State of Nevada

RECALL GUIDE

2011-2012

Provided by

Ross Miller
Secretary of State

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PREFACE

The Secretary of State's office has prepared a guide of the recall procedures as established in Article 2 of the Nevada Constitution (Nev. Const. Art. 2, Sec. 9), pertinent sections of Chapters 293 and 306 of the Nevada Revised Statutes (NRS) and pertinent sections of Chapters 293 and 306 of the Nevada Administrative Code (NAC). The purpose of this guide is to provide a general understanding of the guidelines and requirements necessary for preparing and qualifying a Petition to Recall a Public Officer. **It is important to note that this guide is for general information only and does not have the force and effect of Nevada law, regulation, or rule.** Interested citizens should obtain the most recent version of the Nevada Revised Statutes, as Nevada's Election Laws are amended each legislative session. Interested parties should also be aware that election issues are periodically addressed by the Attorney General, or by State or Federal courts. Due to the general scope of this guide, some of these issues may not be addressed here. Interested parties should review Attorney General opinions and court decisions, and should contact the Secretary of State or a Nevada attorney with any specific questions.

NOTE

Please note that the procedures described herein *do not apply to federal officers*. The removal of U.S. Representatives or U.S. Senators is governed by the United States Constitution, Article 1, Sec. 5(2), which states "Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." The President, Vice President and all civil officers of the United States are removed through the process of "impeachment" which is governed by the United States Constitution.

QUESTIONS?

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GENERAL INFORMATION

Who may be recalled?

Every elected public officer in the State of Nevada, excluding U.S. Senators and Representatives in Congress, is subject to recall from office by the registered voters of the state, county, district or municipality from which he/she was elected.

A person who is appointed to an elective office is also subject to recall in the same manner as provided for an officer who is elected to that office.
(Nev. Const. Art. 2, Sec. 9; NRS 306.020(1))

When may a public officer be recalled?

A notice of intent may not be filed against a public officer within the first 6 months of his/her term regardless of whether the official is in his/her first term or a subsequent term. The only exception is that a petition may be filed against a State Senator or State Assemblyman anytime after 10 days from the beginning of the first session after his/her election. (Nev. Const. Art. 2, Sec. 9; NRS 306.015; NAC 306.005)

How many times may a recall petition be filed against a public officer?

After one recall petition has been filed and a special election held, no further recall petitions shall be filed against the same public officer during the term for which he was elected unless petitioners pay for the expense of the preceding special election. If a petition fails to qualify, another notice of intent may be filed at any time. (Nev. Const. Art. 2, Sec. 9)

May a recall petition and a nominating petition be circulated at the same time?

The petitions must be circulated separately, but they may be circulated at the same time. (NRS 306.110)

May petitions be circulated at a polling place when an election is being held within the county for another purpose?

It is unlawful to intimidate voters or interfere with the conduct of an election. Soliciting signatures for a recall petition **within 100 feet** from the entrance to the building in which a polling place is located is prohibited. (NRS 293.710(1); NRS 293.740(1) & (4)(f); NRS 293.361; NRS 293C.361)

What are the limitations on using public buildings to gather signatures on petitions?

At each building open to the general public **and** occupied by the government of this state or a political subdivision or agency of this state, except a public elementary or secondary school, an area must be made available for the use of any person to gather signatures on a petition at any time the building is open to the public. The area designated for the gathering of signatures **may be inside or outside** the building, but the **area so designated must be reasonable**. Before a person may use the designated area, he/she must notify the public officer in control of the operation of the building of the dates and time he/she intends to use the area to gather signatures. (NRS 293.127565).

However, it is a crime to solicit signatures for any petition inside a polling place or within 100 feet from the entrance to a building in which a polling place is located. (NRS 293.740)

I have just filed a Notice of Intent to Recall a Public Officer. Are there any other requirements I must meet?

A "committee for the recall of a public officer" is defined as any organization that:

a) Files a notice of intent to circulate a recall petition;
b) Receives any contributions or makes any contributions to candidates or persons; or
c) Makes any expenditures that are designed to affect the recall of a public officer. (NRS 294A.006)

Each committee for the recall of a public officer must register with the Secretary of State. (NRS 294A.250) A registration form is provided in the Appendix.

Each committee for the recall of a public officer must file contributions and expenses reports with the Secretary of State. (NRS 294A.270; NRS 294A.280)

A contributions and expenses report is provided in the Appendix, or you may obtain forms by contacting the Secretary of State's Office or on the Secretary of State's website at http://www.NVSOS.gov.

Step 1

FILING THE NOTICE OF INTENT TO RECALL A PUBLIC OFFICER

Where must the notice of intent be filed?

Before a petition to recall a public officer is circulated, the persons proposing to circulate the petition must file a notice of intent with the proper filing officer. The proper "filing officer" is that officer with whom the public officer to be recalled filed his or her declaration of candidacy or acceptance of candidacy: the County Clerk/Registrar of Voters, City Clerk or the Secretary of State. (NRS 306.015(1) & (7))

Is there a form for the notice of intent?

The Secretary of State prescribes the form entitled "Notice of Intent to Recall a Public Officer." (NRS 293.247(1))

You may obtain the form by contacting the filing officer, the Secretary of State, or the Secretary of State's website at http://www.nvsos.gov.

How may a notice of intent be filed?

A notice of intent may be filed with the appropriate filing officer by hand delivery, mail or a FAX machine. The date that the notice of intent is received by the proper filing officer is deemed to be the date filed.

Who signs the notice of intent?

Three registered voters who actually voted in the state, county, district or municipality electing the public officer at the last General Election must sign the notice of intent. (NRS 306.015(2)(a))

Do the signatures on the notice of intent need to be notarized?

Yes. The notice of intent must be signed before a notary public authorized by law to administer oaths that the statements and signatures contained in the notice are true. (NRS 306.015(2)(b))

How long is the notice of intent valid?

The notice of intent is valid until the date on which the call for a special election is issued. (NRS 306.015(2)(c))

Note:

- Within 1 day after the notice of intent is filed, the filing officer shall deliver a copy of the notice of intent to the Secretary of State. (NAC 306.007(2))
- Within 2 days after the notice of intent is filed, the filing officer shall notify, in writing, the public officer sought to be recalled. (NAC 306.007(1))
- A list of County Clerks/Registrars and City Clerks is provided in the Appendix.

Step 2

THE RECALL PETITION

How many signatures are required on the petition?

The filing officer will inform the persons filing the notice of intent of the number of signatures required. The petition must contain the signatures of not less than 25% of the number of persons who actually voted in the state, county, district, or municipality, which the public officer represents, at the election in which he/she was elected.

(Nev. Const. Art. 2, Sec. 9)

The requisite number of signatures is determined by calculating 25% of the voter turnout in the relevant political division at the election in which the officer was elected, **not** 25% of the votes cast for the specific office. As the Nevada Supreme Court explained, the Nevada Constitution provides that 25% of the voters who cast votes in the relevant geographical area (the state, county, district or municipality that elected the officer) constitutes the requisite number of signatures for a recall petition. (*Foley v. Kennedy*, 110 Nev. 1295, 1297, 1299 (1994))

The requisite number of signatures needed on a petition to recall a public officer who was appointed to fill a vacancy in an elective office is determined by reference to the election at which the appointed officer's predecessor was elected. (NRS 306.020(1)).

Who may sign the petition?

Only registered voters of the county in which the petition is circulated may sign the petition. If the office is a district office or a municipal office, only the registered voters of that district or municipality may sign the petition. Only registered voters who **actually** voted in the election in which the subject of the recall was elected, may sign a petition to recall. (Nev. Const. Art. 2, Sec. 9)
See Strickland v. Waymire

What is the penalty for misrepresenting intent or content of petition for recall?

Any person who misrepresents the intent or content of a petition for the recall of a public officer is guilty of a misdemeanor. (NRS 306.025)

Do the signatures on the petition need to be signed in ink?

Yes. The County Clerk/Registrar will disregard any signature **not signed in ink.** (NRS 293.12758(4))

Can a person remove his/her name from the petition?

Any person who signs a recall petition may remove his/her name from the petition by submitting a request in writing to the County Clerk/Registrar at any time **before** the petition is submitted for signature verification. (For removal **after** signature verification, see page 10.) (NRS 306.015(5))

When does the petition need to be submitted to the County Clerk/Registrar for signature verification?

The petition must be submitted to the filing officer **within 90 days** of filing the notice of intent. If more than one document was circulated, **all** the documents **must be submitted** to the filing officer **at the same time**. Failure to submit the petition, even if it has insufficient signatures, is a misdemeanor. (NRS 306.015(3); NRS 306.035(3))

Who submits the petition to the County Clerk/Registrar for signature verification?

The persons who signed the notice of intent must submit the petition to the filing officer. The filing officer shall immediately submit the petition to the County Clerk/Registrar for signature verification. (NRS 306.015(3))

What if the petition does not have enough signatures?

Even if the petition does not have enough signatures, the petition must still be filed with the filing officer within the 90-day period. **All documents circulated must be submitted at the same time. Failure to file the petition as required is a misdemeanor.** (NRS 306.015(3))

Does the circulator have to be a registered voter?

No. Pursuant to a recent U.S. Supreme Court ruling and an opinion issued by the Nevada Attorney General, the circulator is no longer required to be a registered voter. (Buckley v. American Constitutional Law Foundations (ACLF), 525 U.S. 182 (1999); Attorney General Opinion 99-37, dated 12/1/99)

PETITION FORMAT

- Each petition must include the **words "Recall Petition"** at the **top of each page and immediately above the signature line**, in at least 10-point bold type; (NRS 306.020(2)(c))

- Each petition must have the **designation:** "Signatures of registered voters seeking the recall of _____ (name of public officer for whom recall is sought)" **on each page**; (NRS 306.020(2)(e))

- Each petition must bear the **name of a county** (together with the name of the district or the municipality, if applicable) **on each page**; (NRS 306.030(1))

- Each petition must, in less than 200 words, **set forth the reasons** why the recall is demanded; (Nev. Const. Art. 2, Sec. 9; NRS 306.020(2))

- Each petition must contain a **statement of the minimum number of signatures** necessary for a valid petition; (NRS 306.020(2)(b))

- Each petition must contain the **date that the Notice of Intent was filed**; (NRS 306.020(2)(d))

- The petition may consist of more than one document; (NRS 306.030(1))

- Each document of the petition may consist of one or more pages and must be bound together; (NAC 293.182(2))

- Each **page** of the document must be **sequentially numbered**, including blank pages. The County Clerk/Registrar cannot accept a petition unless each page of the petition is numbered. (NRS 293.12758(3); NRS 306.030(1); NAC 293.182(2)(a))

- Each document must contain **sequentially numbered spaces** for the name of each person who signs the document, the signature of the person signing, the address where the person actually resides, the name of the county where the person who signs is registered to vote, and the date of the signature; (NRS 306.020(2)(a); NAC 293.182(1)(a))

- Each **signature** on the petition must be in **ink**. The County Clerk/Registrar will disregard any signature that is not signed in ink. (NRS 293.12758(4))

- The circulator is **not** required to be a registered voter in Nevada; (NAC 293.182; Attorney General Opinion #99-37, dated 12/1/99; Buckley v. American Constitutional Law Foundations (ACLF), 525 U.S. 182 (1999))

- Each document must contain an **affidavit of the person who circulated** the document. The affidavit must appear on the last page of each document and be signed before a person authorized by law to administer oaths in the State of Nevada (a notary public); (NRS 293.247(1); NAC 293.182(2)(b)(2))

RECALL INFORMATION

- **THE SECRETARY OF STATE DOES NOT APPROVE THE LEGALITY OF THE PETITION LANGUAGE OR THE PETITION FORM.**
- **A PERSON SHALL NOT MISREPRESENT THE INTENT OR CONTENT OF A PETITION FOR RECALL; THE PERSON WHO VIOLATES THIS PROVISION IS GUILTY OF A MISDEMEANOR. (NRS 306.025)**

NOTE: SAMPLE PETITIONS ARE PROVIDED IN THE APPENDIX

Step 3

Signature Verification

PROCEDURE:

Step 1:

All documents of a petition must be submitted to the appropriate filing officer(s) at the same time. The County Clerks/Registrars count the **total** number of signatures on the petition and forward that number to the Secretary of State. This is the **"raw count."** (NRS 293.1276)

Time frame: The County Clerks/Registrars must complete the raw count **within 4 working days** after receipt of the petition. (NRS 293.1276(1))

Step 2:

Based upon the **raw count** information received from the County Clerks/Registrars, the Secretary of State determines whether or not the number of signatures is 100% of the required number of registered voters to qualify. If the **raw count** indicates that the petition contains **less than 100%** of the required signatures, the Secretary of State notifies the person who submitted the petition and the County Clerks/Registrars that **no further action** is to be taken on the petition. If the **raw count** indicates that the petition contains **100% or more** of the number of signatures required, the Secretary of State notifies the County Clerks/Registrars to **commence verification of signatures**. (NRS 293.1276(2), NRS 293.1277(1))

Time frame: After receiving the **raw count** from all counties and determining if the petition contains the number of signatures needed to declare the petition sufficient, the Secretary of State immediately notifies the County Clerks/Registrars. (NRS 293.1276(2); NRS 293.1277(1))

Step 3:

If the Secretary of State notifies the County Clerks/Registrars that the petition contains the number of signatures needed for it to be sufficient, the County Clerks/Registrars **begin examining the signatures**. If more than 500 names have been submitted, the County Clerks/Registrars examine the signatures by sampling them at random for verification. The random sample must include an examination of at least 500 or 5% of the signatures, whichever number is greater. Upon completing the examination, each County Clerk/Registrar transmits a **certificate of the results** of the examination to the Secretary of State. The County Clerks/Registrars shall also notify the Secretary of State of requests to remove a name from the petition. (NRS 293.1277)

Time frame: Signature verification must be completed **within 9 working days** after notification by the Secretary of State. (NRS 293.1277(1)

Removal of Signatures

May a person's name be removed from the petition?

Prior to Submission of the Petition for Signature Verification:

A person may request that the County Clerk/Registrar remove his/her name from the petition by submitting a request in writing to the County Clerk/Registrar at any time **before** the petition is submitted for the verification of the signatures. (NRS 306.015(5))

After Signature Verification is Complete:

A person who signs a recall petition may submit a **written request** to the Secretary of State to strike his/her signature from the petition. (The person may **not** request that another person's name be stricken from the petition.) The person seeking to have his/her signature stricken from the petition must demonstrate good cause therefore, and he/she must sign the written request. (NRS 306.040(2); NAC 306.010)

Time frame: The Secretary of State will accept a request to strike a signature **no earlier than** the day after he has made the determination that the petition is sufficient and has provided the requisite notification thereof to the County Clerk/Registrar and the subject of the petition. The request to strike a name must be submitted **not later than** the date a **complaint is filed** challenging the sufficiency of the petition in district court, **or** the **day before the call** for a special election is issued by the filing officer, **whichever is earlier**. (The filing officer issues the call between 10 and 20 days after the Secretary of State completes the notification of sufficiency, unless within 5 working days after such notification, a complaint is filed in district court.) Requests to strike a signature from a recall petition may be transmitted to the Secretary of State, Elections Division, by FAX machine at (775) 684-5718. (NRS 306.040(2); NAC 306.010)

Step 4

Determination of Sufficiency

How is the sufficiency of the petition determined?

The Secretary of State determines whether or not the petition is sufficient based on the County Clerks/Registrars' certified results of the signature verification.

1. If the Secretary of State finds that the number of valid signatures is **less than 100%** of the number of registered voters required to declare the petition sufficient (or less than 90% if the verification was conducted pursuant to a random sampling):

Result: The petition **fails to qualify**, and the Secretary of State immediately so notifies the petitioners and the County Clerks/Registrars. No further action is taken. (NRS 293.1278(1); NRS 306.040)

2. If the Secretary of State finds that the number of valid signatures, not including those who requested their signature to be removed before verification (see p.11), is **equal to or greater than 100%** of the number of registered voters required to declare the petition sufficient:

Result: The petition is **deemed qualified** as of the date the Secretary of State receives the final certificates of results. The Secretary of State immediately notifies the County Clerks/Registrars, the petitioners, and the public officer who is the subject of the petition. (NRS 293.1278(2) &(3); NRS 306.040(1)).

3. If the signature verification was conducted pursuant to a **random sampling** of the greater of 500 signatures or 5% of the total contained on the petition, and the Secretary of State finds the number of valid signatures, not including those who requested their signature to be removed before verification (see p.11), is **90% or greater, but less than 100%** of the required number of registered voters needed to declare the petition sufficient:

Result: The Secretary of State directs the County Clerks/Registrars to **reexamine the signatures** for verification. The County Clerks/Registrars will reexamine the signatures for verification until the **earlier of**: (a) Determining that the **number of valid signatures is 100%** of the number needed to declare the petition sufficient; **or** (b) Examining **all the signatures** on the petition. If the public officer sought to be recalled holds a statewide or multi-county office and the number of valid signatures in a particular county falls below a certain threshold, the Secretary of State may require the Clerk/Registrar of that County to examine every signature.

The County Clerks/Registrars must complete this process **within 12 working days** after receiving the order of the Secretary of State.

After completing the reexamination of signatures for verification, the County Clerks/Registrars will forward an **amended certificate of results** to the Secretary of State. (NRS 293.1279)

Step 4a

QUALIFIED RECALL PETITION

When is the Special Election held?

The filing officer will issue a call for a special election in the jurisdiction represented by the public officer to be recalled not sooner than 10 days nor more than 20 days after the Secretary of State gives notification that the petition is sufficient, unless a court complaint has been filed. The special election must be held within 30 days after the filing officer issues the call. (Nev. Const. Art. 2, Sec. 9; NRS 306.040(3))

May anyone run against the public officer to be recalled?

Yes. A person may be nominated as a candidate for the office through the petition process. The nominating petition must be signed by registered voters of the state, county, district or municipality where the election is to be held. The nominating petition must contain signatures equal in number to 25% of the number of registered voters who voted in the State, or in the county, district or municipality holding the election at which the public officer sought to be recalled was elected. The petition may consist of more than one document, but each document must bear the name of only one county and be signed only by the registered voters of that county. (NRS 306.110(1))

When must the petition to nominate other candidates be filed?

The nominating petition must be filed with the filing officer at least 20 days before the special election. (The "filing officer" is the officer with whom the recall petition was filed, the same officer with whom the subject of the recall filed his/her declaration or acceptance of candidacy. (NRS 306.110(2); NRS 306.015(7))

Must the nominating petition be submitted for signature verification?

Yes. Each document of the nominating petition must be submitted for signature verification pursuant to NRS 293.1276 to 293.1279 to the County Clerk/Registrar of the county named on the document. (NRS 306.110(2))

How does the person nominated accept the nomination?

Each candidate who is nominated for office must file an acceptance of candidacy and pay the fee required at least 20 days before the date of the special election. (NRS 306.110(3); NRS 293.193)

May a candidate withdraw his/her candidacy?

Yes, but the candidate must present a written withdrawal of candidacy in person to his/her filing officer not later than 19 days before the special election. (NAC 306.050)

What happens if the public officer to be recalled resigns?

If a public officer subject to a recall petition resigns his/her office within 5 days after the petition is filed, a vacancy is thereby created in the office. No call for a special election is issued, and the vacancy must be filled in the manner provided by law. (Nev. Const. Art. 2, Sec. 9).

Step 4b

FAILED RECALL PETITION

May the results of the signature verification be challenged?

1. If the Secretary of State determines that the total number of signatures certified by the County Clerks/Registrars is less than the number needed to make the petition sufficient, the persons submitting the petition may contest the signature verification by filing an appeal with the Secretary of State.

The appeal must:

a. Be filed within 5 working days after receipt of the Secretary of State's determination of sufficiency;

b. Include the reasons for appeal; and

c. Include a statement of the number of signatures, if any, that the County Clerk/Registrar determined were invalid.

2. If the persons submitting the petition file an appeal contesting the signature verification, the Secretary of State will consider the allegations in the appeal and conduct an investigation, if necessary. The Secretary of State shall also immediately notify the public officer.

3. If the Secretary of State agrees with the persons who filed the appeal, he will direct the County Clerk/Registrar to recertify the petition to include all contested signatures that the Secretary of State determines are valid and should be verified.

4. If the Secretary of State does not agree with the persons who filed the appeal, he will notify the County Clerk/Registrar and the persons filing the appeal that the petition remains insufficient.

5. If the Secretary of State is unable to make a decision on the appeal based upon the documents submitted, he may order the County Clerk/Registrar to reverify the signatures.

6. **The decision of the Secretary of State is a final decision for the purposes of judicial review.** The decision of the Secretary of State may be appealed, but only in the First Judicial District Court in Carson City, Nevada. (NRS 293.12793—293.12795)

May the legal sufficiency of the petition be challenged?

Yes. The legal sufficiency of the petition may be challenged by filing a complaint in district court.

The complaint must:

a. Be filed in district court not later than 5 working days after the Secretary of State's notification that the petition is sufficient; and

b. Contain all affidavits and documents in support of the challenge. (NRS 306.040(5))

What form must the case caption take in the complaint challenging the petition's legal sufficiency?

The case caption for each complaint to challenge the legal sufficiency of the recall petition must name as the plaintiff in the case the public officer who is the subject of the recall petition. The complaint must name as defendants in the case the officer with whom the petition was filed, in his/her official capacity, and the three registered voters who signed the notice of intent, as the real parties in interest. (NAC 306.040)

What happens upon conclusion of the hearing?

1. If the court determines that the petition is sufficient, it shall order the filing officer to issue the call for a special election.

2. If the court determines that the petition is not sufficient, it shall order the filing officer to cease further action regarding the petition. (NRS 306.040(6))

Step 5

THE SPECIAL ELECTION

The Call for Special Election

1. The filing officer issues the call between 10 and 20 days after the Secretary of State's notification of sufficiency, unless a court complaint has been filed. The special election is held within 30 days after the call. If the filing officer is a County Clerk/Registrar or a City Clerk, he/she will notify the Secretary of State in writing of the date he/she will issue the call and the date the special election will be held.
(Nev. Const. Art. 2, Sec. 9; NRS 306.040(3); NAC 306.025)

2. The call must include, without limitation: **(a)** The **last day of registration** in order to vote in the special election, and **(b)** The **last day for filing a nominating petition.** (NRS 306.040(4))

The Ballot

1. The public officer who is the subject of the recall is entitled to furnish the **officer's justification of his/her course in office**. If the officer furnishes such a justification, it **must be printed** on a sample ballot that is presented to voters when they appear to vote if a mechanical voting system is used. The **petitioners' reason** for demanding the recall must also be printed on the ballot or sample ballot in the same manner. (NRS 306.060)

2. If there are **no other candidates** nominated to be voted on at the special election, there must be **printed** on the ballot: **(a)** The **public officer's name and office;** and **(b)** The words **"For Recall" and "Against Recall."** (NRS 306.070(1))

3. If there are **other candidates** to be voted on, there must be **printed** on the ballot: **(a)** The **public officer's name and office;** and **(b)** The **candidate(s) name(s).** In addition, the words **"For Recall" and "Against Recall" are omitted.** (NRS 306.070(2))

4. In all other respects, the ballot must conform with the requirements of the election laws contained in Title 24 of the Nevada Revised Statutes. (NRS 306.070(3))

Conduct of Special Election

1. Any special recall election must be conducted pursuant to the provisions of: **(a)** Chapter 293 of NRS for primary and general elections; and **(b)** Chapter 293C of NRS for primary city elections and general city elections. (NRS 306.120)

2. The general election laws of this state, so far as applicable, shall apply to all elections for recall of a public officer held under Chapter 306 of the Nevada Revised Statutes. (NRS 306.130)

Election Results and Certification

1. On or before the 5th working day after a special election, the board of county commissioners or the city council and mayor shall open the returns of the votes and canvass the returns.

2. Upon completion of the canvass of returns, the governing body of the county or city shall declare the results of the canvass.

3. The county or city clerk shall certify the abstract and transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State.
(NRS 293.393; NRS 293C.387; NRS 306.120; NRS 306.130)

Appendix:

Lists of County Clerks/Registrars and City Clerks

Notice of Intent

Sample Recall Petition (2 pages)
Containing Affidavit of Circulator

Sample County/City Candidate Nominating Petition (2 pages)
Containing Affidavit of Circulator

Recall Committee Registration Form

Nevada Constitution Article 2, Section 9

Nevada Revised Statutes (NRS) Chapter 306
(Recall of Public Officers)

Pertinent Sections of NRS Chapter 293 and 293C
(Petitions; Signature Verification; Filing Fees; Elections)

NRS 294A.250 through 294A.280
(Recall Committee C&E Reporting)

Pertinent Sections of Nevada Administrative Code (NAC) Ch. 293
(Petitions; Signature Verification)

NAC Chapter 306
(Recall of Public Officers)

Attorney General Opinion #99-37

CARSON CITY
Alan Glover, County Clerk
885 East Musser Street Suite 1025
Carson City, Nevada 89701-4475
(775)-887-2087 FAX-887-2146
E-mail elections@ci.carson-city.nv.us

CHURCHILL COUNTY
Kelly G. Helton, County Clerk
155 N Taylor St, Suite 110
Fallon, Nevada 89406-2748
(775)-423-6028 FAX-423-7069
E-mail clerktreas-gv@churchillcounty.org

CLARK COUNTY
Larry Lomax, Registrar of Voters
965 Trade Drive Suite A
North Las Vegas, NV 89030-7802
Elections Department
P.O. Box 3909
Las Vegas, Nevada 89127-3909
(702)-455-VOTE (8683) FAX-455-2793
E-mail elinfo@co.clark.nv.us

DOUGLAS COUNTY
Ted Thran, County Clerk
1594 Esmeralda Street
P.O. Box 218
Minden, Nevada 89423-0218
(775) 782-9023 FAX-782-9016
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ELKO COUNTY
Carol Fosmo, County Clerk
571 Idaho St. 3rd Floor
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(775) 753-4600 FAX-753-4610
E-mail cfosmo@elkocountynv.net

ESMERALDA COUNTY
Lacinda "Cindy" Elgan, County Clerk
Corner of Crook & Euclid
P.O. Box 547
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(775) 485-6367 FAX-485-6376
E-mail celgan@citlink.net

EUREKA COUNTY
Jackie Berg, County Clerk
County Courthouse, Main Street
P.O. Box 677
Eureka, Nevada 89316-0677
(775) 237-5262 FAX-237-6015
E-mail jberg_ecct@eurekanv.org

HUMBOLDT COUNTY
Tami Rae Spero, County Clerk
50 W. 5th Street, #207
Winnemucca, Nevada 89445-3199
(775)-623-6343 FAX-623-6309
E-mail coclerkts@hcnv.us

LANDER COUNTY
Sadie Sullivan, County Clerk
315 So. Humboldt Street
Battle Mountain, Nevada 89820-9998
(775) 635-5738 FAX-635-5761
E-mail landercountyclerk@gmail.com

LINCOLN COUNTY
Lisa Lloyd, County Clerk
1 North Main Street
P.O. Box 90
Pioche, Nevada 89043-0090
(775) 962-5390 FAX-962-5180
E-mail llboyd@lincolnnv.com

LYON COUNTY
Nikki A Bryan, County Clerk
27 South Main Street
Yerington, Nevada 89447-2571
(775)-463-6501 FAX-463-5305
E-mail nbryan@lyon-county.org

MINERAL COUNTY
Cherrie George, County Clerk
105 South "A" Street, Suite 1
P.O. Box 1450
Hawthorne, Nevada 89415-1450
(775) 945-2446 FAX-945-0706
E-mail mineralcountyclerk@gbis.com

NYE COUNTY
Sandra L. "Sam" Merlino, County Clerk
101 Radar Road
P.O. Box 1031
Tonopah, Nevada 89049-1031
(775) 482-8127 FAX-482-8133
E-mail smerlino@co.nye.nv.us

PERSHING COUNTY
Lacey Donaldson, County Clerk
398 Main Street
P.O. Box 820
Lovelock, Nevada 89419-0820
(775) 273-2208 FAX-273-3015
E-mail ldonaldson@pershingcounty.net

STOREY COUNTY
Vanessa DuFresne, County Clerk
County Courthouse, "B" Street
Drawer "D"
Virginia City, Nevada 89440-0139
(775)-847-0969 FAX-847-0921
E-mail vdufresne@storeycounty.org

WASHOE COUNTY
Dan Burk, Registrar of Voters
1001 E. Ninth Street
P.O. Box 11130
Reno, Nevada 89520-0027
(775) 328-3670 FAX-328-3747
E-mail dburk@mail.co.washoe.nv.us

WHITE PINE COUNTY
Lin Burleigh, County Clerk
801 Clark Street #4
Ely, Nevada 89301-1994
(775) 289-2341 FAX-289-2544
E-mail wpclerk@mwpower.net

BOULDER CITY
Lorene Krumm, City Clerk
P.O. Box 61350
Boulder City, Nevada 89006-1350
(702) 293-9208 **FAX 293-9245**
lkrumm@bcnv.org

CITY OF CALIENTE
Patrice Lytle, City Clerk
P.O. Box 1006
Caliente, Nevada 89008-1006
(775) 726-3131 **FAX 726-3370**
cityclerk@lcturbonet.com

CITY OF CARLIN
LaDawn Lawson, City Clerk
P.O. Box 787
Carlin, Nevada 89822
(775) 754-6354 **FAX 754-6912**
cityclerk@explorecarlinnv.com

CITY OF ELKO
Shanell Owen, City Clerk
1751 College Avenue
Elko, Nevada 89801
(775) 777-7126 **FAX 777-7129**
cityclerk@ci.elko.nv.us

CITY OF ELY
James Alworth, City Clerk/Treasurer
501 Mill Street
Ely, Nevada 89301
(775) 289-2430 **FAX 289-1463**
elyja@idsley.com

CITY OF FALLON
Gary Cordes, City Clerk
55 West Williams Avenue
Fallon, Nevada 89406
(775) 423-5104 **FAX 423-8874**
gcc@ci.fallon.nv.us

CITY OF FERNLEY
Lena Shumway, City Clerk
595 Silver Lace Blvd.
Fernley, Nevada 89408
(775) 784-9830 **FAX 784-9839**
lshumway@cityoffernley.org

CITY OF HENDERSON
Sabrina Mercadante, City Clerk
240 Water Street
Henderson, Nevada 89015
(702) 267-1400 **FAX 267-1401**
Sabrina.mercadante@cityofhenderson.com
www.ci.henderson.nv.us

CITY OF LAS VEGAS
Beverly Bridges, City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101
(702) 229-6311 **FAX 382-4803**
bbridges@lasvegasnevada.gov

CITY OF LOVELOCK
Lisa Booth, City Clerk
P.O. Box 238
Lovelock, Nevada 89419
(775) 273-2356 **FAX 273-7979**
lbooth@cityoflovelock.com

CITY OF MESQUITE
Cherry Lawson, City Clerk
10 E Mesquite Blvd
Mesquite, Nevada 89027
(702) 346-5295 **FAX 346-2908**
clawson@mesquitenv.gov
www.mesquitenv.com

CITY OF NORTH LAS VEGAS
Karen L. Storms, City Clerk
2200 Civic Center Drive
North Las Vegas, Nevada 89030
(702) 633-1031 **FAX 649-3846**
karens@ci.north-las-vegas.nv.us
www.ci.north-las-vegas.nv.us

CITY OF RENO
Lynnette Jones, City Clerk
P.O. Box 1900
Reno, Nevada 89505
(775) 334-2030 **FAX 334-2432**
jonesl@ci.reno.nv.us
www.ci.reno.nv.us

CITY OF SPARKS
Linda K. Patterson, City Clerk
P.O. Box 857
Sparks, Nevada 89432
(775) 353-2350 **FAX 353-2489**
lpatterson@cityofsparks.us
www.ci.sparks.nv.us

CITY OF WELLS
Catherine S. Smith, City Clerk
P.O. Box 366
Wells, Nevada 89835
(775) 752-3355 **FAX 752-3419**
wellscityhall@citlink.net
www.wellsnv.com

CITY OF WEST WENDOVER
Anna Bartlome, City Clerk
801 Alpine P. O. Box 2825
West Wendover, Nevada 89883
(775) 664-3081 **FAX 664-3720**
abartlome@westwendovercity.com
www.westwendovercity.com

CITY OF WINNEMUCCA
Eddy Davis, City Clerk
90 W. Fourth Street
Winnemucca, Nevada 89445
(775) 623-6338 **FAX 623-6321**
wmcaedd@winnemuccacity.org

CITY OF YERINGTON
Linda Huntsberger, City Clerk
102 South Main Street
Yerington, Nevada 89447
(775) 463-3511 **FAX 463-2284**
lindah@yerington.net

NOTICE OF INTENT
(RECALL PETITION)

State of Nevada *Secretary of State Ross Miller*

We, the undersigned registered voters of _____ County, do hereby register our intent to circulate a petition for the recall of _____ from the office of _____.

We do solemnly swear (or affirm) that we are currently registered voters, and that we actually voted in the state, county, district or municipality electing _____ at the last preceding general election. We further swear (or affirm) that the statements and signatures contained in this notice are true this _____ day of _____, _____.

_____
Print Name

_____
Street Address

_____ _____
City Zip Signature

_____
Print Name

_____
Street Address

_____ _____
City Zip Signature

_____
Print Name

_____
Street Address

_____ _____
City Zip Signature

State of Nevada
County of _____

Signed and sworn to (or affirmed) before me on _____, _____, by the above listed persons.

_____
Notary Public (or other person authorized to administer an oath)

Prescribed by Sec'y of State
NRS 306.015
EL508 (08/09)

Recall Petition *State of Nevada*

Signatures of registered voters seeking the recall of

_____
(Name of public officer for whom recall is sought)

[INSERT 200 WORDS OR LESS SETTING FORTH THE REASON(S) WHY RECALL IS DEMANDED]

Minimum number of signatures necessary _____ Date notice of intent was filed: _____,___

County of_____ Only registered voters of this County/City may sign below.

City of_____(if applicable)

This space for office use only

1	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	Recall Petition YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
2	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	Recall Petition YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
3	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	Recall Petition YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
4	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	Recall Petition YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
5	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	Recall Petition YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
6	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	Recall Petition YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
7	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	Recall Petition YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	

Recall Petition *State of Nevada*

Signatures of registered voters seeking the recall of _____

(name of public officer for whom recall is sought)

County of_____

City of_____

Only registered votes of this County/City may sign below.

			This space for office use only
8	**PRINT YOUR NAME (last name, first name, initial)**	**RESIDENCE ADDRESS ONLY:**	
	Recall Petition YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
9	**PRINT YOUR NAME (last name, first name, initial)**	**RESIDENCE ADDRESS ONLY:**	
	Recall Petition YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
10	**PRINT YOUR NAME (last name, first name, initial)**	**RESIDENCE ADDRESS ONLY:**	
	Recall Petition YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	

Place affidavit on last page of document

THE FOLLOWING AFFIDAVIT MUST BE COMPLETED AND SIGNED.

AFFIDAVIT OF CIRCULATOR

(To be completed by the person who circulated the petition after all signatures have been obtained)

STATE OF NEVADA)
)
COUNTY OF _____)

I,_____, (print name), being first duly sworn under penalty of perjury, depose and say: that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that the statements and signatures contained in the petition are true to the best of my knowledge and belief; (6) the number of signatures contained herein is _____: and (7) that I believe each individual who signed was at the time of signing a registered voter in the county of his or her residence.

_____
Signature of Circulator

Subscribed and sworn to or affirmed before me this _____

day of _____, _____, by _____
(circulator)

_____
Notary Public or person authorized to administer an oath

Prescribe by Secretary of State EL 505 NRS 306.030

Candidate Nominating Petition *State of Nevada*

Petition to Nominate _____

For the office of _____

Pursuant to NRS 306.110 of the election law of the State of Nevada, we, the undersigned registered voters do hereby nominate _____, a qualified elector actually residing at No. _____ Street, in the City (or Town) of _____, County of _____, State of Nevada as a candidate for the office of _____ to be voted for at the Special Recall Election to be held in the county of _____. The date of said election shall be set by the County Clerk or Registrar of Voters pursuant to Article 2, Section 9 of the Nevada Constitution and NRS 306.040.

County of _____ **(Only registered voters in this county/city may sign below.)**

City of _____

			This space for office use only
1	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
2	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: / / DATE:	CITY: COUNTY:	
3	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
4	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
5	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
6	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
7	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	
8	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: DATE: / /	CITY: COUNTY:	

Candidate Nominating Petition *State of Nevada*

Petition to Nominate _____
For the office of _____

County of_____ (Only registered voters in this county/city may sign below.)

City of_____

9	**PRINT YOUR NAME (last name, first name, initial)**	**RESIDENCE ADDRESS ONLY:**	**This space for office use only**
	YOUR SIGNATURE: **DATE:** / /	**CITY:** **COUNTY:**	
10	**PRINT YOUR NAME (last name, first name, initial)**	**RESIDENCE ADDRESS ONLY:**	
	YOUR SIGNATURE: **DATE:** / /	**CITY:** **COUNTY:**	

Place affidavit on last page of document

AFFIDAVIT OF CIRCULATOR

(To be completed by the person who circulated the petition after all signatures have been obtained)

STATE OF NEVADA

COUNTY OF _____

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at_____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe them to be genuine signatures; and (6) that I believe each individual who signed was at the time of signing a registered voter in the county of his or her residence.

_____
Signature of Circulator

Subscribed and sworn to or affirmed before me this _____ day

of _____, _____, by_____.

(circulator)

_____
Notary Public or person authorized to administer an oath

Prescribed by Secretary of State
NRS 306.110
EL509cnp (02/00)

RECALL COMMITTEE
Registration Form

State of Nevada *Secretary of State Ross Miller*

A **"Committee for the recall of a public officer"** is any organization that: (a) Files a notice of intent to circulate a petition for recall; or (b) Receives any contributions, makes any contributions to candidates or persons or makes any expenditures that are designed to affect the recall of a public officer. (NRS 294A.006)

Print or type the following information:

_____
NAME OF COMMITTEE

Mailing Address:_____

_____
City State Zip Telephone

PURPOSE: *(Briefly state the purpose for which the committee was organized)*

PUBLIC OFFICER: *(State the name of the public officer to be recalled and title of office held.)*

RESIDENT AGENT: Pursuant to NRS 294A.250 & NRS 294A.260 each recall committee which is organized and located outside this state must appoint and keep in this state a resident agent who must be a natural person who resides in the State of Nevada.

Name of Resident Agent: _____

Mailing Address: _____
City State Zip Telephone

ACCEPTANCE OF APPOINTMENT BY RESIDENT AGENT

I, _____, hereby accept appointment as Resident Agent for the above named committee for the recall of a public officer.

_____ _____
Signature of Resident Agent **Date**

Prescribed by Secretary of State
NRS 294A.250
EL410 (rev. 03/04)

OFFICERS: (Please list the name, title, address and telephone number of each officer.)

NAME: _____ **ADDRESS:** _____

TITLE: _____ _____ _____ _____ _____
City State Zip Telephone

NAME: _____ **ADDRESS:** _____

TITLE: _____ _____ _____ _____ _____
City State Zip Telephone

NAME: _____ **ADDRESS:** _____

TITLE: _____ _____ _____ _____ _____
City State Zip Telephone

NAME: _____ **ADDRESS:** _____

TITLE: _____ _____ _____ _____ _____
City State Zip Telephone

NAME: _____ **ADDRESS:** _____

TITLE: _____ _____ _____ _____ _____
City State Zip Telephone

Submitted By:

X _____ _____ _____
Signature of representative of group Date Telephone

Send completed form to:
SECRETARY OF STATE ROSS MILLER
ELECTIONS DIVISION
101 NORTH CARSON STREET, STE. 3
CARSON CITY, NEVADA 89701-4768
PHONE: (775) 684-5705
FAX: (775) 684-5718

Prescribed by Secretary of State
NRS 294A.250
EL410 (rev. 08/09)

CONTRIBUTIONS AND EXPENSES

There are Contributions and Expenses reporting requirements relative to Recall Committees and candidates who may run against the subject of a recall in a Special Election. Below are the reporting requirements.

Pursuant to NRS294A.120, 294A.200, 294A.270 and 294A.280 reports of Contributions and Expenses are required to be filed electronically with the Secretary of State. www.nvsos.gov

Petition Sufficient: Call Issued for Special Election

(Committee Must File 2 Reports)
Report #1 (Due 7 days before the Special Election)
Period: From filing Notice of Intent through 12 days before Election

Report #2 (Due 30 days after the Special Election)
Period: From 13th day before the Election through the day of Election

Petition Fails or Officer Resigns within 5 days of Filing Petition: No Special Election

(Committee Must File 1 Report)

Report #1 (Due no later than 120 days after Notice of Intent is filed)
Period: From filing Notice of Intent through date Committee files this Report

Court Hears Challenge to Petition: Court determines no Special Election will be held

(Committee Must File 1 Report)

Report #1 (Due no later than 30 days after Court determines no Election will be held)
Period: From date Notice of Intent is filed through date of Courts determination

Sec. 9. Recall of public officers: Procedure and limitations. Every public officer in the State of Nevada is subject, as herein provided, to recall from office by the registered voters of the state, or of the county, district, or municipality, which he represents. For this purpose, not less than twenty-five per cent (25%) of the number who actually voted in the state or in the county, district, or municipality which he represents, at the election in which he was elected, shall file their petition, in the manner herein provided, demanding his recall by the people. They shall set forth in said petition, in not exceeding two hundred (200) words, the reasons why said recall is demanded. If he shall offer his resignation, it shall be accepted and take effect on the day it is offered, and the vacancy thereby caused shall be filled in the manner provided by law. If he shall not resign within five (5) days after the petition is filed, a special election shall be ordered to be held within thirty (30) days after the issuance of the call therefore, in the state, or county, district, or municipality electing said officer, to determine whether the people will recall said officer. On the ballot at said election shall be printed verbatim as set forth in the recall petition, the reasons for demanding the recall of said officer, and in not more than two hundred (200) words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall be finally declared. Other candidates for the office may be nominated to be voted for at said special election. The candidate who shall receive highest number of votes at said special election shall be deemed elected for the remainder of the term, whether it be the person against whom the recall petition was filed, or another. The recall petition shall be filed with the officer with whom the petition for nomination to such office shall be filed, and the same officer shall order the special election when it is required. No such petition shall be circulated or filed against any officer until he has actually held his office six (6) months, save and except that it may be filed against a senator or assemblyman in the legislature at any time after ten (10) days from the beginning of the first session after his election. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected, unless such further petitioners shall pay into the public treasury from which the expenses of said special election have been paid, the whole amount paid out of said public treasury as expenses for the preceding special election. Such additional legislation as may aid the operation of this section shall be provided by law.

NRS CHAPTER 306
RECALL OF PUBLIC OFFICERS

NRS 306.005 Informational pamphlet describing requirements of chapter; fee.

1. The secretary of state shall prepare an informational pamphlet describing the requirements for filing and circulating a petition to recall a public officer pursuant to this chapter. The pamphlet must include:

(a) A copy of section 9 of article 2 of the constitution of the State of Nevada;

(b) A copy of chapter 306 of NRS and any regulations adopted pursuant to that chapter;

(c) A copy of all other relevant provisions of NRS;

(d) A sample petition to demonstrate an acceptable format for such a petition; and

(e) Such other information as the secretary of state deems necessary.

2. A copy of the pamphlet must be distributed to any person who requests such information upon payment of any applicable fee. The secretary of state may charge a fee for the pamphlet which must not exceed the cost of preparing and printing the pamphlet.

(Added to NRS by 1993, 2406)

NRS 306.011 Regulations. The secretary of state shall adopt such regulations as are necessary to carry out the provisions of this chapter.

(Added to NRS by 1993, 2407)

NRS 306.015 Contents and filing of notice of intent to circulate petition for recall; penalty for failure to submit timely petition; procedure for removing name from petition; person who signs notice of intent or petition immune from civil liability for certain conduct.

1. Before a petition to recall a public officer is circulated, the persons proposing to circulate the petition must file a notice of intent with the filing officer.

2. The notice of intent:

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

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

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

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

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

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

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

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

(Added to NRS by 1975, 1166; A 1985, 1219; 1991, 2214, 2226; 1993, 614, 2407; 1995, 2793; 1997, 766, 3473; 1999, 3562; 2001, 649, 1347, 2969; 2003, 200, 210)

NRS 306.017 Employment of independent legal counsel to provide advice concerning recall of public officer who is legal adviser. If a notice of intent to circulate a petition to recall any public officer who is a legal adviser for the state or for a county, district or municipality is filed, the officer with whom the notice is filed may employ independent legal counsel to provide advice concerning the recall, at the expense of the state or the county, district or municipality electing that public officer.

(Added to NRS by 1985, 1114)

NRS 306.020 Public officers subject to recall from office; contents of petition for recall.

1. Every public officer in the State of Nevada is subject to recall from office by the registered voters of the state or of the county, district or municipality from which he was elected, as provided in section 9 of article 2 of the constitution of the State of Nevada and this chapter. A public officer who is appointed to an elective office is subject to recall in the same manner as provided for an officer who is elected to that office.

NRS 306.020 is hereby amended to read as follows: (Pursuant to SB156 of the 2009 Legislative Session)
306.020 1. Every public officer in the State of Nevada is subject to recall from office by the registered voters of the State or of the county, district or municipality [~~from which he was elected.~~] ***that he represents,*** as provided in ***this chapter and*** Section 9 of Article 2 of the Constitution of the State of Nevada. [~~and this chapter.~~] A public officer who is appointed to an elective office is subject to recall in the same manner as provided for an officer who is elected to that office.

2. ***The petition to recall a public officer may be signed by any registered voter of the State or of the county, district, municipality or portion thereof that the public officer represents, regardless of whether the registered voter cast a ballot in the election at which the public officer was elected.***

3. The petition must, in addition to setting forth the reason why the recall is demanded:

(a) Contain the residence addresses of the signers and the date that the petition was signed;

(b) Contain a statement of the minimum number of signatures necessary to the validity of the petition;

(c) Contain at the top of each page and immediately above the signature line, in at least 10-point bold type, the words "Recall Petition";

(d) Include the date that a notice of intent was filed; and

(e) Have the designation: "Signatures of registered voters seeking the recall of ..... (name of public officer for whom recall is sought)" on each page if the petition contains more than one page.

(Added to NRS by 1960, 282; A 1963, 1385; 1969, 197; 1971, 159; 1975, 1166; 1981, 22; 1987, 698; 1989, 1062)

NRS 306.025 Misrepresenting intent or content of petition for recall prohibited; penalty.

1. A person shall not misrepresent the intent or content of a petition for the recall of a public officer which is circulated pursuant to the provisions of this chapter.

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

(Added to NRS by 1989, 1062)

NRS 306.030 Petition for recall may consist of number of copies; verification.

1. The petition may consist of any number of copies which are identical in form with the original, except for the name of the county and the signatures and addresses of the residences of the signers. The pages of the petition with the signatures and of any copy must be consecutively numbered. Each page must bear the name of a county, and only registered voters of that county may sign the page.

2. Every copy must be verified by the circulator thereof, who shall swear or affirm, before a person authorized by law to administer oaths, that the statements and signatures contained in the petition are true to the best of his knowledge and belief. The verification must also contain a statement of the number of signatures being verified by the circulator.

(Added to NRS by 1960, 282; A 1963, 1386; 1975, 1167; 1985, 1219; 1987, 1375; 1993, 2408; 2003, 1713)

NRS 306.035 Signatures must be submitted to county clerk for verification before petition for recall may be filed.

1. Before a petition to recall a state officer who is elected statewide is filed with the secretary of state pursuant to subsection 4 of NRS 306.015, each county clerk must verify, pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for signature within his county.

2. Before a petition to recall a state senator, assemblyman, or a county, district or municipal officer is filed pursuant to subsection 4 of NRS 306.015, the county clerk must verify, pursuant to NRS 293.1276 to 293.1279, inclusive, the document or documents which were circulated for signatures within his county.

3. If more than one document was circulated, all the documents must be submitted to the clerk at the same time.

(Added to NRS by 1985, 1114; A 1987, 1376; 1999, 3563)

NRS 306.040 Notification that number of signatures is sufficient; striking of names from petition; call for special election; legal challenge.

1. Upon determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the secretary of state shall notify the county clerk, the officer with whom the petition is to be filed pursuant to subsection 4 of NRS 306.015 and the public officer who is the subject of the petition.

2. After the verification of signatures is complete, but not later than the date a complaint is filed pursuant to subsection 5 or the date the call for a special election is issued, whichever is earlier, a person who signs a petition to recall may request the secretary of state to strike his name from the petition. If the person demonstrates good cause therefor and the number of such requests received by the secretary of state could affect the sufficiency of the petition, the secretary of state shall strike the name of the person from the petition.

3. Not sooner than 10 days nor more than 20 days after the secretary of state completes the notification required by subsection 1, if a complaint is not filed pursuant to subsection 5, the officer with whom the petition is filed shall issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall him.

4. The call for a special election pursuant to subsection 3 or 6 must include, without limitation:

(a) The last day on which a person may register to vote to qualify to vote in the special election; and

(b) The last day on which a petition to nominate other candidates for the office may be filed.

5. The legal sufficiency of the petition may be challenged by filing a complaint in district court not later than 5 days, Saturdays, Sundays and holidays excluded, after the secretary of state completes the notification required by subsection 1. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

6. Upon the conclusion of the hearing, if the court determines that the petition is sufficient, it shall order the officer with whom the petition is filed to issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall him. If the court determines that the petition is not sufficient, it shall order the officer with whom the petition is filed to cease any further proceedings regarding the petition.

(Added to NRS by 1960, 282; A 1963, 1386; 1981, 23; 1985, 1115; 1987, 698, 1376; 1991, 2215; 1993, 2408; 1997, 767; 1999, 3563; 2001, 650)

NRS 306.045 Effect of resignation by officer. If a public officer who is subject to a recall petition resigns his office:

1. Before the call for a special election is issued:

(a) The official with whom the petition to recall is filed shall cease any further proceedings regarding the petition;

(b) A vacancy occurs in that office; and

(c) The vacancy thereby created must be filled in the manner provided by law.

2. After the call for a special election is issued, the special election must be conducted.

(Added to NRS by 1999, 2169)

NRS 306.060 Ballots for recall: Printing of officer's justification; printing of reason for demanding recall and officer's justification on sample ballot required if mechanical voting system used.

1. If the officer against whom the petition is filed furnishes no justification of his course in office, none need appear on the ballot at the election upon his recall.

2. Where a mechanical voting system is used, the reason for demanding the recall of the officer and the officer's justification need not be printed on the ballot, but must be printed on sample ballots, which must be presented to registered voters upon their application to vote.

(Added to NRS by 1960, 282; A 1977, 248; 1981, 23; 1985, 1115; 1997, 767)

NRS 306.070 Form of proposal on ballots for recall; names of nominees.

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

2. If there are other candidates nominated for the office to be voted for at the special election, there must be printed upon the ballot the name of the officer sought to be recalled, and the office which he holds, and the name or names of such other candidates as may be nominated to be voted for at the special election, and the words "For Recall" and "Against Recall" must be omitted.

3. In other respects the ballot must conform with the requirements of this Title.

(Added to NRS by 1960, 283; A 1977, 248; 1985, 1115)

NRS 306.080 Vacancy in office created if no other candidates voted upon in special election. If any officer is recalled upon a special election and other candidates are not nominated to be voted for at the special election, the vacancy thereby created must be filled in the manner provided by law.

(Added to NRS by 1960, 283; A 1981, 23)

NRS 306.110 Nominating petition for successors; verification of signatures; acceptance of candidacy.

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

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

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

(Added to NRS by 1960, 283; A 1971, 160; 1981, 24; 1991, 2227; 1993, 2409; 1997, 3473; 1999, 2169)

NRS 306.120 Conduct of special election. Any special election must be conducted pursuant to the provisions of:
1. Chapter 293 of NRS for primary and general elections.
2. Chapter 293C of NRS for primary city elections and general city elections.
(Added to NRS by 1960, 283; A 1997, 3474)

NRS 306.130 Applicability of laws governing elections. The general election laws of this state, so far as applicable, shall apply to all elections held under this chapter.
(Added to NRS by 1960, 284)

Pertinent Sections of NRS CHAPTER 293

NRS 293.12756 Informational pamphlet concerning petitions; fee.
1. The secretary of state shall prepare an informational pamphlet describing the requirements for filing and circulating petitions. The pamphlet must also contain a sample of a petition to demonstrate an acceptable format for a petition.
2. The pamphlets must be made available to the public and must be distributed to any person who requests a pamphlet upon payment of the applicable fee, if any. The secretary of state may impose a fee for the pamphlet in an amount not to exceed the cost to produce the pamphlet.
(Added to NRS by 1993, 2664)

NRS 293.127565 Use of public buildings to gather signatures on petitions; regulations.
1. At each building that is open to the general public and occupied by the government of this state or a political subdivision of this state or an agency thereof, other than a building of a public elementary or secondary school, an area must be made available for the use of any person to gather signatures on a petition at any time that the building is open to the public. The area must be reasonable and may be inside or outside of the building. Each public officer or employee in control of the operation of a building governed by this subsection shall designate and approve the area required by this subsection for the building.
2. Before a person may use an area designated pursuant to subsection 1, the person must notify the public officer or employee in control of the operation of the building governed by subsection 1 of the dates and times that the person intends to use the area to gather signatures on a petition. The public officer or employee may not deny the person the use of the area.
3. A person aggrieved by a decision made by a public officer or employee pursuant to subsection 1 may appeal the decision to the secretary of state. The secretary of state shall review the decision to determine whether the public officer or employee designated a reasonable area as required by subsection 1.
4. The decision of the secretary of state is a final decision for the purposes of judicial review. The decision of the secretary of state may only be appealed in the first judicial district court.
5. The secretary of state may adopt regulations to carry out the provisions of subsection 3.
(Added to NRS by 2001, 1347)

NRS 293.12757 Qualification to sign petition. A person may sign a petition required under the election laws of this state on or after the date he is deemed to be registered to vote pursuant to subsection 5 of NRS 293.517 or subsection 5 of NRS 293.5235.
(Added to NRS by 1999, 3546)

NRS 293.12758 Receipt issued by county clerk; requirements for petition.
1. The county clerk shall issue a receipt to any person who submits a petition for the verification of signatures or a petition, declaration of or acceptance of candidacy. The receipt must state:
(a) The number of documents submitted;
(b) The number of pages of each document; and
(c) The number of signatures which the person declares are on the petition.
2. If a petition consists of more than one document, all of the documents must be submitted to the county clerk for verification at the same time.
3. The county clerk shall not accept a petition unless each page of the petition is numbered.
4. Each signature on the petition must be signed in ink. The county clerk shall disregard any signature which is not signed in ink.
5. As used in this section, "document" includes material which is separately compiled and bound together and may consist of one or more sheets of paper.
(Added to NRS by 1993, 2664)

NRS 293.1276 County clerk to forward number of signatures to secretary of state; notice of failure to file required number of signatures; handling of petition.

1. Within 4 days, excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110, the county clerk shall determine the total number of signatures affixed to the documents and forward that information to the secretary of state.

2. If the secretary of state finds that the total number of signatures filed with all the county clerks is less than 100 percent of the required number of registered voters, he shall so notify the person who submitted the petition and the county clerks and no further action may be taken in regard to the petition. If the petition is a petition to recall a county, district or municipal officer, the secretary of state shall also notify the officer with whom the petition is to be filed.

3. After the petition is submitted to the county clerk, it must not be handled by any other person except by an employee of the county clerk's office until it is filed with the secretary of state.

(Added to NRS by 1985, 1090; A 1987, 1361; 1993, 2665; 1997, 750; 1999, 2147)

NRS 293.1277 Verification of signatures by county clerks.

1. If the secretary of state finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, he shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in his county.

2. If more than 500 names have been signed on the documents submitted to him, a county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

3. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, he shall ensure that every application in the file is examined, including any application in his possession which may not yet be entered into his records. The county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his determination.

4. Except as otherwise provided in subsection 6, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of his examination and transmit the documents with the certificate to the secretary of state. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the secretary of state, the county clerk shall notify the secretary of state of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

5. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

6. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the secretary of state the documents containing the signatures of the registered voters.

7. The secretary of state may by regulation establish further procedures for carrying out the provisions of this section.

(Added to NRS by 1985, 1090; A 1987, 1361; 1993, 2665; 1995, 2257; 1997, 750; 1999, 2147; 2001, 641)

NRS 293.1278 Qualification or disqualification of petition upon receipt of certificates or amended certificates by secretary of state.

1. If the certificates received by the secretary of state from all the county clerks establish that the number of valid signatures is less than 90 percent of the required number of registered voters, the petition shall be deemed to have failed to qualify, and the secretary of state shall immediately so notify the petitioners and the county clerks.

2. If those certificates establish that the number of valid signatures is equal to or more than the sum of 100 percent of the number of registered voters needed to make the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015, the petition shall be deemed to qualify as of the date of receipt by the secretary of state of those certificates, and the secretary of state shall immediately so notify the petitioners and the county clerks.

3. If the certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient but the petition fails to qualify pursuant to subsection 2, each county clerk who received a request to remove a name pursuant to NRS 295.055 or 306.015 shall remove each name as requested, amend the certificate and transmit the amended certificate to the secretary of state. If the amended certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient, the petition shall be deemed to qualify as of the date of receipt by the secretary of state of the amended certificates, and the secretary of state shall immediately so notify the petitioners and the county clerks.

(Added to NRS by 1985, 1091; A 1993, 2666; 2001, 642)

NRS 293.1279 Qualification or disqualification of petition upon verification of signatures.

1. If the statistical sampling shows that the number of valid signatures filed is 90 percent or more, but less than the sum of 100 percent of the number of signatures of registered voters needed to declare the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015, the Secretary of State shall order the county clerks to examine the signatures for verification. The county clerks shall examine the signatures for verification until they determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid. If the county clerks received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerks may not determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid until they have removed each name as requested pursuant to NRS 295.055 or 306.015.

2. If the statistical sampling shows that the number of valid signatures filed in any county is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county plus the total number of requests to remove a name received by the county clerk in that county pursuant to NRS 295.055 or 306.015, the Secretary of State may order the county clerk in that county to examine every signature for verification. If the county clerk received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerk may not determine that 100 percent or more of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county are valid until he has removed each name as requested pursuant to NRS 295.055 or 306.015.

3. Within 12 days, excluding Saturdays, Sundays and holidays, after receipt of such an order, the county clerk shall determine from the records of registration what number of registered voters have signed the petition. If necessary, the board of county commissioners shall allow the county clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition, the county clerk must use the statewide voter registration list. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that signed the petition.

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk shall immediately attach to the documents of the petition an amended certificate, properly dated, showing the result of the examination and shall immediately forward the documents with the amended certificate to the Secretary of State. A copy of the amended certificate must be filed in the county clerk's office.

5. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not forward to the Secretary of State the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the Secretary of State as of the date on which he receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the State.

7. If the amended certificates received from all county clerks by the Secretary of State establish that the petition is still insufficient, he shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

(Added to NRS by 1985, 1091; A 1985, 551; 1987, 1362; 1993, 2666; 1997, 751; 1999, 2148; 2001, 642; 2003, 2174)

NRS 293.12793 Appeal with secretary of state contesting verification of votes; notification of public officer who is subject of petition to recall; consideration and investigation of allegations.

1. If the secretary of state determines that the total number of signatures that the county clerks have certified pursuant to NRS 293.1277 or 293.1279 is less than 100 percent of the number of registered voters needed to make the petition sufficient, the person who submitted the petition may contest the verification of the signatures by filing an appeal with the secretary of state. The appeal must:

(a) Be filed within 5 working days after receipt of notification of the determination of the secretary of state;

(b) Include each reason for the appeal; and

(c) Include a statement of the number of signatures, if any, that the county clerk determined were invalid.

2. The secretary of state shall:

(a) If the petition was circulated pursuant to chapter 306 of NRS, immediately notify the public officer who is the subject of the petition of the appeal by the person who submitted the petition; and

(b) Consider the allegations and conduct an investigation, if necessary.

(Added to NRS by 1993, 2664; A 1997, 752; 1999, 3546)

NRS 293.12795 Action by secretary of state upon review of appeal; judicial review of decision of secretary of state.

1. If an appeal is based upon the results of the verification of signatures on a petition performed pursuant to NRS 293.1277 or 293.1279, the secretary of state shall:

(a) If he finds for the appellant, order the county clerk to recertify the petition, including as verified signatures all contested signatures which the secretary of state determines are valid. If the county clerk has not yet removed each name as requested pursuant to NRS 295.055 or 306.015, the county clerk shall do so before recertifying the petition.

(b) If he does not find for the appellant, notify the appellant and the county clerk that the petition remains insufficient.

2. If the secretary of state is unable to make a decision on the appeal based upon the documents submitted to him, the secretary of state may order the county clerk to reverify the signatures.

3. The decision of the secretary of state is a final decision for the purposes of judicial review. The decision of the secretary of state may only be appealed in the first judicial district court.

(Added to NRS by 1993, 2664; A 2001, 643)

NRS 293.193 Filing fees.

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

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

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

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

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

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

(Added to NRS by 1960, 245; A 1967, 845; 1981, 20; 1985, 650; 1987, 691; 1989, 56; 1991, 122, 1603; 1997, 755; 2003, 1704)

NRS 293.247 Regulations of Secretary of State for conduct of elections; interpretations; distribution of information to county and city clerks.

1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this state, for the conduct of primary, general, special and district elections in all cities and counties. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this state.

2. The regulations must prescribe:

(a) The duties of election boards;

(b) The type and amount of election supplies;

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

(d) The method to be used in distributing ballots to precincts and districts;

(e) The method of inspection and the disposition of ballot boxes;

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

(g) The recess periods for election boards;

(h) The size, lighting and placement of voting booths;

(i) The amount and placement of guardrails and other furniture and equipment at voting places;

(j) The disposition of election returns;

(k) The procedures to be used for canvasses, ties, recounts and contests;

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

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

(n) The procedures to be used for the disposition of absent ballots in case of an emergency;

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

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

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

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

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

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

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

(Added to NRS by 1960, 249; A 1971, 1485; 1975, 937; 1979, 263; 1987, 337, 692, 1368; 1991, 2218; 1993, 2178; 1995, 2262; 1997, 3452)

NRS 293.361 Electioneering prohibited near polling place; penalty.

1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early Voting"; and

(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

(Added to NRS by 1993, 2172; A 1997, 80, 2783, 2792; 1999, 679, 695)

NRS 293.393 Preparation of abstracts of votes cast at general election or other statewide election; certificates of election.

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

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

3. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the district, county and township offices.

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

(Added to NRS by 1960, 262; A 1961, 292; 1963, 1375; 1965 Special Session, 4; 1971, 1415; 1987, 350; 1989, 1666; 1997, 3464)

NRS 293.710 Intimidation of voters.

1. It is unlawful for any person, in connection with any election or petition, whether acting himself or through another person in his behalf, to:

(a) Use or threaten to use any force, coercion, violence, restraint or undue influence;

(b) Inflict or threaten to inflict any physical or mental injury, damage, harm or loss upon the person or property of another;

(c) Expose or publish or threaten to expose or publish any fact concerning another in order to induce or compel such other to vote or refrain from voting for any candidate or any question;

(d) Impede or prevent, by abduction, duress or fraudulent contrivance, the free exercise of the franchise by any voter, or thereby to compel, induce or prevail upon any elector to give or refrain from giving his vote; or

(e) Discharge or change the place of employment of any employee with the intent to impede or prevent the free exercise of the franchise by such employee.

2. Unless a greater penalty is provided by law, any violation of this section is a gross misdemeanor.

(Added to NRS by 1960, 268; A 1993, 2669)

NRS 293.740 Soliciting votes and electioneering inside polling place or within certain distance from polling place prohibited; penalty.

1. Except as otherwise provided in subsection 2, it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking his ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➥The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. The provisions of subsection 1 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

4. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at that election;

(e) Polling or otherwise soliciting from a voter information as to whether the voter intends to vote or has voted for or against a particular political party, candidate or ballot question; or

(f) Soliciting signatures to any kind of petition.

(Added to NRS by 1963, 1382; A 1967, 863; 1973, 872; 1977, 464; 1987, 1169; 1989, 2171; 1997, 80)

Pertinent Sections of
CHAPTER 293C
CITY ELECTIONS

NRS 293C.361 Electioneering prohibited near polling place; penalty.

1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the city clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located, a sign on which is printed in large letters "Polling Place for Early Voting"; and

(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

(Added to NRS by 1993, 2172; A 1997, 80, 2783, 2792; 1999, 690)

NRS 293C.387 Returns filed with city clerk; canvass of returns; preparation and entering of abstract of votes; limitation on inspection of returns; certificates of election.

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

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

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

(a) Note separately any clerical errors discovered; and

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

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

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.

6. After the abstract is entered, the:

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

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

(1) Certify the abstract;

(2) Make a copy of the certified abstract;

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

(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State within 6 working days after the election; and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

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

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

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

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

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

(Added to NRS by 1997, 3439; A 2003, 2256)

PERTINENT SECTIONS OF CHAPTER 294A
CAMPAIGN PRACTICES

COMMITTEE FOR THE RECALL OF A PUBLIC OFFICER

NRS 294A.250 Registration. Each committee for the recall of a public officer shall register with the secretary of state, on a form provided by him. Each form must include:

1. The name of the committee;
2. The purpose for which it was organized;
3. The names and addresses of its officers; and
4. If the committee is organized and located outside this state, the name and address of its resident agent.

(Added to NRS by 1989, 1060)—(Substituted in revision for NRS 294A.053)

NRS 294A.260 Resident agent. Each committee for the recall of a public officer which is organized and located outside this state shall appoint and keep in this state a resident agent who must be a natural person residing in this state.

(Added to NRS by 1989, 1060)—(Substituted in revision for NRS 294A.054)

NRS 294A.270 Committee to report contributions received or made; deadline; period covered; form; filing; details to be included in report.

1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall through 12 days before the special election; and

(b) Thirty days after the election, for the remaining period through the election,

➥report each contribution received or made by the committee in excess of$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under penalty of perjury.

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee, and each contribution made by the committee in excess of $100.

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall through the day the court determines that an election will not be held, report each contribution received by the committee, and each contribution made by the committee in excess of $100.

4. Each report of contributions must be filed with the Secretary of State. The committee may mail or transmit the report by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

5. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation, in excess of $100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the current reporting period.

(Added to NRS by 1989, 1060; A 1991, 1397; 1995, 1084; 1997, 249; 1999, 2558; 2003, 3012)

NRS 294A.280 Committee to report expenditures; deadline; period covered; form; filing.

1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall through 12 days before the special election; and

(b) Thirty days after the election, for the remaining period through the election,

➥report each expenditure made by the committee in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under penalty of perjury.

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee in excess of $100.

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall through the day the court determines that an election will not be held, report each expenditure made by the committee in excess of $100.

4. Each report of expenditures must be filed with the Secretary of State. The committee may mail or transmit the report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

(Added to NRS by 1989, 1061; A 1991, 1398; 1995, 1085; 1997, 250; 1999, 2559; 2003, 3013)

PERTINENT SECTIONS OF NEVADA ADMINISTRATIVE CODE (NAC) 293

NAC 293.182 Requirements for individual documents of certain petitions. (NRS 293.124, 293.247)

1. A person who submits a petition that consists of more than one document to the county clerk for verification of the signatures shall sequentially number each page of each document in the petition, beginning with the number 1.

2. If a petition consists of more than one document, each of those documents must, in addition to any other requirements:

(a) Contain sequentially numbered spaces for:

(1) The name of each person signing the petition;

(2) The signature of the person;

(3) The residential address of the person;

(4) The name of the county where the person is a registered voter; and

(5) The date of the signature.

(b) Have attached to it, when filed:

(1) The affidavit required pursuant to section 3 of article 19 of the constitution of the State of Nevada; and

(2) An affidavit signed by the person who circulated the document in substantially the following form:

STATE OF NEVADA
COUNTY OF _

I,———, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe them to be genuine signatures; and (6) that I believe each person who signed was at the time of signing a registered voter in the county of his residence.

Signature of circulator

Subscribed and sworn to or affirmed
before me this— day of———,———.

———

Notary public or other person licensed
to administer an oath

3. Any document of a petition may consist of more than one page. If a document consists of more than one page:

(a) Each page, including a blank signature page, must be numbered sequentially, beginning with the number 1 for each document;

(b) All the pages must be permanently attached in numerical order; and

(c) The affidavits required by paragraph (b) of subsection 2 must appear on the last pages of the document.

4. As used in this section, "petition" means a petition containing signatures which are required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 298.109, 306.035 or 306.110.

(Added to NAC by Sec'y of State, eff. 3-15-96; A by R013-00, 4-4-2000; R183-01, 5-10-2002)

NAC 293.183 Verification of signatures on certain petitions: Limitation of witnesses. A county clerk who conducts the verification of signatures on a petition in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, may:

1. In addition to those persons who are authorized to witness the verification of signatures on a petition pursuant to NRS 293.1277, limit the number of persons who may witness the verification of signatures to not more than two persons who support the petition and two persons who oppose the petition.

2. Prohibit any person who is authorized to witness the verification of signatures from interfering with the verification of signatures.

3. Remove and replace any person who interferes with the verification of signatures.

(Added to NAC by Sec'y of State, eff. 3-22-94)

NEVADA ADMINISTRATIVE CODE
NAC CHAPTER 306

NOTICE OF INTENT TO CIRCULATE PETITION FOR RECALL

NAC 306.005 Restriction on time of filing. A notice of intent to circulate a petition to recall a public officer pursuant to subsection 1 of NRS 306.015 may not be filed during the period the circulation or filing of the petition to recall the public officer is prohibited pursuant to section 9 of article 2 of the constitution of the State of Nevada.

(Added to NAC by Sec'y of State, eff. 3-15-96)

NAC 306.007 Notification of public officer to be recalled, county clerk and secretary of state. (NRS 306.011)

1. The filing officer with whom a public officer to be recalled filed his declaration of candidacy shall notify that public officer, in writing, within 2 days after a notice of intent is filed pursuant to subsection 1 of NRS 306.015. If the filing officer is not the county clerk, the filing officer shall also notify the county clerk, in writing, within 2 days after the notice of intent is filed.

2. Within 1 working day after the county clerk receives a notice of intent to circulate a petition to recall a public officer, he shall deliver a copy of the notice to the secretary of state.

(Added to NAC by Sec'y of State by R217-97, eff. 5-26-98; A by R183-01, 5-10-2002)

PETITION TO RECALL PUBLIC OFFICER

NAC 306.010 Request to strike signature from petition: Requirements for submission. (NRS 306.011) A person who requests the secretary of state to strike his signature from a petition to recall a public officer pursuant to NRS 306.040 must submit his request in writing to the secretary of state. The request:

1. Will not be accepted by the secretary of state:

(a) Before the day after the secretary of state provides the notification required by NRS 293.1278 regarding that petition.

(b) After 5 p.m. on the day before the call for the special election is issued regarding that petition.

2. May be transmitted to the secretary of state by facsimile machine.

3. Must be signed by the person who requests the secretary of state to strike his signature from the petition.

(Added to NAC by Sec'y of State, eff. 3-22-94; A 3-15-96; R217-97, 5-26-98)

NAC 306.012 Request to strike signature from petition: Notification of county clerk of receipt by secretary of state; procedure for verification of signature; determination of legal sufficiency. (NRS 306.011)

1. If the secretary of state receives a request to strike a name from a petition to recall a public officer pursuant to subsection 2 of NRS 306.040, he will notify the appropriate county clerk by facsimile machine.

2. The county clerk shall verify whether the person requesting that his name be stricken from a petition signed the petition, by sending to the secretary of state, by facsimile machine, a copy of the page of the petition where the person's name appears. Upon receipt of the copy of the page of the petition, the secretary of state will compare the signature on the petition to the signature on the request to have his name stricken from the petition to verify that the person requesting his name be stricken from the petition is the same person who signed the petition.

3. The county clerk shall verify whether the signature of the person requesting that his name be stricken from a petition was counted by the clerk in making his determination that the petition contained the proper number of signatures to be legally sufficient by checking his records and informing the secretary of state of his determination in writing or by telephone.

(Added to NAC by Sec'y of State by R217-97, eff. 5-26-98)

NAC 306.014 Removal of signature from petition: Notification of county clerk; effect on legal sufficiency. (NRS 306.011) If signatures are stricken from a petition to recall a public officer pursuant to subsection 2 of NRS 306.040, the secretary of state will notify the appropriate county clerk. The removal of names from a petition pursuant to subsection 2 of NRS 306.040 after the fifth business day after the secretary of state completes the notification required by subsection 1 of NRS 306.040 does not affect the legal sufficiency of the petition.

(Added to NAC by Sec'y of State by R217-97, eff. 5-26-98)

NAC 306.018 Notification of filing officer and public officer to be recalled of submission of petition for signature verification. (NRS 306.011) The filing officer with whom the public officer to be recalled filed his declaration of candidacy shall notify that public officer, in writing, within 2 days after a petition to recall that public officer was submitted for signature verification pursuant to subsection 3 of NRS 306.015.

(Added to NAC by Sec'y of State by R217-97, eff. 5-26-98; R086-00, 8-22-2000)

NAC 306.020 Verification by county clerk of number of signatures; notification of secretary of state.

1. A county clerk may, after he determines the total number of signatures contained in a petition to recall a public officer pursuant to NRS 293.1276, notify the secretary of state by telephone of the number of signatures contained in the petition. The clerk shall mail to the secretary of state written confirmation of the number of signatures contained in the petition within 1 day after he notifies the secretary of state by telephone.

2. A county clerk may, after he verifies the number of signatures contained in a petition to recall a public officer pursuant to NRS 293.1277, notify the secretary of state by telephone of the number of verified signatures contained in the petition.

(Added to NAC by Sec'y of State, eff. 3-22-94)

NAC 306.021 Notification that number of signatures is sufficient deemed complete upon mailing by secretary of state. (NRS 306.011) The notice that is required by subsection 1 of NRS 306.040 shall be deemed completed when the secretary of state mails the notices with a correct address and the correct amount of postage attached.

(Added to NAC by Sec'y of State by R217-97, eff. 5-26-98)

NAC 306.022 Correction of clerical error. (NRS 306.011)

1. If the county clerk makes a clerical error regarding a petition to recall a public officer, the county clerk may correct the error before filing, pursuant to subsection 4 of NRS 306.015, the petition with the filing officer with whom the public officer to be recalled filed his declaration of candidacy.

2. If the county clerk chooses to correct the error, he shall:

(a) Notify the persons who filed the notice of intent pursuant to subsection 1 of NRS 306.015, the public officer to be recalled and the secretary of state of the substance of the error;

(b) Inform the persons specified in paragraph (a) of the correct information or procedure; and

(c) Prepare a certificate of error, attach it to the corrected document and provide a copy of the certificate to each of the persons specified in paragraph (a).

3. Correction of a clerical error by a county clerk does not affect the deadlines concerning the process of recalling a public officer set forth in chapter 306 of NRS.

(Added to NAC by Sec'y of State by R217-97, eff. 5-26-98)

NAC 306.023 Notification of public officer to be recalled of filing of petition. (NRS 306.011) The filing officer with whom a public officer to be recalled filed his declaration of candidacy shall notify that public officer, in writing, within 2 days after a petition to recall a public officer is filed pursuant to subsection 4 of NRS 306.015.

(Added to NAC by Sec'y of State by R217-97, eff. 5-26-98)

NAC 306.025 Notification of secretary of state by county clerk of special election. (NRS 306.011) If a county clerk or city clerk is the officer with whom a petition to recall a public officer is filed pursuant to subsection 4 of NRS 306.015, the county clerk or city clerk shall, within 3 days after:

1. The secretary of state completes the notification required by subsection 1 of NRS 306.040; or

2. The county clerk or city clerk receives a court order pursuant to subsection 6 of NRS 306.040 to call a special election, provide the secretary of state with written notification of the date the county clerk or city clerk will issue the call for a special election and the date the special election will be held.

(Added to NAC by Sec'y of State, eff. 3-15-96; A by R086-00, eff. 8-22-2000)

NAC 306.040 Complaint to challenge petition: Form of case caption. The case caption for each complaint to challenge a petition for the recall of a public officer filed pursuant to NRS 306.040 must name as the plaintiff in the case the public officer who is the subject of the petition for recall. The caption must also name as the defendants in the case:

1. The officer with whom the petition was filed, in his official capacity; and

2. The three registered voters who signed the notice of intent to circulate the petition pursuant to NRS 306.015, as real parties in interest.

(Added to NAC by Sec'y of State, eff. 6-28-94)

MISCELLANEOUS PROVISIONS

NAC 306.050 Candidate nominated as successor: Withdrawal of candidacy. (NRS 306.011) A candidate for office nominated pursuant to NRS 306.110 may withdraw his candidacy by presenting his written withdrawal of candidacy in person to the officer who receives the filings for candidacy for that office not later than 19 days before the date of the special election.

(Added to NAC by Sec'y of State, eff. 3-15-96; A by R013-00, 4-4-2000)