

**Amendment No. 699**

Assembly Amendment to Senate Bill No. 418 First Reprint (BDR 1-803)

**Proposed by:** Assembly Committee on Legislative Operations and Elections

**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD an unfunded mandate not requested by the affected local government to S.B. 418 R1 (§§ 2, 3).

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

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

KMD/BJF



Date: 5/24/2023

S.B. No. 418—Revises provisions relating to candidates to the office of district judge. (BDR 1-803)





SENATE BILL NO. 418—COMMITTEE ON JUDICIARY

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to candidates ~~to the~~ **for judicial** office ~~of district judge~~ (BDR ~~1-803~~ **24-803**)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

**(CONTAINS UNFUNDED MANDATE (§§ 2, 3)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT))**

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

AN ACT relating to judiciary; requiring a candidate ~~to the~~ **for judicial** office ~~of district judge~~ **who is not the incumbent** to ~~submit an application attesting~~ **complete and file a questionnaire containing certain information relating** to his or her qualifications for office; **authorizing a candidate for judicial office who is the incumbent to complete and file such a questionnaire; requiring the filing officer to post such a questionnaire on the internet website of the filing officer**, and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law sets forth certain qualifications for a person seeking to be a candidate ~~to the~~  
 2 ~~office of district judge, which include that the person: (1) has attained the age of 25 years; (2)~~  
 3 ~~is an attorney licensed and admitted to practice law in the courts of this State at the time of~~  
 4 ~~election or appointment; (3) has been licensed to practice law in this State, another State or the~~  
 5 ~~district of Columbia for a total of not less than 10 years at any time preceding the election or~~  
 6 ~~appointment, at least 2 of which must have been in this State; (4) is a qualified elector and has~~  
 7 ~~been a bona fide resident of this State for 2 years preceding the election or appointment; and~~  
 8 ~~(5) has not ever been removed or retired from judicial office.~~ **for the office of justice of the**  
 9 **Nevada Supreme Court, judge of the Court of Appeals, judge of a district court, justice**  
 10 **of the peace or municipal judge,** (NRS ~~2.020, 2A.020, 3.060~~ **1**, ~~4.010, 5.020~~ **With**  
 11 **certain exceptions, existing law further requires certain persons, including candidates**  
 12 **for these judicial offices, to file a declaration of candidacy with the appropriate filing**  
 13 **officer and pay a filing fee before his or her name may be printed on a ballot to be used**  
 14 **at a primary election.** (NRS 293.177) This bill requires a person seeking to be a candidate  
 15 ~~to the~~ **for judicial** office ~~of district judge~~ **who is not the incumbent** to ~~submit~~ **complete**  
 16 **and file** with his or her declaration of candidacy ~~the same application~~ **a questionnaire** that  
 17 is prescribed by the ~~Commission on Judicial Selection for a person who applies to fill a~~  
 18 ~~vacancy in the office of district judge.~~ **Nevada Supreme Court which includes, without**  
 19 **limitation, information on: (1) the education of the candidate; and (2) the qualifications**  
 20 **possessed by the candidate which are relevant to the judicial office for which he or she is**  
 21 **filing a declaration of candidacy. This bill also authorizes a candidate for judicial office**  
 22 **who is the incumbent to complete and file such a questionnaire.** This bill further requires

23 the filing officer ~~[with whom the person files the declaration of candidacy]~~ , **upon receipt of**  
 24 **such a questionnaire**, to publish the ~~[application]~~ **questionnaire** on the Internet website of  
 25 the filing officer. ~~[Finally, this bill provides that such an application must not include any~~  
 26 ~~information or material that is confidential.]~~

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

1 **Section 1.** ~~[NRS 2.060 is hereby amended to read as follows:~~

2 ~~3.060 1. A person may not be a candidate for and is not eligible to the office~~  
 3 ~~of district judge unless the person:~~

- 4 ~~— (a) Has attained the age of 25 years;~~
- 5 ~~— (b) Is an attorney licensed and admitted to practice law in the courts of this~~  
 6 ~~State at the time of the election or appointment;~~
- 7 ~~— (c) Has been an attorney licensed and admitted to practice law in the courts of~~  
 8 ~~this State, another state or the District of Columbia for a total of not less than 10~~  
 9 ~~years at any time preceding the election or appointment, at least 2 years of which~~  
 10 ~~have been in this State;~~
- 11 ~~— (d) Is a qualified elector and has been a bona fide resident of this State for 2~~  
 12 ~~years next preceding the election or appointment;~~
- 13 ~~— (e) Has not ever been removed from any judicial office by the Legislature or~~  
 14 ~~removed or retired from any judicial office by the Commission on Judicial~~  
 15 ~~Discipline;~~

16 ~~2. Except as otherwise provided in this subsection, each person who seeks to~~  
 17 ~~be a candidate to the office of district court must submit to the filing officer with~~  
 18 ~~his or her declaration of candidacy the same application that is prescribed by the~~  
 19 ~~Commission on Judicial Selection for a person who applies to fill a vacancy in~~  
 20 ~~the office of district judge. Upon receipt, the filing officer shall post the person's~~  
 21 ~~application on the Internet website of the filing officer. An application that is~~  
 22 ~~submitted or posted pursuant to this subsection must not include any information~~  
 23 ~~or material that is confidential pursuant to the rules of the Commission or any~~  
 24 ~~provision of federal or state law.~~

25 ~~3. For the purposes of this section, a person is eligible to be a candidate for~~  
 26 ~~the office of district judge if a decision to remove or retire the person from a~~  
 27 ~~judicial office is pending appeal before the Supreme Court or has been overturned~~  
 28 ~~by the Supreme Court.~~

29 ~~4. As used in this section:~~

- 30 ~~— (a) "Declaration of candidacy" has the meaning ascribed to it in NRS~~  
 31 ~~293.0455;~~
- 32 ~~— (b) "Filing officer" has the meaning ascribed to it in NRS 293.057.] (Deleted~~  
 33 ~~by amendment.)~~

34 **Sec. 2. Chapter 293 of NRS is hereby amended by adding thereto a new**  
 35 **section to read as follows:**

36 **1. A candidate for judicial office who is not the incumbent shall complete**  
 37 **and file with the filing officer, along with the declaration of candidacy for that**  
 38 **office, a questionnaire prescribed by the Nevada Supreme Court. The**  
 39 **questionnaire must include, without limitation, information on:**

- 40 **— (a) The education of the candidate; and**
- 41 **— (b) The qualifications possessed by the candidate which are relevant to the**  
 42 **judicial office for which he or she is filing.**

1 2. A candidate for judicial office who is the incumbent may complete and  
2 file with the filing officer the questionnaire described in subsection 1 within the  
3 time period prescribed by NRS 293.177 for a candidate to file a declaration of  
4 candidacy.

5 3. Upon receipt of the questionnaire completed and filed pursuant to  
6 subsection 1 or 2, the filing officer shall post the questionnaire on the Internet  
7 website of the filing officer.

8 Sec. 3. Chapter 293C of NRS is hereby amended by adding thereto a  
9 new section to read as follows:

10 1. A candidate for the office of municipal judge who is not the incumbent  
11 shall complete and file with the city clerk, along with the declaration of candidacy  
12 for that office, a questionnaire prescribed by the Nevada Supreme Court. The  
13 questionnaire must include, without limitation, information on:

14 (a) The education of the candidate; and

15 (b) The qualifications possessed by the candidate which are relevant to the  
16 office of municipal judge.

17 2. A candidate for the office of municipal judge who is the incumbent may  
18 complete and file with the city clerk the questionnaire described in subsection 1  
19 within the time period prescribed by NRS 293C.175 for a candidate for the office  
20 of municipal judge to file a declaration of candidacy.

21 3. Upon receipt of the questionnaire completed and filed pursuant to  
22 subsection 1 or 2, the city clerk shall post the questionnaire on the Internet  
23 website of the city clerk.

24 Sec. 4. The provisions of NRS 354.599 do not apply to any additional  
25 expenses of a local government that are related to the provisions of this act.