

SENATE BILL NO. 292—SENATOR LANGE

MARCH 22, 2021

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.  
(BDR 24-999)

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

CONTAINS UNFUNDED MANDATE (§ 9)  
(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 public office; requiring a ballot in the general election to have an option to vote a straight ticket for partisan races; revising the qualification requirements for a minor political party; revising the deadline to challenge the qualification of a minor political party; revising provisions for filling a vacancy in the office of United States Senator, Representative in Congress or State Legislator; repealing various provisions relating to major political parties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a mechanical voting system to permit a voter to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties. (NRS 293B.080) **Section 1** of this bill requires a ballot used for the general election to permit a voter to vote for all the candidates of one political party on the ballot in partisan races by marking the name of the political party at the top of the ballot, which must be available for every major political party and minor political party. **Section 1** also provides that if a voter selects the straight ticket option on the ballot and also votes for an individual candidate who is a member of a political party that is different from the political party that was selected in the straight ticket option in a partisan race, the vote for the individual candidate must prevail over the straight ticket option if the votes conflict.

**Section 4** of this bill requires a voter education program provided by a county to include information concerning straight ticket voting. **Section 5** of this bill



15 makes conforming changes relating to the requirements for straight ticket and split  
16 ticket voting on a mechanical voting device.

17 Existing law establishes certain requirements for a minor political party to  
18 qualify as a minor political party in this State, which include filing a petition with  
19 the Secretary of State not later than the third Friday in June preceding the general  
20 election which is signed by a number of registered voters equal to at least 1 percent  
21 of the number of voters who cast votes at the last preceding general election for the  
22 offices of Representative in Congress. (NRS 293.1715) **Section 2** of this bill revises  
23 this requirement to instead provide that to qualify as a minor political party, the  
24 minor political party must file a petition: (1) by June 1 preceding the general  
25 election or, if that date falls on a weekend, the first Monday in June; and (2) signed  
26 by a number of registered voters equal to at least 2 percent of the number of voters  
27 who cast votes at the last preceding general election for the offices of  
28 Representative in Congress, which must be equally divided among the petition  
29 districts. **Section 3** of this bill makes conforming changes to move the deadline to  
30 file a challenge on the qualification of a minor political party to place the names of  
31 candidates on the ballot from the fourth Friday in June to the second Monday in  
32 June. (NRS 293.174)

33 Existing law requires the Governor to appoint a person to fill a vacancy in the  
34 office of United States Senator. (NRS 304.030) **Section 6** of this bill requires the  
35 Governor to appoint a person who is of the same political party as the former  
36 Senator.

37 Existing law requires the Governor to fill a vacancy in the office of  
38 Representative in Congress by calling for a special election. **Sections 8 and 9** of  
39 this bill require a candidate for a major political party to be nominated at a special  
40 primary election before the special general election and require the Governor to  
41 specify a date for a special primary election to be held not less than 60 days before  
42 the date of the special general election.

43 **Section 8** removes a requirement for a special election to be conducted not  
44 more than 90 days after the issuance of a proclamation by the Governor if a  
45 vacancy is caused by a catastrophe. **Sections 7, 10 and 14** of this bill make  
46 conforming changes by: (1) removing definitions relating to a catastrophe; and (2)  
47 revising certain references relating to such provisions.

48 Under existing law, a vacancy in the office of Legislator is filled by  
49 appointment by the board of county commissioners of the county in which the  
50 legislative district of the former Legislator is located or, if the legislative district of  
51 the former Legislator comprises more than one county, the boards of county  
52 commissioners of each county within or partly within the legislative district of the  
53 former Legislator. (Nev. Art. 4, §12; NRS 218A.260, 218A.262) Existing law  
54 requires the board or boards of county commissioners, as applicable, to establish an  
55 application process by which persons may file applications with the board or boards  
56 to fill the vacancy. (NRS 218A.262) **Sections 11 and 12** of this bill: (1) require the  
57 Majority or Minority Leader of the House of which the former Legislator was a  
58 member who is of the same political party as the former Legislator to submit to the  
59 board or boards of county commissioners, as applicable, a list of qualified  
60 nominees to fill the vacancy; and (2) require the board or boards of county  
61 commissioners to fill the vacancy by appointing a person from the list of qualified  
62 nominees. If the former Legislator is not of the same political party as the Majority  
63 or Minority Leader of the House of which the former Legislator was a member,  
64 **sections 11 and 12** require the board or boards of county commissioners, as  
65 applicable, to establish an application process by which persons may file  
66 applications with the board or boards to fill the vacancy. **Section 13** of this bill  
67 makes a conforming change to require a nominee or applicant to fill vacancy to file  
68 a declaration of eligibility with the board or boards of county commissioners.



Existing law sets forth various requirements for the internal organization and procedures of major political parties, including requirements for the election of delegates to county and state conventions, the manner of organization of county conventions and provisions governing state and central committees. (NRS 293.130-293.163) **Section 15** of this bill removes these provisions.

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

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**Section 1.** Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Ballots for the general election must permit the voter to vote a straight ticket for all the candidates of one political party in partisan races on the ballot by marking the name of the political party at the top of the ballot.*

*2. If a voter marks the name of a political party at the top of the ballot and also marks the name of a candidate who is a member of a political party that is different from the political party that was selected in the straight ticket option on the ballot in a partisan race, the vote for the candidate must prevail if the votes conflict.*

*3. For the purposes of subsection 1, the ballot must include a straight ticket option for every major political party and minor political party.*

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

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

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

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

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

(c) ~~[Not later than the third Friday in]~~ *On June 1* preceding the general election ~~[.]~~ *or if the date falls on a weekend, the first*



*Monday in June*, must file a petition with the Secretary of State which is signed by a number of registered voters equal to at least ~~4~~ 2 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress ~~4~~ *which must be apportioned equally among the petition districts.*

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

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

*5. To determine the number of signatures required by paragraph (c) of subsection 2 to be gathered from each petition district, the Secretary of State shall calculate the number that equals 2 percent of the voters who voted in this State at the last preceding general election and apportion that number by the number of petition districts. Fractional numbers must be rounded up to the nearest whole number.*

**Sec. 3.** NRS 293.174 is hereby amended to read as follows:

293.174 If the qualification of a minor political party to place the names of candidates on the ballot pursuant to NRS 293.1715 is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the ~~fourth Friday~~ *second Monday* in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the ~~fourth Friday~~ *second Monday* in June. A challenge pursuant to this section must be filed with the First Judicial District Court if the petition was filed with the Secretary of State. 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.

**Sec. 4.** NRS 293.2693 is hereby amended to read as follows:

293.2693 If a county or city uses paper ballots, including, without limitation, for absent ballots and ballots voted in a mailing precinct, the county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning *straight ticket voting pursuant to section 1 of this act, if applicable*, the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.

**Sec. 5.** NRS 293B.080 is hereby amended to read as follows:

293B.080 A mechanical voting system must, except at primary elections, permit the voter to vote for all the candidates of one party *in accordance with section 1 of this act* or in part for the candidates



of one party and in part for the candidates of one or more other parties.

**Sec. 6.** NRS 304.030 is hereby amended to read as follows:

304.030 In case of a vacancy in the office of United States Senator caused by death, resignation or otherwise, the Governor may appoint some qualified person to fill the vacancy, *who is a member of the same political party as the former Senator for at least 90 days immediately preceding the creation of the vacancy and* who shall hold office until the next general election and until his or her successor shall be elected and seated.

**Sec. 7.** NRS 304.040 is hereby amended to read as follows:

304.040 Except as otherwise provided in NRS ~~[304.200 to 304.250, inclusive.]~~ *304.230 and 304.240*, party candidates for Representative in Congress shall be nominated in the same manner as state officers are nominated.

**Sec. 8.** NRS 304.230 is hereby amended to read as follows:

304.230 1. In the event of a vacancy in the office of Representative in Congress, the Governor shall, within 7 days after the event giving rise to the vacancy, issue an election proclamation calling for ~~[a]~~ :

*(a) A special primary election to be held for selecting the nominee of each major political party for the office of Representative in Congress; and*

*(b) A special general election to fill the vacancy ~~[ ]~~ in the office of Representative in Congress.*

2. The Governor shall specify the ~~[date]~~ *dates* of *the special primary election and* the special *general* election in the proclamation. ~~[Except as otherwise provided in subsection 2, the]~~ *The special primary election must be held not less than 60 days before the date of the special general election.*

3. *A special primary election and a special general election* election must be conducted:

(a) As soon as practicable after the issuance of the proclamation ~~[ ]~~ *but with sufficient time to comply with the provisions of chapter 293D of NRS and the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;*

(b) On a Tuesday; and

(c) Not more than 180 days after the issuance of the proclamation. ~~[If the vacancy is caused by a catastrophe, the election must be conducted not more than 90 days after the issuance of the proclamation.]~~

~~—2.— A special election required pursuant to subsection 1 may be consolidated with a statewide election or local election scheduled to be conducted within 90 days after the issuance of the proclamation. The special election may be consolidated with a local election~~



~~occurring wholly or partially within the same territory in which the vacancy exists only if the voters eligible to vote in the local election comprise at least 50 percent of all voters eligible to vote on the vacancy.]~~

**Sec. 9.** 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 section, a candidate must be nominated in the manner provided in chapter 293 of NRS and]~~ *A person who wants to be a candidate at a special primary election called pursuant to NRS 304.230* must file a declaration 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.] to comply with the provisions of chapter 293D of NRS and the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.~~

2. A candidate of a major political party is nominated ~~[by filing a declaration 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.] at the special primary election.~~

3. A minor political party that wishes to place its candidates on the ballot *at the special general election* 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]~~ *later than the day following the special primary election.*

~~[5.] 4.~~ To have his or her name appear on the ballot ~~[.] at the special general election,~~ 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]~~ *later than the day following the special primary election.*

~~[6.] 5.~~ Except as otherwise provided in *this section and NRS [304.200 to 304.250, inclusive:] 304.230:*

(a) The *special primary election and special general* election must be conducted pursuant to the provisions of chapter 293 of NRS.

(b) The general election laws of this State apply to the *special primary election and the special general* election.

**Sec. 10.** NRS 304.250 is hereby amended to read as follows:

304.250 The Secretary of State shall adopt such regulations as are necessary for conducting *special* elections pursuant to the



provisions of NRS ~~[304.200 to 304.250, inclusive.]~~ **304.230 and 304.240.**

**Sec. 11.** NRS 218A.260 is hereby amended to read as follows:

218A.260 1. If, for any reason set forth in Section 12 of Article 4 of the Nevada Constitution or for any other reason, a vacancy occurs in the office of a Legislator during a regular or special session or at a time when no biennial election or regular election at which county officers are to be elected will take place between the occurrence of the vacancy and the next regular or special session, the vacancy must be filled in the manner provided in this section.

2. If the former Legislator was elected or appointed from a district wholly within one county, the board of county commissioners of the county in which the district is located shall fill the vacancy by appointing a person who meets the qualifications for the office as required by NRS 218A.200, who **is nominated or** timely files an application to fill the vacancy **, as applicable,** pursuant to NRS 218A.262 ~~, [and a declaration of eligibility pursuant to NRS 218A.264,]~~ who is a member of the same political party as the former Legislator and who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district for at least 30 days immediately preceding the date **on which the person is nominated or the date** established pursuant to ~~[subsection 1 of]~~ NRS 218A.262 for the close of filing of applications to fill the vacancy ~~[,]~~ **, as applicable.**

3. If the former Legislator was elected or appointed from a district comprising more than one county, the boards of county commissioners of each county within or partly within the district shall fill the vacancy by appointing a person who meets the qualifications for the office as required by NRS 218A.200, who **is nominated or** timely files an application to fill the vacancy **, as applicable,** pursuant to NRS 218A.262 ~~, [and a declaration of eligibility pursuant to NRS 218A.264,]~~ who is a member of the same political party as the former Legislator and who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district for at least 30 days immediately preceding the date **on which the person is nominated or the date** established pursuant to ~~[subsection 2 of]~~ NRS 218A.262 for the close of filing of applications to fill the vacancy ~~[,]~~ **, as applicable.** To fill the vacancy:

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

(b) The boards shall then meet jointly. The joint meeting must be chaired by the person who is the chair of the board of county



1 commissioners of the county with the largest population in the  
2 district. At the joint meeting:

3 (1) The chair of each board, on behalf of that board, shall  
4 cast a proportionate number of votes according to the percent,  
5 rounded to the nearest whole percent, which the population of that  
6 board's county is of the population of the entire district. Populations  
7 must be determined by the last decennial census or special census  
8 conducted by the Bureau of the Census of the United States  
9 Department of Commerce.

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

15 4. The board of county commissioners or the board of the  
16 county with the largest population in the district shall issue a  
17 certificate of appointment naming the appointee. The county clerk  
18 or the clerk of the county with the largest population in the district  
19 shall give the certificate to the appointee and send a copy of the  
20 certificate to the Secretary of State.

21 **Sec. 12.** NRS 218A.262 is hereby amended to read as follows:

22 218A.262 1. If a vacancy in the office of a Legislator must be  
23 filled pursuant to NRS 218A.260 and the former Legislator was  
24 elected or appointed from a district wholly within one county, *the*  
25 *Majority or Minority Leader of the House of which the former*  
26 *Legislator was a member who is of the same political party as the*  
27 *former Legislator must submit to the board of county*  
28 *commissioners a list of one or more qualified nominees to fill the*  
29 *vacancy. If the former Legislator is not of the same political party*  
30 *as the Majority or Minority Leader of the House of which the*  
31 *former Legislator was a member, the board of county*  
32 *commissioners of the county in which the district is located shall*  
33 *establish:*

34 (a) A process by which persons may file applications with the  
35 board to fill the vacancy; and

36 (b) A specific date for the close of filing of applications to fill  
37 the vacancy.

38 2. If a vacancy in the office of a Legislator must be filled  
39 pursuant to NRS 218A.260 and the former Legislator was elected or  
40 appointed from a district comprising more than one county ~~and~~, *the*  
41 *Majority or Minority Leader of the House of which the former*  
42 *Legislator was a member and who is of the same political party as*  
43 *the former Legislator must submit to the board of county*  
44 *commissioners of each county within or partly within the district a*  
45 *list of one or more qualified nominees to fill the vacancy. If the*





*former Legislator is not of the same political party as the Majority or Minority Leader of the House of which the former Legislator was a member:*

(a) The board of county commissioners of each county within or partly within the district shall establish a process by which persons may file applications with that board to fill the vacancy.

(b) The board of county commissioners of the county with the largest population in the district shall, after considering any recommendations made by the other boards within a reasonable time after the vacancy, establish a specific date that is the same for all of the boards for the close of filing of applications to fill the vacancy.

**3. As used in this section, "qualified nominee" means a person:**

(a) *Who meets the qualifications for the office as required by NRS 218A.200;*

(b) *Who is a member of the same political party as the former Legislator; and*

(c) *Who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district of the former Legislator for at least 30 days immediately preceding the date on which the person is nominated pursuant to subsection 1 or 2.*

**Sec. 13.** NRS 218A.264 is hereby amended to read as follows:

218A.264 1. If a person *is nominated or* files an application with any board of county commissioners to fill a vacancy in the office of a Legislator pursuant to NRS 218A.262, the person must execute and file with ~~his or her application~~ *the board of county commissioners*, a declaration of eligibility that must be in substantially the following form:

For the purpose of applying to fill the vacancy in the office of a Legislator in the following legislative district, ..... (name of assembly or senatorial district), 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, as required by NRS 218A.260, my actual, as opposed to constructive, residence in that legislative district began on a date at least 30 days immediately preceding the date *of nomination pursuant to NRS 218A.262 or the date* established pursuant to NRS 218A.262 for the close of filing of applications to fill the vacancy ~~H~~, *as applicable*; 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; that I will otherwise qualify for the office if appointed thereto, including, but not limited to, complying with any limitation prescribed by the Constitution 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 eligibility which contains a false statement is a crime punishable as a gross misdemeanor; and that, as required by NRS 218A.200, I will have been an actual, as opposed to constructive, citizen resident of this State for 1 year immediately preceding the date of my appointment and that, during such period, I will have resided at the following residence or residences:

|                |                |
|----------------|----------------|
| .....          | .....          |
| Street Address | Street Address |

|              |              |
|--------------|--------------|
| .....        | .....        |
| City or Town | City or Town |

|       |       |
|-------|-------|
| ..... | ..... |
| State | State |

|                    |                    |
|--------------------|--------------------|
| From ..... To..... | From ..... To..... |
| Dates of Residency | Dates of Residency |

|                |                |
|----------------|----------------|
| .....          | .....          |
| Street Address | Street Address |

|              |              |
|--------------|--------------|
| .....        | .....        |
| City or Town | City or Town |

|       |       |
|-------|-------|
| ..... | ..... |
| State | State |

|                    |                    |
|--------------------|--------------------|
| From ..... To..... | From ..... To..... |
| Dates of Residency | Dates of Residency |

(Attach additional sheet or sheets of residences as necessary)

.....  
(Name of applicant)

.....  
(Signature of applicant)



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

2. Each address of the applicant that must be included in the declaration of eligibility pursuant to subsection 1 must be the street address of the residence where the applicant actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of eligibility must not be accepted for filing if any of the applicant's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. *Any person who does not submit a declaration of eligibility pursuant to this section is ineligible to fill the vacancy of the former Legislator.*

4. Any person who knowingly and willfully files a declaration of eligibility that contains a false statement in violation of this section is guilty of a gross misdemeanor.

**Sec. 14.** 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. 15.** NRS 293.130, 293.133, 293.134, 293.135, 293.137, 293.140, 293.143, 293.145, 293.150, 293.153, 293.155, 293.157, 293.160, 293.161, 293.163, 304.200, 304.210 and 304.220 are hereby repealed.

**Sec. 16.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to 15, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2022, for all other purposes.

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## LEADLINES OF REPEALED SECTIONS

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**293.130 County conventions: Place; notice.**

**293.133 Number of delegates from voting precincts to county convention.**



**293.134 Use of room or space occupied by State or local government by state or county central committee.**

**293.135 Precinct meetings of registered voters before county convention: Time and place; notice.**

**293.137 Election of delegates to county convention; procedure if precinct fails to elect delegates; certificates given to elected delegates; state central committee to adopt written procedural rules.**

**293.140 County conventions: Manner of organization; authorized action of delegates.**

**293.143 County central committee: Number; change in membership.**

**293.145 Number of delegates to state convention.**

**293.150 State conventions: Place and actions; additional conventions.**

**293.153 Number of members of state central committee.**

**293.155 Rules of county and state conventions; delegate must be qualified elector; unit rule of voting prohibited.**

**293.157 State and county central committees: Terms of office; termination of membership; vacancies.**

**293.160 State and county central committees: Election of officers and executive committee; other powers.**

**293.161 Right of participation as delegate to county or state convention or member of county or state central committee.**

**293.163 Selection of delegates and alternates to national party convention and members of national committee by state convention in presidential election year.**

**304.200 Definitions.**

**304.210 “Catastrophe” defined.**

**304.220 “Disappearance” defined.**

