichever occurs first.]~~

Sec. 85. NRS 293.180 is hereby repealed.

Sec. 86. 1. The Secretary of State shall develop a pilot program for conducting a risk-limiting audit of the results of the 2020 general election.

2. The Secretary of State may require each county clerk to participate in the pilot program developed pursuant to subsection 1 and conduct a risk-limiting audit of the results of the 2020 general election.

3. As used in this section, "risk-limiting audit" has the meaning ascribed to it in section 8 of this act.

Sec. 87. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 88. 1. This section and sections 1 to 8, inclusive, 10 to 83, inclusive, 85, 86 and 87 of this act become effective on July 1, 2019.

2. Section 84 of this act becomes effective on July 1, 2021.

3. Section 9 of this act becomes effective on January 1, 2022.

TEXT OF REPEALED SECTION

293.180 Certificates of candidacy: Requirements; filing; acceptance of candidacy.

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

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

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

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

3. If a certificate of candidacy relates to a partisan office, all of the signers must be of the same major political party as the candidate designated.