

SENATE BILL NO. 85—SENATOR HARDY

FEBRUARY 3, 2021

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.
(BDR 24-615)

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

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

AN ACT relating to elections; authorizing write-in voting for statewide and federal offices under certain circumstances; setting forth various requirements to become a write-in candidate for statewide or federal office; requiring the Secretary of State and county clerks to compile a list of write-in candidates; setting forth requirements for counting votes cast for write-in candidates; providing for the disqualification of a candidate who submits a false declaration of write-in candidacy under certain circumstances; requiring write-in candidates to submit certain campaign contribution and expenditure reports and financial disclosure statements; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits voting in an election for a candidate whose name does not appear on the ballot. (NRS 293.270, 293.8854) **Sections 7, 22-24, 29-31 and 33** of this bill: (1) authorize voters to cast ballots for write-in candidates for statewide and federal offices in general elections under certain circumstances; (2) remove the existing prohibition on write-in candidates; and (3) require ballots and voting systems to ensure a voter can cast a vote for a write-in candidate.

Section 4 of this bill provides that a person may become a write-in candidate if: (1) the person's name will not appear on the ballot at the general election; (2) the person has not filed a declaration of candidacy for any other office; and (3) a winner of the election was not declared at the primary election. **Sections 5 and 17** of this bill provide that a person may become a write-in candidate by filing a declaration of write-in candidacy and paying the appropriate filing fee.

Section 6 of this bill requires the Secretary of State and county clerks to provide each other with a certified list of each person who files with their



respective offices a declaration of write-in candidacy for a statewide or federal office for the general election.

When determining the results of an election, existing law requires the counting board officers to enter on tally lists, by the name of each candidate, the number of votes the candidate received at the election. (NRS 293.370) **Section 8** of this bill provides that if there are write-in candidates for a statewide or federal office, each county clerk must report to the Secretary of State the total number of votes cast in the county for the write-in candidates for each statewide or federal office for which there is a write-in candidate. If the Secretary of State determines that a majority of votes cast in a particular race for a statewide or federal office are for write-in candidates, **section 8** requires the Secretary of State to order the county clerks to tally the number of votes cast for each write-in candidate for that statewide or federal office.

Section 26 of this bill requires that the counting board officers enter on the tally list, by the name of each write-in candidate, the number of votes that each write-in candidate received at the election, if necessary pursuant to **section 8**. **Sections 32 and 34** of this bill provide for the creation of a write-in vote counting board to count the votes cast for write-in candidates.

Sections 2 and 3 of this bill define the terms "declaration of write-in candidacy" and "write-in candidate." **Section 9** of this bill makes conforming changes to indicate the appropriate placement of **sections 2 and 3** in the Nevada Revised Statutes. **Sections 10-12, 14-16, 18-20, 27, 28, 35, 41, 43, 46-48 and 50** of this bill make conforming changes to add references to declarations of write-in candidacy to existing provisions of law.

Sections 44, 49 and 56 of this bill add the definition of "declaration of write-in candidacy" to chapters in which the term is used. **Sections 45, 51, 52 and 57** of this bill make conforming changes to indicate the appropriate placement of **sections 44, 49 and 56** in the Nevada Revised Statutes.

Section 13 of this bill provides that if a person knowingly and willfully files a declaration of write-in candidacy with a false statement, no votes cast for the person may be counted and he or she is disqualified.

Section 21 of this bill requires the Secretary of State to prescribe the form for a declaration of write-in candidacy.

Section 25 of this bill sets forth the procedure for counting the votes for a deceased write-in candidate.

Section 42 of this bill authorizes a county clerk to charge a fee not to exceed \$5 for filing and recording a declaration of write-in candidacy.

Sections 36, 53 and 58 of this bill amend the definition of "candidate" to include write-in candidates so that write-in candidates are subject to the same reporting requirements relating to campaign contributions and expenditures and financial disclosure statements as other candidates. **Sections 35, 37-40, 54, 55 and 59** of this bill make conforming changes to reflect that write-in candidates are subject to these provisions.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. "Declaration of write-in candidacy" means a declaration of write-in candidacy that a person must file with the



appropriate filing officer pursuant to this title in order to be voted for as a write-in candidate at the general election.

Sec. 3. "Write-in candidate" means a person who became a candidate by filing a declaration of write-in candidacy pursuant to section 5 of this act and paying the appropriate filing fee pursuant to NRS 293.193.

Sec. 4. A person may file a declaration of write-in candidacy for a statewide office or federal office if:

1. The name of the person will not appear on the ballot at the general election for any office;

2. The person has not filed a declaration of write-in candidacy for any other statewide officer or federal office; and

3. A candidate or candidates was not declared elected to the office at the primary election pursuant to NRS 293.260.

Sec. 5. 1. A declaration of write-in candidacy must be:

(a) Filed with the Secretary of State or a county clerk, as applicable pursuant to NRS 293.185, not earlier than the first Monday in July of the year in which the general election is to be held and not later than 5 p.m. on the second Friday after the first Monday in July; and

(b) In substantially the following form:

DECLARATION OF WRITE-IN CANDIDACY OF FOR
THE OFFICE OF

State of Nevada

County of

For the purpose of having any write-in votes for me counted 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 write-in 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; 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; 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 office; that I understand that knowingly and willfully filing a declaration of write-in 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.

.....
(Designation of name)

.....
(Signature of write-in 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

2. The address of a write-in candidate which must be included in the declaration of write-in candidacy pursuant to subsection 1 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 of write-in candidacy must not be accepted for filing if the write-in candidate fails to comply with the following provisions of this subsection, or, if applicable, the provisions of subsection 3:

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

(b) Except as otherwise provided in subsection 3, the write-in 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 write-in candidate and the write-in candidate's residential address; or



1 (2) A current utility bill, bank statement, paycheck or
2 document issued by a governmental entity, including a check
3 which indicates the write-in candidate's name and residential
4 address, but not including a voter registration card.

5 3. If the write-in candidate executes an oath or affirmation
6 under penalty of perjury stating that the write-in candidate is
7 unable to present to the filing officer the proof of residency
8 required by subsection 2 because a street address has not been
9 assigned to the write-in candidate's residence or because the rural
10 or remote location of the write-in candidate's residence makes it
11 impracticable to present the proof of residency required by
12 subsection 2, the write-in candidate shall present to the filing
13 officer:

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

17 (b) Alternative proof of the write-in candidate's residential
18 address that the filing officer determines is sufficient to verify
19 where the write-in candidate actually, as opposed to constructively,
20 resides in accordance with NRS 281.050.

21 4. The filing officer shall retain a copy of the proof of identity
22 and residency provided by the write-in candidate pursuant to
23 subsection 2 or 3. Such a copy:

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

25 (b) Must not contain the social security number, driver's
26 license or identification card number or account number of the
27 write-in candidate.

28 5. By filing a declaration of write-in candidacy, the write-in
29 candidate shall be deemed to have appointed the filing officer for
30 the office as his or her agent of service of process for the purposes
31 of a proceeding pursuant to NRS 293.182. Service of such process
32 must first be attempted at the approximate address as specified by
33 the write-in candidate in the declaration of write-in candidacy. If
34 the write-in candidate cannot be served at that address, service
35 must be made by personally delivering to and leaving with the
36 filing officer duplicate copies of the process. The filing officer
37 shall immediately send, by registered or certified mail, one of the
38 copies to the write-in candidate at the specified address, unless the
39 write-in candidate has designated in writing to the filing officer a
40 different address for that purpose, in which case the filing officer
41 shall mail the copy to the last address so designated.

42 6. If the filing officer receives credible evidence indicating
43 that a write-in candidate has been convicted of a felony and has
44 not had his or her civil rights restored, the filing officer:



1 (a) May conduct an investigation to determine whether the
2 write-in candidate has been convicted of a felony and, if so,
3 whether the write-in candidate has had his or her civil rights
4 restored; and

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

9 7. The receipt of information by the Attorney General or
10 district attorney pursuant to subsection 6 must be treated as a
11 challenge of a write-in candidate pursuant to subsections 4 and 5
12 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

13 8. Any person who knowingly and willfully files a declaration
14 of write-in candidacy which contains a false statement in violation
15 of this section is guilty of a gross misdemeanor.

16 **Sec. 6.** Not later than 5 working days after the last day on
17 which a write-in candidate for statewide or federal office at a
18 general election may withdraw his or her candidacy pursuant to
19 NRS 293.202:

20 1. The Secretary of State shall forward to each county clerk a
21 certified list containing the names and mailing addresses of each
22 person who has filed a declaration of write-in candidacy with the
23 Office of the Secretary of State, and who is entitled to be voted for
24 in the county at the next succeeding general election, together
25 with the title of the office for which the person is a write-in
26 candidate; and

27 2. Each county clerk shall forward to the Secretary of State a
28 certified list containing the names and mailing addresses of each
29 person who has filed a declaration of write-in candidacy with the
30 office of the county clerk, and who is entitled to be voted for in
31 the county at the next succeeding general election, together with
32 the title of the office for which the person is a write-in candidate.

33 **Sec. 7.** 1. If there is a write-in candidate for statewide
34 office or federal office at a general election, ballots at the general
35 election must allow a voter to vote for a write-in candidate.

36 2. Except as otherwise provided in subsection 3, any
37 abbreviation, misspelling or other minor variation in the form of
38 the name of the write-in candidate must be disregarded in
39 determining the validity of the vote, if the intention of the voter
40 can be ascertained.

41 3. A vote for a write-in candidate marked on a ballot with a
42 sticker, stamp or any other similar method must not be counted.

43 **Sec. 8.** 1. If there is a write-in candidate for a statewide
44 office or federal office at a general election, the county clerk of



1 *each county shall report to the Secretary of State how many total*
2 *votes were cast in that county for write-in candidates.*

3 *2. If, based on the information received pursuant to*
4 *subsection 1, the Secretary of State determines that a majority of*
5 *votes cast at the general election for a particular statewide office*
6 *or federal office were for write-in candidates, the Secretary of*
7 *State shall order each county clerk to tally the votes cast for each*
8 *write-in candidate for the statewide office or federal office.*

9 *3. The Secretary of State may adopt regulations to carry out*
10 *the provisions of this section.*

11 **Sec. 9.** NRS 293.010 is hereby amended to read as follows:

12 293.010 As used in this title, unless the context otherwise
13 requires, the words and terms defined in NRS 293.013 to 293.121,
14 inclusive, *and sections 2 and 3 of this act* have the meanings
15 ascribed to them in those sections.

16 **Sec. 10.** NRS 293.1755 is hereby amended to read as follows:

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


26 2. Any person who knowingly and willfully files a declaration
27 of candidacy *or declaration of write-in candidacy* which contains a
28 false statement regarding the person's residency in violation of this
29 section is guilty of a gross misdemeanor.

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

31 (a) Any federal office.

32 (b) The office of district attorney.

33 **Sec. 11.** NRS 293.181 is hereby amended to read as follows:

34 293.181 1. A candidate for the office of State Senator,
35 Assemblyman or Assemblywoman must execute and file, with his
36 or her declaration of candidacy  *or declaration of write-in*
37 *candidacy, as applicable*, a declaration of residency which must be
38 in substantially the following form:

39
40 I, the undersigned, do swear or affirm under penalty of
41 perjury that I have been a citizen resident of this State as
42 required by NRS 218A.200; that I understand that knowingly
43 and willfully filing a declaration of residency which contains
44 a false statement is a crime punishable as a gross
45 misdemeanor and also subjects me to a civil action



disqualifying me from entering upon the duties of the office;
and that I have actually, as opposed to constructively, resided
at the following residence or residences since November 1 of
the preceding year:

.....
Street Address	Street Address
.....
City or Town	City or Town
.....
State	State
From To.....	From To.....
Dates of Residency	Dates of Residency
.....
Street Address	Street Address
.....
City or Town	City or Town
.....
State	State
From To.....	From To.....
Dates of Residency	Dates of Residency

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, 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. 12. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy *or declaration of write-in 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



1 required for the office pursuant to the Constitution or laws of this
2 State. Before accepting the challenge from the elector, the filing
3 officer shall notify the elector that if the challenge is found by a
4 court to be frivolous, the elector may be required to pay the
5 reasonable attorney's fees and court costs of the person who is being
6 challenged.

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

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

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

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

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

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

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

18 4. If the Attorney General or district attorney determines that
19 probable cause exists to support the challenge, the Attorney General
20 or district attorney shall, not later than 5 working days after
21 receiving the challenge, petition a court of competent jurisdiction to
22 order the person to appear before the court. Upon receipt of such a
23 petition, the court shall enter an order directing the person to appear
24 before the court at a hearing, at a time and place to be fixed by the
25 court in the order, to show cause why the challenge is not valid. A
26 certified copy of the order must be served upon the person. The
27 court shall give priority to such proceedings over all other matters
28 pending with the court, except for criminal proceedings.

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

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

39 **Sec. 13.** NRS 293.184 is hereby amended to read as follows:

40 293.184 1. In addition to any other remedy or penalty
41 provided by law, if a person knowingly and willfully files a
42 declaration of candidacy *or declaration of write-in candidacy*
43 which contains a false statement:

44 (a) ~~[The]~~ *If the person has filed:*



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

(2) *A declaration of write-in candidacy, no votes cast for the person may be counted; and*

(b) The person is disqualified from entering upon the duties of the office for which the person filed the declaration of candidacy ~~or~~ *or declaration of write-in candidacy, as applicable.*

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. 14. NRS 293.185 is hereby amended to read as follows:

293.185 A declaration of candidacy *or declaration of write-in 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. 15. 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 *or declaration of write-in 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. 16. 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 a candidate for nonjudicial office *who has filed a declaration of candidacy* 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. 17. NRS 293.193 is hereby amended to read as follows:

293.193 1. Fees as listed in this section for filing declarations of candidacy *or declarations of write-in 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



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

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

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

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

10 **Sec. 18.** NRS 293.196 is hereby amended to read as follows:

11 293.196 For purposes of elections only, the Secretary of State
12 shall establish designations which separately identify each office of
13 justice of the Supreme Court. Before any person is allowed to file a
14 declaration of candidacy *or declaration of write-in candidacy* for
15 the office of justice of the Supreme Court, the person shall designate
16 the particular office for which he or she is declaring candidacy.

17 **Sec. 19.** NRS 293.1965 is hereby amended to read as follows:

18 293.1965 For the purposes of elections only, the Secretary of
19 State shall establish designations which separately identify each
20 office of judge of the Court of Appeals. Before any person is
21 allowed to file a declaration of candidacy *or declaration of write-in*
22 *candidacy* for the office of judge of the Court of Appeals, the person
23 shall designate the particular office for which he or she is declaring
24 candidacy.

25 **Sec. 20.** NRS 293.2045 is hereby amended to read as follows:

26 293.2045 1. In addition to any other remedy or penalty
27 provided by law, but except as otherwise provided in NRS
28 293.1265, if a court of competent jurisdiction finds in any
29 preelection action that a person who is a candidate for any office
30 fails to meet any qualification required for the office pursuant to the
31 Constitution or laws of this State:

32 (a) ~~[The]~~ *If the person filed a declaration of candidacy, the*
33 *name of the person must not appear on any ballot for the election for*
34 *which the person filed a declaration of candidacy, except that if the*
35 *statutory deadline for making changes to the ballot has passed, the*
36 *provisions of subsection 2 apply; and*

37 (b) The person is disqualified from entering upon the duties of
38 the office for which the person filed a declaration of candidacy ~~[H]~~ *or*
39 *declaration of write-in candidacy.*

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



1 appear on the ballot informing voters that the person is disqualified
2 from entering upon the duties of the office.

3 3. The provisions of this section apply to any preelection action
4 brought to challenge a person who is a candidate for any office on
5 the grounds that the person fails to meet any qualification required
6 for the office pursuant to the Constitution or laws of this State,
7 including, without limitation, any action brought pursuant to NRS
8 281.050, 293.182 or 293C.186 or any action brought for:

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

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

12 (c) Any other legal or equitable relief.

13 **Sec. 21.** NRS 293.247 is hereby amended to read as follows:

14 293.247 1. The Secretary of State shall adopt regulations, not
15 inconsistent with the election laws of this State, for the conduct of
16 primary, general, special and district elections in all cities and
17 counties. Permanent regulations of the Secretary of State that
18 regulate the conduct of a primary, general, special or district
19 election and are effective on or before the last business day of
20 February immediately preceding a primary, general, special or
21 district election govern the conduct of that election.

22 2. The Secretary of State shall prescribe the forms for ~~the~~ :

23 (a) A declaration of candidacy ;

24 (b) A declaration of write-in candidacy; and ~~any~~

25 (c) Any petition which is filed pursuant to the election laws of
26 this State.

27 3. The regulations must prescribe:

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

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

31 (c) The disposition of election returns;

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

36 (e) The procedures to be used to ensure the security of the
37 ballots from the time they are transferred from the polling place
38 until they are stored pursuant to the provisions of NRS 293.391 or
39 293C.390;

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

42 (g) The procedures to be used for the testing, use and auditing of
43 a mechanical voting system which directly records the votes
44 electronically and which creates a paper record when a voter casts a
45 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. 22. NRS 293.269 is hereby amended to read as follows:

293.269 1. Every ballot upon which appears the names of candidates for any **[statewide]** :

(a) Statewide office or for President and Vice President of the United States shall contain for each office an additional line equivalent to the lines on which the candidates' names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line **[shall]** *must* contain a square in which the voter may express a choice of that line in the same manner as the voter would express a choice of a candidate, and the line shall read "None of these candidates."

(b) Statewide office or federal office at the general election in which there is a write-in candidate for a statewide office or federal office must contain an additional line, equivalent to the lines on which the candidates' names appear and placed at the end of the additional line in which a voter may express a choice of "None of these candidates" pursuant to paragraph (a). The additional line required pursuant to this paragraph must contain a square in which the voter may write in the name of a write-in candidate for the statewide or federal office.

2. Only votes cast for the named *or write-in* candidates shall be counted in determining nomination or election to any statewide office or presidential nominations or the selection of presidential



electors, *as applicable*, but for each office the number of ballots on which the additional line *required pursuant to paragraph (a) of subsection 1* was chosen shall be listed following the names of the candidates and the number of their votes in every posting, abstract and proclamation of the results of the election.

3. Every sample ballot or other instruction to voters prescribed or approved by the Secretary of State shall clearly explain that the voter may mark the choice of the line "None of these candidates" *or vote for a write-in candidate* only if the voter has not voted for any candidate for the office.

Sec. 23. NRS 293.270 is hereby amended to read as follows:

293.270 1. Voting at any election regulated by this title must be on printed ballots or by any other system approved by the Secretary of State or specifically authorized by law.

2. ~~{Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the ballot prepared by the election officers, and no person may write in the name of an additional candidate for any office.}~~ *Any ballot or voting system used at a general election at which votes may be cast for a statewide office or a federal office must ensure each voter may cast a ballot for a write-in candidate, if any, for each such statewide office or federal office.*

Sec. 24. NRS 293.3079 is hereby amended to read as follows:

293.3079 If a person casts a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive, the provisional ballot must ~~{include}~~:

1. *Include* all offices, candidates and measures upon which the person would have been entitled to vote if the person had cast a regular ballot ~~{ }~~; and

2. *For a statewide office or federal office at the general election in which there is a write-in candidate, ensure the voter may cast a ballot for the write-in candidate for the statewide or federal office.*

Sec. 25. NRS 293.368 is hereby amended to read as follows:

293.368 1. Except as otherwise provided in subsection 4 of NRS 293.165, if a candidate on the ballot at a primary election dies after 5 p.m. of the second Tuesday in April, the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary election receives the number of votes required to receive the nomination to the office for which he or she was a candidate, except as otherwise provided in subsection 2 of NRS 293.165, the deceased candidate shall be deemed nominated and the vacancy in the



1 nomination must be filled as provided in NRS 293.165 or 293.166.
2 If the deceased person was a candidate for a nonpartisan office, the
3 nomination must be filled pursuant to subsection 2 of NRS 293.165.

4 3. Whenever a candidate whose name appears upon the ballot
5 at a general election dies after 5 p.m. on the fourth Friday in July of
6 the year in which the general election is held, the votes cast for the
7 deceased candidate must be counted in determining the results of the
8 election for the office for which the decedent was a candidate.

9 4. If the deceased candidate on the ballot at the general election
10 receives the majority of the votes cast for the office, the deceased
11 candidate shall be deemed elected and the office to which he or she
12 was elected shall be deemed vacant at the beginning of the term for
13 which he or she was elected. The vacancy thus created must be
14 filled in the same manner as if the candidate had died after taking
15 office for that term.

16 5. *Whenever a write-in candidate dies, the votes cast for the*
17 *deceased write-in candidate must be counted in determining the*
18 *results of the election for the office for which the decedent was a*
19 *write-in candidate.*

20 6. *If the deceased write-in candidate receives the majority of*
21 *the votes cast for the office, the deceased write-in candidate shall*
22 *be deemed elected and the office to which he or she was elected*
23 *shall be deemed vacant at the beginning of the term for which he*
24 *or she was elected. The vacancy thus created must be filled in the*
25 *same manner as if the write-in candidate had died after taking*
26 *office for that term.*

27 **Sec. 26.** NRS 293.370 is hereby amended to read as follows:

28 293.370 ~~[When]~~

29 1. *Except as otherwise provided in subsection 2, when* all the
30 votes have been counted, the counting board officers shall produce a
31 tally list organized by precinct and ballot type indicating the number
32 of votes that each candidate received. The votes for and against any
33 question submitted to the electors must be entered in the same
34 manner.

35 2. *The counting board officers shall enter on the tally lists by*
36 *the name of each write-in candidate the number of votes the write-*
37 *in candidate received if the Secretary of State determines that the*
38 *votes for the write-in candidate need to be tallied pursuant to*
39 *section 8 of this act.*

40 **Sec. 27.** NRS 293.400 is hereby amended to read as follows:

41 293.400 1. If, after the completion of the canvass of the
42 returns of any election, two or more persons receive an equal
43 number of votes, which is sufficient for the election of one or more
44 but fewer than all of them to the office, the person or persons
45 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) In a primary election for any partisan office of or general election for any partisan or 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 in such an election, 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 any 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 in such an election, 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 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 unless:

(I) The candidate who received the highest number of votes at the primary election received a majority of the votes cast in the primary election; and

(II) The provisions of NRS 293.260 or 293C.175 or any other law or special charter require such a candidate to be declared elected to the office at the primary 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 *or declaration of write-in 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. 28. 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 declaration of write-in 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. 29. NRS 293.5852 is hereby amended to read as follows:

293.5852 If a person casts a provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive, the provisional ballot must ~~include~~:

1. *Include* all offices, candidates and measures upon which the person would have been entitled to vote if the person had cast a regular ballot ~~and~~; and

2. *For a statewide office or federal office at the general election in which there is a write-in candidate, ensure the voter may cast a ballot for the write-in candidate for the statewide or federal office.*

Sec. 30. NRS 293.8844 is hereby amended to read as follows:

293.8844 1. Except as otherwise provided in this subsection, for any affected election, the county or city clerk, as applicable, shall prepare and distribute to each active registered voter in the county or city, as applicable, a sample ballot and a mail ballot for the election. The county or city clerk shall not distribute a mail ballot to any person who registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive, but may distribute a sample ballot available at a polling place to such a person.

2. The mail ballot must ~~include~~:

(a) *Include* all offices, candidates and measures upon which the voter is entitled to vote at the election ~~and~~; and

(b) *For a statewide office or federal office at the general election in which there is a write-in candidate, ensure the voter may cast a ballot for the write-in candidate for the statewide or federal office.*

3. Except as otherwise provided in subsection 4, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee



Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

4. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

5. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 31. NRS 293.8854 is hereby amended to read as follows:

293.8854 1. Except as otherwise provided in NRS 293.8857 and chapter 293D of NRS, in order to vote a mail ballot for any affected election, the voter must, in accordance with the instructions:

(a) Mark and fold the mail ballot;

(b) Deposit the mail ballot in the return envelope and seal the return envelope;

(c) Affix his or her signature on the return envelope in the space provided for the signature; and

(d) Mail or deliver the return envelope in a manner authorized by law.

~~2. Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the mail ballot as prepared pursuant to NRS 293.8844, and no person may write in the name of an additional candidate for any office.~~

~~—3.—~~ If a mail ballot has been sent to a voter who applies to vote in person at a polling place, including, without limitation, a polling place for early voting, the voter must, in addition to complying with all other requirements for voting in person that are set forth in this chapter or chapter 293C of NRS, as applicable, surrender his or her mail ballot or sign an affirmation under penalty of perjury that the voter has not voted during the election. A person who receives a surrendered mail ballot shall mark it “Cancelled.”

Sec. 32. Chapter 293B of NRS is hereby amended by adding thereto a new section to read as follows:

The two teams of a write-in vote counting board created pursuant to NRS 293B.360 shall count votes cast for write-in candidates in accordance with procedures established by the Secretary of State.

Sec. 33. NRS 293B.075 is hereby amended to read as follows:

293B.075 A mechanical voting system must permit the voter to ~~[vote]~~:

1. *Vote* for any person for any office for which he or she has the right to vote, but none other ~~[H]~~;



2. *Indicate a vote for a write-in candidate, if applicable;* or
~~indicate~~

3. *Indicate* a vote against all candidates.

Sec. 34. NRS 293B.360 is hereby amended to read as follows:

293B.360 1. To facilitate the processing and computation of votes cast at any election conducted under a mechanical voting system, the county clerk shall create a computer program and processing accuracy board, and may create:

(a) A central ballot inspection board;

(b) An absent ballot mailing precinct inspection board;

(c) A ballot duplicating board;

(d) A ballot processing and packaging board; ~~and~~

(e) *A write-in vote counting board; and*

(f) Such additional boards or appoint such officers as the county clerk deems necessary for the expeditious processing of ballots.

2. Except as otherwise provided in ~~subsection~~ *subsections 3 and 4*, the county clerk may determine the number of members to constitute any board. The county clerk shall make any appointments from among competent persons who are registered voters in this State. The members of each board must represent all political parties as equally as possible. The same person may be appointed to more than one board but must meet the particular qualifications for each board to which he or she is appointed.

3. If the county clerk creates a ballot duplicating board, the county clerk shall appoint to the board at least two members. The members of the ballot duplicating board must not all be of the same political party.

4. *If the county clerk creates a write-in vote counting board, the county clerk shall appoint to the board four members, which must consist of two teams of two members each.*

5. All persons appointed pursuant to this section serve at the pleasure of the county clerk.

Sec. 35. 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~~ *or declarations of write-in 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. 36. 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 a declaration of write-in candidacy*;

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

~~3.4~~ 4. Who has received one or more contributions in excess of \$100, regardless of whether:

(a) The person has filed a declaration of candidacy; ~~or~~

(b) *The person has filed a declaration of write-in candidacy; or*

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

Sec. 37. NRS 294A.160 is hereby amended to read as follows:
294A.160 1. It is unlawful for:

(a) A candidate to spend money received as a contribution:

(1) For the candidate's personal use; or

(2) To pay himself or herself a salary.

(b) A public officer to spend unspent contributions:

(1) For the public officer's personal use; or

(2) To pay himself or herself a salary.

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

3. Except as otherwise provided in subsection 5, every candidate for office at a primary election, general election or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary



election, general election or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

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

(c) Contribute the money to:

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

(2) A political party; or

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

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

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

4. Except as otherwise provided in subsection 5, every candidate for office at a primary election, general election or special election who withdraws pursuant to NRS 293.202 or 293C.195 after filing a declaration of candidacy ~~or~~ *or declaration of write-in candidacy*, is removed from the ballot by court order or is defeated for or otherwise not elected to that office and who received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

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

(2) A political party; or

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

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

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

5. Every candidate for office at a special election to recall a public officer shall dispose of the unspent contributions through one or any combination of the methods set forth in subsection 4 not later



1 than the 15th day of the second month following the last day for the
2 candidate to receive a contribution pursuant to NRS 294A.115.

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

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

16 (a) File a declaration of candidacy; or

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

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

22 8. Except as otherwise provided in subsection 9, every public
23 officer who:

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

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

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

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

34 9. Every public officer who:

35 (a) Resigns from his or her office;

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

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

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

44 10. Except as otherwise provided in subsection 11, every
45 public officer who:



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

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

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

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

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

(a) File a declaration 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.

12. 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.

13. 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.

14. 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.

15. 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 ~~4~~ 4 of NRS 294A.005.

Sec. 38. 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 declaration of write-in*



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. 39. 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~~ *or declarations of write-in 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



1 identify the business or other entity from whom the purchase of the
2 campaign expense or expenditure was made.

3 **Sec. 40.** NRS 294A.390 is hereby amended to read as follows:

4 294A.390 The officer from whom a candidate or entity
5 requests a form for:

6 1. A declaration of candidacy ~~or~~ *or declaration of write-in*
7 *candidacy;*

8 2. The registration of a nonprofit corporation pursuant to NRS
9 294A.225, a committee for political action pursuant to NRS
10 294A.230 or a committee for the recall of a public officer pursuant
11 to NRS 294A.250; or

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

14 ➔ shall furnish the candidate or entity with the necessary forms for
15 reporting and copies of the regulations adopted by the Secretary of
16 State pursuant to this chapter. An explanation of the applicable
17 provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140,
18 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 or 294A.280
19 relating to the making, accepting or reporting of contributions,
20 campaign expenses or expenditures and the penalties for a violation
21 of those provisions as set forth in NRS 294A.100 or 294A.420, and
22 an explanation of NRS 294A.286 and 294A.287 relating to the
23 accepting or reporting of contributions received by and expenditures
24 made from a legal defense fund and the penalties for a violation of
25 those provisions as set forth in NRS 294A.287 and 294A.420, must
26 be developed by the Secretary of State and provided upon request.
27 The candidate or entity shall acknowledge receipt of the material.

28 **Sec. 41.** NRS 306.015 is hereby amended to read as follows:

29 306.015 1. Before a petition to recall a public officer is
30 circulated, the persons proposing to circulate the petition must file a
31 notice of intent with the filing officer with whom the public officer
32 filed his or her declaration of candidacy ~~or~~ *or declaration of write-*
33 *in candidacy.*

34 2. The notice of intent:

35 (a) Must be signed by:

36 (1) If the public officer holds a statewide office, three
37 registered voters who actually:

38 (I) Voted in this State at the election at which the public
39 officer was elected; and

40 (II) Reside in this State on the date that the notice of
41 intent is filed with the filing officer.

42 (2) If the public officer does not hold a statewide office,
43 three registered voters who actually:



(I) Voted in the county, district or municipality that the public officer represents at the election at which the public officer was elected; and

(II) Reside in the county, district or municipality that the public officer represents on the date that the notice of intent is filed with the filing officer.

(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 and must be circulated for signatures and submitted to the filing officer in accordance with this subsection. The persons filing the notice of intent shall submit to the filing officer:

(a) On or before the 48th day after the date on which the notice of intent was filed, all signatures that were collected on the petition during the period beginning on the date on which the notice of intent was filed and ending on the 45th day after the date on which the notice of intent was filed. If any such signature is not timely submitted to the filing officer pursuant to this paragraph, it shall be deemed that the signature is not a valid signature.

(b) On or before the 90th day after the date on which the notice of intent was filed, all signatures that were collected on the petition during the period beginning on the 46th day after the date on which the notice of intent was filed and ending on the date of submission of the petition to the filing officer for signature verification pursuant to this paragraph. The circulation of the petition must cease on the date of submission of the petition to the filing officer for signature verification pursuant to this paragraph or on the 90th day after the date on which the notice of intent was filed, whichever occurs first. If the persons filing the notice of intent timely submit the petition to the filing officer for signature verification pursuant to this paragraph and comply with the provisions of NRS 306.016, the filing officer shall immediately submit the petition to the county clerk for the verification pursuant to NRS 306.035 of the signatures that were collected on the petition and timely submitted to the filing officer pursuant to this subsection.

4. Any person who fails to submit the petition to the filing officer as required by subsection 3 is guilty of a misdemeanor. Copies of the petition are not valid for any subsequent petition.

5. The county clerk shall, upon completing the verification of the signatures on the petition pursuant to NRS 306.035, file the petition with the filing officer.



6. 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 verification of the signatures thereon is completed.

Sec. 42. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute, the county clerk or clerk of the court, as applicable, shall charge and collect the following fees:

On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer \$56.00

On an appeal to the district court of any case from a justice court or a municipal court, or on the transfer of any case from a justice court or a municipal court..... 42.00

On the filing of a petition for letters testamentary, letters of administration or setting aside an estate without administration, which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:

Where the stated value of the estate is more than \$2,500 72.00

Where the stated value of the estate is \$2,500 or less, no fee may be charged or collected.

On the filing of a petition for a guardianship, to be paid by the petitioner:

Where the stated value of the estate is more than \$2,500 5.00

Where the stated value of the estate is \$2,500 or less, no fee may be charged or collected.

On the filing of a petition to contest any will or codicil, to be paid by the petitioner 44.00

On the filing of an objection or cross-petition to the appointment of an executor or administrator, or an objection to the settlement of account or any answer in an estate matter 44.00

On the appearance of any defendant or any number of defendants answering jointly, to be paid upon



the filing of the first paper in the action by the	
defendant or defendants	\$44.00
For filing a notice of appeal.....	24.00
For issuing a transcript of judgment and certifying	
thereto.....	3.00
For preparing any copy of any record, proceeding or	
paper, for each page, unless such fee is waived	
by the county clerk or clerk of the court	0.50
For each certificate of the clerk, under the seal of	
the court.....	3.00
For examining and certifying to a copy of any	
paper, record or proceeding prepared by another	
and presented for a certificate of the county clerk	
or clerk of the court	5.00
For filing all papers not otherwise provided for,	
other than papers filed in actions and	
proceedings in court and papers filed by public	
officers in their official capacity	15.00
For issuing any certificate under seal, not otherwise	
provided for.....	6.00
For searching records or files in the office of the	
county clerk or clerk of the court, for each year,	
unless such fee is waived by the county clerk or	
clerk of the court, as applicable.....	0.50
For filing and recording a bond of a notary public,	
per name	15.00
For entering the name of a firm or corporation in	
the register of the county clerk.....	20.00

2. Except as otherwise provided in subsection 2 of NRS 246.180 or by specific statute, a county clerk may charge and collect, in addition to any fee that a county clerk is otherwise authorized to charge and collect, an additional fee not to exceed \$5 for filing and recording or issuing a:

- (a) Bond of a notary public, per name;
- (b) Declaration of candidacy , *declaration of write-in candidacy* or acceptance of candidacy for a public office;
- (c) Certificate of assumed or fictitious name or renewal thereof as required pursuant to NRS 602.020;
- (d) Certificate of termination of business or of ownership in a business under an assumed or fictitious name as required pursuant to NRS 602.055;
- (e) Certificate of permission to perform marriages or a specific marriage; and
- (f) Certified copy or certified abstract of a marriage certificate.



3. On or before the fifth day of each month, the county clerk shall pay to the county treasurer the amount of fees collected by the county clerk pursuant to subsection 2 for credit to the account established pursuant to NRS 19.016.

4. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk or clerk of the court, as applicable.

5. The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk or clerk of the court, as applicable, in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

6. No fee may be charged to any attorney at law admitted to practice in this State for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or the defendant's attorney in any criminal case or in habeas corpus proceedings.

7. Notwithstanding any other provision of law, no fee may be charged or collected for the filing of a petition for a guardianship other than the fee established in subsection 1.

8. Each county clerk and clerk of the court shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

Sec. 43. 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 of candidacy, as defined in NRS 293.0455  *or a declaration of write-in candidacy, as defined in section 2 of this act.*



1 **Sec. 44.** Chapter 218A of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *“Declaration of write-in candidacy” has the meaning ascribed*
4 *to it in section 2 of this act.*

5 **Sec. 45.** NRS 218A.003 is hereby amended to read as follows:

6 218A.003 As used in this title, unless the context otherwise
7 requires, the words and terms defined in NRS 218A.006 to
8 218A.090, inclusive, *and section 44 of this act* have the meanings
9 ascribed to them in those sections.

10 **Sec. 46.** NRS 218A.635 is hereby amended to read as follows:

11 218A.635 1. Except as otherwise provided in subsections 2
12 and 4, for each day or portion of a day during which a Legislator
13 attends a presession orientation conference, a training session
14 conducted pursuant to NRS 218A.285 or a conference, meeting,
15 seminar or other gathering at which the Legislator officially
16 represents the State of Nevada or its Legislature, the Legislator is
17 entitled to receive:

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

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

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

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

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

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

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

35 (a) Has not filed a declaration of candidacy *or declaration of*
36 *write-in candidacy* within the time allowed for filing for election as
37 a member of the Senate or the Assembly;

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

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

42 4. This section does not apply:

43 (a) During a regular or special session; or

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



Sec. 47. 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 of candidacy *or declaration of write-in 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. 48. 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:

(a) Incumbent member of the Assembly must:

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



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

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

(b) Incumbent member of the Senate must:

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

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

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

(c) Newly elected member of the Assembly must:

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

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

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

(d) Newly elected member of the Senate must:

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

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

➤ If a newly elected member of the Senate does not request the maximum number of legislative measures authorized by subparagraph (1) of paragraph (d) of subsection 1, the number of



1 legislative measures that he or she must prefile or withdraw
2 pursuant to this paragraph is reduced by that number of unused
3 requests.

4 3. A Legislator may not request the drafting of a legislative
5 measure pursuant to subsection 1 on or after the date on which the
6 Legislator becomes a nonreturning Legislator. For the purposes of
7 this subsection, “nonreturning Legislator” means a Legislator who,
8 in the year that the Legislator’s term of office expires:

9 (a) Has not filed a declaration of candidacy *or declaration of*
10 *write-in candidacy* within the time allowed for filing for election as
11 a member of the Senate or the Assembly;

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

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

16 4. A Legislator may not request the drafting of a legislative
17 measure pursuant to paragraph (a) or (b) of subsection 1 on or after
18 the date on which the Legislator files a declaration of candidacy *or*
19 *declaration of write-in candidacy* for election to the House in which
20 he or she is not currently a member. If the Legislator is elected to
21 the other House, any request that he or she submitted pursuant to
22 paragraph (a) or (b) of subsection 1 before filing his or her
23 declaration of candidacy *or declaration of write-in candidacy* for
24 election counts against the applicable limitation set forth in
25 paragraph (c) or (d) of subsection 1 for the House in which the
26 Legislator is a newly elected member.

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

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

38 (b) A person designated after the general election as a chair of a
39 standing committee for the next regular session, or a person
40 designated in the place of a chair by the person designated as the
41 Speaker of the Assembly or the Majority Leader of the Senate for
42 the next regular session, may request on or before December 10
43 preceding that regular session the drafting of the remaining number
44 of the legislative measures allowed for the respective standing
45 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. 49. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

“Declaration of write-in candidacy” has the meaning ascribed to it in section 2 of this act.

Sec. 50. 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 ***or declaration of write-in 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 ***or declaration of write-in candidacy*** for any elective office. If the question of residence relates to whether an incumbent meets any qualification concerning residence required for the term



1 of office in which the incumbent is presently serving, the district
2 court does not have jurisdiction to determine the question of
3 residence in an action for declaratory judgment brought by a person
4 pursuant to this section but has jurisdiction to determine the
5 question of residence only in an action to declare the office vacant
6 that is authorized by NRS 283.040 and brought by the Attorney
7 General or the appropriate district attorney pursuant to that section.

8 6. Except as otherwise provided in NRS 293.1265, if in any
9 preelection action for declaratory judgment, the district court finds
10 that a person who has filed a declaration of candidacy *or*
11 *declaration of write-in candidacy* for any elective office fails to
12 meet any qualification concerning residence required for the office
13 pursuant to the Constitution or laws of this State, the person is
14 subject to the provisions of NRS 293.2045.

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

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

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

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

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

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

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

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



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

(6) The place listed as the person's residential address on the voter registration card, as defined in NRS 293.1205, issued to the person.

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

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

(9) The place listed as the person's residential address on any applications for issuance or renewal of any license, certificate, registration, permit or similar type of authorization issued to the person by a governmental agency which has the 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 candidacy **or declaration of write-in 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



1 presence or absence of any particular type of evidence listed in
2 paragraph (c) is not, by itself, determinative of the person’s legal
3 domicile, but such a determination must be based upon all the facts
4 and circumstances of the person’s particular case.

5 8. As used in this section:

6 (a) “Actual residence” means the place of permanent habitation
7 where a person actually resides and is legally domiciled. If the
8 person maintains more than one place of permanent habitation, the
9 place the person declares to be the person’s principal permanent
10 habitation when filing a declaration of candidacy *or declaration of*
11 *write-in candidacy* for any elective office must be the place where
12 the person actually resides and is legally domiciled in order for the
13 person to be eligible to the office.

14 (b) “Declaration of candidacy” has the meaning ascribed to it in
15 NRS 293.0455.

16 (c) *“Declaration of write-in candidacy” has the meaning*
17 *ascribed to it in section 2 of this act.*

18 **Sec. 51.** NRS 281.5555 is hereby amended to read as follows:

19 281.5555 The provisions of NRS 281.5555 to 281.581,
20 inclusive, *and section 49 of this act* may be cited as the Nevada
21 Financial Disclosure Act.

22 **Sec. 52.** NRS 281.556 is hereby amended to read as follows:

23 281.556 As used in NRS 281.5555 to 281.581, inclusive,
24 unless the context otherwise requires, the words and terms defined
25 in NRS 281.558 to 281.5587, inclusive, *and section 49 of this act*
26 have the meanings ascribed to them in those sections.

27 **Sec. 53.** NRS 281.558 is hereby amended to read as follows:

28 281.558 1. “Candidate” means any person who seeks to be
29 elected to a public office and:

30 (a) Who files a declaration of candidacy; ~~{or}~~

31 (b) *Who files a declaration of write-in candidacy; or*

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

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

36 **Sec. 54.** NRS 281.561 is hereby amended to read as follows:

37 281.561 1. Except as otherwise provided in this section and
38 NRS 281.572, each candidate who will be entitled to receive annual
39 compensation of \$6,000 or more for serving in the office that the
40 candidate is seeking, each candidate for the office of Legislator and
41 each public officer who was elected to the office for which the
42 public officer is serving shall file electronically with the Secretary
43 of State a financial disclosure statement, as follows:

44 (a) A candidate for nomination, election or reelection to public
45 office shall file a financial disclosure statement not later than the



1 10th day after the last day to qualify as a candidate for the office ~~or~~
2 *or, if the candidate filed a declaration of write-in candidacy, not*
3 *later than the 10th day after the last day to file the declaration of*
4 *write-in candidacy, as applicable.* The statement must disclose the
5 required information for the full calendar year immediately
6 preceding the date of filing and for the period between January 1 of
7 the year in which the election for the office will be held and the last
8 day to qualify as a candidate *or file a declaration of write-in*
9 *candidacy* for the office ~~or~~, *as applicable.* The filing of a financial
10 disclosure statement for a portion of a calendar year pursuant to this
11 paragraph does not relieve the candidate of the requirement of filing
12 a financial disclosure statement for the full calendar year pursuant to
13 paragraph (b) in the immediately succeeding year, if the candidate is
14 elected to the office.

15 (b) Each public officer shall file a financial disclosure statement
16 on or before January 15 of:

17 (1) Each year of the term, including the year in which the
18 public officer leaves office; and

19 (2) The year immediately following the year in which the
20 public officer leaves office, unless the public officer leaves office
21 before January 15 in the prior year.

22 ➤ The statement must disclose the required information for the full
23 calendar year immediately preceding the date of filing.

24 2. Except as otherwise provided in this subsection, if a
25 candidate is serving in a public office for which the candidate is
26 required to file a statement pursuant to paragraph (b) of subsection 1
27 or subsection 1 of NRS 281.559, the candidate need not file the
28 statement required by subsection 1 for the full calendar year for
29 which the candidate previously filed a statement. The provisions of
30 this subsection do not relieve the candidate of the requirement
31 pursuant to paragraph (a) of subsection 1 to file a financial
32 disclosure statement for the period between January 1 of the year in
33 which the election for the office will be held and the last day to
34 qualify as a candidate *or file a declaration of write-in candidacy* for
35 the office.

36 3. A person elected pursuant to NRS 548.285 to the office of
37 supervisor of a conservation district is not required to file a financial
38 disclosure statement relative to that office pursuant to subsection 1.

39 4. A candidate for judicial office or a judicial officer shall file a
40 financial disclosure statement pursuant to the requirements of the
41 Revised Nevada Code of Judicial Conduct. To the extent
42 practicable, such a statement must include, without limitation, all
43 information required to be included in a financial disclosure
44 statement pursuant to NRS 281.571.



Sec. 55. 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 *or declaration of write-in candidacy* with that officer within 10 days after the last day to qualify as a candidate *or file a declaration of write-in candidacy* for the applicable office.

Sec. 56. Chapter 281A of NRS is hereby amended by adding thereto a new section to read as follows:

“Declaration of write-in candidacy” has the meaning ascribed to it in section 2 of this act.

Sec. 57. 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 56 of this act* have the meanings ascribed to them in those sections.

Sec. 58. NRS 281A.050 is hereby amended to read as follows:

281A.050 “Candidate” means any person:

1. Who files a declaration of candidacy; ~~for~~

2. *Who files a declaration of write-in candidacy; or*

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

Sec. 59. 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 *or declaration of write-in 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



- 1 station created to provide community access to cable television. The
2 term does not include:
3 (1) A press release issued to the media by a governmental
4 entity; or
5 (2) The official website of a governmental entity.

