
ASSEMBLY BILL NO. 177—ASSEMBLYMEN SEAMAN, FIORE, SHELTON, MOORE, GARDNER; PAUL ANDERSON, DICKMAN, DOOLING, ELLISON, HAMBRICK, HANSEN, JONES, MUNFORD, NELSON, O’NEILL, SILBERKRAUS, STEWART, TITUS AND TROWBRIDGE

FEBRUARY 18, 2015

JOINT SPONSORS: SENATORS GOICOECHEA;
GUSTAVSON, HARDY AND SETTELMAYER

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing elections. (BDR 24-627)

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

CONTAINS UNFUNDED MANDATE (§§ 2, 18.5)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to elections; prohibiting the name of an ineligible candidate from appearing on the ballot unless the period for changing the ballot has elapsed; providing certain remedies and penalties in preelection challenges to the qualifications of a candidate; prohibiting the filling of a vacancy in a nomination for office under certain circumstances; amending certain residency requirements for candidates; revising provisions governing the filing of a declaration or acceptance of candidacy; increasing the penalty for a candidate who files certain documents containing a false statement; requiring certain proofs of identity and residency when filing for candidacy; changing the deadline for an elector to file certain preelection challenges to the qualifications of a candidate; providing that a vote cast for an ineligible candidate is a nullity and void for the purposes of determining the outcome of an election; prohibiting an ineligible candidate from demanding a recount, filing a contest of election or receiving a certificate of election; making conforming changes to the definition of “actual residence” for purposes of candidacy; making various other changes relating to elections; providing penalties; and providing other matters properly relating thereto.



* A B 1 7 7 R 1 *

Legislative Counsel's Digest:

1 Under certain circumstances, existing law sets forth procedures for filling a
2 vacancy in a nomination for a nonpartisan or partisan office, except that no changes
3 may be made to the ballot after a statutorily-prescribed date preceding any general
4 election. If, after that date, a vacancy occurs in a nomination, the nominee's name
5 must remain on the ballot for the general election and, if that person is elected, a
6 vacancy in the office exists. (NRS 293.165, 293.166, 293.368, 293C.190,
7 293C.370) Further, under existing law, if a candidate whose name appears on a
8 ballot is disqualified from entering upon the duties of an office or dies after the
9 deadline for making changes to the ballot has passed, the Secretary of State and
10 local election officials are required to post a sign at each polling place where the
11 person's name will appear on the ballot notifying voters of the candidate's
12 disqualification or death. (NRS 293.184, 293.302, 293C.1865, 293C.291)

13 This bill revises the legal rules, standards and procedures that apply to a person
14 who is or becomes an ineligible candidate during an election. **Section 1.5** of this
15 bill defines the term "ineligible candidate" to mean a person who is a candidate for
16 any office and who: (1) dies; (2) is adjudicated insane or mentally incompetent; (3)
17 fails to meet any qualification required for the office; or (4) is found by a court to
18 be disqualified from entering upon the duties of the office.

19 In the absence of a statute prescribing a different rule, the general rule under the
20 common law is that the votes cast for a deceased, disqualified or ineligible
21 candidate are not treated as void but are counted in determining the outcome of the
22 election with regard to the other candidates, which renders the election nugatory
23 and prevents the election of the candidate who receives the next highest number of
24 votes. (*Ingersoll v. Lamb*, 75 Nev. 1, 4 (1959)) **Sections 1.7, 15, 18.3 and 26** of this
25 bill abrogate the common-law rule and provide that any vote cast for an ineligible
26 candidate is a nullity and void and must not be given any legal force or effect for
27 the purposes of determining the outcome of the election. **Sections 1.8 and 17.4-**
28 **17.9** of this bill also provide that an ineligible candidate may not demand or receive
29 a recount of the vote at the election or contest the results of the election.

30 **Sections 2 and 18.5** of this bill provide that the name of an ineligible candidate
31 must not appear on the ballot at any election unless the period for making changes
32 on the ballot has elapsed. If the period has elapsed, local election officials must
33 provide notice to the voters at each affected polling place, on or near each
34 mechanical voting device and on or with each paper ballot and absent ballot that the
35 ineligible candidate is not eligible to take office and that any vote cast for the
36 ineligible candidate will be a nullity and void and will not be given any legal force
37 or effect for the purposes of determining the outcome of the election.

38 Under existing law, there are several different types of preelection court actions
39 that may be brought to challenge a candidate on grounds that the candidate fails to
40 meet any qualification required for the office, including actions for a declaratory
41 judgment or a writ of mandamus. (NRS 281.050, 293.182, 293C.186; *DeStefano v.*
42 *Berkus*, 121 Nev. 627, 628-31 (2005); *Child v. Lomax*, 124 Nev. 600, 604-05
43 (2008)) **Section 2.5** of this bill provides that in any preelection action where the
44 court finds that a candidate fails to meet any qualification required for the office:
45 (1) the candidate becomes an ineligible candidate and local election officials must
46 take appropriate action to remove the candidate's name from the ballot or provide
47 the required notice to voters; (2) the candidate is disqualified from taking office;
48 and (3) the court may order the candidate to pay the attorney's fees and costs of the
49 party who brought the action, including the Attorney General or a district attorney
50 or city attorney.

51 Under existing law, certain state and local officials must issue a certificate of
52 election to the candidate receiving the highest number of votes for an office as
53 official recognition of the candidate's election to the office. (NRS 4.020, 218A.210,
54 245.010, 258.010, 267.050, 283.130, 293.034, 293.393-293.397, 293.435,



55 293C.387, 293C.395, 386.260, 539.157; Caliente City Charter § 5.100; Carlin City
56 Charter § 5.090; Carson City Charter § 5.100; Elko City Charter § 5.090;
57 Henderson City Charter § 5.100; Las Vegas City Charter § 5.100; North Las Vegas
58 City Charter § 5.080; Reno City Charter § 5.100; Sparks City Charter § 5.100;
59 Wells City Charter § 5.090; Yerington City Charter § 5.090) **Sections 3.7, 17.1-**
60 **17.3, 17.9, 28-28.4, 29.1, 29.5, 29.6, 29.8, 31, 36, 40, 46, 49, 52, 54, 58, 62, 66, 69,**
61 **72, 75 and 78** of this bill provide that if the name of an ineligible candidate could
62 not be removed from the ballot, a certificate of election must not be issued to the
63 ineligible candidate regardless of the number of votes cast for the ineligible
64 candidate that are a nullity and void.

65 Existing law sets forth procedures for filling certain vacancies in a nomination
66 for a nonpartisan or partisan office that occur before a statutorily-prescribed date
67 preceding any general election. (NRS 293.165, 293.166, 293C.190) **Section 3** of
68 this bill prohibits a vacancy in a nomination for a partisan office from being filled if
69 the vacancy occurs because the candidate fails to meet any qualification required
70 for the office or is found by a court to be disqualified from taking office, except that
71 the prohibition does not apply to such a vacancy occurring before certain special
72 elections. If a vacancy in a nomination for a nonpartisan or partisan office occurs
73 for certain other reasons, **sections 4, 4.5 and 22.5** of this bill allow such a vacancy
74 to be filled in the manner provided by existing law before the statutorily-prescribed
75 date preceding the general election.

76 Under existing law, the Legislature may enact statutory qualifications to be a
77 candidate for an elective office which are in addition to any constitutional
78 qualifications required for the office. (*Mengelkamp v. List*, 88 Nev. 542, 544-45
79 (1972); *Riter v. Douglass*, 32 Nev. 400, 435-36 (1910)) Such additional statutory
80 qualifications may include residency requirements, and both the United States
81 Supreme Court and the Nevada Supreme Court have upheld residency requirements
82 that require a candidate to be a state resident for 2 or more years. (*Clements v.*
83 *Fashing*, 457 U.S. 957, 967-68 (1982) (explaining that the Court upheld New
84 Hampshire's 7-year state residency requirement for gubernatorial candidates when
85 it summarily affirmed the lower court's decision in *Chimento v. Stark*, 353 F. Supp.
86 1211 (D.N.H. 1973), *summarily aff'd*, 414 U.S. 802 (1973)); *Schaefer v. Eighth*
87 *Jud. Dist. Ct.*, No. 65361 (Nev. Apr. 14, 2014) (upholding Nevada's 2-year state
88 residency requirement for State Controller candidates in NRS 227.010))

89 Existing law sets forth certain residency requirements for candidates. In
90 particular, a candidate must actually, as opposed to constructively, reside in the
91 district to which the office pertains for at least 30 days preceding the date of the
92 close of filing for candidacy. (NRS 293.1755, 293C.200) Additionally, a candidate
93 for election or appointment to the Legislature must be an actual, as opposed to
94 constructive, resident of this State for 1 year preceding the person's election or
95 appointment. (NRS 218A.200) **Sections 6 and 23** of this bill provide that all
96 candidates must be an actual resident of the district to which the office pertains for
97 at least 180 days preceding the date of the close of filing for a candidacy. **Section**
98 **29** of this bill requires that a candidate for election or appointment to the
99 Legislature be an actual resident of this State for 2 years preceding the person's
100 election or appointment.

101 Existing law: (1) requires a candidate to file a declaration or acceptance of
102 candidacy before his or her name may appear on a ballot; and (2) provides that
103 a candidate who knowingly and willfully files a declaration or acceptance of
104 candidacy which contains a false statement regarding residency is guilty of a gross
105 misdemeanor. (NRS 293.1755, 293.177, 293C.185, 293C.200) **Sections 6, 7, 20**
106 **and 23** of this bill provide that a candidate who knowingly and willfully files a
107 declaration or acceptance of candidacy which contains a false statement is guilty of
108 a category E felony.



109 Existing law requires a candidate for election or appointment to the Legislature
110 to meet certain qualifications for the office. (NRS 218A.200) A candidate for
111 election to the Legislature must also file a declaration of residency with his or her
112 declaration or acceptance of candidacy. (NRS 293.181) **Sections 8 and 29** of this
113 bill provide that any such candidate who knowingly and willfully files a declaration
114 or acceptance of candidacy, a declaration of residency or an application for
115 appointment which contains a false statement is guilty of a category E felony.

116 Under existing law, a person who receives a certificate of election or
117 appointment to office as a Legislator must take and subscribe to the official oath
118 before taking office. (NRS 218A.220) **Section 29.2** of this bill prohibits a person
119 from taking and subscribing to the official oath as a Legislator if, after the person
120 files a declaration or acceptance of candidacy and on or before the date of the
121 general election, a court finds that the person is an ineligible candidate because the
122 person fails to meet any qualification required for the office.

123 Before the Assembly meets for each regular session, existing law requires the
124 Secretary of State to make out a roll from the election returns of the persons who
125 received the highest number of votes to be elected as members of the Assembly,
126 and the members whose names appear upon the roll must be allowed to participate
127 in the organization of the Assembly. (NRS 218A.400) **Section 29.4** of this bill
128 provides that if the name of an ineligible candidate for office as a member of the
129 Assembly could not be removed from the ballot, the Secretary of State shall not
130 include the ineligible candidate upon the roll of the persons elected as members of
131 the Assembly and the name of the ineligible candidate must not appear upon the
132 roll regardless of the number of votes cast for the ineligible candidate that are a
133 nullity and void.

134 Existing law authorizes an elector to file a written challenge to a candidate's
135 qualifications not later than 5 working days after the last day for the candidate to
136 formally withdraw his or her candidacy. Depending on the state or local office
137 being sought by the candidate, the Attorney General or the appropriate district
138 attorney or city attorney must review the challenge and, if he or she determines that
139 probable cause exists to support the challenge, must bring a preelection court action
140 challenging the candidate's qualifications within a statutorily-prescribed period.
141 (NRS 293.182, 293C.186; *Williams v. Clark County Dist. Att'y*, 118 Nev. 473, 477-
142 79 (2002) (interpreting NRS 293.182 to permit an elector to file a written challenge
143 not later than 5 working days after the last day for the candidate to formally
144 withdraw his or her candidacy)) **Sections 9 and 21** of this bill change the deadline
145 for an elector to file such a written challenge to the last Monday immediately
146 preceding the first day of early voting for any general election.

147 Existing law defines the term "actual residence" to mean the place where a
148 candidate is legally domiciled and maintains a permanent habitation, and when a
149 candidate maintains more than one place of permanent habitation, the place
150 designated by the candidate as his or her principal permanent habitation is deemed
151 to be the candidate's actual residence. (NRS 281.050) The Nevada Supreme Court
152 has held that the place designated by the candidate as his or her principal permanent
153 habitation must be the place where the candidate actually resides and is legally
154 domiciled in order for the candidate to be eligible to the office. (*Williams v. Clark
155 County Dist. Att'y*, 118 Nev. 473, 484-86 (2002); *Chachas v. Miller*, 120 Nev. 51,
156 53-56 (2004)) **Section 30** of this bill amends existing law to reflect the Supreme
157 Court's holding.

158 The remaining sections of this bill make conforming changes to carry out the
159 revisions to existing law.



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

1 **Section 1.** Chapter 293 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 1.5 to 3, inclusive, of this
3 act.

4 **Sec. 1.5.** *“Ineligible candidate” means a person who is a*
5 *candidate for any office and who:*

6 1. *Dies;*

7 2. *Is adjudicated insane or mentally incompetent;*

8 3. *Fails to meet any qualification required for the office*
9 *pursuant to the Constitution or laws of this State; or*

10 4. *Is found by a court of competent jurisdiction to be*
11 *disqualified from entering upon the duties of the office pursuant*
12 *to the Constitution or laws of this State.*

13 **Sec. 1.7.** 1. *Notwithstanding any other provision of law,*
14 *any vote cast for an ineligible candidate is a nullity and void and*
15 *must not be given any legal force or effect for the purposes of*
16 *determining the outcome of a primary election, general election or*
17 *special election or any other election.*

18 2. *The provisions of this section are intended to abrogate any*
19 *principle or rule of the common law to the contrary.*

20 **Sec. 1.8.** *A person who is or becomes an ineligible candidate*
21 *may not:*

22 1. *Demand or receive a recount of the vote for the office for*
23 *which he or she is an ineligible candidate pursuant to NRS*
24 *293.400 to 293.405, inclusive; or*

25 2. *Contest the election for the office for which he or she is an*
26 *ineligible candidate pursuant to NRS 293.407 to 293.435,*
27 *inclusive.*

28 **Sec. 2.** 1. *Except as otherwise provided in this section, the*
29 *name of a person who is or becomes an ineligible candidate must*
30 *not appear on the ballot at a primary election, general election or*
31 *special election or any other election.*

32 2. *If a person is or becomes an ineligible candidate, the*
33 *county clerk shall remove the name of the person from the ballot,*
34 *except that no changes may be made on the ballot pursuant to this*
35 *section for:*

36 (a) *A primary election after 5 p.m. on the first Monday in April*
37 *of the year in which the primary election is held.*

38 (b) *A general election after 5 p.m. on the last Friday in July of*
39 *the year in which the general election is held.*

40 (c) *A special election or any other election after 5 p.m. on the*
41 *last day prescribed by the Secretary of State or the county clerk, as*
42 *applicable, for making changes on the ballot for that election.*



1 3. *If the period for making changes on the ballot has elapsed*
2 *pursuant to this section and, for that reason, the county clerk*
3 *cannot remove the name of the person who is or becomes an*
4 *ineligible candidate from the ballot, the county clerk shall:*

5 (a) *At each polling place where the person's name will appear*
6 *on the ballot, including, without limitation, a polling place for*
7 *early voting:*

8 (1) *Post a sign informing voters that the person is not*
9 *eligible to enter upon the duties of the office and that any vote cast*
10 *for the person will be a nullity and void and will not be given any*
11 *legal force or effect for the purposes of determining the outcome*
12 *of the election;*

13 (2) *Place a notice on or near each mechanical recording*
14 *device informing a voter who uses the device that the person is not*
15 *eligible to enter upon the duties of the office and that any vote cast*
16 *for the person will be a nullity and void and will not be given any*
17 *legal force or effect for the purposes of determining the outcome*
18 *of the election; and*

19 (3) *If paper ballots are used, include a notice on or with*
20 *each paper ballot informing a voter who uses the paper ballot that*
21 *the person is not eligible to enter upon the duties of the office and*
22 *that any vote cast for the person will be a nullity and void and will*
23 *not be given any legal force or effect for the purposes of*
24 *determining the outcome of the election; and*

25 (b) *If the absent ballots have not been distributed by the county*
26 *clerk, include a notice on or with each absent ballot informing a*
27 *voter who uses the absent ballot that the person is not eligible to*
28 *enter upon the duties of the office and that any vote cast for the*
29 *person will be a nullity and void and will not be given any legal*
30 *force or effect for the purposes of determining the outcome of the*
31 *election.*

32 **Sec. 2.5. 1.** *In addition to any other remedy or penalty*
33 *provided by law, if a court of competent jurisdiction finds in any*
34 *preelection action that a person who is a candidate for any office*
35 *fails to meet any qualification required for the office pursuant to*
36 *the Constitution or laws of this State:*

37 (a) *The person is an ineligible candidate, and the county clerk*
38 *or city clerk, as applicable, shall take appropriate action regarding*
39 *the ineligible candidate pursuant to section 2 or 18.5 of this act;*

40 (b) *The person is disqualified from entering upon the duties of*
41 *the office for which he or she filed a declaration of candidacy or*
42 *acceptance of candidacy; and*

43 (c) *The court may order the person to pay the reasonable*
44 *attorney's fees and costs of the party who brought the action,*



1 *including, without limitation, the Attorney General or a district*
2 *attorney or city attorney.*

3 *2. The provisions of this section apply to any preelection*
4 *action brought to challenge a person who is a candidate for any*
5 *office on the grounds that the person is an ineligible candidate*
6 *because the person fails to meet any qualification required for the*
7 *office pursuant to the Constitution or laws of this State, including,*
8 *without limitation, any action brought pursuant to NRS 281.050,*
9 *293.182 or 293C.186 or any action brought for:*

10 *(a) Declaratory or injunctive relief pursuant to chapter 30 or*
11 *33 of NRS;*

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

13 *(c) Any other legal or equitable relief.*

14 **Sec. 3. 1. Except as otherwise provided in this section, a**
15 **vacancy occurring in a major or minor political party nomination**
16 **for a partisan office may not be filled by the party if the vacancy**
17 **occurs because the candidate who is the party's nominee:**

18 *(a) Fails to meet any qualification required for the office*
19 *pursuant to the Constitution or laws of this State; or*

20 *(b) Is found by a court of competent jurisdiction to be*
21 *disqualified from entering upon the duties of the office pursuant*
22 *to the Constitution or laws of this State.*

23 *2. The provisions of this section do not apply to a vacancy*
24 *occurring in a major or minor political party nomination for a*
25 *partisan office at a special election if no primary election is held to*
26 *choose the candidate who is the party's nominee before the special*
27 *election.*

28 **Sec. 3.5.** NRS 293.010 is hereby amended to read as follows:

29 293.010 As used in this title, unless the context otherwise
30 requires, the words and terms defined in NRS 293.013 to 293.121,
31 inclusive, *and section 1.5 of this act* have the meanings ascribed to
32 them in those sections.

33 **Sec. 3.7.** NRS 293.034 is hereby amended to read as follows:

34 293.034 "Certificate of election" means a certificate prepared
35 by the county or city clerk or Governor, as the case may be, for the
36 person having the highest number of votes for any district, county,
37 township, city, state or statewide office as official recognition of the
38 person's election to office **H**, *except that if the name of an*
39 *ineligible candidate could not be removed from the ballot pursuant*
40 *to section 2 or 18.5 of this act, such a certificate must not be*
41 *prepared for the ineligible candidate regardless of the number of*
42 *votes cast for the ineligible candidate that are a nullity and void.*

43 **Sec. 3.8.** NRS 293.042 is hereby amended to read as follows:

44 293.042 "Contest" means an adversary proceeding between a
45 candidate for a public office who has received the greatest number



1 of votes and any other candidate for that office or, in certain cases,
2 any registered voter of the appropriate political subdivision, for the
3 purpose of determining the validity of an election ~~†~~, *except that a*
4 *person who is or becomes an ineligible candidate may not contest*
5 *the election for the office for which he or she is an ineligible*
6 *candidate pursuant to section 1.8 of this act.*

7 **Sec. 4.** NRS 293.165 is hereby amended to read as follows:

8 293.165 1. ~~†~~~~Except as otherwise provided in NRS 293.166, a~~
9 ~~vacancy occurring in a major or minor political party nomination for~~
10 ~~a partisan office may be filled by a candidate designated by the~~
11 ~~party central committee of the county or State, as the case may be,~~
12 ~~of the major political party or by the executive committee of the~~
13 ~~minor political party subject to the provisions of subsections 3, 4~~
14 ~~and 5.~~

15 ~~—2.†~~ A vacancy occurring in a nonpartisan office or nomination
16 for a nonpartisan office after the close of filing and before 5 p.m. of
17 the fourth Friday in June of the year in which the general election is
18 held must be filled by the person who receives or received the next
19 highest vote for the nomination in the primary election if a primary
20 election was held for that nonpartisan office. If no primary election
21 was held for that nonpartisan office or if there was not more than
22 one person who was seeking the nonpartisan nomination in the
23 primary election, a person may become a candidate for the
24 nonpartisan office at the general election if the person files a
25 declaration of candidacy or acceptance of candidacy, and pays the
26 fee required by NRS 293.193, on or after 8 a.m. on the third
27 Monday in June and before 5 p.m. on the fourth Friday in June.

28 ~~†3.—If a vacancy occurs in a major political party nomination for~~
29 ~~a partisan office after the primary election and before 5 p.m. on the~~
30 ~~fourth Friday in June of the year in which the general election is~~
31 ~~held and:~~

32 ~~—(a) The vacancy occurs because the nominee dies or is~~
33 ~~adjudicated insane or mentally incompetent, the vacancy may be~~
34 ~~filled by a candidate designated by the party central committee of~~
35 ~~the county or State, as the case may be, of the major political party.~~

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

39 ~~—4.—No†~~

40 2. *Except as otherwise provided in section 2 of this act, no*
41 *change in a nomination for a nonpartisan office* may be made on
42 the ballot for the general election after 5 p.m. on the fourth Friday in
43 June of the year in which the general election is held ~~†.††~~, *and no*
44 *vacancy in a nomination for a nonpartisan office may be filled*
45 *after that time and date. †*



1 ~~—(a) A nominee dies or is adjudicated insane or mentally~~
2 ~~incompetent; or~~

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

6 ~~— 5. All designations provided for in this section must be filed on~~
7 ~~or before 5 p.m. on the fourth Friday in June of the year in which the~~
8 ~~general election is held. In each case, the statutory filing fee must be~~
9 ~~paid and an acceptance of the designation must be filed on or before~~
10 ~~5 p.m. on the date the designation is filed.]~~

11 **Sec. 4.5.** NRS 293.166 is hereby amended to read as follows:

12 293.166 1. *Except as otherwise provided in this section and*
13 *sections 2 and 3 of this act:*

14 *(a) A vacancy occurring in a major or minor political party*
15 *nomination for a partisan office, other than an office described in*
16 *paragraph (b), may be filled by a candidate who is designated by:*

17 *(1) The party central committee of the county or State, as*
18 *the case may be, of the major political party; or*

19 *(2) The executive committee of the minor political party.*

20 *(b) A vacancy occurring in a major political party nomination*
21 *for the office of State Senator, Assemblyman or Assemblywoman*
22 *from a legislative district comprising more than one county may be*
23 *filled as follows . [subject to the provisions of subsections 2, 3 and*
24 *4.] The county commissioners of each county, all or part of which is*
25 *included within the legislative district, shall meet to appoint a*
26 *person who is of the same political party as the former nominee and*
27 *who actually, as opposed to constructively, resides in the district to*
28 *fill the vacancy, with the chair of the board of county*
29 *commissioners of the county whose population residing within the*
30 *district is the greatest presiding. Each board of county*
31 *commissioners shall first meet separately and determine the single*
32 *candidate it will nominate to fill the vacancy. Then, the boards shall*
33 *meet jointly and the chairs on behalf of the boards shall cast a*
34 *proportionate number of votes according to the percent, rounded to*
35 *the nearest whole percent, which the population of its county is of*
36 *the population of the entire district. Populations must be determined*
37 *by the last decennial census or special census conducted by the*
38 *Bureau of the Census of the United States Department of*
39 *Commerce. The person who receives a plurality of these votes is*
40 *appointed to fill the vacancy. If no person receives a plurality of the*
41 *votes, the boards of county commissioners of the respective counties*
42 *shall each as a group select one candidate, and the nominee must be*
43 *chosen by drawing lots among the persons so selected.*

44 2. If a vacancy occurs in a *major political* party nomination for
45 ~~[the office of State Senator, Assemblyman or Assemblywoman from~~



1 ~~a legislative district comprising more than one county~~ *a partisan*
2 *office* after the primary election and before 5 p.m. on the fourth
3 Friday in June of the year in which the general election is held and:

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

7 (b) The vacancy occurs for a reason other than the reasons
8 described in paragraph (a), *the vacancy may not be filled pursuant*
9 *to the provisions of subsection 1, and* the nominee's name must
10 ~~remain on~~ *be removed from* the ballot for the general election .
11 ~~and, if elected, a vacancy exists.~~

12 3. ~~No~~ *Except as otherwise provided in sections 2 and 3 of*
13 *this act, no change in a major or minor political party nomination*
14 *for a partisan office* may be made on the ballot for the general
15 election after 5 p.m. on the fourth Friday in June of the year in
16 which the general election is held ~~if~~, *and no vacancy in a major*
17 *or minor political party nomination for a partisan office may be*
18 *filled* after that time and date . ~~†~~

19 ~~—(a) A nominee dies or is adjudicated insane or mentally~~
20 ~~incompetent; or~~

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

24 4. The designation of a ~~nominee~~ *candidate to fill a vacancy*
25 pursuant to this section must be filed ~~with the Secretary of State~~ on
26 or before 5 p.m. on the fourth Friday in June of the year in which the
27 general election is held, and the statutory filing fee must be paid
28 ~~with~~ *and an acceptance of* the designation ~~†~~ *must be filed on or*
29 *before 5 p.m. on the date the designation is filed.*

30 **Sec. 5.** NRS 293.1715 is hereby amended to read as follows:

31 293.1715 1. The names of the candidates for partisan office
32 of a minor political party must not appear on the ballot for a primary
33 election.

34 2. ~~The~~ *Except as otherwise provided in sections 2 and 3 of*
35 *this act, the* names of the candidates for partisan office of a minor
36 political party must be placed on the ballot for the general election if
37 the minor political party is qualified. To qualify as a minor political
38 party, the minor political party must have filed a certificate of
39 existence and be organized pursuant to NRS 293.171, must have
40 filed a list of its candidates for partisan office pursuant to the
41 provisions of NRS 293.1725 with the Secretary of State and:

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



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

5 (c) Not later than the third Friday in May preceding the general
6 election, must file a petition with the Secretary of State which is
7 signed by a number of registered voters equal to at least 1 percent of
8 the total number of votes cast at the last preceding general election
9 for the offices of Representative in Congress.

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

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

16 **Sec. 6.** 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 for any office unless, for at least
19 the ~~30~~ 180 days immediately preceding the date of the close of
20 filing of declarations of candidacy or acceptances of candidacy for
21 the office which the person seeks, the person has, in accordance
22 with NRS 281.050, actually, as opposed to constructively, resided in
23 the State, district, county, township or other area prescribed by law
24 to which the office pertains and, if elected, over which he or she will
25 have jurisdiction or will represent.

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

31 ~~3. The provisions of this section do not apply to candidates for~~
32 ~~the office of district attorney.~~ ~~category E felony and shall be~~
33 ~~punished as provided in NRS 193.130.~~

34 **Sec. 7.** NRS 293.177 is hereby amended to read as follows:

35 293.177 1. Except as otherwise provided in NRS 293.165,
36 293.166 and section 2 of this act, a name may not be printed on a
37 ballot to be used at a primary election unless the person named has
38 filed a declaration of candidacy or an acceptance of candidacy, and
39 has paid the fee required by NRS 293.193 not earlier than:

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



1 (b) For all other candidates, the first Monday in March of the
2 year in which the election is to be held ~~not~~ *and not* later than
3 5 p.m. on the second Friday after the first Monday in March.

4 2. A declaration of candidacy or an acceptance of candidacy
5 required to be filed by this section must be in substantially the
6 following form:

7 (a) For partisan office:

8
9 DECLARATION OF CANDIDACY OF FOR THE
10 OFFICE OF

11
12 State of Nevada

13
14 County of

15
16 For the purpose of having my name placed on the official
17 ballot as a candidate for the Party nomination for
18 the office of, I, the undersigned, do swear or
19 affirm under penalty of perjury that I actually, as opposed to
20 constructively, reside at, in the City or Town of
21, County of, State of Nevada; that my actual, as
22 opposed to constructive, residence, *in accordance with NRS*
23 *281.050*, in the State, district, county, township, city or other
24 area prescribed by law to which the office pertains began on a
25 date at least ~~30~~ *180* days immediately preceding the date of
26 the close of filing of declarations of candidacy for this office;
27 that my telephone number is, and the address at
28 which I receive mail, if different than my residence, is;
29 that I am registered as a member of the Party; that I
30 am a qualified elector pursuant to Section 1 of Article 2 of the
31 Constitution of the State of Nevada; that if I have ever been
32 convicted of treason or a felony, my civil rights have been
33 restored by a court of competent jurisdiction; that I have not,
34 in violation of the provisions of NRS 293.176, changed the
35 designation of my political party or political party affiliation
36 on an official application to register to vote in any state since
37 December 31 before the closing filing date for this election;
38 that I generally believe in and intend to support the concepts
39 found in the principles and policies of that political party in
40 the coming election; that if nominated as a candidate of the
41 Party at the ensuing election, I will accept that
42 nomination and not withdraw; that I will not knowingly
43 violate any election law or any law defining and prohibiting
44 corrupt and fraudulent practices in campaigns and elections in
45 this State; that I will qualify for the office if elected thereto,



including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

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

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

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

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence , *in accordance with NRS 281.050*, 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~~ **180** days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a



1 nonpartisan candidate at the ensuing election, I will accept the
2 nomination and not withdraw; that I will not knowingly
3 violate any election law or any law defining and prohibiting
4 corrupt and fraudulent practices in campaigns and elections in
5 this State; that I will qualify for the office if elected thereto,
6 including, but not limited to, complying with any limitation
7 prescribed by the Constitution and laws of this State
8 concerning the number of years or terms for which a person
9 may hold the office; and my name will appear on all ballots
10 as designated in this declaration.

11
12
13 (Designation of name)

14
15
16 (Signature of candidate for office)

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

20
21 Notary Public or other person
22 authorized to administer an oath
23
24

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

32 (a) The ***candidate shall not list the*** candidate's address ~~is~~
33 ~~listed~~ as a post office box unless a street address has not been
34 assigned to his or her residence; ~~or~~ ***and***

35 (b) The candidate ~~does not~~ ***shall*** present to the filing officer:

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

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



1 4. The filing officer shall retain a copy of the proof of identity
2 and residency provided by the candidate pursuant to paragraph (b)
3 of subsection 3. Such a copy:

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

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

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

22 6. If the ~~filing officer~~ *Secretary of State* receives credible
23 evidence indicating that a candidate ~~has been convicted of a felony~~
24 ~~and has not had his or her civil rights restored by a court of~~
25 ~~competent jurisdiction,~~ *does not meet any qualification required*
26 *for the office pursuant to the Constitution or laws of this State,* the
27 ~~filing officer~~ *Secretary of State shall:*

28 (a) ~~May conduct~~ *Conduct* an investigation to determine
29 whether the candidate ~~has been convicted of a felony and, if so,~~
30 ~~whether the candidate has had his or her civil rights restored by a~~
31 ~~court of competent jurisdiction,~~ *is eligible to hold the office;* and

32 (b) ~~Shall transmit~~ *Transmit* the credible evidence and the
33 findings from such investigation to ~~the~~ :

34 (1) *The* Attorney General ~~is~~ if the filing officer *for the*
35 *candidate* is the Secretary of State ~~is or to the~~ ; *or*

36 (2) *The appropriate* district attorney ~~is~~ if the filing officer
37 *for the candidate* is a person other than the Secretary of State.

38 7. The receipt of information by the Attorney General or
39 district attorney pursuant to subsection 6 must be treated as a
40 challenge of a candidate pursuant to subsections 4 and 5 of NRS
41 293.182. ~~If the ballots are printed before a court of competent~~
42 ~~jurisdiction makes a determination that a candidate has been~~
43 ~~convicted of a felony and has not had his or her civil rights restored~~
44 ~~by a court of competent jurisdiction, the filing officer must post a~~
45 ~~notice at each polling place where the candidate's name will appear~~



1 ~~on the ballot informing the voters that the candidate is disqualified~~
2 ~~from entering upon the duties of the office for which the candidate~~
3 ~~filed the declaration of candidacy or acceptance of candidacy.]~~

4 **8. Any person who knowingly and willfully files a declaration**
5 **of candidacy or acceptance of candidacy which contains a false**
6 **statement in violation of this section is guilty of a category E**
7 **felony and shall be punished as provided in NRS 193.130.**

8 **Sec. 8.** NRS 293.181 is hereby amended to read as follows:

9 293.181 1. A candidate for the office of State Senator,
10 Assemblyman or Assemblywoman must execute and file with his or
11 her declaration of candidacy or acceptance of candidacy a
12 declaration of residency which must be in substantially the
13 following form:

14
15 I, the undersigned, do swear or affirm under penalty of
16 perjury that, ~~I have been a citizen resident of this State~~ as
17 required by NRS 218A.200 ~~and~~, **I will** have actually, as
18 opposed to constructively, **been a citizen resident of this**
19 **State and** resided at the following residence or residences
20 ~~[since November 1 of the preceding year:]~~, **in accordance**
21 **with NRS 281.050, for the 2 years immediately preceding**
22 **the date of the general election:**
23

24 Street Address Street Address

25
26 City or Town City or Town

27
28 State State

29
30
31 From To From To
32 Dates of Residency Dates of Residency

33
34 Street Address Street Address

35
36 City or Town City or Town

37
38 State State

39
40
41 From To From To
42 Dates of Residency Dates of Residency

43 (Attach additional sheet or sheets of residences as necessary)



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

9 ***3. Any person who knowingly and willfully files a declaration
10 of residency which contains a false statement in violation of this
11 section is guilty of a category E felony and shall be punished as
12 provided in NRS 193.130.***

13 **Sec. 9.** NRS 293.182 is hereby amended to read as follows:

14 293.182 1. After a person files a declaration of candidacy or
15 an acceptance of candidacy to be a candidate for an office, and not
16 later than 5 ~~{days after}~~ ***p.m. on*** the last ~~{day the person may
17 withdraw his or her candidacy}~~ ***Monday immediately preceding the
18 first day of the period of early voting by personal appearance for
19 the general election*** pursuant to NRS ~~{293.202,}~~ ***293.3568,*** an
20 elector may file with the filing officer for the office a written
21 challenge of the person on the grounds that the person fails to meet
22 any qualification required for the office pursuant to the Constitution
23 or ~~{a statute}~~ ***laws*** of this State . ~~{, including, without limitation, a
24 requirement concerning age or residency.}~~ Before accepting the
25 challenge from the elector, the filing officer shall notify the elector
26 that if the challenge is found by a court to be frivolous, the elector
27 may be required to pay the reasonable attorney's fees and ~~{court}~~
28 costs of the ~~{challenged person.}~~ ***person who is being challenged.***

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

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

31 (b) Have attached all documentation and evidence supporting
32 the challenge; and

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

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

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

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

40 4. If the Attorney General or district attorney determines that
41 probable cause exists to support the challenge, the Attorney General
42 or district attorney shall, not later than 5 working days after
43 receiving the challenge, petition a court of competent jurisdiction to
44 order the person to appear before the court. Upon receipt of such a
45 petition, the court shall enter an order directing the person to appear



1 before the court at a hearing, at a time and place to be fixed by the
2 court in the order, to show cause why the challenge is not valid. A
3 certified copy of the order must be served upon the person. The
4 court shall give priority to such proceedings over all other matters
5 pending with the court, except for criminal proceedings.

6 5. If, at the hearing, the court determines by a preponderance of
7 the evidence that the challenge is valid or that the person otherwise
8 fails to meet any qualification required for the office pursuant to the
9 Constitution or ~~{a statute}~~ **laws** of this State, or if the person fails to
10 appear at the hearing ~~:-~~

11 ~~—(a) The name of the person must not appear on any ballot for the~~
12 ~~election for the office for which the person filed the declaration of~~
13 ~~candidacy or acceptance of candidacy; and~~

14 ~~—(b) The~~ , **the** person is ~~{disqualified from entering upon the~~
15 ~~duties of the office for which he or she filed the declaration of~~
16 ~~candidacy or acceptance of candidacy.}~~ **an ineligible candidate and**
17 **is subject to the provisions of section 2.5 of this act.**

18 6. If, at the hearing, the court determines that the challenge is
19 frivolous, the court may order the elector who filed the challenge to
20 pay the reasonable attorney's fees and ~~{court}~~ costs of the
21 ~~{challenged person.}~~ **person who was challenged.**

22 **Sec. 10.** NRS 293.184 is hereby amended to read as follows:

23 293.184 ~~{1.}~~ In addition to any other **remedy or** penalty
24 provided by law, if a person **knowingly and** willfully files a
25 declaration of candidacy or acceptance of candidacy ~~{knowing that~~
26 ~~the declaration of candidacy or acceptance of candidacy}~~ **which**
27 contains a false statement:

28 ~~{(a) Except as otherwise provided in NRS 293.165 and 293.166,~~
29 ~~the name of the person must not appear on any ballot for the election~~
30 ~~for which the person filed the declaration of candidacy or~~
31 ~~acceptance of candidacy; and~~

32 ~~—(b)}~~ **1. The person is an ineligible candidate, and the county**
33 **clerk shall take appropriate action regarding the ineligible**
34 **candidate pursuant to section 2 of this act; and**

35 **2.** The person is disqualified from entering upon the duties of
36 the office for which he or she ~~{was a candidate.}~~

37 ~~—2. If the name of a person who is disqualified from entering~~
38 ~~upon the duties of an office pursuant to subsection 1 appears on a~~
39 ~~ballot for the election is disqualified because the deadline set forth~~
40 ~~in NRS 293.165 and 293.166 for making changes to the ballot has~~
41 ~~passed, the Secretary of State and county clerk must post a sign at~~
42 ~~each polling place where the person's name will appear on the ballot~~
43 ~~informing voters that the person is disqualified from entering upon~~
44 ~~the duties of office.}~~ **filed the declaration of candidacy or**
45 **acceptance of candidacy.**



1 **Sec. 10.3.** NRS 293.200 is hereby amended to read as follows:

2 293.200 1. An independent candidate for partisan office must
3 file with the appropriate filing officer as set forth in NRS 293.185:

4 (a) A copy of the petition of candidacy that he or she intends to
5 subsequently circulate for signatures. The copy must be filed not
6 earlier than the January 2 preceding the date of the election and not
7 later than 25 working days before the last day to file the petition
8 pursuant to subsection 4. The copy of the petition must be filed with
9 the appropriate filing officer before the petition may be circulated
10 for signatures.

11 (b) Either of the following:

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

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

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

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

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

28 2. The petition may consist of more than one document. Each
29 document must bear the name of the county in which it was
30 circulated, and only registered voters of that county may sign the
31 document. If the office is not a statewide office, only the registered
32 voters of the county, district or municipality in question may sign
33 the document. The documents that are circulated for signature in a
34 county must be submitted to that county clerk for verification in the
35 manner prescribed in NRS 293.1276 to 293.1279, inclusive, not
36 later than 25 working days before the last day to file the petition
37 pursuant to subsection 4. Each person who signs the petition shall
38 add to his or her signature the address of the place at which the
39 person actually resides, the date that he or she signs the petition and
40 the name of the county where he or she is registered to vote. The
41 person who circulates each document of the petition shall sign an
42 affidavit attesting that the signatures on the document are genuine to
43 the best of his or her knowledge and belief and were signed in his or
44 her presence by persons registered to vote in that county.



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

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

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

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

10 7. ~~The~~ *Except as otherwise provided in section 2 of this act,*
11 *the* names of independent candidates must be placed on the general
12 election ballot and must not appear on the primary election ballot.

13 8. If the candidacy of any person seeking to qualify pursuant to
14 this section is challenged, all affidavits and documents in support of
15 the challenge must be filed not later than 5 p.m. on the fourth
16 Monday in March. Any judicial proceeding resulting from the
17 challenge must be set for hearing not more than 5 days after the
18 fourth Monday in March.

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

20 (a) The First Judicial District Court if the petition of candidacy
21 was filed with the Secretary of State.

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

24 10. An independent candidate for partisan office must file a
25 declaration of candidacy with the appropriate filing officer and pay
26 the fee required by NRS 293.193 not earlier than the first Monday in
27 March of the year in which the election is held ~~not~~ *and not* later
28 than 5 p.m. on the second Friday after the first Monday in March.

29 **Sec. 10.5.** NRS 293.203 is hereby amended to read as follows:

30 293.203 Immediately upon receipt by the county clerk of the
31 certified list of candidates from the Secretary of State, the county
32 clerk shall publish a notice of primary election or general election in
33 a newspaper of general circulation in the county once a week for 2
34 successive weeks. If no such newspaper is published in the county,
35 the publication may be made in a newspaper of general circulation
36 published in the nearest Nevada county. The notice must contain:

37 1. The date of the election.

38 2. The location of the polling places.

39 3. The hours during which the polling places will be open for
40 voting.

41 4. The names of the candidates ~~+~~ *and, if the name of an*
42 *ineligible candidate could not be removed from the ballot pursuant*
43 *to section 2 of this act, a statement that the person is not eligible to*
44 *enter upon the duties of the office and that any vote cast for the*
45 *person will be a nullity and void and will not be given any legal*



1 *force or effect for the purposes of determining the outcome of the*
2 *election.*

3 5. A list of the offices to which the candidates seek nomination
4 or election.

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

11 **Sec. 11.** NRS 293.2546 is hereby amended to read as follows:

12 293.2546 The Legislature hereby declares that each voter has
13 the right:

14 1. To receive and cast a ballot that:

15 (a) Is written in a format that allows the clear identification of
16 candidates; and

17 (b) Accurately records the voter's preference in the selection of
18 candidates.

19 2. To have questions concerning voting procedures answered
20 and to have an explanation of the procedures for voting posted in a
21 conspicuous place at the polling place.

22 3. To vote without being intimidated, threatened or coerced.

23 4. To vote on election day if the voter is waiting in line at his
24 or her polling place to vote before 7 p.m. and the voter has not
25 already cast a vote in that election.

26 5. To return a spoiled ballot and is entitled to receive another
27 ballot in its place.

28 6. To request assistance in voting, if necessary.

29 7. To a sample ballot which is accurate, informative and
30 delivered in a timely manner.

31 8. To receive instruction in the use of the equipment for voting
32 during early voting or on election day.

33 9. To have nondiscriminatory equal access to the elections
34 system, including, without limitation, a voter who is elderly,
35 disabled, a member of a minority group, employed by the military or
36 a citizen who is overseas.

37 10. *To be informed:*

38 (a) *If a candidate is or becomes an ineligible candidate; and*

39 (b) *That any vote cast for an ineligible candidate will be a*
40 *nullity and void and will not be given any legal force or effect for*
41 *the purposes of determining the outcome of the election.*

42 11. To have a uniform, statewide standard for counting and
43 recounting all votes accurately.

44 ~~11~~ 12. To have complaints about elections and election
45 contests resolved fairly, accurately and efficiently.



* A B 1 7 7 R 1 *

1 **Sec. 11.5.** NRS 293.257 is hereby amended to read as follows:

2 293.257 1. There must be a separate primary ballot for each
3 major political party. ~~The~~ *Except as otherwise provided in section*
4 *2 of this act, the* names of candidates for partisan offices who have
5 designated a major political party in the declaration of candidacy or
6 acceptance of candidacy must appear on the primary ballot of the
7 major political party designated.

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

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

17 **Sec. 12.** NRS 293.260 is hereby amended to read as follows:

18 293.260 *Except as otherwise provided in sections 1.7 and 2 of*
19 *this act:*

20 1. Where there is no contest of election for nomination to a
21 particular office, neither the title of the office nor the name of the
22 candidate may appear on the ballot.

23 2. If more than one major political party has candidates for a
24 particular office, the persons who receive the highest number of
25 votes at the primary elections must be declared the nominees of
26 those parties for the office.

27 3. If only one major political party has candidates for a
28 particular office and a minor political party has nominated a
29 candidate for the office or an independent candidate has filed for the
30 office, the candidate who receives the highest number of votes in
31 the primary election of the major political party must be declared the
32 nominee of that party and his or her name must be placed on the
33 general election ballot with the name of the nominee of the minor
34 political party for the office and the name of the independent
35 candidate who has filed for the office.

36 4. If only one major political party has candidates for a
37 particular office and no minor political party has nominated a
38 candidate for the office and no independent candidate has filed for
39 the office:

40 (a) If there are more candidates than twice the number to be
41 elected to the office, the names of the candidates must appear on the
42 ballot for a primary election. Except as otherwise provided in this
43 paragraph, the candidates of that party who receive the highest
44 number of votes in the primary election, not to exceed twice the
45 number to be elected to that office at the general election, must be



* A B 1 7 7 R 1 *

1 declared the nominees for the office. If only one candidate is to be
2 elected to the office and a candidate receives a majority of the votes
3 in the primary election for that office, that candidate must be
4 declared the nominee for that office and his or her name must be
5 placed on the ballot for the general election.

6 (b) If there are no more than twice the number of candidates to
7 be elected to the office, the candidates must, without a primary
8 election, be declared the nominees for the office.

9 5. Where no more than the number of candidates to be elected
10 have filed for nomination for:

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

15 (b) Any nonpartisan office, other than the office of justice of the
16 Supreme Court, office of judge of the Court of Appeals or the office
17 of member of a town advisory board, the names of those candidates
18 must appear on the ballot for a primary election unless the
19 candidates were nominated pursuant to subsection ~~12~~ **1** of NRS
20 293.165. If a candidate receives one or more votes at the primary
21 election, the candidate must be declared elected to the office and his
22 or her name must not be placed on the ballot for the general
23 election. If a candidate does not receive one or more votes at the
24 primary election, his or her name must be placed on the ballot for
25 the general election; and

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

29 6. If there are more candidates than twice the number to be
30 elected to a nonpartisan office, the names of the candidates must
31 appear on the ballot for a primary election. Those candidates who
32 receive the highest number of votes at that election, not to exceed
33 twice the number to be elected, must be declared nominees for the
34 office.

35 **Sec. 12.2.** NRS 293.263 is hereby amended to read as follows:

36 293.263 On the primary ballots for a major political party, the
37 name of the major political party must appear at the top of the
38 ballot. Except as otherwise provided in NRS 293.2565, **and section**
39 **2 of this act**, following this designation must appear the names of
40 candidates grouped alphabetically under the title and length of term
41 of the partisan office for which those candidates filed.

42 **Sec. 12.3.** NRS 293.265 is hereby amended to read as follows:

43 293.265 On nonpartisan primary ballots, there must appear at
44 the top of the ballot the designation "Nonpartisan Offices." Except
45 as otherwise provided in NRS 293.2565, **and section 2 of this act**,



1 following this designation must appear the names of candidates
2 grouped alphabetically under the title and length of term of the
3 nonpartisan office for which those candidates filed.

4 **Sec. 12.4.** NRS 293.267 is hereby amended to read as follows:

5 293.267 1. ~~{Ballots}~~ *Except as otherwise provided in section*

6 *2 of this act, ballots* for a general election must contain the names
7 of candidates who were nominated at the primary election, the
8 names of the candidates of a minor political party and the names of
9 independent candidates.

10 2. Except as otherwise provided in NRS 293.2565, *and section*
11 *2 of this act*, names of candidates must be grouped alphabetically
12 under the title and length of term of the office for which those
13 candidates filed.

14 3. Except as otherwise provided in subsection 4:

15 (a) Immediately following the name of each candidate for a
16 partisan office must appear the name or abbreviation of his or her
17 political party, the word "independent" or the abbreviation "IND,"
18 as the case may be.

19 (b) Immediately following the name of each candidate for a
20 nonpartisan office must appear the word "nonpartisan" or the
21 abbreviation "NP."

22 4. Where a system of voting other than by paper ballot is used,
23 the Secretary of State may provide for any placement of the name or
24 abbreviation of the political party, the word "independent" or
25 "nonpartisan" or the abbreviation "IND" or "NP," as appropriate,
26 which clearly relates the designation to the name of the candidate to
27 whom it applies.

28 5. If the Legislature rejects a statewide measure proposed by
29 initiative and proposes a different measure on the same subject
30 which the Governor approves, the measure proposed by the
31 Legislature and approved by the Governor must be listed on the
32 ballot before the statewide measure proposed by initiative. Each
33 ballot and sample ballot upon which the measures appear must
34 contain a statement that reads substantially as follows:
35

36 The following questions are alternative approaches to the
37 same issue, and only one approach may be enacted into law.
38 Please vote for only one.

39 **Sec. 12.6.** NRS 293.268 is hereby amended to read as follows:

40 293.268 ~~{The}~~ *Except as otherwise provided in section 2 of*
41 *this act, the* offices for which there are candidates, the names of the
42 candidates therefor, and the questions to be voted upon must be
43 printed on ballots in the following order:

44 1. President and Vice President of the United States.



- 1 2. United States Senator and Representative in Congress, in
- 2 that sequence.
- 3 3. Governor, Lieutenant Governor, Secretary of State,
- 4 Treasurer, Controller and Attorney General, in that sequence.
- 5 4. State Senators and members of the Assembly.
- 6 5. County and township partisan offices.
- 7 6. Statewide nonpartisan offices.
- 8 7. District nonpartisan offices.
- 9 8. County nonpartisan offices.
- 10 9. City offices:
- 11 (a) Mayor;
- 12 (b) Council members according to ward in numerical order, if
- 13 no wards, in alphabetical order; and
- 14 (c) Municipal judges.
- 15 10. Township nonpartisan offices.
- 16 11. Questions presented to the voters of the State with advisory
- 17 questions listed in consecutive order after any other questions
- 18 presented to the voters of the State.
- 19 12. Questions presented only to the voters of a special district
- 20 or political subdivision of the State with advisory questions listed in
- 21 consecutive order after any other questions presented only to the
- 22 voters of a special district or political subdivision of the State.
- 23 **Sec. 12.7.** NRS 293.269 is hereby amended to read as follows:
- 24 293.269 1. Every ballot upon which appears the names of
- 25 candidates for any statewide office or for President and Vice
- 26 President of the United States shall contain for each office an
- 27 additional line equivalent to the lines on which the candidates’
- 28 names appear and placed at the end of the group of lines containing
- 29 the names of the candidates for that office. Each additional line shall
- 30 contain a square in which the voter may express a choice of that line
- 31 in the same manner as the voter would express a choice of a
- 32 candidate, and the line shall read “None of these candidates.”
- 33 2. ~~Only~~ *Except as otherwise provided in section 1.7 of this*
- 34 *act, only* votes cast for the named candidates shall be counted in
- 35 determining nomination or election to any statewide office or
- 36 presidential nominations or the selection of presidential electors, but
- 37 for each office the number of ballots on which the additional line
- 38 was chosen shall be listed following the names of the candidates and
- 39 the number of their votes in every posting, abstract and
- 40 proclamation of the results of the election.
- 41 3. Every sample ballot or other instruction to voters prescribed
- 42 or approved by the Secretary of State shall clearly explain that the
- 43 voter may mark the choice of the line “None of these candidates”
- 44 only if the voter has not voted for any candidate for the office.
- 45 **Sec. 13.** (Deleted by amendment.)



1 **Sec. 14.** NRS 293.367 is hereby amended to read as follows:

2 293.367 1. The basic factor to be considered by an election
3 board when making a determination of whether a particular ballot
4 must be rejected is whether any identifying mark appears on the
5 ballot which, in the opinion of the election board, constitutes an
6 identifying mark such that there is a reasonable belief entertained in
7 good faith that the ballot has been tampered with and, as a result of
8 the tampering, the outcome of the election would be affected.

9 2. The regulations for counting ballots must include provisions
10 that:

11 (a) *A vote cast for an ineligible candidate does not invalidate*
12 *any other votes properly marked on that ballot.*

13 (b) An error in marking one or more votes on a ballot does not
14 invalidate any votes properly marked on that ballot.

15 ~~(b)~~ (c) A soiled or defaced ballot may not be rejected if it
16 appears that the soiling or defacing was inadvertent and was not
17 done purposely to identify the ballot.

18 ~~(e)~~ (d) Only devices provided for in this chapter or chapter
19 293B of NRS may be used in marking ballots.

20 ~~(d)~~ (e) It is unlawful for any election board officer to place
21 any mark upon any ballot other than a spoiled ballot.

22 ~~(e)~~ (f) When an election board officer rejects a ballot for any
23 alleged defect or illegality, the officer shall seal the ballot in an
24 envelope and write upon the envelope a statement that it was
25 rejected and the reason for rejecting it. Each election board officer
26 shall sign the envelope.

27 **Sec. 15.** NRS 293.3677 is hereby amended to read as follows:

28 293.3677 1. When counting a vote in an election ~~(i)~~ :

29 (a) *If* more choices than permitted by the instructions for a
30 ballot are marked for any office or question, the vote for that office
31 or question may not be counted.

32 (b) *A vote cast for an ineligible candidate is a nullity and void*
33 *and must not be given any legal force or effect for the purposes of*
34 *determining the outcome of the election.*

35 2. Except as otherwise provided in subsection 1, in an election
36 in which a mechanical voting system is used whereby a vote is cast
37 by darkening a designated space on the ballot:

38 (a) A vote must be counted if the designated space is darkened
39 or there is a writing in the designated space, including, without
40 limitation, a cross or check; and

41 (b) Except as otherwise provided in paragraph (a), a writing or
42 other mark on the ballot, including, without limitation, a cross,
43 check, tear or scratch may not be counted as a vote.

44 3. The Secretary of State:



1 (a) May adopt regulations establishing additional uniform,
2 statewide standards, not inconsistent with this section, for counting
3 a vote cast by a method of voting described in subsection 2; and

4 (b) Shall adopt regulations establishing uniform, statewide
5 standards for counting a vote cast by each method of voting used in
6 this State that is not described in subsection 2, including, without
7 limitation, a vote cast on a mechanical recording device which
8 directly records the votes electronically.

9 **Sec. 16.** NRS 293.370 is hereby amended to read as follows:

10 293.370 1. When all the votes have been counted **H in the**
11 **manner provided in NRS 293.3677**, the counting board officers
12 shall enter on the tally lists by the name of each candidate the
13 number of votes the candidate received **H and, if the name of an**
14 **ineligible candidate could not be removed from the ballot pursuant**
15 **to section 2 of this act, the number of votes the ineligible candidate**
16 **received that are a nullity and void.** The vote for and against any
17 question submitted to the electors must be entered in the same
18 manner.

19 2. The tally lists must show the number of votes, other than
20 absentee votes and votes in a mailing precinct, which each candidate
21 received in each precinct at:

- 22 (a) A primary election held in an even-numbered year; or
23 (b) A general election.

24 **Sec. 17.** NRS 293.387 is hereby amended to read as follows:

25 293.387 1. As soon as the returns from all the precincts and
26 districts in any county have been received by the board of county
27 commissioners, the board shall meet and canvass the returns. The
28 canvass must be completed on or before the sixth working day
29 following the election.

30 2. In making its canvass, the board shall:

- 31 (a) Note separately any clerical errors discovered; and
32 (b) Take account of the changes resulting from the discovery, so
33 that the result declared represents the true vote cast.

34 3. The county clerk shall, as soon as the result is declared,
35 enter upon the records of the board an abstract of the result, which
36 must contain the number of votes cast for each candidate **H and, if**
37 **the name of an ineligible candidate could not be removed from the**
38 **ballot pursuant to section 2 of this act, the number of votes cast for**
39 **the ineligible candidate that are a nullity and void.** The board, after
40 making the abstract, shall cause the county clerk to certify the
41 abstract and, by an order made and entered in the minutes of its
42 proceedings, to make:

- 43 (a) A copy of the certified abstract; and
44 (b) A mechanized report of the abstract in compliance with
45 regulations adopted by the Secretary of State,



1 ↪ and transmit them to the Secretary of State not more than 7
2 working days after the election.

3 4. The Secretary of State shall, immediately after any primary
4 election, compile the returns for all candidates voted for in more
5 than one county. The Secretary of State shall make out and file in
6 his or her office an abstract thereof, *which must contain the*
7 *number of votes cast for each candidate and, if the name of an*
8 *ineligible candidate could not be removed from the ballot pursuant*
9 *to section 2 of this act, the number of votes cast for the ineligible*
10 *candidate that are a nullity and void*, and shall certify to the county
11 clerk of each county the name of each person nominated, and the
12 name of the office for which the person is nominated.

13 **Sec. 17.1.** NRS 293.393 is hereby amended to read as follows:

14 293.393 1. On or before the sixth working day after any
15 general election or any other election at which votes are cast for any
16 United States Senator, Representative in Congress, member of the
17 Legislature or any state officer who is elected statewide, the board
18 of county commissioners shall open the returns of votes cast and
19 make abstracts of the votes.

20 2. Abstracts of votes must be prepared in the manner
21 prescribed by the Secretary of State by regulation.

22 3. The county clerk shall make out a certificate of election to
23 each of the persons having the highest number of votes for the
24 district, county and township offices ~~H~~, *except that if the name of*
25 *an ineligible candidate could not be removed from the ballot*
26 *pursuant to section 2 of this act, the county clerk shall not make*
27 *out a certificate of election to the ineligible candidate regardless of*
28 *the number of votes cast for the ineligible candidate that are a*
29 *nullity and void.*

30 4. Each certificate must be delivered to the person elected upon
31 application at the office of the county clerk.

32 **Sec. 17.2.** NRS 293.395 is hereby amended to read as follows:

33 293.395 1. The board of county commissioners, after making
34 the abstract of votes as provided in NRS 293.393, shall cause the
35 county clerk to certify the abstract and, by an order made and
36 entered in the minutes of its proceedings, to make:

37 (a) A copy of the certified abstract; and

38 (b) A mechanized report of that abstract in compliance with
39 regulations adopted by the Secretary of State,

40 ↪ and forthwith transmit them to the Secretary of State.

41 2. On the fourth Tuesday of November after each general
42 election, the justices of the Supreme Court, or a majority thereof,
43 shall meet with the Secretary of State, and shall open and canvass
44 the vote for the number of presidential electors to which this State
45 may be entitled, United States Senator, Representative in Congress,



1 members of the Legislature, state officers who are elected statewide
2 or by district, district judges, or district officers whose districts
3 include area in more than one county and for and against any
4 question submitted.

5 3. The Governor shall issue certificates of election to and
6 commission the persons having the highest number of votes and
7 shall issue proclamations declaring the election of those persons ~~H~~,
8 *except that if the name of an ineligible candidate could not be*
9 *removed from the ballot pursuant to section 2 of this act, the*
10 *Governor shall not issue a certificate of election to, commission or*
11 *issue a proclamation declaring the election of the ineligible*
12 *candidate regardless of the number of votes cast for the ineligible*
13 *candidate that are a nullity and void.*

14 **Sec. 17.3.** NRS 293.397 is hereby amended to read as follows:
15 293.397 ~~H~~

16 1. *Except as otherwise provided in this section, a* certificate of
17 election or commission must not be withheld from the person
18 having the highest number of votes for the office because of any
19 contest of election filed in the election or any defect or informality
20 in the returns of any election, if it can be ascertained with reasonable
21 certainty from the returns what office is intended and who is entitled
22 to the certificate or commission.

23 2. *If the name of an ineligible candidate could not be*
24 *removed from the ballot pursuant to section 2 of this act, a*
25 *certificate of election or commission must not be issued or given to*
26 *the ineligible candidate regardless of the number of votes cast for*
27 *the ineligible candidate that are a nullity and void.*

28 **Sec. 17.4.** NRS 293.400 is hereby amended to read as follows:

29 293.400 1. ~~H~~ *Except as otherwise provided in section 1.7*
30 *of this act, if, after the completion of the canvass of the returns of*
31 *any election, two or more persons receive an equal number of votes,*
32 *which is sufficient for the election of one or more but fewer than all*
33 *of them to the office, the person or persons elected must be*
34 *determined as follows:*

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

40 (b) In a primary election for a United States Senator,
41 Representative in Congress, state officer who is elected statewide or
42 by district, district judge, or district officer whose district includes
43 area in more than one county, the Secretary of State shall summon
44 the candidates who have received the tie votes to appear before the
45 Secretary of State at a time and place designated by the Secretary of



1 State and the Secretary of State shall determine the tie by lot. If the
2 tie vote is for the office of Secretary of State, the Governor shall
3 perform these duties.

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

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

17 3. The right to a recount extends to all candidates in case of a
18 tie ~~H~~, *except for ineligible candidates.*

19 **Sec. 17.5.** NRS 293.403 is hereby amended to read as follows:

20 293.403 1. ~~H~~ *Except as otherwise provided in section 1.8*
21 *of this act, a* candidate defeated at any election may demand and
22 receive a recount of the vote for the office for which he or she is a
23 candidate to determine the number of votes received for the
24 candidate and the number of votes received for the person who won
25 the election if within 3 working days after the canvass of the vote
26 and the certification by the county clerk or city clerk of the abstract
27 of votes the candidate who demands the recount:

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

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

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

37 (a) Files in writing a demand with:

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

40 (2) The county or city clerk who will conduct the recount, if
41 the demand is for a recount of a ballot question affecting only one
42 county or city; and

43 (b) Deposits in advance the estimated costs of the recount with
44 the person to whom the demand was made.



1 3. The estimated costs of the recount must be determined by
2 the person with whom the advance is deposited based on regulations
3 adopted by the Secretary of State defining the term "costs."

4 4. As used in this section, "canvass" means:

5 (a) In any primary election, the canvass by the board of county
6 commissioners of the returns for a candidate or ballot question voted
7 for in one county or the canvass by the board of county
8 commissioners last completing its canvass of the returns for a
9 candidate or ballot question voted for in more than one county.

10 (b) In any primary city election, the canvass by the city council
11 of the returns for a candidate or ballot question voted for in the city.

12 (c) In any general election:

13 (1) The canvass by the Supreme Court of the returns for a
14 candidate for a statewide office or a statewide ballot question; or

15 (2) The canvass of the board of county commissioners of the
16 returns for any other candidate or ballot question, as provided in
17 paragraph (a).

18 (d) In any general city election, the canvass by the city council
19 of the returns for a candidate or ballot question voted for in the city.

20 **Sec. 17.6.** NRS 293.407 is hereby amended to read as follows:

21 293.407 1. ~~1A~~ *Except as otherwise provided in section 1.8*
22 *of this act, a* candidate at any election, or any registered voter of the
23 appropriate political subdivision, may contest the election of any
24 candidate, except for the office of United States Senator or
25 Representative in Congress.

26 2. Except where the contest involves the general election for
27 the office of Governor, Lieutenant Governor, Assemblyman,
28 Assemblywoman, State Senator, justice of the Supreme Court or
29 judge of the Court of Appeals, a candidate or voter who wishes to
30 contest an election, including election to the office of presidential
31 elector, must, within the time prescribed in NRS 293.413, file with
32 the clerk of the district court a written statement of contest, setting
33 forth:

34 (a) The name of the contestant and that the contestant is a
35 registered voter of the political subdivision in which the election to
36 be contested or part of it was held;

37 (b) The name of the defendant;

38 (c) The office to which the defendant was declared elected;

39 (d) The particular grounds of contest and the section of Nevada
40 Revised Statutes pursuant to which the statement is filed; and

41 (e) The date of the declaration of the result of the election and
42 the body or board which canvassed the returns thereof.

43 3. The contestant shall verify the statement of contest in the
44 manner provided for the verification of pleadings in civil actions.



1 4. All material regarding a contest filed by a contestant with
2 the clerk of the district court must be filed in triplicate.

3 **Sec. 17.7.** NRS 293.427 is hereby amended to read as follows:

4 293.427 1. The Secretary of State shall deliver the statement
5 of contest filed pursuant to NRS 293.425 and all other documents,
6 including any amendments to the statement, to the presiding officer
7 of the appropriate house of the Legislature on the day of the
8 organization of the Legislature.

9 2. Until the contest has been decided, the candidate who
10 received the highest number of votes for the office in the contested
11 election must be seated as a member of the appropriate house **H**,
12 *except that if the name of an ineligible candidate for the office*
13 *could not be removed from the ballot pursuant to section 2 of this*
14 *act, the ineligible candidate must not be seated as a member of the*
15 *appropriate house regardless of the number of votes cast for the*
16 *ineligible candidate that are a nullity and void.*

17 3. If, before the contest has been decided, a contestant gives
18 written notice to the Secretary of State that the contestant wishes to
19 withdraw his or her statement of contest, the Secretary of State shall
20 dismiss the contest.

21 4. The contest, if not dismissed, must be heard and decided as
22 prescribed by the standing or special rules of the house in which the
23 contest is to be tried. If, after hearing the contest, the house decides
24 to declare the contestant elected, the Governor shall execute a
25 certificate of election and deliver it to the contestant. The certificate
26 of election issued to the other candidate is thereafter void.

27 5. In a contest of a general election for the office of
28 Assemblyman, Assemblywoman or Senator, the house in which a
29 contest was tried or was to be tried shall determine the remedy, if
30 any, to be awarded to a party to such a contest. The remedy may
31 include, without limitation, any costs incurred by a party in
32 connection with the contest.

33 **Sec. 17.8.** NRS 293.430 is hereby amended to read as follows:

34 293.430 1. If the contest is of the general election for the
35 office of Governor, Lieutenant Governor, justice of the Supreme
36 Court or judge of the Court of Appeals, the statement of contest and
37 all depositions, ballots and other documents relating to the contest
38 must be filed with the Secretary of State within the time provided
39 for filing statements of contests with the clerk of the district court.

40 2. Until the contest is decided, the candidate who received the
41 highest number of votes for the office in the contested election must
42 be seated and commence the duties of the office **H**, *except that if*
43 *the name of an ineligible candidate for the office could not be*
44 *removed from the ballot pursuant to section 2 of this act, the*
45 *ineligible candidate must not be seated or commence the duties of*



1 *the office regardless of the number of votes cast for the ineligible*
2 *candidate that are a nullity and void.*

3 3. The Secretary of State shall deliver the statement of contest
4 and all other papers and documents to the speaker of the assembly
5 on the day of the organization of the Legislature.

6 4. A joint session of both houses must be convened as soon
7 thereafter as the business of both houses permits, but not later than
8 10 days after receipt of statement of contest.

9 5. If, before the contest has been decided, a contestant gives
10 written notice to the Secretary of State that the contestant wishes to
11 withdraw his or her statement of contest, the Secretary of State shall
12 dismiss the contest.

13 **Sec. 17.9.** NRS 293.435 is hereby amended to read as follows:

14 293.435 1. After both houses sitting in joint session have
15 decided an election contest, the Secretary of State shall execute and
16 deliver a certificate of election to the person declared elected, unless
17 such a certificate was already issued to that person ~~H~~, *except that if*
18 *the name of an ineligible candidate could not be removed from the*
19 *ballot pursuant to section 2 of this act, the Secretary of State shall*
20 *not execute and deliver a certificate of election to the ineligible*
21 *candidate regardless of the number of votes cast for the ineligible*
22 *candidate that are a nullity and void.*

23 2. If a certificate of election to the same office has been issued
24 to any person other than the one declared to have been elected, that
25 certificate is void.

26 **Sec. 18.** Chapter 293C of NRS is hereby amended by adding
27 thereto the provisions set forth as sections 18.3 and 18.5 of this act.

28 **Sec. 18.3.** 1. *Notwithstanding any other provision of law,*
29 *any vote cast for an ineligible candidate is a nullity and void and*
30 *must not be given any legal force or effect for the purposes of*
31 *determining the outcome of a primary city election, general city*
32 *election or special election or any other city election.*

33 2. *The provisions of this section are intended to abrogate any*
34 *principle or rule of the common law to the contrary.*

35 **Sec. 18.5.** 1. *Except as otherwise provided in this section,*
36 *the name of a person who is or becomes an ineligible candidate*
37 *must not appear on the ballot at a primary city election, general*
38 *city election or special election or any other city election.*

39 2. *If a person is or becomes an ineligible candidate, the city*
40 *clerk shall remove the name of the person from the ballot, except*
41 *that no changes may be made on the ballot pursuant to this section*
42 *for:*

43 (a) *A primary city election after 5 p.m. on the last Friday in*
44 *February of the year in which the primary city election is held.*



1 (b) *A general city election after 5 p.m. on the second Friday in*
2 *April of the year in which the general city election is held.*

3 (c) *A special election or any other city election after 5 p.m. on*
4 *the last day prescribed by the governing body of the city or the city*
5 *clerk, as applicable, for making changes on the ballot for that*
6 *election.*

7 3. *If the period for making changes on the ballot has elapsed*
8 *pursuant to this section and, for that reason, the city clerk cannot*
9 *remove the name of the person who is or becomes an ineligible*
10 *candidate from the ballot, the city clerk shall:*

11 (a) *At each polling place where the person's name will appear*
12 *on the ballot, including, without limitation, a polling place for*
13 *early voting:*

14 (1) *Post a sign informing voters that the person is not*
15 *eligible to enter upon the duties of the office and that any vote cast*
16 *for the person will be a nullity and void and will not be given any*
17 *legal force or effect for the purposes of determining the outcome*
18 *of the election;*

19 (2) *Place a notice on or near each mechanical recording*
20 *device informing a voter who uses the device that the person is not*
21 *eligible to enter upon the duties of the office and that any vote cast*
22 *for the person will be a nullity and void and will not be given any*
23 *legal force or effect for the purposes of determining the outcome*
24 *of the election; and*

25 (3) *If paper ballots are used, include a notice on or with*
26 *each paper ballot informing a voter who uses the paper ballot that*
27 *the person is not eligible to enter upon the duties of the office and*
28 *that any vote cast for the person will be a nullity and void and will*
29 *not be given any legal force or effect for the purposes of*
30 *determining the outcome of the election; and*

31 (b) *If the absent ballots have not been distributed by the city*
32 *clerk, include a notice on or with each absent ballot informing a*
33 *voter who uses the absent ballot that the person is not eligible to*
34 *enter upon the duties of the office and that any vote cast for the*
35 *person will be a nullity and void and will not be given any legal*
36 *force or effect for the purposes of determining the outcome of the*
37 *election.*

38 **Sec. 19.** NRS 293C.115 is hereby amended to read as follows:

39 293C.115 1. The governing body of a city incorporated
40 pursuant to general law may by ordinance provide for a primary city
41 election and a general city election on:

42 (a) The dates set forth for primary elections and general
43 elections pursuant to the provisions of chapter 293 of NRS; or

44 (b) The dates set forth for primary city elections and general city
45 elections pursuant to the provisions of this chapter.



1 2. If a governing body of a city adopts an ordinance pursuant to
2 paragraph (a) of subsection 1, the dates set forth in NRS 293.12755,
3 ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165, ~~and in NRS~~
4 **293.166**, 293.175, 293.177 ~~†~~ and 293.345 and ~~293.368~~ **section 2**
5 **of this act** apply for purposes of conducting the primary city
6 elections and general city elections of the city.

7 3. If a governing body of a city adopts an ordinance pursuant to
8 subsection 1:

9 (a) The term of office of any elected city official may not be
10 shortened as a result of the ordinance; and

11 (b) Each elected city official holds office until the end of his or
12 her term and until his or her successor has been elected and
13 qualified.

14 **Sec. 19.3.** NRS 293C.175 is hereby amended to read as
15 follows:

16 293C.175 1. Except as otherwise provided in NRS 293C.115,
17 a primary city election must be held in each city of population
18 category one, and in each city of population category two that has so
19 provided by ordinance, on the first Tuesday after the first Monday in
20 April of every year in which a general city election is to be held, at
21 which time there must be nominated candidates for offices to be
22 voted for at the next general city election.

23 2. Except as otherwise provided in NRS 293C.115, a candidate
24 for any office to be voted for at the primary city election must
25 file a declaration of candidacy with the city clerk not less than 60
26 days or more than 70 days before the date of the primary city
27 election. The city clerk shall charge and collect from the candidate
28 and the candidate must pay to the city clerk, at the time of filing the
29 declaration of candidacy, a filing fee in an amount fixed by the
30 governing body of the city by ordinance or resolution. The filing
31 fees collected by the city clerk must be deposited to the credit of the
32 general fund of the city.

33 3. All candidates, except as otherwise provided in NRS
34 266.220, must be voted upon by the electors of the city at large.

35 4. ***Except as otherwise provided in sections 18.3 and 18.5 of***
36 ***this act:***

37 (a) If, in a primary city election held in a city of population
38 category one or two, one candidate receives more than a majority of
39 votes cast in that election for the office for which he or she is a
40 candidate, the candidate must be declared elected to the office and
41 the candidate's name must not be placed on the ballot for the
42 general city election.

43 (b) If, in the primary city election, no candidate receives a
44 majority of votes cast in that election for the office for which he or
45 she is a candidate, the names of the two candidates receiving the



1 highest number of votes must be placed on the ballot for the general
2 city election.

3 **Sec. 19.5.** NRS 293C.180 is hereby amended to read as
4 follows:

5 293C.180 *Except as otherwise provided in sections 18.3 and*
6 *18.5 of this act:*

7 1. If at 5 p.m. on the last day for filing a declaration of
8 candidacy, there is only one candidate who has filed for nomination
9 for an office, that candidate must be declared elected and no election
10 may be held for that office.

11 2. Except as otherwise provided in subsection 1, if not more
12 than twice the number of candidates to be elected have filed for
13 nomination for an office, the names of those candidates must be
14 omitted from all ballots for a primary city election and placed on all
15 ballots for a general city election.

16 3. If more than twice the number of candidates to be elected
17 have filed for nomination for an office, the names of the candidates
18 must appear on the ballot for a primary city election. Except as
19 otherwise provided in subsection 4 of NRS 293C.175, those
20 candidates who receive the highest number of votes at that election,
21 not to exceed twice the number to be elected, must be declared
22 nominees for the office.

23 **Sec. 20.** NRS 293C.185 is hereby amended to read as follows:

24 293C.185 1. Except as otherwise provided in NRS 293C.115
25 and 293C.190, *and section 18.5 of this act*, a name may not be
26 printed on a ballot to be used at a primary city election unless the
27 person named has filed a declaration of candidacy or an acceptance
28 of candidacy and has paid the fee established by the governing body
29 of the city not earlier than 70 days before the primary city election
30 and not later than 5 p.m. on the 60th day before the primary city
31 election.

32 2. A declaration of candidacy required to be filed by this
33 section must be in substantially the following form:

34
35 DECLARATION OF CANDIDACY OF FOR THE
36 OFFICE OF

37
38 State of Nevada

39
40 City of.....

41 For the purpose of having my name placed on the official
42 ballot as a candidate for the office of, I,
43, the undersigned do swear or affirm under penalty
44 of perjury that I actually, as opposed to constructively, reside
45 at, in the City or Town of, County of



1 State of Nevada; that my actual, as opposed to
 2 constructive, residence *, in accordance with NRS 281.050,* in
 3 the city, township or other area prescribed by law to which
 4 the office pertains began on a date at least ~~30~~ 180 days
 5 immediately preceding the date of the close of filing of
 6 declarations of candidacy for this office; that my telephone
 7 number is, and the address at which I receive
 8 mail, if different than my residence, is; that I am a
 9 qualified elector pursuant to Section 1 of Article 2 of the
 10 Constitution of the State of Nevada; that if I have ever been
 11 convicted of treason or a felony, my civil rights have been
 12 restored by a court of competent jurisdiction; that if
 13 nominated as a candidate at the ensuing election I will accept
 14 the nomination and not withdraw; that I will not knowingly
 15 violate any election law or any law defining and prohibiting
 16 corrupt and fraudulent practices in campaigns and elections in
 17 this State; that I will qualify for the office if elected thereto,
 18 including, but not limited to, complying with any limitation
 19 prescribed by the Constitution and laws of this State
 20 concerning the number of years or terms for which a person
 21 may hold the office; and my name will appear on all ballots
 22 as designated in this declaration.

23
 24 (Designation of name)

25
 26
 27
 28 (Signature of candidate for office)

29
 30 Subscribed and sworn to before me
 31 this day of the month of of the year

32
 33
 34 Notary Public or other person
 35 authorized to administer an oath

36
 37 3. The address of a candidate that must be included in the
 38 declaration or acceptance of candidacy pursuant to subsection 2
 39 must be the street address of the residence where the candidate
 40 actually, as opposed to constructively, resides in accordance with
 41 NRS 281.050, if one has been assigned. The declaration or
 42 acceptance of candidacy must not be accepted for filing if ~~it~~ *the*
 43 *candidate fails to comply with the following:*



1 (a) The *candidate shall not list the* candidate's address ~~is~~
2 ~~listed~~ as a post office box unless a street address has not been
3 assigned to the residence; ~~or~~ *and*

4 (b) The candidate ~~does not~~ *shall* present to the filing officer:

5 (1) A valid driver's license or identification card issued by a
6 governmental agency that contains a photograph of the candidate
7 and the candidate's residential address; ~~or~~ *and*

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

12 4. The filing officer shall retain a copy of the proof of identity
13 and residency provided by the candidate pursuant to paragraph (b)
14 of subsection 3. Such a copy:

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

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

19 5. By filing the declaration or acceptance of candidacy, the
20 candidate shall be deemed to have appointed the city clerk as his or
21 her agent for service of process for the purposes of a proceeding
22 pursuant to NRS 293C.186. Service of such process must first be
23 attempted at the appropriate address as specified by the candidate in
24 the declaration or acceptance of candidacy. If the candidate cannot
25 be served at that address, service must be made by personally
26 delivering to and leaving with the city clerk duplicate copies of the
27 process. The city clerk shall immediately send, by registered or
28 certified mail, one of the copies to the candidate at the specified
29 address, unless the candidate has designated in writing to the city
30 clerk a different address for that purpose, in which case the city
31 clerk shall mail the copy to the last address so designated.

32 6. If the ~~city clerk~~ *Secretary of State* receives credible
33 evidence indicating that a candidate ~~has been convicted of a felony~~
34 ~~and has not had his or her civil rights restored by a court of~~
35 ~~competent jurisdiction;~~ *does not meet any qualification required*
36 *for the office pursuant to the Constitution or laws of this State, the*
37 ~~city clerk:~~

38 ~~(a) May conduct~~ *Secretary of State shall:*

39 (a) *Conduct* an investigation to determine whether the candidate
40 ~~has been convicted of a felony and, if so, whether the candidate has~~
41 ~~had his or her civil rights restored by a court of competent~~
42 ~~jurisdiction;~~ *is eligible to hold the office;* and

43 (b) ~~Shall transmit~~ *Transmit* the credible evidence and the
44 findings from such investigation to the *appropriate* city attorney.



1 7. The receipt of information by the city attorney pursuant to
2 subsection 6 must be treated as a challenge of a candidate pursuant
3 to subsections 4 and 5 of NRS 293C.186. ~~If the ballots are printed~~
4 ~~before a court of competent jurisdiction makes a determination that~~
5 ~~a candidate has been convicted of a felony and has not had his or her~~
6 ~~civil rights restored by a court of competent jurisdiction, the city~~
7 ~~clerk must post a notice at each polling place where the candidate's~~
8 ~~name will appear on the ballot informing the voters that the~~
9 ~~candidate is disqualified from entering upon the duties of the office~~
10 ~~for which the candidate filed the declaration of candidacy or~~
11 ~~acceptance of candidacy.]~~

12 *8. Any person who knowingly and willfully files a declaration*
13 *of candidacy or acceptance of candidacy which contains a false*
14 *statement in violation of this section is guilty of a category E*
15 *felony and shall be punished as provided in NRS 193.130.*

16 **Sec. 21.** NRS 293C.186 is hereby amended to read as follows:

17 293C.186 1. After a person files a declaration of candidacy or
18 an acceptance of candidacy to be a candidate for an office, and not
19 later than 5 ~~working days after~~ *p.m. on* the last ~~day the person~~
20 ~~may withdraw his or her candidacy~~ *Monday immediately*
21 *preceding the first day of the period of early voting by personal*
22 *appearance for the general city election* pursuant to NRS
23 ~~[293C.195,] 293C.3568~~, an elector may file with the city clerk a
24 written challenge of the person on the grounds that the person fails
25 to meet any qualification required for the office pursuant to the
26 constitution or ~~the statute~~ *laws* of this State . ~~including, without~~
27 ~~limitation, a requirement concerning age or residency.]~~ Before
28 accepting the challenge from the elector, the filing officer shall
29 notify the elector that if the challenge is found by a court to be
30 frivolous, the elector may be required to pay the reasonable
31 attorney's fees and ~~court~~ costs of the ~~challenged person.~~ *person*
32 *who is being challenged.*

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

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

35 (b) Have attached all documentation and evidence supporting
36 the challenge; and

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

39 3. Upon receipt of a challenge pursuant to subsection 1, the
40 city clerk shall immediately transmit the challenge to the city
41 attorney.

42 4. If the city attorney determines that probable cause exists to
43 support the challenge, the city attorney shall, not later than 5
44 *working* days after receiving the challenge, petition a court of
45 competent jurisdiction to order the person to appear before the court.



1 Upon receipt of such a petition, the court shall enter an order
2 directing the person to appear before the court at a hearing, at a time
3 and place to be fixed by the court in the order, to show cause why
4 the challenge is not valid. A certified copy of the order must be
5 served upon the person. The court shall give priority to such
6 proceedings over all other matters pending with the court, except for
7 criminal proceedings.

8 5. If, at the hearing, the court determines by a preponderance of
9 the evidence that the challenge is valid or that the person otherwise
10 fails to meet any qualification required for the office pursuant to the
11 constitution or ~~{a statute}~~ *laws* of this State, or if the person fails to
12 appear at the hearing ~~{:~~

13 ~~—(a) The name of the person must not appear on any ballot for the~~
14 ~~election for the office for which the person filed the declaration of~~
15 ~~candidacy or acceptance of candidacy; and~~

16 ~~—(b) The~~ , *the* person is ~~{disqualified from entering upon the~~
17 ~~duties of the office for which he or she filed the declaration of~~
18 ~~candidacy or acceptance of candidacy.}~~ *an ineligible candidate and*
19 *is subject to the provisions of section 2.5 of this act.*

20 6. If, at the hearing, the court determines that the challenge is
21 frivolous, the court may order the elector who filed the challenge to
22 pay the reasonable attorney's fees and ~~{court}~~ costs of the
23 ~~{challenged person.}~~ *person who was challenged.*

24 **Sec. 22.** NRS 293C.1865 is hereby amended to read as
25 follows:

26 293C.1865 ~~{H}~~ In addition to any other *remedy or* penalty
27 provided by law, if a person *knowingly and* willfully files a
28 declaration of candidacy or acceptance of candidacy ~~{knowing that~~
29 ~~the declaration of candidacy or acceptance of candidacy}~~ *which*
30 contains a false statement:

31 ~~{(a) Except as otherwise provided in NRS 293.165 or 293.166,~~
32 ~~the name of the person must not appear on any ballot for the election~~
33 ~~for which the person filed the declaration of candidacy or~~
34 ~~acceptance of candidacy; and~~

35 ~~—(b)}~~ *1. The person is an ineligible candidate, and the city*
36 *clerk shall take appropriate action regarding the ineligible*
37 *candidate pursuant to section 18.5 of this act; and*

38 *2. The person is disqualified from entering upon the duties of*
39 *the office for which he or she* ~~{was a candidate.}~~

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 is disqualified because the deadline set forth~~
43 ~~in NRS 293.165 and 293.166 for making changes to the ballot has~~
44 ~~passed, the Secretary of State and city clerk must post a sign at each~~
45 ~~polling place where the person's name will appear on the ballot~~



1 ~~informing voters that the person is disqualified from entering upon~~
2 ~~the duties of office.]~~ *filed the declaration of candidacy or*
3 *acceptance of candidacy.*

4 **Sec. 22.3.** NRS 293C.187 is hereby amended to read as
5 follows:

6 293C.187 Not later than 30 days before the primary city
7 election and the general city election, the city clerk shall cause to be
8 published a notice of the election in a newspaper of general
9 circulation in the city once a week for 2 successive weeks. If a
10 newspaper of general circulation is not published in the city, the
11 publication may be made in a newspaper of general circulation
12 published within the county in which the city is located. If a
13 newspaper of general circulation is not published in that county, the
14 publication may be made in a newspaper of general circulation
15 published in the nearest Nevada county. The notice must contain:

- 16 1. The date of the election.
- 17 2. The location of the polling places.
- 18 3. The hours during which the polling places will be open for
19 voting.
- 20 4. The names of the candidates **†** *and, if the name of an*
21 *ineligible candidate could not be removed from the ballot pursuant*
22 *to section 18.5 of this act, a statement that the person is not*
23 *eligible to enter upon the duties of the office and that any vote cast*
24 *for the person will be a nullity and void and will not be given any*
25 *legal force or effect for the purposes of determining the outcome*
26 *of the election.*

27 5. A list of the offices to which the candidates seek nomination
28 or election.

29 **Sec. 22.5.** NRS 293C.190 is hereby amended to read as
30 follows:

31 293C.190 1. Except as otherwise provided in NRS 293C.115,
32 a vacancy occurring in a nomination for a city office after the close
33 of filing and on or before 5 p.m. of the first Tuesday after the first
34 Monday in March in a year in which a general city election is held
35 must be filled by filing a nominating petition that is signed by at
36 least 1 percent of the persons who are registered to vote and who
37 voted for that office at the last preceding general city election.
38 Except as otherwise provided in NRS 293C.115, the petition must
39 be filed not earlier than the third Tuesday in February and not later
40 than the third Tuesday after the third Monday in March. A candidate
41 nominated pursuant to the provisions of this subsection may be
42 elected only at a general city election, and the candidate's name
43 must not appear on the ballot for a primary city election.

44 2. Except as otherwise provided in NRS 293C.115, a vacancy
45 occurring in a nomination for a city office after 5 p.m. of the first



* A B 1 7 7 R 1 *

1 Tuesday after the first Monday in March and on or before 5 p.m. of
2 the second Tuesday after the second Monday in April must be filled
3 by the person who received the next highest vote for the nomination
4 in the primary city election.

5 3. Except to place a candidate nominated pursuant to
6 subsection 1 on the ballot and except as otherwise provided in NRS
7 293C.115, *and section 18.5 of this act*, no change may be made on
8 the ballot for the general city election after 5 p.m. of the second
9 Tuesday after the second Monday in April of the year in which the
10 general city election is held ~~[- If a nominee dies], and no vacancy~~
11 ~~*in a nomination for a city office may be filled*~~ after that time and
12 date. ~~[- the nominee's name must remain on the ballot for the~~
13 ~~general city election and, if elected, a vacancy exists.-]~~

14 4. Except as otherwise provided in NRS 293C.115, all
15 designations provided for in this section must be filed on or before 5
16 p.m. on the second Tuesday after the second Monday in April of the
17 year in which the general city election is held. The filing fee must be
18 paid and an acceptance of the designation must be filed on or before
19 5 p.m. on ~~[that date.]~~ *the date the designation is filed.*

20 **Sec. 23.** NRS 293C.200 is hereby amended to read as follows:

21 293C.200 1. In addition to any other requirement provided by
22 law, no person may be a candidate for a city office unless, for at
23 least the ~~[30]~~ *180* days immediately preceding the date of the close
24 of filing of declarations or acceptances of candidacy for the office
25 that the person seeks, the person has in accordance with NRS
26 281.050, actually, as opposed to constructively, resided in the city or
27 other area prescribed by law to which the office pertains and, if
28 elected, over which he or she will have jurisdiction or which he or
29 she will represent.

30 2. Any person who knowingly and willfully files a declaration
31 of candidacy or an acceptance of candidacy ~~[that]~~ *which* contains a
32 false statement ~~[in this respect]~~ *regarding the person's residency in*
33 *violation of this section* is guilty of a ~~[gross misdemeanor.]~~
34 *category E felony and shall be punished as provided in*
35 *NRS 193.130.*

36 **Sec. 23.4.** NRS 293C.257 is hereby amended to read as
37 follows:

38 293C.257 For a primary city election, there must appear at the
39 top of each ballot the designation "Candidates for city offices."
40 Except as otherwise provided in NRS 293.2565, *and section 18.5 of*
41 *this act*, following this designation must appear the names of
42 candidates grouped alphabetically under the title and length of term
43 of the office for which those candidates filed.



1 **Sec. 23.5.** NRS 293C.260 is hereby amended to read as
2 follows:

3 293C.260 1. Except as otherwise provided in NRS 293C.140,
4 *and section 18.5 of this act*, ballots for a general city election must
5 contain the names of candidates who were nominated at the primary
6 city election.

7 2. Except as otherwise provided in NRS 293.2565, *and section*
8 *18.5 of this act*, the names of candidates must be grouped
9 alphabetically under the title and length of term of the office for
10 which those candidates filed.

11 **Sec. 23.7.** NRS 293C.262 is hereby amended to read as
12 follows:

13 293C.262 1. ~~The~~ *Except as otherwise provided in section*
14 *18.5 of this act, the* offices for which there are candidates, the
15 names of the candidates therefor and the questions to be voted upon
16 must be printed on ballots for a city election in the following order:

17 (a) City offices:

18 (1) Mayor;

19 (2) Council members according to ward in numerical order,
20 if no wards, in alphabetical order; and

21 (3) Municipal judges.

22 (b) Questions presented to the voters of a city or a portion of a
23 city with advisory questions listed in consecutive order after any
24 other questions presented to the voters of the city.

25 2. The city clerk:

26 (a) May divide paper ballots into two sheets in a manner that
27 provides a clear understanding and grouping of all measures and
28 candidates.

29 (b) Shall prescribe the color or colors of the ballots and voting
30 receipts used in any election which the clerk is required to conduct.

31 **Sec. 24.** (Deleted by amendment.)

32 **Sec. 25.** NRS 293C.367 is hereby amended to read as follows:

33 293C.367 1. The basic factor to be considered by an election
34 board when making a determination of whether a particular ballot
35 must be rejected is whether any identifying mark appears on the
36 ballot which, in the opinion of the election board, constitutes an
37 identifying mark such that there is a reasonable belief entertained in
38 good faith that the ballot has been tampered with and, as a result of
39 the tampering, the outcome of the election would be affected.

40 2. Regulations for counting ballots must include provisions
41 that:

42 (a) *A vote cast for an ineligible candidate does not invalidate*
43 *any other votes properly marked on that ballot.*

44 (b) An error in marking one or more votes on a ballot does not
45 invalidate any votes properly marked on that ballot.



1 ~~(b)~~ (c) A soiled or defaced ballot may not be rejected if it
2 appears that the soiling or defacing was inadvertent and was not
3 done purposely to identify the ballot.

4 ~~(e)~~ (d) Only devices provided for in this chapter or chapter
5 293 or 293B of NRS may be used in marking ballots.

6 ~~(d)~~ (e) It is unlawful for any election board officer to place
7 any mark upon any ballot other than a spoiled ballot.

8 ~~(e)~~ (f) When an election board officer rejects a ballot for any
9 alleged defect or illegality, the officer shall seal the ballot in an
10 envelope and write upon the envelope a statement that it was
11 rejected and the reason for rejecting it. Each election board officer
12 shall sign the envelope.

13 **Sec. 26.** NRS 293C.369 is hereby amended to read as follows:

14 293C.369 1. When counting a vote in an election ~~(f)~~ ~~(g)~~ :

15 (a) *If* more choices than permitted by the instructions for a
16 ballot are marked for any office or question, the vote for that office
17 or question may not be counted.

18 (b) *A vote cast for an ineligible candidate is a nullity and void*
19 *and must not be given any legal force or effect for the purposes of*
20 *determining the outcome of the election.*

21 2. Except as otherwise provided in subsection 1, in an election
22 in which a mechanical voting system is used whereby a vote is cast
23 by darkening a designated space on the ballot:

24 (a) A vote must be counted if the designated space is darkened
25 or there is a writing in the designated space, including, without
26 limitation, a cross or check; and

27 (b) Except as otherwise provided in paragraph (a), a writing or
28 other mark on the ballot, including, without limitation, a cross,
29 check, tear or scratch may not be counted as a vote.

30 3. The Secretary of State:

31 (a) May adopt regulations establishing additional uniform,
32 statewide standards, not inconsistent with this section, for counting
33 a vote cast by a method of voting described in subsection 2; and

34 (b) Shall adopt regulations establishing uniform, statewide
35 standards for counting a vote cast by each method of voting used in
36 this State that is not described in subsection 2, including, without
37 limitation, a vote cast on a mechanical recording device which
38 directly records the votes electronically.

39 **Sec. 27.** NRS 293C.372 is hereby amended to read as follows:

40 293C.372 When all the votes have been counted ~~(f)~~ *in the*
41 *manner provided in NRS 293C.369*, the counting board officers
42 shall enter on the tally lists by the name of each candidate the
43 number of votes the candidate received ~~(f)~~ *and, if the name of an*
44 *ineligible candidate could not be removed from the ballot pursuant*
45 *to section 18.5 of this act, the number of votes the ineligible*



1 *candidate received that are a nullity and void.* The vote for and
2 against any question submitted to the electors must be entered in the
3 same manner.

4 **Sec. 28.** NRS 293C.387 is hereby amended to read as follows:

5 293C.387 1. The election returns from a special election,
6 primary city election or general city election must be filed with the
7 city clerk, who shall immediately place the returns in a safe or vault
8 designated by the city clerk. No person may handle, inspect or in
9 any manner interfere with the returns until they are canvassed by the
10 mayor and the governing body of the city.

11 2. After the governing body of a city receives the returns from
12 all the precincts and districts in the city, it shall meet with the mayor
13 to canvass the returns. The canvass must be completed on or before
14 the sixth working day following the election.

15 3. In completing the canvass of the returns, the governing body
16 of the city and the mayor shall:

17 (a) Note separately any clerical errors discovered; and

18 (b) Take account of the changes resulting from the discovery, so
19 that the result declared represents the true vote cast.

20 4. After the canvass is completed, the governing body of the
21 city and mayor shall declare the result of the canvass.

22 5. The city clerk shall enter upon the records of the governing
23 body of the city an abstract of the result. The abstract must be
24 prepared in the manner prescribed by regulations adopted by the
25 Secretary of State and must contain the number of votes cast for
26 each candidate ***H and, if the name of an ineligible candidate could
27 not be removed from the ballot pursuant to section 18.5 of this act,
28 the number of votes cast for the ineligible candidate that are a
29 nullity and void.***

30 6. After the abstract is entered, the:

31 (a) City clerk shall seal the election returns, maintain them in a
32 vault for at least 22 months and give no person access to them
33 during that period, unless access is ordered by a court of competent
34 jurisdiction or by the governing body of the city.

35 (b) Governing body of the city shall, by an order made and
36 entered in the minutes of its proceedings, cause the city clerk to:

37 (1) Certify the abstract;

38 (2) Make a copy of the certified abstract;

39 (3) Make a mechanized report of the abstract in compliance
40 with regulations adopted by the Secretary of State;

41 (4) Transmit a copy of the certified abstract and the
42 mechanized report of the abstract to the Secretary of State within 7
43 working days after the election; and

44 (5) Transmit on paper or by electronic means to each public
45 library in the city, or post on a website maintained by the city or the



1 city clerk on the Internet or its successor, if any, a copy of the
2 certified abstract within 30 days after the election.

3 7. After the abstract of the results from a:

4 (a) Primary city election has been certified, the city clerk shall
5 certify the name of each person nominated and the name of the
6 office for which the person is nominated.

7 (b) General city election has been certified, the city clerk shall:

8 (1) Issue under his or her hand and official seal to each
9 person elected a certificate of election; and

10 (2) Deliver the certificate to the persons elected upon their
11 application at the office of the city clerk ~~†~~,

12 *↳ except that if the name of an ineligible candidate could not be*
13 *removed from the ballot pursuant to section 18.5 of this act, the*
14 *city clerk shall not issue a certificate of election to the ineligible*
15 *candidate regardless of the number of votes cast for the ineligible*
16 *candidate that are a nullity and void.*

17 8. The officers elected to the governing body of the city qualify
18 and enter upon the discharge of their respective duties on the first
19 regular meeting of that body next succeeding that in which the
20 canvass of returns was made pursuant to subsection 2.

21 **Sec. 28.2.** NRS 293C.395 is hereby amended to read as
22 follows:

23 293C.395 ~~†A†~~

24 *1. Except as otherwise provided in this section, a* certificate of
25 election or commission must not be withheld from the person
26 having the highest number of votes for the city office because of any
27 contest of election filed in the city election or any defect or
28 informality in the returns of any city election, if it can be ascertained
29 with reasonable certainty from the returns what city office is
30 intended and who is entitled to the certificate or commission.

31 *2. If the name of an ineligible candidate could not be*
32 *removed from the ballot pursuant to section 18.5 of this act, a*
33 *certificate of election or commission must not be issued or given to*
34 *the ineligible candidate regardless of the number of votes cast for*
35 *the ineligible candidate that are a nullity and void.*

36 **Sec. 28.4.** NRS 4.020 is hereby amended to read as follows:

37 4.020 1. There must be one justice court in each of the
38 townships of the State, for which there must be elected by the
39 qualified electors of the township at least one justice of the peace.
40 Except as otherwise provided in subsection 3, the number of justices
41 of the peace in a township must be increased according to the
42 population of the township, as certified by the Governor in even-
43 numbered years pursuant to NRS 360.285, in accordance with and
44 not to exceed the following schedule:

45 (a) In a county whose population is 700,000 or more:



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1 (1) In a township whose population is less than 1,100,000,
2 one justice of the peace for each 100,000 population of the
3 township, or fraction thereof, until the township has four justices of
4 the peace, and thereafter, one justice of the peace for each 125,000
5 population of the township, or fraction thereof, over a population of
6 300,000; and

7 (2) In a township whose population is 1,100,000 or more,
8 one justice of the peace for each 100,000 population of the
9 township, or fraction thereof, up to a population of 1,100,000, and
10 thereafter, one justice of the peace for each 125,000 population of
11 the township, or fraction thereof, over a population of 1,100,000.

12 (b) In a county whose population is 100,000 or more and less
13 than 700,000, one justice of the peace for each 50,000 population of
14 the township, or fraction thereof.

15 (c) In a county whose population is less than 100,000, one
16 justice of the peace for each 34,000 population of the township, or
17 fraction thereof.

18 (d) If a township includes a city created by the consolidation of
19 a city and county into one municipal government, one justice of the
20 peace for each 30,000 population of the township, or fraction
21 thereof.

22 2. Except as otherwise provided in subsection 3, if the schedule
23 set forth in subsection 1 provides for an increase in the number of
24 justices of the peace in a township, the new justice or justices of the
25 peace must be elected at the next ensuing biennial election.

26 3. If the schedule set forth in subsection 1 provides for an
27 increase in the number of justices of the peace in a township and, in
28 the opinion of a majority of the justices of the peace in that
29 township, the caseload does not warrant an additional justice of the
30 peace, the justices of the peace shall notify the Director of the
31 Legislative Counsel Bureau and the board of county commissioners
32 of their opinion on or before March 15 of the even-numbered year in
33 which the population of the township provides for such an increase.
34 The Director of the Legislative Counsel Bureau shall submit the
35 opinion to the next regular session of the Legislature for its
36 consideration. If the justices of the peace transmit such a notice to
37 the Director of the Legislative Counsel Bureau and the board of
38 county commissioners, the number of justices must not be increased
39 during that period unless the Legislature, by resolution, expressly
40 approves the increase.

41 4. Justices of the peace shall receive certificates of election
42 from the boards of county commissioners of their respective
43 counties **†**, *except that if the name of an ineligible candidate*
44 *could not be removed from the ballot pursuant to section 2 of this*
45 *act, the board of county commissioners shall not issue a certificate*



1 *of election to the ineligible candidate regardless of the number of*
2 *votes cast for the ineligible candidate that are a nullity and void.*

3 5. The clerk of the board of county commissioners shall, within
4 10 days after the election or appointment and qualification of any
5 justice of the peace, certify under seal to the Secretary of State the
6 election or appointment and qualification of the justice of the peace.
7 The certificate must be filed in the Office of the Secretary of State
8 as evidence of the official character of that officer.

9 **Sec. 29.** NRS 218A.200 is hereby amended to read as follows:

10 218A.200 *1.* A person is not eligible to be elected or
11 appointed to office as a Legislator unless the person:

12 ~~H~~ (a) Is a qualified elector;

13 ~~I~~ (b) Has been an actual, as opposed to constructive, citizen
14 resident, *in accordance with NRS 281.050*, of ~~this~~ :

15 (1) *This State for ~~1-year next~~ the 2 years immediately*
16 *preceding the person's election or appointment; and*

17 (2) *The district prescribed by law for the office for at least*
18 *180 days immediately preceding the date of the close of filing of,*
19 *as applicable:*

20 (I) *Declarations of candidacy or acceptances of*
21 *candidacy for the office pursuant to chapter 293 of NRS; or*

22 (II) *Applications for appointment to the office; ~~and~~*

23 ~~B~~ (c) At the time of election or appointment, has attained the
24 age of 21 years ~~H~~; and

25 (d) *Meets all other qualifications for the office as required by*
26 *the Constitution and laws of this State.*

27 2. *Any person who knowingly and willfully files a declaration*
28 *of candidacy or acceptance of candidacy pursuant to chapter 293*
29 *of NRS or an application for appointment to office as a Legislator*
30 *which contains a false statement regarding the person's*
31 *qualifications for the office in violation of this section is guilty of a*
32 *category E felony and shall be punished as provided in*
33 *NRS 193.130.*

34 **Sec. 29.1.** NRS 218A.210 is hereby amended to read as
35 follows:

36 218A.210 A person who is elected to office as a Legislator is
37 entitled to receive a certificate of election from the Governor ~~H~~ ,
38 *except that if the name of an ineligible candidate for office as a*
39 *Legislator could not be removed from the ballot pursuant to*
40 *section 2 of this act, the Governor shall not issue a certificate of*
41 *election to the ineligible candidate regardless of the number of*
42 *votes cast for the ineligible candidate that are a nullity and void.*



1 **Sec. 29.2.** NRS 218A.220 is hereby amended to read as
2 follows:

3 218A.220 **1.** A person who receives a certificate of election
4 or appointment to office as a Legislator must take and subscribe to
5 the official oath before the person takes office as a Legislator, and
6 an entry thereof must be made on the journal of the proper House.

7 **2.** *A person shall not take and subscribe to the official oath to*
8 *take office as a Legislator if, at any time after the person most*
9 *recently filed a declaration of candidacy or acceptance of*
10 *candidacy for the office pursuant to chapter 293 of NRS and on or*
11 *before the date of the most recent general election held for the*
12 *office, a court of competent jurisdiction has found in any*
13 *preelection action that the person is an ineligible candidate*
14 *because the person fails to meet any qualification required for the*
15 *office pursuant to the Constitution or laws of this State.*

16 **Sec. 29.3.** NRS 218A.260 is hereby amended to read as
17 follows:

18 218A.260 **1.** If a vacancy occurs in the office of a Legislator
19 during a regular or special session or at a time when no biennial
20 election or regular election at which county officers are to be elected
21 will take place between the occurrence of the vacancy and the next
22 regular or special session, the vacancy must be filled in the manner
23 provided in this section.

24 **2.** If the former Legislator was elected or appointed from a
25 district wholly within one county, the board of county
26 commissioners of the county in which the district is located shall fill
27 the vacancy by appointing a person who is a member of the same
28 political party as the former Legislator and who ~~factually, as~~
29 ~~opposed to constructively, resides in the district.~~ *meets all*
30 *qualifications for the office as required by NRS 218A.200.*

31 **3.** If the former Legislator was elected or appointed from a
32 district comprising more than one county, the county commissioners
33 of each county within or partly within the district shall fill the
34 vacancy by appointing a person who is a member of the same
35 political party as the former Legislator and who ~~factually, as~~
36 ~~opposed to constructively, resides in the district.~~ *meets all*
37 *qualifications for the office as required by NRS 218A.200.* To fill
38 the vacancy:

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

42 (b) The boards shall then meet jointly. The joint meeting must
43 be chaired by the person who is the chair of the board of county
44 commissioners of the county with the largest population in the
45 district. At the joint meeting:



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

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

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

19 **Sec. 29.4.** NRS 218A.400 is hereby amended to read as
20 follows:

21 218A.400 1. Before the Assembly meets for each regular
22 session, the Secretary of State shall make out a roll from the returns
23 on file in the Secretary of State's office of the persons who received
24 the highest number of votes to be elected to office as members of
25 the Assembly in each district in the general election **H**, *except that*
26 *if the name of an ineligible candidate for office as a member of*
27 *the Assembly could not be removed from the ballot pursuant to*
28 *section 2 of this act, the Secretary of State shall not include the*
29 *ineligible candidate upon the roll of the persons elected to office*
30 *as members of the Assembly and the name of the ineligible*
31 *candidate must not appear upon the roll regardless of the number*
32 *of votes cast for the ineligible candidate that are a nullity and void.*

33 The members whose names appear upon the roll must be allowed to
34 participate in the organization of the Assembly.

35 2. On the first day of each regular session at a time that is
36 appropriate for that regular session, the Secretary of State shall call
37 the Assembly to order and shall preside over the Assembly until a
38 presiding officer is elected.

39 3. If a special session is convened between the date of the
40 general election and the date of the next regular session, the
41 Assembly must be organized for the special session according to
42 the procedure set forth in this section, except that on the first day of
43 the special session, the Secretary of State shall call the Assembly to
44 order at a time that is appropriate for that special session.



1 **Sec. 29.5.** NRS 245.010 is hereby amended to read as follows:

2 245.010 All county officers elected by the people shall receive
3 certificates of election from the boards of county commissioners of
4 their respective counties **H**, *except that if the name of an ineligible*
5 *candidate could not be removed from the ballot pursuant to*
6 *section 2 of this act, the board of county commissioners shall not*
7 *issue a certificate of election to the ineligible candidate regardless*
8 *of the number of votes cast for the ineligible candidate that are a*
9 *nullity and void.*

10 **Sec. 29.6.** NRS 258.010 is hereby amended to read as follows:

11 258.010 1. Except as otherwise provided in subsections 2
12 and 3:

13 (a) Constables must be elected by the qualified electors of their
14 respective townships.

15 (b) The constables of the several townships of the State must be
16 chosen at the general election of 1966, and shall enter upon the
17 duties of their offices on the first Monday of January next
18 succeeding their election, and hold their offices for the term of 4
19 years thereafter, until their successors are elected and qualified.

20 (c) Constables must receive certificates of election from the
21 boards of county commissioners of their respective counties **H** ,
22 *except that if the name of an ineligible candidate could not be*
23 *removed from the ballot pursuant to section 2 of this act, the board*
24 *of county commissioners shall not issue a certificate of election to*
25 *the ineligible candidate regardless of the number of votes cast for*
26 *the ineligible candidate that are a nullity and void.*

27 2. In a county which includes only one township, the board of
28 county commissioners may, by resolution, appoint the sheriff ex
29 officio constable to serve without additional compensation. The
30 resolution must not become effective until the completion of the
31 term of office for which a constable may have been elected.

32 3. In a county whose population:

33 (a) Is less than 700,000, if the board of county commissioners
34 determines that the office of constable is not necessary in one or
35 more townships within the county, it may, by ordinance, abolish the
36 office of constable in those townships.

37 (b) Is 700,000 or more, if the board of county commissioners
38 determines that the office of constable is not necessary in one or
39 more townships within the county, it may, by ordinance, abolish the
40 office in those townships, but the abolition does not become
41 effective as to a particular township until the constable incumbent
42 on May 28, 1979, does not seek, or is defeated for, reelection.

43 ➤ For a township in which the office of constable has been
44 abolished, the board of county commissioners may, by resolution,



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1 appoint the sheriff ex officio constable to serve without additional
2 compensation.

3 **Sec. 29.7.** NRS 267.040 is hereby amended to read as follows:

4 267.040 **1.** Nominations of the electors must be made by
5 petition of one-fifth of the qualified voters of the incorporated city.

6 **2.** The petition must be filed with the governing body of the
7 city at least 30 days before the day of the election, as provided for in
8 NRS 267.030. ~~{The}~~

9 **3.** *Except as otherwise provided in section 18.5 of this act, the*
10 names of all candidates so filed must be placed upon the official
11 ballots to be voted at the election.

12 **Sec. 29.8.** NRS 267.050 is hereby amended to read as follows:

13 267.050 Within 6 working days after the date of the election,
14 the legislative authority of the incorporated city shall:

15 1. Meet and canvass the returns of the election.

16 2. Declare the result thereof.

17 3. Issue certificates of election to the 15 qualified electors
18 having the highest vote therefor ~~{}~~, *except that if the name of an*
19 *ineligible candidate could not be removed from the ballot pursuant*
20 *to section 18.5 of this act, the legislative authority of the*
21 *incorporated city shall not issue a certificate of election to*
22 *the ineligible candidate regardless of the number of votes cast for*
23 *the ineligible candidate that are a nullity and void.*

24 **Sec. 30.** NRS 281.050 is hereby amended to read as follows:

25 281.050 **1.** The residence of a person with reference to *his or*
26 *her* eligibility to *any* office is the person's actual residence within
27 the State, ~~{or}~~ county, ~~{or}~~ district, *ward, subdistrict or any other*
28 *unit prescribed by law*, as the case may be, during all the period for
29 which residence is claimed by the person. If any person absents
30 himself or herself from the jurisdiction of that person's residence
31 with the intention in good faith to return without delay and continue
32 such residence, the period of absence must not be considered in
33 determining the question of residence.

34 **2.** If a person who has filed ~~{as a candidate}~~ *a declaration of*
35 *candidacy or acceptance of candidacy* for *any* elective office
36 moves the person's residence out of the State, county, district, ward,
37 subdistrict or any other unit prescribed by law ~~{for which the person~~
38 ~~is a candidate and}~~, *as the case may be*, in which the person is
39 required actually, as opposed to constructively, to reside ~~{, a~~
40 ~~vacancy is created thereby}~~ *in order for the person to be eligible to*
41 *the office, the person is an ineligible candidate* and the *county*
42 *clerk or city clerk, as applicable, shall take* appropriate action ~~{for~~
43 ~~filling the vacancy must be taken.}~~ *regarding the ineligible*
44 *candidate pursuant to section 2 or 18.5 of this act.* A person shall



1 be deemed to have moved the person's residence for the purposes of
2 this section if:

3 (a) The person has acted affirmatively to remove himself or
4 herself from one place; and

5 (b) The person has an intention to remain in another place.

6 3. The district court has jurisdiction to determine the question
7 of residence in an action for declaratory judgment.

8 4. *If, in any preelection action for declaratory judgment, the*
9 *district court finds that a person who has filed a declaration of*
10 *candidacy or acceptance of candidacy for any elective office fails*
11 *to meet any qualification concerning residence required for the*
12 *office pursuant to the Constitution or laws of this State, the person*
13 *is an ineligible candidate and is subject to the provisions of section*
14 *2.5 of this act.*

15 5. As used in this section ~~+, "actual":~~

16 (a) "Actual residence" means the place of permanent
17 habitation where a person actually resides and is legally domiciled
18 . ~~[and maintains a permanent habitation.]~~ If the person maintains
19 more than one ~~[such]~~ place of permanent habitation, the place the
20 person declares to be the person's principal permanent habitation
21 when filing a declaration of candidacy or ~~[affidavit pursuant to NRS~~
22 ~~293.177 or 293C.185 shall be deemed to]~~ acceptance of candidacy
23 for any elective office must be the ~~[person's actual residence.]~~ place
24 where the person actually resides and is legally domiciled in order
25 for the person to be eligible to the office.

26 (b) "Declaration of candidacy or acceptance of candidacy"
27 means a declaration of candidacy or acceptance of candidacy filed
28 pursuant to chapter 293 or 293C of NRS.

29 Sec. 31. NRS 283.130 is hereby amended to read as follows:

30 283.130 Any officer elected or appointed to fill any vacancy
31 shall be commissioned, or shall receive a certificate of election or
32 appointment to such office ~~+~~ , except that if the name of an
33 ineligible candidate could not be removed from the ballot pursuant
34 to section 2 or 18.5 of this act, a certificate of election or
35 commission must not be issued or given to the ineligible candidate
36 regardless of the number of votes cast for the ineligible candidate
37 that are a nullity and void.

38 Sec. 32. NRS 306.070 is hereby amended to read as follows:

39 306.070 1. If there are no other candidates nominated to be
40 voted for at the special election, there must be printed on the ballot
41 the name of the officer sought to be recalled, the office which he or
42 she holds, and the words "For Recall" and "Against Recall."

43 2. ~~+~~ Except as otherwise provided in sections 2 and 18.5 of
44 this act, if there are other candidates nominated for the office to be
45 voted for at the special election, there must be printed upon the



1 ballot the name of the officer sought to be recalled, and the office
2 which he or she holds, and the name or names of such other
3 candidates as may be nominated to be voted for at the special
4 election, and the words "For Recall" and "Against Recall" must be
5 omitted.

6 3. In other respects the ballot must conform with the
7 requirements of this title.

8 **Sec. 33.** NRS 309.060 is hereby amended to read as follows:

9 309.060 1. The board of county commissioners shall meet on
10 or before the sixth working day succeeding the election provided for
11 in NRS 309.050 and proceed to canvass the votes. ~~and, if~~

12 2. ~~If~~, upon the canvass, it appears that a majority of votes cast
13 were for "Local Improvement District—Yes," the board, by an order
14 entered upon its minutes, shall ~~declare~~ :

15 (a) *Declare* the territory organized as an improvement district
16 under the name and style theretofore designated ~~and~~ ;

17 (b) *Except as otherwise provided in section 1.7 of this act*,
18 declare the persons receiving respectively the highest number of
19 votes for directors to be elected ~~and cause~~ ; and

20 (c) *Cause* a copy of the order and a plat of the district, each
21 certified by the clerk of the board of county commissioners, to be
22 recorded immediately in the office of the county recorder of each
23 county in which any portion of the district is situated. ~~and~~
24 ~~certified~~ *Certified* copies thereof must also be recorded with the
25 county clerks of those counties.

26 3. Thereafter, the organization of the district is complete.

27 **Sec. 34.** NRS 318.095 is hereby amended to read as follows:

28 318.095 Except as otherwise provided in NRS 318.0953:

29 1. There must be held simultaneously with the first general
30 election in the county after the creation of the district and
31 simultaneously with every general election thereafter an election to
32 be known as the biennial election of the district. The election must
33 be conducted under the supervision of the county clerk or registrar
34 of voters. A district shall reimburse the county clerk or registrar of
35 voters for the costs he or she incurred in conducting the election for
36 the district.

37 2. The office of trustee is a nonpartisan office. The general
38 election laws of this State govern the candidacy, nominations and
39 election of a member of the board. ~~The~~ *Except as otherwise*
40 *provided in section 2 of this act, the* names of the candidates for
41 trustee of a district may be placed on the ballot for the primary or
42 general election.

43 3. Except as otherwise provided in NRS 318.083, at the first
44 biennial election in any district organized or reorganized and
45 operating under this chapter and each fourth year thereafter, there



1 must be elected by the qualified electors of the district two qualified
2 electors as members of the board to serve for terms of 4 years. At
3 the second biennial election and each fourth year thereafter, there
4 must be so elected three qualified electors as members of the board
5 to serve for terms of 4 years.

6 4. The secretary of the district shall give notice of election by
7 publication and shall arrange such other details in connection
8 therewith as the county clerk or registrar of voters may direct.

9 5. Any new member of the board must qualify in the same
10 manner as members of the first board qualify.

11 **Sec. 35.** NRS 318.0951 is hereby amended to read as follows:

12 318.0951 Except as otherwise provided in NRS 318.0952 or
13 318.0953 ~~§~~ *and sections 1.7 and 2 of this act:*

14 1. Each trustee elected at any biennial election must be chosen
15 by a plurality of the qualified electors of the district voting on the
16 candidates for the vacancies to be filled.

17 2. Except as otherwise provided in NRS 318.083, if there are
18 two regular terms which end on the first Monday in January next
19 following the biennial election, the two qualified electors receiving
20 the highest and next highest number of votes must be elected. If
21 there are three regular terms so ending, the three qualified electors
22 receiving the highest, next highest and third highest number of votes
23 must be elected.

24 3. If there is a vacancy in an unexpired regular term to be filled
25 at the biennial election, as provided in subsection 5 of NRS 318.090,
26 the candidate who receives the highest number of votes, after there
27 are chosen the successful candidates to fill the vacancies in expired
28 regular terms as provided in subsection 2, must be elected.

29 **Sec. 36.** NRS 386.260 is hereby amended to read as follows:

30 386.260 1. Trustees shall be elected as provided in the
31 election laws of this state.

32 2. After the close of any election, and in accordance with law,
33 the board of county commissioners shall make abstracts of the votes
34 cast for trustees and shall order the county clerk to issue ~~election~~
35 certificates *of election* to the candidates elected ~~§~~, *except that if*
36 *the name of an ineligible candidate could not be removed from the*
37 *ballot pursuant to section 2 of this act, the board of county*
38 *commissioners shall not order the county clerk to issue a*
39 *certificate of election to the ineligible candidate regardless of the*
40 *number of votes cast for the ineligible candidate that are a nullity*
41 *and void.*

42 3. Immediately, the county clerk shall transmit a copy of each
43 ~~election~~ certificate *of election* to the Superintendent of Public
44 Instruction.



1 **Sec. 37.** NRS 450.080 is hereby amended to read as follows:

2 450.080 Except in counties where the board of county
3 commissioners is the board of hospital trustees ~~†~~ *and except as*
4 *otherwise provided in sections 1.7 and 2 of this act:*

5 1. The offices of hospital trustees are hereby declared to be
6 nonpartisan, and the names of candidates for such offices shall
7 appear alike upon the ballots of all parties at all primary elections.

8 2. At the general election only the names of those candidates,
9 not to exceed twice the number of hospital trustees to be elected,
10 who received the highest numbers of votes at the primary election
11 shall appear on the ballot.

12 **Sec. 38.** NRS 474.110 is hereby amended to read as follows:

13 474.110 1. The election having been held, the board of
14 county commissioners shall, on the first Monday succeeding the
15 election, if then in session, or at its next succeeding general or
16 special session, proceed to canvass the votes cast at the election.

17 2. If upon such canvass it appears that a majority of all votes
18 cast in the district, and in each portion of the counties included in
19 the district if lands in more than one county are included therein, are
20 in favor of the formation of the district, the board shall, by an order
21 entered in its minutes, declare:

22 (a) Such territory organized as a county fire protection district
23 under the name theretofore designated; and

24 (b) ~~†The~~ *Except as otherwise provided in section 1.7 of this*
25 *act, the* persons receiving, respectively, the highest number of votes
26 for the directors to be elected to those offices.

27 **Sec. 39.** NRS 539.055 is hereby amended to read as follows:

28 539.055 1. The board of county commissioners shall meet on
29 or before the sixth working day succeeding such election and
30 proceed to canvass the votes. ~~†east thereat.†~~

31 2. If , upon such canvass , it appears that a majority of the
32 electors voted "Irrigation District—Yes," the board, by an order
33 entered upon its minutes, shall:

34 (a) Declare such territory duly organized as an irrigation district
35 under the name and style theretofore designated.

36 (b) ~~†Declare~~ *Except as otherwise provided in section 1.7 of*
37 *this act, declare* the persons receiving respectively the highest
38 number of votes for directors to be duly elected.

39 (c) Cause a copy of such order and a plat of the district, each
40 duly certified by the clerk of the board of county commissioners, to
41 be immediately filed for record in the office of the county recorder
42 of each county in which any portion of such lands is situated.
43 Certified copies thereof ~~†shall~~ *must* also be filed with the county
44 clerks of such counties.



1 3. Thereafter, the organization of the district ~~shall be~~ **is**
2 complete.

3 **Sec. 40.** NRS 539.157 is hereby amended to read as follows:

4 539.157 1. ~~The~~ **Except as otherwise provided in section 1.7**
5 **of this act, the** board of directors must declare elected the person or
6 persons having the highest number of votes given for each office.

7 2. The secretary shall immediately make out and deliver to
8 such person or persons a certificate of election ~~H~~ signed by the
9 secretary and authenticated with the seal of the board ~~H~~, **except**
10 **that if the name of an ineligible candidate could not be removed**
11 **from the ballot pursuant to section 2 of this act, the secretary shall**
12 **not make out and deliver a certificate of election to the ineligible**
13 **candidate regardless of the number of votes cast for the ineligible**
14 **candidate that are a nullity and void.**

15 **Sec. 41.** NRS 539.180 is hereby amended to read as follows:

16 539.180 1. Upon the ballot for the election there shall be
17 printed verbatim, as set forth in the recall petition, the reason for
18 demanding the recall of the director, and in not more than 200
19 words, if furnished by the director, the director's justification of his
20 or her course in office.

21 2. If there are no other candidates nominated to be voted for at
22 the special election, there shall be printed on the ballot the name of
23 the director sought to be recalled, the office which he or she holds,
24 and the words "For Recall" and "Against Recall."

25 3. ~~H~~ **Except as otherwise provided in section 2 of this act, if**
26 there are other candidates nominated for the office to be voted for at
27 the special election, there shall be printed upon the ballot the name
28 of the director sought to be recalled, and the office which he or she
29 holds, and the name or names of such other candidates as may be
30 nominated to be voted for at the special election, and the words "For
31 Recall" and "Against Recall" shall be omitted.

32 4. In other respects the ballot shall conform with the
33 requirements of the general election laws of this state.

34 **Sec. 42.** NRS 539.183 is hereby amended to read as follows:

35 539.183 1. ~~H~~ **Except as otherwise provided in section 1.7**
36 **of this act, if** there are other candidates nominated to be voted for at
37 the special election, the candidate who receives the highest number
38 of votes at the special election shall be deemed elected for the
39 remainder of the term, whether it is the person against whom the
40 recall petition was filed or another.

41 2. If any director is recalled upon a special election and the
42 other candidates are not nominated to be voted for at the special
43 election, the vacancy thereby created shall be filled in the manner
44 provided by law.



1 **Sec. 43.** Section 96 of the Charter of Boulder City is hereby
2 amended to read as follows:

3 Section 96. Conduct of municipal elections.

4 1. All municipal elections must be nonpartisan in
5 character and must be conducted in accordance with the
6 provisions of the general election laws of the State of Nevada
7 and any ordinance regulations as adopted by the City Council
8 which are consistent with law and this Charter. (1959
9 Charter)

10 2. All full terms of office in the City Council are 4 years,
11 and Council Members must be elected at large without regard
12 to precinct residency. Except as otherwise provided in
13 subsection 8, two full-term Council Members and the Mayor
14 are to be elected in each year immediately preceding a federal
15 presidential election, and two full-term Council Members are
16 to be elected in each year immediately following a federal
17 presidential election. In each election, the candidates
18 receiving the greatest number of votes must be declared
19 elected to the vacant full-term positions **H**, *except that if the*
20 *name of an ineligible candidate could not be removed from*
21 *the ballot pursuant to section 18.5 of this act, the ineligible*
22 *candidate must not be declared elected regardless of the*
23 *number of votes cast for the ineligible candidate that are a*
24 *nullity and void.* (Add. 17; Amd. 1; 11-5-1996)

25 3. In the event one or more 2-year term positions on the
26 Council will be available at the time of a municipal election
27 as provided in section 12, candidates must file specifically for
28 such position(s). Candidates receiving the greatest respective
29 number of votes must be declared elected to the respective
30 available 2-year positions **H**, *except that if the name of an*
31 *ineligible candidate could not be removed from the ballot*
32 *pursuant to section 18.5 of this act, the ineligible candidate*
33 *must not be declared elected regardless of the number of*
34 *votes cast for the ineligible candidate that are a nullity and*
35 *void.* (Add. 15; Amd. 2; 6-4-1991)

36 4. Except as otherwise provided in subsection 8, a
37 primary municipal election must be held on the first Tuesday
38 after the first Monday in April of each odd-numbered year
39 and a general municipal election must be held on the first
40 Tuesday after the first Monday in June of each odd-numbered
41 year.

42 5. A primary municipal election must not be held if no
43 more than double the number of Council Members to be
44 elected file as candidates. A primary municipal election must
45 not be held for the office of Mayor if no more than two



1 candidates file for that position. The primary municipal
2 election must be held for the purpose of eliminating
3 candidates in excess of a figure double the number of Council
4 Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

5 6. If, in the primary municipal election, a candidate
6 receives votes equal to a majority of voters casting ballots in
7 that election, ~~he or she~~ *the candidate* shall be considered
8 elected to one of the vacancies and his or her name shall not
9 be placed on the ballot for the general municipal election ~~†~~,
10 *except that if the name of an ineligible candidate could not*
11 *be removed from the ballot pursuant to section 18.5 of this*
12 *act, the ineligible candidate must not be considered elected*
13 *regardless of the number of votes cast for the ineligible*
14 *candidate that are a nullity and void.* (Add. 10; Amd. 7;
15 6-2-1981)

16 7. In each primary and general municipal election, voters
17 are entitled to cast ballots for candidates in a number equal to
18 the number of seats to be filled in the municipal elections.
19 (Add. 11; Amd. 5; 6-7-1983)

20 8. The City Council may by ordinance provide for a
21 primary municipal election and general municipal election on
22 the dates set forth for primary elections and general elections
23 pursuant to the provisions of chapter 293 of NRS.

24 9. If the City Council adopts an ordinance pursuant to
25 subsection 8, the dates set forth in NRS 293.12755, ~~††~~
26 ~~subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~† and in NRS~~,
27 *293.166*, 293.175, 293.177 ~~†~~ *and* 293.345 and ~~293.368~~
28 *section 2 of this act* apply for the purposes of conducting the
29 primary municipal elections and general municipal elections.

30 10. If the City Council adopts an ordinance pursuant to
31 subsection 8, the ordinance must not affect the term of office
32 of any elected official of the City serving in office on the
33 effective date of the ordinance. The next succeeding term for
34 that office may be shortened but may not be lengthened as a
35 result of the ordinance.

36 11. The conduct of all municipal elections must be under
37 the control of the City Council, which shall adopt by
38 ordinance all regulations which it considers desirable and
39 consistent with law and this Charter. Nothing in this Charter
40 shall be construed as to deny or abridge the power of the City
41 Council to provide for supplemental regulations for the
42 prevention of fraud in such elections and for the recount of
43 ballots in cases of doubt or fraud. (Add. 24; Amd. 1;
44 6-3-2003)



1 **Sec. 44.** Section 5.010 of the Charter of the City of Caliente,
2 being chapter 31, Statutes of Nevada 1971, as last amended by
3 chapter 263, Statutes of Nevada 2013, at page 1182, is hereby
4 amended to read as follows:

5 Sec. 5.010 Municipal elections.

6 1. Except as otherwise provided in subsection 2:

7 (a) On the first Tuesday after the first Monday in June
8 1973, there must be elected by the qualified voters of the
9 City, at a general municipal election to be held for that
10 purpose, a Mayor and one Council Member who shall hold
11 office for a period of 4 years and until their successors have
12 been elected and qualified.

13 (b) On the first Tuesday after the first Monday in June
14 1975, and at each successive interval of 4 years thereafter,
15 there must be elected by the qualified voters of the City, at a
16 general municipal election to be held for that purpose, two
17 Council Members who shall hold office for a period of 4
18 years and until their successors have been elected and
19 qualified.

20 (c) On the first Tuesday after the first Monday in June
21 1975, there shall be elected by the qualified voters of the City
22 at a general municipal election to be held for that purpose one
23 Council Member who shall hold office for a period of 2 years
24 and until his or her successor has been elected and qualified.

25 (d) On the first Tuesday after the first Monday in June
26 1977, and at each successive interval of 4 years, there must be
27 elected by the qualified voters of the City, at a general
28 municipal election to be held for that purpose, a Mayor and
29 two Council Members, who shall hold office for a period of 4
30 years and until their successors have been elected and
31 qualified.

32 2. The City Council may by ordinance provide for a
33 primary municipal election and general municipal election on
34 the dates set forth for primary elections and general elections
35 pursuant to the provisions of chapter 293 of NRS.

36 3. If the City Council adopts an ordinance pursuant to
37 subsection 2, the dates set forth in NRS 293.12755, ~~the~~
38 ~~subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~,
39 ~~293.166~~, 293.175, 293.177 ~~and~~ 293.345 and ~~293.368~~
40 ~~section 2 of this act~~ apply for the purposes of conducting the
41 primary municipal elections and general municipal elections.

42 4. If the City Council adopts an ordinance pursuant to
43 subsection 2, the term of office of any elected official may be
44 shortened but may not be lengthened as a result of the
45 ordinance.



1 **Sec. 45.** Section 5.050 of the Charter of the City of Caliente,
2 being chapter 31, Statutes of Nevada 1971, as amended by chapter
3 312, Statutes of Nevada 2003, at page 1728, is hereby amended to
4 read as follows:

5 Sec. 5.050 Names on ballots.

6 1. ~~{The full names of all candidates, except those}~~
7 *Except for candidates* who have withdrawn ~~{, died}~~ *pursuant*
8 *to the election laws of this State or who are* or become
9 ineligible ~~{}~~ *candidates whose names must be removed from*
10 *the ballot pursuant to section 18.5 of this act, the full names*
11 *of all candidates* must be printed on the official ballots
12 without party designation or symbol.

13 2. If two or more candidates have the same surname or
14 surnames so similar as to be likely to cause confusion and:

15 (a) None of them is an incumbent, their middle names or
16 middle initials, if any, must be included in their names as
17 printed on the ballot; or

18 (b) One of them is an incumbent, the name of the
19 incumbent must be listed first and must be printed in bold
20 type.

21 **Sec. 46.** Section 5.100 of the Charter of the City of Caliente,
22 being chapter 31, Statutes of Nevada 1971, as amended by chapter
23 185, Statutes of Nevada 2007, at page 627, is hereby amended to
24 read as follows:

25 Sec. 5.100 Election returns; canvass; certificates of
26 election; entry of officers upon duties; tie vote procedure.

27 1. The election returns from any municipal election shall
28 be filed with the City Clerk, who shall immediately place
29 such returns in a safe or vault, and no person shall be
30 permitted to handle, inspect or in any manner interfere with
31 such returns until canvassed by the City Council.

32 2. The City Council shall meet within 6 working days
33 after any election and canvass the returns and declare the
34 result. The election returns shall then be sealed and kept by
35 the City Clerk for 6 months, and no person shall have access
36 thereto except on order of a court of competent jurisdiction or
37 by order of the City Council.

38 3. The City Clerk, under his or her hand and official
39 seal, shall issue to each person declared to be elected a
40 certificate of election ~~{}~~ *, except that if the name of an*
41 *ineligible candidate could not be removed from the ballot*
42 *pursuant to section 18.5 of this act, the City Clerk shall not*
43 *issue a certificate of election to the ineligible candidate*
44 *regardless of the number of votes cast for the ineligible*
45 *candidate that are a nullity and void.* The officers ~~{se}~~ *who*



1 *are* elected shall qualify and enter upon the discharge of their
2 respective duties on the first Monday in July next following
3 their election.

4 4. If any election should result in a tie, the City Council
5 shall summon the candidates who received the tie vote and
6 determine the tie by lot. The *City* Clerk shall then issue to the
7 winner a certificate of election ~~†~~, *except that if the name of*
8 *an ineligible candidate could not be removed from the ballot*
9 *pursuant to section 18.5 of this act, the City Clerk shall not*
10 *issue a certificate of election to the ineligible candidate*
11 *regardless of the number of votes cast for the ineligible*
12 *candidate that are a nullity and void.*

13 **Sec. 47.** Section 5.015 of the Charter of the City of Carlin,
14 being chapter 493, Statutes of Nevada 2009, as amended by chapter
15 501, Statutes of Nevada 2011, at page 3310, is hereby amended to
16 read as follows:

17 Sec. 5.015 Filing of declarations of candidacy.

18 ~~††~~ A candidate to be voted for at the general election
19 must file a declaration of candidacy with the City Clerk as
20 provided by the election laws of this State. The City Clerk
21 shall charge and collect from the candidate and the candidate
22 must pay to the City Clerk, at the time of filing the
23 declaration of candidacy, a filing fee in an amount fixed by
24 the City Council by ordinance or resolution.

25 ~~†2. If, due to the death or ineligibility of or withdrawal~~
26 ~~by a candidate, a vacancy occurs in a nomination after the~~
27 ~~close of filing and any applicable period for withdrawal of~~
28 ~~candidacy, the candidate's name must remain on the ballot for~~
29 ~~the general election and, if elected, a vacancy exists.†~~

30 **Sec. 48.** Section 5.040 of the Charter of the City of Carlin,
31 being chapter 493, Statutes of Nevada 2009, at page 2937, is hereby
32 amended to read as follows:

33 Sec. 5.040 Names on ballots.

34 1. ~~†The full names of all candidates, except those†~~
35 *Except for candidates* who have withdrawn ~~†, died†~~ *pursuant*
36 *to the election laws of this State or who are* or become
37 ineligible ~~†before the close of filing and any applicable period~~
38 ~~for withdrawal of candidacy,†~~ *candidates whose names must*
39 *be removed from the ballot pursuant to section 18.5 of this*
40 *act, the full names of all candidates* must be printed on the
41 official ballots without party designation or symbol.

42 2. If two or more candidates have the same surname or
43 surnames so similar as to be likely to cause confusion and:



1 (a) None of them is an incumbent, their middle names or
2 middle initials, if any, must be included in their names as
3 printed on the ballot; or

4 (b) One of them is an incumbent, the name of the
5 incumbent must be listed first and must be printed in bold
6 type.

7 **Sec. 49.** Section 5.090 of the Charter of the City of Carlin,
8 being chapter 344, Statutes of Nevada 1971, as last amended by
9 chapter 185, Statutes of Nevada 2007, at page 628, is hereby
10 amended to read as follows:

11 Sec. 5.090 Election returns; canvass; certificates of
12 election; entry of officers upon duties; tie vote procedure.

13 1. The election returns from any municipal election shall
14 be filed with the City Clerk, who shall immediately place
15 such returns in a safe or vault, and no person is permitted to
16 handle, inspect or in any manner interfere with such returns
17 until canvassed by the Board of Council Members.

18 2. The Board of Council Members shall meet on or
19 before the sixth working day after any election and canvass
20 the returns and declare the result. The election returns must
21 then be sealed and kept by the City Clerk for 6 months, and
22 no person shall have access thereto except on order of a court
23 of competent jurisdiction or by order of the Board of Council
24 Members.

25 3. The City Clerk, under his or her hand and official
26 seal, shall issue to each person declared to be elected a
27 certificate of election **H**, *except that if the name of an*
28 *ineligible candidate could not be removed from the ballot*
29 *pursuant to section 18.5 of this act, the City Clerk shall not*
30 *issue a certificate of election to the ineligible candidate*
31 *regardless of the number of votes cast for the ineligible*
32 *candidate that are a nullity and void.* The officers ~~to~~ *who*
33 *are* elected shall qualify and enter upon the discharge of their
34 respective duties on the first Monday in:

35 (a) July next following their election for those officers
36 elected in June 2007.

37 (b) January next following their election for those officers
38 elected in November 2008 and November of every even-
39 numbered year thereafter.

40 4. If any election should result in a tie, the Board of
41 Council Members shall summon the candidates who received
42 the tie vote and determine the tie by lot. The *City* Clerk shall
43 then issue to the winner a certificate of election **H**, *except*
44 *that if the name of an ineligible candidate could not be*
45 *removed from the ballot pursuant to section 18.5 of this act,*



1 *the City Clerk shall not issue a certificate of election to the*
2 *ineligible candidate regardless of the number of votes cast*
3 *for the ineligible candidate that are a nullity and void.*

4 **Sec. 50.** Section 5.010 of the charter of Carson City, being
5 chapter 213, Statutes of Nevada 1969, as last amended by chapter
6 100, Statutes of Nevada 1999, at page 271, is hereby amended to
7 read as follows:

8 Sec. 5.010 Primary election.

9 1. A primary election must be held on the date fixed by
10 the election laws of this state for statewide elections, at which
11 time there must be nominated candidates for offices to be
12 voted for at the next general election.

13 2. A candidate for any office to be voted for at any
14 primary election must file a declaration of candidacy as
15 provided by the election laws of this state.

16 3. All candidates for the office of Mayor and Supervisor,
17 and candidates for the office of Municipal Judge if a third
18 department of the Municipal Court has been established, must
19 be voted upon by the registered voters of Carson City at large.

20 4. *Except as otherwise provided in sections 1.7 and 2 of*
21 *this act:*

22 (a) If only two persons file for a particular office, their
23 names must not appear on the primary ballot but their names
24 must be placed on the ballot for the general election.

25 ~~5.~~ (b) If in the primary election one candidate receives
26 more than a majority of votes cast in that election for the
27 office for which he or she is a candidate, his or her name
28 alone must be placed on the ballot for the general election.

29 (c) If in the primary election no candidate receives a
30 majority of votes cast in that election for the office for which
31 he or she is a candidate, the names of the two candidates
32 receiving the highest numbers of votes must be placed on the
33 ballot for the general election.

34 **Sec. 51.** Section 5.050 of the charter of Carson City, being
35 chapter 213, Statutes of Nevada 1969, as amended by chapter 312,
36 Statutes of Nevada 2003, at page 1729, is hereby amended to read as
37 follows:

38 Sec. 5.050 Names on ballots.

39 1. ~~The full names of all candidates, except those~~
40 *Except for candidates* who have withdrawn ~~and died~~ *pursuant*
41 *to the election laws of this State or who are* or become
42 ineligible ~~and~~ *candidates whose names must be removed from*
43 *the ballot pursuant to section 2 of this act, the full names of*
44 *all candidates* must be printed on the official ballots without
45 party designation or symbol.



1 2. If two or more candidates have the same surname or
2 surnames so similar as to be likely to cause confusion and:

3 (a) None of them is an incumbent, their middle names or
4 middle initials, if any, must be included in their names as
5 printed on the ballot; or

6 (b) One of them is an incumbent, the name of the
7 incumbent must be listed first and must be printed in bold
8 type.

9 **Sec. 52.** Section 5.100 of the charter of Carson City, being
10 chapter 213, Statutes of Nevada 1969, as amended by chapter 189,
11 Statutes of Nevada 1977, at page 354, is hereby amended to read as
12 follows:

13 Sec. 5.100 Election returns; canvass; certificates of
14 election; entry of officers upon duties.

15 1. The election returns from any special, primary or
16 general municipal election shall be filed with the Clerk, who
17 shall immediately place such returns in a safe or vault, and no
18 person shall be permitted to handle, inspect or in any manner
19 interfere with such returns until canvassed by the Board.

20 2. The Board shall meet within 10 days after any
21 election and canvass the returns and declare the result. The
22 election returns shall then be sealed and kept by the Clerk for
23 6 months and no person shall have access thereto except on
24 order of a court of competent jurisdiction or by order of the
25 Board.

26 3. The Clerk, under his or her hand and official seal,
27 shall issue to each person declared to be elected a certificate
28 of election **H**, *except that if the name of an ineligible*
29 *candidate could not be removed from the ballot pursuant to*
30 *section 2 of this act, the Clerk shall not issue a certificate of*
31 *election to the ineligible candidate regardless of the number*
32 *of votes cast for the ineligible candidate that are a nullity*
33 *and void.* The officers ~~set~~ *who are* elected shall qualify and
34 enter upon the discharge of their respective duties on the 1st
35 Monday in January next following their election.

36 **Sec. 53.** Section 5.040 of the Charter of the City of Elko,
37 being chapter 276, Statutes of Nevada 1971, as amended by chapter
38 312, Statutes of Nevada 2003, at page 1729, is hereby amended to
39 read as follows:

40 Sec. 5.040 Names on ballots.

41 1. ~~The full names of all candidates, except those~~
42 *Except for candidates* who have withdrawn ~~and died~~ *pursuant*
43 *to the election laws of this State or who are* or become
44 ineligible ~~and~~ *candidates whose names must be removed from*
45 *the ballot pursuant to section 18.5 of this act, the full names*



1 *of all candidates* must be printed on the official ballots
2 without party designation or symbol.

3 2. If two or more candidates have the same surname or
4 surnames so similar as to be likely to cause confusion and:

5 (a) None of them is an incumbent, their middle names or
6 middle initials, if any, must be included in their names as
7 printed on the ballot; or

8 (b) One of them is an incumbent, the name of the
9 incumbent must be listed first and must be printed in bold
10 type.

11 **Sec. 54.** Section 5.090 of the Charter of the City of Elko,
12 being chapter 276, Statutes of Nevada 1971, as last amended by
13 chapter 231, Statutes of Nevada 2011, at page 1003, is hereby
14 amended to read as follows:

15 Sec. 5.090 Election returns; canvass; certificates of
16 election; entry of officers upon duties; tie vote procedure.

17 1. The election returns from a municipal election must
18 be filed with the City Clerk, who shall immediately place the
19 returns in a safe or vault. No person may handle, inspect or in
20 any manner interfere with the returns until the returns are
21 canvassed by the City Council.

22 2. The City Council shall meet within 6 working days
23 after an election and canvass the returns and declare the
24 result. The election returns must be sealed and kept by the
25 City Clerk for 2 years, and no person may have access thereto
26 except on order of a court of competent jurisdiction or by
27 order of the City Council.

28 3. The City Clerk, under his or her hand and official
29 seal, shall issue to each person declared to be elected a
30 certificate of election ~~+~~, *except that if the name of an*
31 *ineligible candidate could not be removed from the ballot*
32 *pursuant to section 18.5 of this act, the City Clerk shall not*
33 *issue a certificate of election to the ineligible candidate*
34 *regardless of the number of votes cast for the ineligible*
35 *candidate that are a nullity and void.* The officers ~~+~~ *who*
36 *are* elected shall qualify and enter upon the discharge of their
37 respective duties on the first Monday in:

38 (a) If the officer is elected pursuant to subsection 1 or 2 of
39 section 5.010, July next following his or her election.

40 (b) If the officer is elected pursuant to subsection 3 or 4 of
41 section 5.010, January next following his or her election.

42 4. If any election should result in a tie, the City Council
43 shall summon the candidates who received the tie vote and
44 determine the tie by lot. The *City* Clerk shall then issue to the
45 winner a certificate of election ~~+~~, *except that if the name of*



1 *an ineligible candidate could not be removed from the ballot*
2 *pursuant to section 18.5 of this act, the City Clerk shall not*
3 *issue a certificate of election to the ineligible candidate*
4 *regardless of the number of votes cast for the ineligible*
5 *candidate that are a nullity and void.*

6 **Sec. 55.** Section 5.010 of the Charter of the City of Henderson,
7 being chapter 266, Statutes of Nevada 1971, as last amended by
8 chapter 266, Statutes of Nevada 2013, at page 1214, is hereby
9 amended to read as follows:

10 Sec. 5.010 Primary municipal election.

11 1. Except as otherwise provided in section 5.020, a
12 primary municipal election must be held on the Tuesday after
13 the first Monday in April of each odd-numbered year, at
14 which time there must be nominated candidates for offices to
15 be voted for at the next general municipal election.

16 2. A candidate for any office to be voted for at any
17 primary municipal election must file a declaration of
18 candidacy as provided by the election laws of this State.

19 3. All candidates for elective office must be voted upon
20 by the registered voters of the City at large.

21 4. *Except as otherwise provided in sections 18.3 and*
22 *18.5 of this act:*

23 (a) If in the primary municipal election no candidate
24 receives a majority of votes cast in that election for the office
25 for which he or she is a candidate, the names of the two
26 candidates receiving the highest number of votes must be
27 placed on the ballot for the general municipal election.

28 (b) If in the primary municipal election, regardless of the
29 number of candidates for an office, one candidate receives a
30 majority of votes cast in that election for the office for which
31 he or she is a candidate, he or she must be declared elected
32 and no general municipal election need be held for that office.
33 Such candidate shall enter upon his or her respective duties at
34 the second regular meeting of the City Council held in June
35 of the year of the general municipal election.

36 **Sec. 56.** Section 5.020 of the Charter of the City of Henderson,
37 being chapter 266, Statutes of Nevada 1971, as last amended by
38 chapter 266, Statutes of Nevada 2013, at page 1215, is hereby
39 amended to read as follows:

40 Sec. 5.020 General municipal election.

41 1. Except as otherwise provided in subsection 2:

42 (a) A general municipal election must be held in the City
43 on the first Tuesday after the first Monday in June of each
44 odd-numbered year, at which time the registered voters of the



1 City shall elect city officers to fill the available elective
2 positions.

3 (b) All candidates for the office of Mayor, Council
4 Member and Municipal Judge must be voted upon by the
5 registered voters of the City at large. The term of office for
6 members of the City Council and the Mayor is 4 years.
7 Except as otherwise provided in subsection 3 of section
8 4.015, the term of office for a Municipal Judge is 6 years.

9 (c) On the Tuesday after the first Monday in June 2001,
10 and every 6 years thereafter, there must be elected by the
11 qualified voters of the City, at a general municipal election to
12 be held for that purpose, a Municipal Judge for Department 1
13 who will hold office until his or her successor has been
14 elected and qualified.

15 (d) On the Tuesday after the first Monday in June 2003
16 and every 6 years thereafter, there must be elected by the
17 qualified voters of the City, at a general municipal election to
18 be held for that purpose, a Municipal Judge for Department 2
19 who will hold office until his or her successor has been
20 elected and qualified.

21 (e) On the Tuesday after the first Monday in June 2005,
22 and every 6 years thereafter, there must be elected by the
23 qualified voters of the City, at a general municipal election to
24 be held for that purpose, a Municipal Judge for Department 3
25 who will hold office until his or her successor has been
26 elected and qualified.

27 2. The City Council may by ordinance provide for a
28 primary municipal election and general municipal election on
29 the dates set forth for primary elections and general elections
30 pursuant to the provisions of chapter 293 of NRS.

31 3. If the City Council adopts an ordinance pursuant to
32 subsection 2, the dates set forth in NRS 293.12755, ~~the~~
33 ~~subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~,
34 ~~293.166~~, 293.175, 293.177 ~~and~~ 293.345 and ~~293.368~~
35 *section 2 of this act* apply for the purposes of conducting the
36 primary municipal elections and general municipal elections.

37 4. If the City Council adopts an ordinance pursuant to
38 subsection 2, the ordinance must not affect the term of office
39 of any elected official of the City serving in office on the
40 effective date of the ordinance. The next succeeding term for
41 that office may be shortened but may not be lengthened as a
42 result of the ordinance.



1 **Sec. 57.** Section 5.050 of the Charter of the City of Henderson,
2 being chapter 266, Statutes of Nevada 1971, as last amended by
3 chapter 312, Statutes of Nevada 2003, at page 1729, is hereby
4 amended to read as follows:

5 Sec. 5.050 Names on ballots.

6 1. ~~{The full names of all candidates, except those}~~
7 *Except for candidates* who have withdrawn ~~{, died}~~ *pursuant*
8 *to the election laws of this State or who are* or become
9 ineligible ~~{}~~ *candidates whose names must be removed from*
10 *the ballot pursuant to section 18.5 of this act, the full names*
11 *of all candidates* must be printed on the official ballots
12 without party designation or symbol.

13 2. If two or more candidates have the same surname or
14 surnames so similar as to be likely to cause confusion and:

15 (a) None of them is an incumbent, their middle names or
16 middle initials, if any, must be included in their names as
17 printed on the ballot; or

18 (b) One of them is an incumbent, the name of the
19 incumbent must be listed first and must be printed in bold
20 type.

21 **Sec. 58.** Section 5.100 of the Charter of the City of Henderson,
22 being chapter 266, Statutes of Nevada 1971, as last amended by
23 chapter 266, Statutes of Nevada 2013, at page 1216, is hereby
24 amended to read as follows:

25 Sec. 5.100 Election returns; canvass; certificates of
26 election; entry of officers upon duties; tie vote procedure.

27 1. The election returns from any special, primary or
28 general municipal election must be filed with the City Clerk,
29 who shall immediately place the returns in a safe or vault, and
30 no person may handle, inspect or in any manner interfere with
31 the returns until canvassed by the City Council.

32 2. The City Council shall meet at any time within 10
33 days after any election and canvass the returns and declare the
34 result. The election returns must then be sealed and kept by
35 the City Clerk for 6 months. No person may have access to
36 the returns except on order of a court of competent
37 jurisdiction or by order of the City Council.

38 3. The City Clerk, under his or her hand and official
39 seal, shall issue to each person elected a certificate of election
40 ~~{}~~ *, except that if the name of an ineligible candidate could*
41 *not be removed from the ballot pursuant to section 18.5 of*
42 *this act, the City Clerk shall not issue a certificate of*
43 *election to the ineligible candidate regardless of the number*
44 *of votes cast for the ineligible candidate that are a nullity*
45 *and void.* Except as otherwise provided in section 1.070, the



1 officers ~~to~~ *who are* elected shall qualify and enter upon the
2 discharge of their respective duties at the second regular
3 meeting of the City Council held in June of the year of the
4 general municipal election.

5 4. If any election results in a tie, the City Council shall
6 summon the candidates who received the tie vote and
7 determine the tie by lot. The City Clerk shall then issue to the
8 winner a certificate of election ~~H~~, *except that if the name of*
9 *an ineligible candidate could not be removed from the ballot*
10 *pursuant to section 18.5 of this act, the City Clerk shall not*
11 *issue a certificate of election to the ineligible candidate*
12 *regardless of the number of votes cast for the ineligible*
13 *candidate that are a nullity and void.*

14 **Sec. 59.** Section 5.010 of the Charter of the City of Las Vegas,
15 being chapter 517, Statutes of Nevada 1983, as last amended by
16 chapter 218, Statutes of Nevada 2011, at page 959, is hereby
17 amended to read as follows:

18 Sec. 5.010 Primary municipal elections. Except as
19 otherwise provided in section 5.020:

20 1. On the Tuesday after the first Monday in April 2001,
21 and at each successive interval of 4 years, a primary
22 municipal election must be held in the City at which time
23 candidates for half of the offices of Council Member and for
24 Municipal Judge, Department 2, must be nominated.

25 2. On the Tuesday after the first Monday in April 2003,
26 and at each successive interval of 4 years, a primary
27 municipal election must be held in the City at which time
28 candidates for Mayor, for the other half of the offices of
29 Council Member and for Municipal Judge, Department 1,
30 must be nominated.

31 3. The candidates for Council Member who are to be
32 nominated as provided in subsections 1 and 2 must be
33 nominated and voted for separately according to the
34 respective wards. The candidates from each even-numbered
35 ward must be nominated as provided in subsection 1, and the
36 candidates from each odd-numbered ward must be nominated
37 as provided in subsection 2.

38 4. If the City Council has established an additional
39 department or departments of the Municipal Court pursuant to
40 section 4.010 and, as a result, more than one office of
41 Municipal Judge is to be filled at any election, the candidates
42 for those offices must be nominated and voted upon
43 separately according to the respective departments.

44 5. Each candidate for the municipal offices which are
45 provided for in subsections 1, 2 and 4 must file a declaration



1 of candidacy with the City Clerk. All filing fees collected by
2 the City Clerk must be paid into the City Treasury.

3 6. *Except as otherwise provided in sections 18.3 and*
4 *18.5 of this act:*

5 (a) If, in the primary municipal election, regardless of the
6 number of candidates for an office, one candidate receives a
7 majority of votes which are cast in that election for the office
8 for which he or she is a candidate, he or she must be declared
9 elected for the term which commences on the day of the first
10 regular meeting of the City Council next succeeding the
11 meeting at which the canvass of the returns is made, and no
12 general municipal election need be held for that office.

13 (b) If, in the primary municipal election, no candidate
14 receives a majority of votes which are cast in that election for
15 the office for which he or she is a candidate, the names of the
16 two candidates who receive the highest number of votes must
17 be placed on the ballot for the general municipal election.

18 **Sec. 60.** Section 5.020 of the Charter of the City of Las Vegas,
19 being chapter 517, Statutes of Nevada 1983, as last amended by
20 chapter 263, Statutes of Nevada 2013, at page 1183, is hereby
21 amended to read as follows:

22 Sec. 5.020 General municipal election.

23 1. Except as otherwise provided in subsection 2, a
24 general municipal election must be held in the City on the
25 Tuesday after the first Monday in June of each odd-numbered
26 year and on the same day every 2 years thereafter, at which
27 time there must be elected those officers whose offices are
28 required to be filled by election in that year.

29 2. The City Council may by ordinance provide for a
30 primary municipal election and general municipal election on
31 the dates set forth for primary elections and general elections
32 pursuant to the provisions of chapter 293 of NRS.

33 3. If the City Council adopts an ordinance pursuant to
34 subsection 2, the dates set forth in NRS 293.12755, ~~the~~
35 ~~subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~,
36 ~~293.166~~, 293.175, 293.177 ~~and~~ 293.345 and ~~293.368~~
37 *section 2 of this act* apply for the purposes of conducting the
38 primary municipal elections and general municipal elections.

39 4. If the City Council adopts an ordinance pursuant to
40 subsection 2, the ordinance must not affect the term of office
41 of any elected official of the City serving in office on the
42 effective date of the ordinance. The next succeeding term for
43 that office may be shortened but may not be lengthened as a
44 result of the ordinance.



1 5. All candidates for elective office, except the office of
2 Council Member, must be voted upon by the registered voters
3 of the City at large.

4 **Sec. 61.** Section 5.050 of the Charter of the City of Las Vegas,
5 being chapter 517, Statutes of Nevada 1983, as amended by chapter
6 312, Statutes of Nevada 2003, at page 1730, is hereby amended to
7 read as follows:

8 Sec. 5.050 Names on ballots.

9 1. ~~The full names of all of the candidates, except those~~
10 *Except for candidates* who have withdrawn ~~and died~~ *pursuant*
11 *to the election laws of this State or who are* or become
12 ineligible ~~and~~ *candidates whose names must be removed from*
13 *the ballot pursuant to section 18.5 of this act, the full names*
14 *of all candidates* must be printed on the official ballots
15 without party designation or symbol.

16 2. If two or more candidates have the same name or
17 names which are so similar as likely to cause confusion and:

18 (a) None of them is an incumbent, their middle names or
19 middle initials, if any, must be included in their names as
20 printed on the ballots; or

21 (b) One of them is an incumbent, the name of the
22 incumbent must be listed first and must be printed in bold
23 type.

24 **Sec. 62.** Section 5.100 of the Charter of the City of Las Vegas,
25 being chapter 517, Statutes of Nevada 1983, as amended by chapter
26 193, Statutes of Nevada 1991, at page 364, is hereby amended to
27 read as follows:

28 Sec. 5.100 Election returns; canvass; declaration of
29 results; certificates of election; entry of officers upon duties;
30 procedure for tied vote.

31 1. The returns of any special, primary or general
32 municipal election must be filed with the City Clerk, who
33 shall immediately place those returns in a safe or vault, and
34 no person may be permitted to handle, inspect or in any
35 manner interfere with those returns until they have been
36 canvassed by the City Council.

37 2. The City Council shall meet within 10 days after any
38 election, canvass the returns and declare the result. The
39 election returns must then be sealed and kept by the City
40 Clerk for 6 months, and no person may have access to the
41 returns except on order of a court of competent jurisdiction or
42 by order of the City Council.

43 3. The City Clerk, under his or her hand and official
44 seal, shall issue to each person who is declared to be elected a
45 certificate of election ~~and~~ *, except that if the name of an*



1 *ineligible candidate could not be removed from the ballot*
2 *pursuant to section 18.5 of this act, the City Clerk shall not*
3 *issue a certificate of election to the ineligible candidate*
4 *regardless of the number of votes cast for the ineligible*
5 *candidate that are a nullity and void.* The officers who ~~have~~
6 ~~been~~ are elected shall qualify and enter upon the discharge
7 of their respective duties on the day of the first regular
8 meeting of the City Council next succeeding the meeting at
9 which the canvass of the returns is made.

10 4. If the election for any office results in a tie, the City
11 Council shall summon the candidates who received the equal
12 number of votes and determine the tie by lot. The *City* Clerk
13 shall then issue to the winner a certificate of election ~~H~~ ,
14 *except that if the name of an ineligible candidate could not*
15 *be removed from the ballot pursuant to section 18.5 of this*
16 *act, the City Clerk shall not issue a certificate of election to*
17 *the ineligible candidate regardless of the number of votes*
18 *cast for the ineligible candidate that are a nullity and void.*

19 **Sec. 63.** Section 5.020 of the Charter of the City of North Las
20 Vegas, being chapter 573, Statutes of Nevada 1971, as last amended
21 by chapter 218, Statutes of Nevada 2011, at page 963, is hereby
22 amended to read as follows:

23 Sec. 5.020 Primary municipal elections; declaration of
24 candidacy.

25 1. The City Council shall provide by ordinance for
26 candidates for elective office to declare their candidacy and
27 file the necessary documents. The seats for City Council
28 Members must be designated by the numbers one through
29 four, which numbers must correspond with the wards the
30 candidates for City Council Members will seek to represent.
31 A candidate for the office of City Council Member shall
32 include in his or her declaration of candidacy the number of
33 the ward which he or she seeks to represent. Each candidate
34 for City Council must be designated as a candidate for the
35 City Council seat that corresponds with the ward that he or
36 she seeks to represent.

37 2. Except as otherwise provided in section 5.025, a
38 primary municipal election must be held on the Tuesday
39 following the first Monday in April preceding the general
40 municipal election, at which time there must be nominated
41 candidates for offices to be voted for at the next general
42 municipal election. In the primary municipal election:

43 (a) A candidate for the office of City Council Member
44 must be voted upon only by the registered voters of the ward
45 that he or she seeks to represent.



(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

3. Except as otherwise provided in ~~subsection 4,~~ *sections 18.3 and 18.5 of this act*, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election ~~;~~

~~4. If,~~ *but*, regardless of the number of candidates for an office, *if* one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election ~~need~~ *must* be held for that office.

Sec. 64. Section 5.025 of the Charter of the City of North Las Vegas, being chapter 218, Statutes of Nevada 2011, as amended by chapter 263, Statutes of Nevada 2013, at page 1184, is hereby amended to read as follows:

Sec. 5.025 City Council authorized to provide for primary and general municipal elections in even-numbered years.

1. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

2. If the City Council adopts an ordinance pursuant to subsection 1, the dates set forth in NRS 293.12755, ~~in subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~, *293.166*, 293.175, 293.177 ~~;~~ *and* 293.345 and ~~293.368~~ *section 2 of this act* apply for the purposes of conducting the primary municipal elections and general municipal elections.

3. If the City Council adopts an ordinance pursuant to subsection 1, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 65. Section 5.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:

Sec. 5.050 Names on ballots.

1. ~~The full names of all candidates, except those~~ *Except for candidates* who have withdrawn ~~;~~ *died* *pursuant to the election laws of this State or who are* or become ineligible ~~;~~ *candidates whose names must be removed from the ballot pursuant to section 18.5 of this act, the full names*



1 *of all candidates* must be printed on the official ballots
2 without party designation or symbol.

3 2. If two or more candidates have the same surname or
4 surnames so similar as to be likely to cause confusion and:

5 (a) None of them is an incumbent, their middle names or
6 middle initials, if any, must be included in their names as
7 printed on the ballot; or

8 (b) One of them is an incumbent, the name of the
9 incumbent must be listed first and must be printed in bold
10 type.

11 3. In any election regulated by this Charter, the names of
12 candidates as printed on the ballot shall not include any title,
13 designation or other reference which will indicate the
14 profession or occupation of such candidates.

15 **Sec. 66.** Section 5.080 of the Charter of the City of North Las
16 Vegas, being chapter 573, Statutes of Nevada 1971, as last amended
17 by chapter 465, Statutes of Nevada 1985, at page 1440, is hereby
18 amended to read as follows:

19 Sec. 5.080 Election returns; canvass; certificates of
20 election; entry of officers upon duties; tie vote procedure.

21 1. The election returns from any special, primary or
22 general municipal election shall be filed with the City Clerk,
23 who shall immediately place the returns in a safe or vault, and
24 no person may be permitted to handle, inspect or in any
25 manner interfere with the returns until canvassed by the City
26 Council.

27 2. The City Council shall meet at any time within 16
28 days after any election and shall canvass the returns and
29 declare the result. The election returns must then be sealed
30 and kept by the City Clerk for 6 months, and no person may
31 have access thereto except on order of a court of competent
32 jurisdiction or by order of the City Council.

33 3. The City Clerk, under his or her hand and official
34 seal, shall issue to each person declared to be elected a
35 certificate of election **H**, *except that if the name of an*
36 *ineligible candidate could not be removed from the ballot*
37 *pursuant to section 18.5 of this act, the City Clerk shall not*
38 *issue a certificate of election to the ineligible candidate*
39 *regardless of the number of votes cast for the ineligible*
40 *candidate that are a nullity and void.* The officers ~~to~~ *who*
41 *are* elected shall qualify and enter upon the discharge of their
42 respective duties on the 1st day of July next following their
43 election.

44 4. If any election should result in a tie, the City Council
45 shall summon the candidates who received the tie vote and



1 determine the tie by lot. The *City* Clerk shall then issue to the
2 winner a certificate of election ~~H~~, *except that if the name of*
3 *an ineligible candidate could not be removed from the ballot*
4 *pursuant to section 18.5 of this act, the City Clerk shall not*
5 *issue a certificate of election to the ineligible candidate*
6 *regardless of the number of votes cast for the ineligible*
7 *candidate that are a nullity and void.*

8 **Sec. 67.** Section 5.020 of the Charter of the City of Reno,
9 being chapter 662, Statutes of Nevada 1971, as last amended by
10 chapter 349, Statutes of Nevada 2013, at page 1829, is hereby
11 amended to read as follows:

12 Sec. 5.020 Primary elections; declaration of candidacy.

13 1. A candidate for any office to be voted for at an
14 election must file a declaration of candidacy with the City
15 Clerk. All filing fees collected by the City Clerk must be
16 deposited to the credit of the General Fund of the City.

17 2. *Except as otherwise provided in sections 18.3 and*
18 *18.5 of this act:*

19 (a) If for any general election, there are three or more
20 candidates for any office to be filled at that election, a
21 primary election for any such office must be held on the date
22 fixed by the election laws of the State for statewide elections,
23 at which time there must be nominated candidates for the
24 office to be voted for at the next general election. If for any
25 general election there are two or fewer candidates for any
26 office to be filled at that election, their names must not be
27 placed on the ballot for the primary election but must be
28 placed on the ballot for the general election. The general
29 election must be held on the date fixed by the election laws of
30 the State for the statewide general election.

31 ~~3-~~ (b) In the primary election:

32 ~~(a)~~ (1) The names of the two candidates for Municipal
33 Judge, City Attorney or a particular City Council seat, as the
34 case may be, who receive the highest number of votes must
35 be placed on the ballot for the general election.

36 ~~(b)~~ (2) Candidates for Council Member who represent a
37 specific ward must be voted upon only by the registered
38 voters of that ward.

39 ~~(c)~~ (3) Candidates for Mayor and Council Member at
40 large must be voted upon by all registered voters of the City.

41 ~~4-~~ 3. The Mayor and all Council Members must be
42 voted upon by all registered voters of the City at the general
43 election.



1 **Sec. 68.** Section 5.050 of the Charter of the City of Reno,
2 being chapter 662, Statutes of Nevada 1971, as amended by chapter
3 312, Statutes of Nevada 2003, at page 1730, is hereby amended to
4 read as follows:

5 Sec. 5.050 Names on ballots.

6 1. ~~The full names of all candidates, except those~~
7 *Except for candidates* who have withdrawn ~~to die~~ *pursuant*
8 *to the election laws of this State or who are* or become
9 ineligible ~~to~~ *candidates whose names must be removed from*
10 *the ballot pursuant to section 18.5 of this act, the full names*
11 *of all candidates* must be printed on the official ballots
12 without party designation or symbol.

13 2. If two or more candidates have the same surname or
14 surnames so similar as to be likely to cause confusion and:

15 (a) None of them is an incumbent, their middle names or
16 middle initials, if any, must be included in their names as
17 printed on the ballot; or

18 (b) One of them is an incumbent, the name of the
19 incumbent must be listed first and must be printed in bold
20 type.

21 **Sec. 69.** Section 5.100 of the Charter of the City of Reno,
22 being chapter 662, Statutes of Nevada 1971, as last amended by
23 chapter 349, Statutes of Nevada 2013, at page 1830, is hereby
24 amended to read as follows:

25 Sec. 5.100 Election returns; canvass; certificates of
26 election; entry of officers upon duties; tie vote procedure.

27 1. The election returns from any special, primary or
28 general election must be filed with the City Clerk, who shall
29 immediately place those returns in a safe or vault, and no
30 person may handle, inspect or in any manner interfere with
31 those returns until canvassed by the City Council.

32 2. The City Council and City Manager shall meet within
33 10 days after any election and canvass the returns and declare
34 the result. The election returns must then be sealed and kept
35 by the City Clerk for 6 months, and no person may have
36 access thereto except on order of a court of competent
37 jurisdiction or by order of the City Council.

38 3. The City Clerk, under his or her hand and official
39 seal, shall issue to each person declared to be elected a
40 certificate of election ~~to~~ *, except that if the name of an*
41 *ineligible candidate could not be removed from the ballot*
42 *pursuant to section 18.5 of this act, the City Clerk shall not*
43 *issue a certificate of election to the ineligible candidate*
44 *regardless of the number of votes cast for the ineligible*
45 *candidate that are a nullity and void.* The officers *who are*



1 elected shall qualify and enter upon the discharge of their
2 respective duties at the first regular City Council meeting
3 following their election.

4 4. If any election results in a tie, the City Council shall
5 summon the candidates who received the tie vote and
6 determine the tie as provided in this subsection. The City
7 Clerk shall provide and open in the presence of the candidates
8 who received the tie vote an unused 52-card deck of playing
9 cards, removing any jokers and blank cards. The City Clerk
10 shall shuffle the cards thoroughly and present the shuffled
11 deck to the City Manager, or to the person designated by the
12 City Manager for this purpose. One of the candidates who
13 received the tie vote shall then draw one card from the deck,
14 and the City Clerk shall record the suit and number of the
15 card. The card then must be returned to the deck, and the City
16 Clerk shall shuffle the cards thoroughly and present the
17 shuffled deck to the City Manager, or to the person
18 designated by the City Manager for this purpose, and another
19 of the candidates who received the tie vote shall draw one
20 card from the deck. This process must be repeated until each
21 of the candidates who received the tie vote has drawn one
22 card from the deck and the result of each draw has been
23 recorded. The candidate who draws the high card shall be
24 deemed the winner of the election. For the purposes of this
25 subsection, aces are high and twos are low. If the candidates
26 draw cards of otherwise equal value, the card of the higher
27 suit is the high card. Spades are highest, followed in
28 descending order by hearts, clubs and diamonds. The City
29 Clerk shall issue to the winner a certificate of election **H** ,
30 *except that if the name of an ineligible candidate could not*
31 *be removed from the ballot pursuant to section 18.5 of this*
32 *act, the City Clerk shall not issue a certificate of election to*
33 *the ineligible candidate regardless of the number of votes*
34 *cast for the ineligible candidate that are a nullity and void.*

35 **Sec. 70.** Section 5.020 of the Charter of the City of Sparks,
36 being chapter 470, Statutes of Nevada 1975, as last amended by
37 chapter 41, Statutes of Nevada 2001, at page 398, is hereby
38 amended to read as follows:

39 Sec. 5.020 Primary elections.

40 1. Candidates for the offices of Mayor, City Attorney
41 and Municipal Judge must be voted upon by the registered
42 voters of the City at large. Candidates to represent a ward as a
43 member of the City Council must be voted upon by the
44 registered voters of the ward to be represented by them.



1 2. ~~{The}~~ *Except as otherwise provided in sections 18.3*
2 *and 18.5 of this act, the* names of the two candidates for
3 Mayor, City Attorney and Municipal Judge and the names of
4 the two candidates to represent the ward as a member of the
5 City Council from each ward who receive the highest number
6 of votes at the primary election must be placed on the ballot
7 for the general election.

8 **Sec. 71.** Section 5.050 of the Charter of the City of Sparks,
9 being chapter 470, Statutes of Nevada 1975, as amended by chapter
10 312, Statutes of Nevada 2003, at page 1731, is hereby amended to
11 read as follows:

12 Sec. 5.050 Names on ballots.

13 1. ~~{The full names of all candidates, except those}~~
14 *Except for candidates* who have withdrawn ~~{, died}~~ *pursuant*
15 *to the election laws of this State or who are* or become
16 ineligible ~~{}~~ *candidates whose names must be removed from*
17 *the ballot pursuant to section 18.5 of this act, the full names*
18 *of all candidates* must be printed on the official ballots
19 without party designation or symbol.

20 2. If two or more candidates have the same surname or
21 surnames so similar as to be likely to cause confusion and:

22 (a) None of them is an incumbent, their middle names or
23 middle initials, if any, must be included in their names as
24 printed on the ballot; or

25 (b) One of them is an incumbent, the name of the
26 incumbent must be listed first and must be printed in bold
27 type.

28 **Sec. 72.** Section 5.100 of the Charter of the City of Sparks,
29 being chapter 470, Statutes of Nevada 1975, as last amended by
30 chapter 41, Statutes of Nevada 2001, at page 399, is hereby
31 amended to read as follows:

32 Sec. 5.100 Election returns: Canvass; certificates of
33 election; entry of officers upon duties; tie vote procedure.

34 1. The election returns from any election must be filed
35 with the City Clerk, who shall immediately place the returns
36 in a safe or vault. No person may handle, inspect or in any
37 manner interfere with the returns until canvassed by the City
38 Council.

39 2. The City Council shall meet within 10 days after any
40 election and canvass the returns and declare the result. The
41 election returns must then be sealed and kept by the City
42 Clerk for 22 months, and no person may have access to them
43 except on order of a court of competent jurisdiction or by
44 order of the City Council.



1 3. The City Clerk, under his or her hand and official
2 seal, shall issue a certificate of election to each person elected
3 ~~+~~, *except that if the name of an ineligible candidate could*
4 *not be removed from the ballot pursuant to section 18.5 of*
5 *this act, the City Clerk shall not issue a certificate of*
6 *election to the ineligible candidate regardless of the number*
7 *of votes cast for the ineligible candidate that are a nullity*
8 *and void.* The officers *who are* elected shall qualify and enter
9 upon the discharge of their respective duties at the first
10 regular City Council meeting following their election.

11 4. If any election results in a tie, the City Council shall
12 summon the candidates who received the tie vote and
13 determine the tie by lot. The City Clerk shall then issue to the
14 winner a certificate of election ~~+~~, *except that if the name of*
15 *an ineligible candidate could not be removed from the ballot*
16 *pursuant to section 18.5 of this act, the City Clerk shall not*
17 *issue a certificate of election to the ineligible candidate*
18 *regardless of the number of votes cast for the ineligible*
19 *candidate that are a nullity and void.*

20 **Sec. 73.** Section 5.015 of the Charter of the City of Wells,
21 being chapter 493, Statutes of Nevada 2009, as amended by chapter
22 501, Statutes of Nevada 2011, at page 3310, is hereby amended to
23 read as follows:

24 Sec. 5.015 Filing of declarations of candidacy.

25 ~~+~~ A candidate to be voted for at the general election
26 must file a declaration of candidacy with the City Clerk as
27 provided by the election laws of this State. The City Clerk
28 shall charge and collect from the candidate and the candidate
29 must pay to the City Clerk, at the time of filing the
30 declaration of candidacy, a filing fee in an amount fixed by
31 the City Council by ordinance or resolution.

32 ~~{2. If, due to the death or ineligibility of or withdrawal~~
33 ~~by a candidate, a vacancy occurs in a nomination after the~~
34 ~~close of filing and any applicable period for withdrawal of~~
35 ~~candidacy, the candidate's name must remain on the ballot for~~
36 ~~the general election and, if elected, a vacancy exists.}~~

37 **Sec. 74.** Section 5.040 of the Charter of the City of Wells,
38 being chapter 275, Statutes of Nevada 1971, as last amended by
39 chapter 493, Statutes of Nevada 2009, at page 2938, is hereby
40 amended to read as follows:

41 Sec. 5.040 Names on ballots.

42 1. ~~{The full names of all candidates, except those}~~
43 *Except for candidates* who have withdrawn ~~{, died}~~ *pursuant*
44 *to the election laws of this State or who are* or become
45 ineligible ~~{before the close of filing and any applicable period~~



1 ~~for withdrawal of candidacy.]~~ *candidates whose names must*
2 *be removed from the ballot pursuant to section 18.5 of this*
3 *act, the full names of all candidates* must be printed on the
4 official ballots without party designation or symbol.

5 2. If two or more candidates have the same surname or
6 surnames so similar as to be likely to cause confusion and:

7 (a) None of them is an incumbent, their middle names or
8 middle initials, if any, must be included in their names as
9 printed on the ballot; or

10 (b) One of them is an incumbent, the name of the
11 incumbent must be listed first and must be printed in bold
12 type.

13 **Sec. 75.** Section 5.090 of the Charter of the City of Wells,
14 being chapter 275, Statutes of Nevada 1971, as last amended by
15 chapter 185, Statutes of Nevada 2007, at page 629, is hereby
16 amended to read as follows:

17 Sec. 5.090 Election returns; canvass; certificates of
18 election; entry of officers upon duties; tie vote procedure.

19 1. The election returns from any municipal election must
20 be filed with the City Clerk, who shall immediately place
21 such returns in a safe or vault, and no person is permitted to
22 handle, inspect or in any manner interfere with such returns
23 until canvassed by the Board of Council Members.

24 2. The Board of Council Members shall meet on or
25 before the sixth working day after any election and canvass
26 the returns and declare the result. The election returns must
27 then be sealed and kept by the City Clerk for 6 months, and
28 no person shall have access thereto except on order of a court
29 of competent jurisdiction or by order of the Board of Council
30 Members.

31 3. The City Clerk, under his or her hand and official
32 seal, shall issue to each person declared to be elected a
33 certificate of election ~~H~~, *except that if the name of an*
34 *ineligible candidate could not be removed from the ballot*
35 *pursuant to section 18.5 of this act, the City Clerk shall not*
36 *issue a certificate of election to the ineligible candidate*
37 *regardless of the number of votes cast for the ineligible*
38 *candidate that are a nullity and void.* The officers ~~to~~ *who*
39 *are* elected shall qualify and enter upon the discharge of their
40 respective duties on the first Monday in:

41 (a) July next following their election for those officers
42 elected in June 2007 or 2009.

43 (b) January next following their election for those officers
44 elected in November 2010 and every even-numbered year
45 thereafter.



1 4. If any election should result in a tie, the Board of
2 Council Members shall summon the candidates who received
3 the tie vote and determine the tie by lot. The *City* Clerk shall
4 then issue to the winner a certificate of election ~~§~~, *except*
5 *that if the name of an ineligible candidate could not be*
6 *removed from the ballot pursuant to section 18.5 of this act,*
7 *the City Clerk shall not issue a certificate of election to the*
8 *ineligible candidate regardless of the number of votes cast*
9 *for the ineligible candidate that are a nullity and void.*

10 **Sec. 76.** Section 5.010 of the Charter of the City of Yerington,
11 being chapter 465, Statutes of Nevada 1971, as last amended by
12 chapter 263, Statutes of Nevada 2013, at page 1184, is hereby
13 amended to read as follows:

14 Sec. 5.010 Municipal elections.

15 1. Except as otherwise provided in subsection 2:

16 (a) On the first Tuesday after the first Monday in June
17 1975, and at each successive interval of 4 years, there must be
18 elected by the qualified voters of the City, at a general
19 municipal election to be held for that purpose, a Mayor and
20 two Council Members, who shall hold office for a period of 4
21 years and until their successors have been elected and
22 qualified.

23 (b) On the first Tuesday after the first Monday in June
24 1977, and at each successive interval of 4 years thereafter,
25 there must be elected by the qualified voters of the City, at a
26 general municipal election to be held for that purpose, two
27 Council Members, who shall hold office for a period of 4
28 years and until their successors have been elected and
29 qualified.

30 2. The City Council may by ordinance provide for a
31 primary municipal election and general municipal election on
32 the dates set forth for primary elections and general elections
33 pursuant to the provisions of chapter 293 of NRS.

34 3. If the City Council adopts an ordinance pursuant to
35 subsection 2, the dates set forth in NRS 293.12755, ~~§~~
36 ~~subsections 2 to 5, inclusive, of NRS~~ 293.165 ~~and in NRS~~,
37 ~~293.166, 293.175, 293.177~~ ~~§~~ *and* 293.345 and ~~293.368~~
38 *section 2 of this act* apply for the purposes of conducting the
39 primary municipal elections and general municipal elections.

40 4. If the City Council adopts an ordinance pursuant to
41 subsection 2, the term of office of any elected official may be
42 shortened but may not be lengthened as a result of the
43 ordinance.



1 **Sec. 77.** Section 5.040 of the Charter of the City of Yerington,
2 being chapter 465, Statutes of Nevada 1971, as amended by chapter
3 312, Statutes of Nevada 2003, at page 1731, is hereby amended to
4 read as follows:

5 Sec. 5.040 Names on ballots.

6 1. ~~The full names of all candidates, except those~~
7 *Except for candidates* who have withdrawn ~~to die~~ *pursuant*
8 *to the election laws of this State or who are* or become
9 ineligible ~~to die~~ *candidates whose names must be removed from*
10 *the ballot pursuant to section 18.5 of this act, the full names*
11 *of all candidates* must be printed on the official ballots
12 without party designation or symbol.

13 2. If two or more candidates have the same surname or
14 surnames so similar as to be likely to cause confusion
15 and:

16 (a) None of them is an incumbent, their middle names or
17 middle initials, if any, must be included in their names as
18 printed on the ballot; or

19 (b) One of them is an incumbent, the name of the
20 incumbent must be listed first and must be printed in bold
21 type.

22 **Sec. 78.** Section 5.090 of the Charter of the City of Yerington,
23 being chapter 465, Statutes of Nevada 1971, at page 913, is hereby
24 amended to read as follows:

25 Sec. 5.090 Election returns; canvass; certificates of
26 election; entry of officers upon duties; tie vote procedure.

27 1. The election returns from any municipal election shall
28 be filed with the City Clerk, who shall immediately place
29 such returns in a safe or vault, and no person shall be
30 permitted to handle, inspect or in any manner interfere with
31 such returns until canvassed by the City Council.

32 2. The City Council shall meet within 10 days after any
33 election and canvass the returns and declare the results. The
34 election returns shall then be sealed and kept by the City
35 Clerk for 6 months, and no person shall have access thereto
36 except on order of a court of competent jurisdiction or by
37 order of the City Council.

38 3. The City Clerk, under his or her hand and official
39 seal, shall issue to each person declared to be elected a
40 certificate of election ~~to die~~ *, except that if the name of an*
41 *ineligible candidate could not be removed from the ballot*
42 *pursuant to section 18.5 of this act, the City Clerk shall not*
43 *issue a certificate of election to the ineligible candidate*
44 *regardless of the number of votes cast for the ineligible*
45 *candidate that are a nullity and void.* The officers ~~to die~~ *who*



1 *are* elected shall qualify and enter upon the discharge of their
2 respective duties on the 1st Monday in July next following
3 their election.

4 4. If any election should result in a tie, the City Council
5 shall summon the candidates who received the tie vote and
6 determine the tie by lot. The *City* Clerk shall then issue to the
7 winner a certificate of election ~~H~~, *except that if the name of*
8 *an ineligible candidate could not be removed from the ballot*
9 *pursuant to section 18.5 of this act, the City Clerk shall not*
10 *issue a certificate of election to the ineligible candidate*
11 *regardless of the number of votes cast for the ineligible*
12 *candidate that are a nullity and void.*

13 **Sec. 79.** Section 7 of the Moapa Valley Water District Act,
14 being chapter 477, Statutes of Nevada 1983, as last amended by
15 chapter 28, Statutes of Nevada 2011, at page 93, is hereby amended
16 to read as follows:

17 Sec. 7. 1. Unless otherwise required for purposes of
18 an election to incur an indebtedness, the Registrar of Voters
19 of Clark County shall conduct, supervise and, by ordinance,
20 regulate all district elections in accordance, as nearly as
21 practicable, with the general election laws of the State,
22 including, but not limited to, laws relating to the time of
23 opening and closing of polls, the manner of conducting the
24 election, the canvassing, announcement and certification of
25 results, and the preparation and disposition of ballots.

26 2. A candidate for election to the Board shall file a
27 declaration of candidacy with the Registrar of Voters of Clark
28 County. The declaration of candidacy must be filed not earlier
29 than the first Monday in March of the year in which the
30 election is to be held and not later than 5 p.m. on the second
31 Friday after the first Monday in March of that year. Timely
32 filing of such a declaration is a prerequisite to election.

33 3. Each member of the Board must be elected by a
34 plurality of the registered voters voting in the election area
35 which the member represents. ~~HH~~ *Except as otherwise*
36 *provided in section 1.7 of this act, if* there are two seats upon
37 the Board to be filled at the same election, each of which
38 represents the same election area, the two candidates therefor
39 receiving the highest number of votes, respectively, are
40 elected.

41 4. If a member of the Board is unopposed in seeking
42 reelection, the Board may declare that member elected
43 without a formal election, but that member must not
44 participate in the declaration.



1 5. If no person files candidacy for election to a particular
2 seat upon the Board, the seat must be filled in the manner of
3 filling a vacancy.

4 **Sec. 80.** Section 8 of the Virgin Valley Water District Act,
5 being chapter 100, Statutes of Nevada 1993, as last amended by
6 chapter 353, Statutes of Nevada 2013, at page 1850, is hereby
7 amended to read as follows:

8 Sec. 8. 1. Unless otherwise required for purposes of
9 an election to incur an indebtedness, the Registrar of Voters
10 of Clark County shall conduct, supervise and, by ordinance,
11 regulate all district elections in accordance, as nearly as
12 practicable, with the general election laws of this state,
13 including, but not limited to, laws relating to the time of
14 opening and closing of polls, the manner of conducting the
15 election, the canvassing, announcement and certification of
16 results and the preparation and disposition of ballots.

17 2. Each candidate for election to the Board must file a
18 declaration of candidacy with the Registrar of Voters not
19 earlier than the first Monday in March of the year in which
20 the election is to be held and not later than 5 p.m. on the
21 second Friday after the first Monday in March. Timely filing
22 of such declaration is a prerequisite to election.

23 3. ~~##~~ *Except as otherwise provided in section 1.7 of*
24 *this act, if* the Board establishes various election areas within
25 the District and there are two or more seats upon the Board to
26 be filled at the same election, each of which represents the
27 same election area, the two candidates therefor receiving the
28 highest number of votes, respectively, are elected.

29 4. If a member of the Board is unopposed in seeking
30 reelection, the Board may declare that member elected
31 without a formal election, but that member may not
32 participate in the declaration.

33 5. If no person files candidacy for election to a particular
34 seat upon the Board, the seat must be filled in the manner
35 provided in subsection 3 of section 7 of this act for filling a
36 vacancy.

37 **Sec. 81.** The provisions of NRS 354.599 do not apply to any
38 additional expenses of a local government that are related to the
39 provisions of this act.

40 **Sec. 82.** NRS 293.302, 293.368, 293C.291 and 293C.370 are
41 hereby repealed.

42 **Sec. 83.** This act becomes effective:

43 1. Upon passage and approval for the purpose of adopting any
44 regulations and performing any other preparatory administrative
45 tasks necessary to carry out the provisions of this act; and



- 1 2. On January 1, 2016, for all other purposes.

LEADLINES OF REPEALED SECTIONS

293.302 Posting of notice of death of candidate at polling place.

293.368 Counting of votes cast for deceased candidate.

293C.291 Posting of notice of death of candidate at polling place.

293C.370 Counting of votes cast for deceased candidate.

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