

State of Nevada

**INDEPENDENT CANDIDATE
GUIDE**



2009 - 2010

Provided by

**Ross Miller
Secretary of State**

**STATE OF NEVADA
INDEPENDENT CANDIDATE GUIDE**

TABLE OF CONTENTS

PREFACE2

QUALIFICATIONS FOR INDEPENDENT CANDIDATES.....2

THE PETITION OF CANDIDACY3

 Signatures Required3

 Who Signs the Petition3

 Petition Format.....4

 Verification Process5

 Determination of Sufficiency.....6

FILING AN APPEAL7

COURT CHALLENGES8

DECLARATION OF CANDIDACY8

IMPORTANT DATES.....9

APPENDIX:

- List of City Clerks
- List of County Clerks/Registrars
- Sample Independent Candidate Petition
- Pertinent Sections of the Nevada Revised Statutes
- Pertinent Sections of the Nevada Administrative Code
- Attorney General Opinion #99-37, dated 12/01/99
- SB162 of the 75th Legislative Session

ROSS MILLER
Secretary of State, Elections Division
101 North Carson Street, Suite 3
Carson City, Nevada 89701-3714
Bus: (775) 684-5705 Fax: (775) 684-5718
E-mail: nvelect@govmail.state.nv.us
Website: www.nvsos.gov

INDEPENDENT CANDIDATE GUIDE

PREFACE

The State of Nevada allows those who wish to run for a partisan office as a candidate with no political affiliation to run as an independent candidate. An independent candidate is one “who has been nominated for a partisan office but who is registered with no political affiliation...” (Nevada Revised Statute (NRS) 293.063). The independent candidate may qualify to appear on the General Election ballot by completing a petition process in addition to complying with other candidate filing requirements.

A person may not file as an independent candidate if he/she is proposing to run as a candidate of a political party. An independent candidate may run for a nonpartisan office without using the petition process.

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 NRS, 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.

QUALIFICATIONS FOR INDEPENDENT CANDIDATES

Independent candidates, running for partisan office, must qualify to appear on the General Election ballot. To qualify for *any office other than presidential*, a person must first qualify through the petition process discussed below and then file a Declaration of Candidacy. **Presidential independent candidates** need to refer to NRS 298.109 (found in appendix) as well as the petition requirements provided herein.

INDEPENDENT CANDIDATE GUIDE

THE PETITION OF CANDIDACY

Signatures Required

There are two ways in which an independent candidate can qualify to be placed on the ballot for the 2010 General Election. Both involve the circulating of a petition as follows:

1. Submitting a petition to the filing officer containing a number of valid signatures equal to at least 1% of the total number of ballots cast at the last General Election for the office for which the candidate seeks election. The filing officer will determine the number of signatures needed for the petition (NRS 293.200(1)(b)(1)); **or**
2. Submitting a petition to the filing officer containing 250 valid signatures of registered voters if the candidate is a candidate for statewide office, or containing 100 valid signatures of registered voters if the candidate is a candidate for any office other than a statewide office. (NRS 293.200(1)(b)(2))

The candidate must file a copy of the petition with the appropriate filing officer prior to circulating the document for signatures not earlier than January 2, 2010, and not later than February 4, 2010 (NRS 293.200 (1)(a)). After the petition is circulated for signatures, it must be submitted to the County Clerk/Registrar of Voters of the county or counties where it was circulated for signature verification not later than February 4, 2010. (NRS 293.200 (2)). Within 4 days after submission, excluding Saturdays, Sundays and holidays, the County Clerk/Registrar shall determine the total number of signatures and forward that information to the Secretary of State. (NRS 293.1276 (1))

Who Signs the Petition

Only registered voters of the county in which the petition is circulated may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the petition. (NRS 293.200(2))

NOTE: Any registered voter within the appropriate district may sign the petition. The registered voter who signs the petition may be affiliated with **any** political party and will not lose that party standing or the right to vote in the 2010 Primary or General Election by signing the petition.

INDEPENDENT CANDIDATE GUIDE

Petition Format

- ▶ The petition may consist of more than one document. (NRS 293.200(2))
- ▶ Each document of the petition may consist of one or more pages and must be bound together. (NRS 293.12758(5); NAC 293.182(3)(b))
- ▶ Each document must bear the name of a county, and only registered voters of that county may sign the document. (NRS 293.200(2))
- ▶ The petition **may** state the principle, if any, which the candidate represents. (NRS 293.200(3))
- ▶ The petition may not contain the name of more than one candidate for each office to be filled. (NRS 293.200(5))
- ▶ Each document must contain sequentially numbered spaces for the printed name of each person who signs the document, the signature of the person signing, the resident address of the person signing, the name of the county where the person who signs is registered to vote, and the date of the signature. (NRS 293.200(2); NAC 293.182(2)(a))
- ▶ Each document must contain an affidavit of the person who circulated the document. The affidavit must be 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 293.200(2); NAC 293.182(2 & 3)(c))
- ▶ The circulator is **not** required to be a registered voter in Nevada. (Attorney General Opinion #99-37, dated 12/01/99)
- ▶ 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))
- ▶ Each page of the document must be sequentially numbered. The County Clerk/Registrar cannot accept a petition unless each page, including blank pages of the petition, is numbered. (NRS 293.12758(3))

NOTE: Sample petition is provided in the Appendix.

**THE SECRETARY OF STATE DOES NOT APPROVE THE LEGALITY OF
THE PETITION LANGUAGE OR THE PETITION FORM.**

Verification Process

1. All documents must be submitted to the appropriate County Clerk/Registrar at the same time. The County Clerk/Registrar shall issue the person submitting the petition a receipt stating the number of documents submitted, the number of pages of each document, and the number of signatures that the person declares are on the petition. The County Clerk/Registrar counts the **total** number of signatures on the petition and forwards that number to the Secretary of State. This is the “**raw count.**” (NRS 293.1276(1); 293.12758)

Time frame: The County Clerk/Registrar must complete the **raw count** within 4 days of receipt of the petition (excluding Saturdays, Sundays, holidays and the day the petition is received). (NRS 293.1276(1))

2. Based on the **raw count** information received from the County Clerk/Registrar, the Secretary of State determines whether the number of signatures is 100% of the number needed. If the **raw count** indicates that the petition contains less than 100% of the signatures needed, the Secretary of State notifies the person who submitted the petition and the County Clerk/Registrar that no further action will be taken on the petition. If the **raw count** indicates that the petition contains more than 100% of the signatures needed, the Secretary of State notifies the County Clerk/Registrar. (NRS 293.1276(2); NRS 293.1277(1))

Time frame: Immediately after the Secretary of State receives the **raw count** from all counties in which the petition was circulated. (NRS 293.1277(1))

3. If the Secretary of State notifies the County Clerk/Registrar that the petition contains the number of signatures needed for it to be sufficient, the County Clerk/Registrar begins actually examining the signatures. The clerk will verify either 500 of the signatures or randomly sample 5% of the total signatures submitted (whichever is greater). The Secretary of State is notified of the result by the filing of a Certificate of Results of the signature verification. (NRS 293.1277(2 & 4))

Time frame: Signature verification must be completed within 9 days (excluding Saturdays, Sundays, holidays and the day the Secretary of State’s notification is received) after the County Clerk/Registrar receives notification from the Secretary of State to begin signature verification. (NRS 293.1277(1))

INDEPENDENT CANDIDATE GUIDE

DETERMINATION OF SUFFICIENCY

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 shall immediately notify the petitioners and the County Clerks/Registrars. No further action is taken. (NRS 293.1278(1))

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, 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 and the petitioners. The name of the independent candidate must be placed on the general election ballot and the independent candidate must file the appropriate filing fee and declaration with filing officer during the prescribed period. (NRS 293.1278(2); 293.200)

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, 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 candidate petition is for 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; 293.1278(2))

INDEPENDENT CANDIDATE GUIDE

FILING AN APPEAL

If an independent candidate petition fails for lack of signatures, the person who submitted the petition may challenge 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 notification of the determination of sufficiency;
- b. Include the reasons for the appeal; and
- c. Include a statement of the number of signatures, if any, that the County Clerk/Registrar determined were invalid.

If the appeal is based on the results of the signature verification, the Secretary of State shall:

- a. If the Secretary of State agrees with the person who filed the appeal, order the County Clerk/Registrar to re-certify the petition to include all contested signatures, which the Secretary of State determines are valid as verified signatures.
- b. If the Secretary of State does not agree with the person who filed the appeal, notify that person and the County Clerk/Registrar that the petition remains insufficient.

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 re-verify the signatures. **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)

INDEPENDENT CANDIDATE GUIDE

COURT CHALLENGES

Challenging the candidacy of an Independent Candidate

Any person may challenge the candidacy of an independent candidate. All affidavits, documents and other related material in support of the challenge must be filed by 5 p.m. on **March 22, 2010**. (NRS 293.200(8))

The challenge of candidacy must be filed with

1. The First Judicial District Court in Carson City, Nevada, if the candidate's filing officer is the Secretary of State (NRS 293.200(9));
or
2. The District Court within the candidate's county if the candidate's filing officer is the County Clerk/Registrar.
(NRS 293.200(9))

DECLARATION OF CANDIDACY

An independent candidate for partisan office must file a **Declaration of Candidacy** and pay the statutory filing fee with the proper filing officer at any time from **Monday, March 1, 2010, through 5:00 p.m. Friday, March 12, 2010.** (NRS 293.200(10))

"Filing officer" means the Secretary of State, County or City Clerk or any other officer authorized by law to receive designations and declarations of candidacy, certificates and acceptances of nomination or any other nomination papers. (NRS 293.057)

For United States Senators, Representatives in Congress, statewide offices, State Senators and Assemblymen to be elected from districts comprising more than one county, and all other offices whose districts comprise more than one county, the filing officer shall be the Secretary of State. (NRS 293.185(1))

For Representatives in Congress and district offices voted for wholly within one county, State Senators and Assemblymen to be elected from districts comprising but one or part of one county, county and township officers, the filing officer shall be the county clerk. (NRS 293.185(2))

A list of County Clerks/Registrars & City Clerks, including their respective contact information, can be found in the Appendix.

IMPORTANT DATES

January 2, 2010	First date to file a copy of the petition with the appropriate filing officer before circulating it for signatures. (NRS 293.200(1)(a))
February 4, 2010	Last date to file a copy of the petition with the appropriate filing officer before circulating it for signatures. (NRS 293.200(1)(a))
February 4, 2010	Last day for an independent candidate to submit petitions to the county clerk/registrar for signature verification. (NRS 293.200(2))
March 1, 2010	First day an independent candidate may file a Declaration of Candidacy with the appropriate filing officer. (NRS 293.200(10))
March 12, 2010	Last day an independent candidate may file a Declaration of Candidacy with the appropriate filing officer. (NRS 293.200(10))
March 22, 2010	Last day to file a challenge with the appropriate filing officer. All affidavits and documents in support of a challenge must be filed not later than 5 p.m. (NRS 293.200(8))
March 23, 2010	Last day a candidate may withdraw candidacy. (NRS 293.202)
June 1, 2010	Last day to set a hearing for judicial proceeding resulting from the challenge filed. (NRS 293.200(8))

APPENDIX:

List of City Clerks

List of County Clerks/Registrars

Sample Independent Candidate Petition

****Pertinent Sections of the Nevada Revised Statutes***

Pertinent Sections of the Nevada Administrative Code

Attorney General Opinion #99-37

SB162 of the 75th Legislative Session

* The enclosed sections of the NRS do not reflect revisions made by the Nevada Legislature at its 2009 session as those revisions were not codified at the time this guide was published. Please contact the Legislative Counsel Bureau for the most recent version of the NRS.

LIST OF CITY CLERKS

STATE OF NEVADA

BOULDER CITY

Pam Malmstrom, City Clerk
P.O. Box 61350
Boulder City, Nevada 89006-1350
(702) 293-9208 FAX 293-9245
pmalmstrom@bcn.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

Shannel 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
jalworth@elycity.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) 784-0930 FAX 784-9839
pnorman@cityoffernley.org

CITY OF HENDERSON

Monica M. Simmons, City Clerk
240 Water Street
Henderson, Nevada 89015
(702) 267-1400 FAX 267-1401
Monica.Simmons@cityofhenderson.com
www.ci.henderson.nv.us

CITY OF LAS VEGAS

Beverly Bridges, Acting 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

Carol Woods, City Clerk
10 E Mesquite Blvd
Mesquite, Nevada 89027
(702) 346-5295 FAX 346-2908
cwoods@ci.mesquite.nv.us
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

Colleen Castello, City Clerk
102 South Main Street
Yerington, Nevada 89447
(775) 463-3511 FAX 463-2284
cityclerk@yerington.net

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 khelton@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
E-mail tthran@co.douglas.nv.us

ELKO COUNTY

Win Smith, County Clerk
571 Idaho St. 3rd Floor
Elko, Nevada 89801-3700
(775) 753-4600 FAX-753-4610
E-mail wsmith@elkocountynv.net

ESMERALDA COUNTY

Lacinda "Cindy" Elgan, County Clerk
Corner of Crook & Euclid
P.O. Box 547
Goldfield, Nevada 89013-0547
(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

Gladys Burris, County Clerk
315 So. Humboldt Street
Battle Mountain, Nevada 89820-9998
(775) 635-5738 FAX-635-5761
E-mail clerk@landercounty.org

LINCOLN COUNTY

Lisa C. Lloyd, County Clerk
1 North Main Street
P.O. Box 90
Pioche, Nevada 89043-0090
(775) 962-5390 FAX-962-5180
E-mail lloyd@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 A. 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 clerk-treasurer@mineralcounty.org

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 sam.merlino@co.nye.nv.us

PERSHING COUNTY

Donna Giles, County Clerk
398 Main Street
P.O. Box 820
Lovelock, Nevada 89419-0820
(775) 273-2208 FAX-273-3015
E-mail dgiles@pershingcounty.net

STOREY COUNTY

Vanessa Dixon, County Clerk
County Courthouse, "B" Street
Drawer "D"
Virginia City, Nevada 89440-0139
(775)-847-0969 FAX-847-0921
E-mail: vdixon@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

JoAnn Malone, County Clerk
801 Clark Street #4
Ely, Nevada 89301-1994
(775) 289-2341 FAX-289-2544
E-mail wpclerk@mwpower.net

Independent Candidate Petition

State of Nevada

Petition of Candidacy of _____

For the Office of _____

[Note: you may insert a statement of the principle, if any, which the person represents.]

County of _____ }

(Only registered voters of this County may sign below.)

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: _____	

Independent Candidate Petition

State of Nevada

Petition of Candidacy of _____

For the Office of _____

This space for office use only

8	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS ONLY:	
	YOUR SIGNATURE: _____ DATE: ____/____/____	CITY: _____ COUNTY: _____	
9	PRINT YOUR NAME (last name, first name, initial)	RESIDENCE ADDRESS 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.

Subscribed and sworn to or affirmed before me this _____ day of _____, _____, by _____

Signature of Circulator

Notary Public or person authorized to administer an oath

NEVADA REVISED STATUTES (NRS)

NRS 293.042 “Contest” defined. “Contest” means an adversary proceeding between a candidate for a public office who has received the greatest number of votes and any other candidate for that office or, in certain cases, any registered voter of the appropriate political subdivision, for the purpose of determining the validity of an election. (Added to NRS by 1975, 935)

NRS 293.044 “County clerk” defined; synonymous with “registrar of voters” in certain counties. Except as the term is used in [NRS 293.393](#), whenever the term “county clerk” is used in this Title it means “registrar of voters” in those counties where such office has been created pursuant to the provisions of [NRS 244.164](#). (Added to NRS by 1965, 670; A 1983, 925)—(Substituted in revision for NRS 293.092)

NRS 293.046 “Deputy clerk” defined. “Deputy clerk” means a deputy clerk for early voting who is appointed pursuant to [NRS 293.358](#) to serve as the election officer in charge of the polling place for early voting. (Added to NRS by 1993, 2167)

NRS 293.050 “Election board officer” defined. “Election board officer” means a person appointed to assist in the conduct of an election. (Added to NRS by 1960, 236)

NRS 293.053 “Election board register” defined. “Election board register” means the record of registered voters provided to election boards. (Added to NRS by 1960, 236; A 1995, 2257)

NRS 293.055 “Elector” defined. “Elector” means a person who is eligible to vote under the provisions of Section 1 of Article 2 of the Constitution of the State of Nevada. (Added to NRS by 1960, 236)

NRS 293.057 “Filing officer” defined. “Filing officer” means the Secretary of State, county or city clerk or any other officer authorized by law to receive designations and declarations of candidacy, certificates and acceptances of nomination or any other nomination papers. (Added to NRS by 1960, 236; A 1987, 334)

NRS 293.059 “General city election” defined. “General city election” means an election held pursuant to [NRS 293C.115](#), [293C.140](#) or [293C.145](#). The term includes a general municipal election held pursuant to the provisions of a special charter of an incorporated city. (Added to NRS by 1987, 334; A 1997, 3447; 2003, 674)

NRS 293.060 “General election” defined. “General election” means the election held pursuant to [NRS 293.12755](#). (Added to NRS by 1960, 236; A 1987, 334)

NRS 293.063 “Independent candidate” defined. “Independent candidate” means a candidate who has been nominated for a partisan office but who is registered with no political party affiliation pursuant to the provisions of this title. (Added to NRS by 1960, 236; A 1961, 284; 1963, 1386; 1967, 844)

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 designated 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

- (a) Designate the area at the building for the gathering of signatures; and
- (b) On an annual basis, submit to the Secretary of State and the county clerk for the county in which the building is located a notice of the area at the building designated for the gathering of signatures on a petition. The Secretary of State and the county clerks shall make available to the public a list of the areas at public buildings designated for the gathering of signatures on a petition.

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. Not later than 3 working days after the date of the decision that aggrieved the person, a person aggrieved by a decision made by a public officer or employee pursuant to subsection 1 or 2 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 violated subsection 1 or 2. If the Secretary of State determines a public officer or employee violated subsection 1 or 2, the Secretary of State shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition.

4. The decision of the Secretary of State is a final decision for the purposes of judicial review. Not later than 7 days after the date of the decision by the Secretary of State, the decision of the Secretary of State may only be appealed in the First Judicial District Court. If the First Judicial District Court determines that the public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Court shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition.

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 7 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.

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)

NRS 293.1278 Qualification or disqualification of petition upon receipt of 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 petitioners have more than 100 percent 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 certificates showing the petition to have reached 100 percent, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

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

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.

(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)

NRS 293.185 Offices for filing declarations, certificates and acceptances of candidacies. The declaration of candidacy, the certificate of candidacy and the acceptance of candidacy must be filed during regular office hours, as follows:

1. For United States Senator, Representative in Congress, statewide offices, State Senators and Assemblymen to be elected from districts comprising more than one county, and all other offices whose districts comprise more than one county, with the Secretary of State.

2. For Representative in Congress and district offices voted for wholly within one county, State Senators and Assemblymen to be elected from districts comprising but one or part of one county, county and township officers, with the county clerk.

(Added to NRS by 1960, 244; A 1965 Special Session, 4; 1983, 1287; 1987, 1367)

NRS 293.200 Independent candidates: Qualification; petition of candidacy; time limit for challenge; declaration of candidacy.

1. An independent candidate for partisan office must file with the appropriate filing officer:

(a) A copy of the petition of candidacy that he intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 25 working days before the last day to file the petition pursuant to subsection 4.

(b) Either of the following:

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

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

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

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

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

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

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

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

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

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

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

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

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

(a) The first judicial district court if the petition of candidacy was filed with the Secretary of State.

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

10. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the fee required by [NRS 293.193](#) not earlier than the first Monday in May of the year in which the election is held nor later than 5 p.m. on the second Friday after the first Monday in May. (Added to NRS by 1960, 245; A 1961, 286; 1963, 1387; 1971, 440, 1122; 1975, 936; 1979, 403; 1983, 1118; 1987, 1367; 1989, 2164; 1993, 2668; 1997, 316; 1999, [1392](#), [2154](#), [3551](#); 2001, [149](#), [154](#); 2003, [1645](#), [1704](#))

NRS 298.109 Nomination of independent candidates for President and Vice President; designation of candidate's nominees for presidential electors; challenge to candidacy.

1. A person who desires to be an independent candidate for the office of President of the United States must, not later than 5 p.m. on the second Friday in August in each year in which a presidential election is to be held, pay a filing fee of \$250 and file with the Secretary of State a declaration of candidacy and a petition of candidacy, in which he must also designate his nominee for Vice President. The petition must be signed by a number of registered voters equal to not less than 1 percent of the total number of votes cast at the last preceding general election for candidates for the offices of Representative in Congress and must request that the names of the proposed candidates be placed on the ballot at the general election that year. The candidate shall file a copy of the petition he intends to circulate for signatures with the Secretary of State.

2. The petition may consist of more than one document. Each document must bear the name of a county and only registered voters of that county may sign the document. The documents which are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in [NRS 293.1276](#) to [293.1279](#), inclusive, not later than 25 working days before the last day to file the petition of candidacy with the Secretary of State pursuant to subsection 1. Each person signing shall add to his signature the address of the place at which he resides, the date that he signs and the name of the county wherein he is registered to vote. Each document of the petition must also contain the affidavit of the person who circulated the document that all signatures thereon are genuine to the best of his knowledge and belief and were signed in his presence by persons registered to vote in that county.

3. Each independent candidate so nominated for the office of President shall at the time of filing his petition as provided in subsection 1, or within 10 days thereafter, file with the Secretary of State his written designation of the names of the number of presidential electors then authorized by law, whom the independent candidate desires to act as his electors, all of whom must then be registered voters. Immediately following receipt of each candidate's written designation of his nominees for electors, the Secretary of State shall record them in his office as the nominees for presidential electors of that independent candidate.

4. If the candidacy of any person who seeks to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed with the First Judicial District Court not later than 5 p.m. on the fourth Tuesday in August. Any judicial proceeding relating to the challenge must be set for hearing not later than 5 days after the fourth Tuesday in August.

5. The county clerk shall not disqualify the signature of a voter who fails to provide all the information required by this section if the voter is registered in the county named on the document.

(Added to NRS by 1979, 404; A 1983, 1289; 1985, 270; 1987, 1375; 1989, 2173; 1993, 2670; 1999, [3561](#))

NRS 304.010 Nomination and election. At the primary and general election next preceding the expiration of the time for which any United States Senator was elected or appointed to represent the State of Nevada in the United States Senate, candidates for United States Senator may be nominated and elected in the same manner as provided by law for the nomination and election of state officers.

(Added to NRS by 1960, 281)

NEVADA ADMINISTRATIVE CODE (NAC)

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

1. 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, 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

2. Any document of a petition may consist of more than one sheet. If a document consists of more than one sheet:

- (a) Each sheet must be numbered sequentially;
- (b) All the sheets must be permanently attached in numerical order; and
- (c) The affidavit required by paragraph (b) of subsection 1 must appear on the last sheet of the document.

3. 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)

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.

Senate Bill No. 162—Senators Woodhouse, Coffin, Wiener,
Horsford; Breeden, Copening, Parks and Schneider

CHAPTER.....

AN ACT relating to elections; revising the date of the primary election to the second Tuesday in June of each even-numbered year; revising the provisions governing the registration of voters by mail; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill changes the date of the primary election from the twelfth Tuesday before the general election of each even-numbered year to the second Tuesday in June of each even-numbered year. (NRS 293.175) To provide an example, if the provisions of this bill had been in effect in 2008, the primary election would have been held on June 10, 2008, instead of August 12, 2008.

As a result of changing the date of the primary election, **sections 1-5, 7-12 and 14-17** of this bill amend various other dates relating to elections such as the date for filing declarations of candidacy.

Section 16 of this bill changes the date on which a voter's registration or correction of registration information is deemed to be effective to the earlier of the date on which the application is postmarked or received by the county clerk. (NRS 293.5235)

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

Section 1. NRS 293.128 is hereby amended to read as follows:
293.128 1. To qualify as a major political party, any organization must, under a common name:

(a) On January 1 preceding any primary election, have been designated as a political party on the applications to register to vote of at least 10 percent of the total number of registered voters in this State; or

(b) File a petition with the Secretary of State not later than the last Friday in ~~April~~ **February** before any primary election signed by a number of registered voters equal to or more than 10 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

2. If a petition is filed pursuant to paragraph (b) of subsection 1, the names of the voters need not all be on one document, but each document of the petition must be verified by the circulator thereof to the effect that the signers are registered voters of this State according to his best information and belief and that the signatures are genuine and were signed in his presence. Each document of the petition must bear the name of a county, and only registered voters



of that county may sign the document. The documents which are circulated for signature must then be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last Friday in ~~April~~ *February* preceding a primary election.

3. In addition to the requirements set forth in subsection 1, each organization which wishes to qualify as a political party must file with the Secretary of State a certificate of existence which includes the:

- (a) Name of the political party;
- (b) Names and addresses of its officers;
- (c) Names of the members of its executive committee; and
- (d) Name of the person who is authorized by the party to act as registered agent in this State.

4. A political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate.

Sec. 2. NRS 293.165 is hereby amended to read as follows:

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

2. A vacancy occurring in a nonpartisan nomination after the close of filing and on or before 5 p.m. of the second Tuesday in ~~June~~ *April* must be filled by filing a nominating petition that is signed by registered voters of the State, county, district or municipality who may vote for the office in question. The number of registered voters who sign the petition must not be less than 1 percent of the number of persons who voted for the office in question in the State, county, district or municipality at the last preceding general election. The petition must be filed not earlier than the first Tuesday in ~~May~~ *March* and not later than the fourth Tuesday in ~~June~~ *April*. The petition may consist of more than one document. Each document must bear the name of one county and must be signed only by a person who is a registered voter of that county and who may vote for the office in question. 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. A candidate nominated pursuant to the provisions of this subsection:



(a) Must file a declaration of candidacy or acceptance of candidacy and pay the statutory filing fee on or before the date the petition is filed; and

(b) May be elected only at a general election, and his name must not appear on the ballot for a primary election.

3. A vacancy occurring in a nonpartisan nomination after 5 p.m. of the second Tuesday in ~~June~~ **April** and on or before 5 p.m. on the first Tuesday after the primary election must be filled by the person who receives the next highest vote for the nomination in the primary.

4. No change may be made on the ballot for the general election after 5 p.m. on the first Tuesday after the primary election . ~~[of the year in which the general election is held.]~~ If a nominee dies after that time and date, his name must remain on the ballot for the general election and, if elected, a vacancy exists.

5. All designations provided for in this section must be filed on or before 5 p.m. on the first Tuesday after the primary election. In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on the date the designation is filed.

Sec. 3. NRS 293.1715 is hereby amended to read as follows:

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

2. The names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election if the party has filed a certificate of existence and a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:

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

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

(c) Not later than the second Friday in ~~August~~ **June** preceding the general election, files a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.



3. The name of a candidate for partisan office for a minor political party other than a candidate for the office of President or Vice President of the United States must be placed on the ballot for the general election if the party has filed:

(a) A certificate of existence;

(b) A list of candidates for partisan office containing the name of the candidate pursuant to the provisions of NRS 293.1725 with the Secretary of State; and

(c) Not earlier than the first Monday in ~~May~~ *March* preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in ~~May~~ *March*, a petition on behalf of the candidate with the Secretary of State containing not less than:

(1) Two hundred fifty signatures of registered voters if the candidate is to be nominated for a statewide office; or

(2) One hundred signatures of registered voters if the candidate is to be nominated for any office except a statewide office.

↪ A minor political party that places names of one or more candidates for partisan office on the ballot pursuant to this subsection may also place the names of one or more candidates for partisan office on the ballot pursuant to subsection 2.

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

5. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 or paragraph (c) of subsection 3 with the Secretary of State before the petition may be circulated for signatures.

Sec. 4. NRS 293.1725 is hereby amended to read as follows:

293.1725 1. Except as otherwise provided in subsection 4, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:

(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715;

(b) Files *or will file* a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715; or

(c) Whose candidates are entitled to appear on the ballot pursuant to subsection 3 of NRS 293.1715,

↪ must file with the Secretary of State a list of its candidates for partisan office not earlier than the first Monday in ~~May~~ *March* preceding the election nor later than 5 p.m. on the second Friday after the first Monday in ~~May~~ *March*. The list must be signed by the person so authorized in the certificate of existence of the minor



political party before a notary public or other person authorized to take acknowledgments. The Secretary of State shall strike from the list each candidate who is not entitled to appear on the ballot pursuant to subsection 3 of NRS 293.1715 if the minor political party is not entitled to place candidates on the ballot pursuant to subsection 2 of NRS 293.1715. The list may be amended not later than 5 p.m. on the second Friday after the first Monday in ~~May~~ *March*.

2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his declaration of candidacy.

3. Each candidate on the list must file his declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the date on which the list of candidates for partisan office of his minor political party is filed with the Secretary of State nor later than 5 p.m. on the second Friday after the first Monday in ~~May~~ *March*.

4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election pursuant to subsection 2 of NRS 293.1715 must file with the Secretary of State a certificate of nomination for these offices not later than the first Tuesday in September.

Sec. 5. NRS 293.174 is hereby amended to read as follows:

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

2. If the qualification of a candidate of a minor political party other than a candidate for the office of President or Vice President of the United States is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Monday in ~~May~~ *March*. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in ~~May~~ *March*. A challenge pursuant to this subsection must be filed with:

(a) The First Judicial District Court; or



(b) If a candidate who filed a declaration of candidacy with a county clerk is challenged, the district court for the county where the declaration of candidacy was filed.

Sec. 6. NRS 293.175 is hereby amended to read as follows:

293.175 1. The primary election must be held on the ~~{12th Tuesday before the general election}~~ *second Tuesday in June of* each even-numbered year.

2. Candidates for partisan office of a major political party and candidates for nonpartisan office must be nominated at the primary election.

3. Candidates for partisan office of a minor political party must be nominated in the manner prescribed pursuant to NRS 293.171 to 293.174, inclusive.

4. Independent candidates for partisan office must be nominated in the manner provided in NRS 293.200.

5. The provisions of NRS 293.175 to 293.203, inclusive, do not apply to:

(a) Special elections to fill vacancies.

(b) The nomination of the officers of incorporated cities.

(c) The nomination of district officers whose nomination is otherwise provided for by statute.

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

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

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in ~~{May}~~ *March* of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in ~~{May}~~ *March*.

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

(a) For partisan office:



DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the Party nomination for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since September 1 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.



.....
(Designation of name)

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

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

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

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not



limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

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

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

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

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his residence; or

(b) The candidate does not present to the filing officer:

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

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

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

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

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his agent for service of process for the purposes of a



proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent jurisdiction; and

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

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 8. NRS 293.180 is hereby amended to read as follows:

293.180 1. Ten or more registered voters may file a certificate of candidacy designating any registered voter as a candidate for:

(a) Their major political party's nomination for any partisan elective office, or as a candidate for nomination for any nonpartisan office other than a judicial office, not earlier than the first Monday in ~~April~~ **February** of the year in which the election is to be held nor later than 5 p.m. on the first Friday in ~~May~~ **March**; or



(b) Nomination for a judicial office, not earlier than the first Monday in December of the year immediately preceding the year in which the election is to be held nor later than 5 p.m. on the first Friday in January of the year in which the election is to be held.

2. When the certificate has been filed, the officer in whose office it is filed shall notify the person named in the certificate. If the person named in the certificate files an acceptance of candidacy and pays the required fee, as provided by law, he is a candidate in the primary election in like manner as if he had filed a declaration of candidacy.

3. If a certificate of candidacy relates to a partisan office, all of the signers must be of the same major political party as the candidate designated.

Sec. 9. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer:

(a) A copy of the petition of candidacy that he intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 25 working days before the last day to file the petition pursuant to subsection 4.

(b) Either of the following:

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

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

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

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

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

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign



the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his signature the address of the place at which he actually resides, the date that he signs the petition and the name of the county where he is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his knowledge and belief and were signed in his presence by persons registered to vote in that county.

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

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

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

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

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

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

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

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

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

10. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the first Monday in ~~May~~ **March** of the year in which the election is held nor later than 5 p.m. on the second Friday after the first Monday in ~~May~~ **March**.



Sec. 10. NRS 293.205 is hereby amended to read as follows:

293.205 1. Except as otherwise provided in NRS 293.208, on or before the third Wednesday in ~~May~~ *March* of every even-numbered year, the county clerk shall establish election precincts, define the boundaries thereof, abolish, alter, consolidate and designate precincts as public convenience, necessity and economy may require.

2. The boundaries of each election precinct must follow visible ground features or extensions of visible ground features, except where the boundary coincides with the official boundary of the State or a county or city.

3. Election precincts must be composed only of contiguous territory.

4. As used in this section, "visible ground feature" includes a street, road, highway, river, stream, shoreline, drainage ditch, railroad right-of-way or any other physical feature which is clearly visible from the ground.

Sec. 11. NRS 293.206 is hereby amended to read as follows:

293.206 1. On or before the last day in ~~May~~ *March* of every even-numbered year, the county clerk shall provide the Secretary of State and the Director of the Legislative Counsel Bureau with a copy or electronic file of a map showing the boundaries of all election precincts in the county.

2. If the Secretary of State determines that the boundaries of an election precinct do not comply with the provisions of NRS 293.205, he must provide the county clerk with a written statement of noncompliance setting forth the reasons the precinct is not in compliance. Within 15 days after receiving the notice of noncompliance, the county clerk shall make any adjustments to the boundaries of the precinct which are required to bring the precinct into compliance with the provisions of NRS 293.205 and he shall submit a corrected copy or electronic file of the precinct map to the Secretary of State and the Director of the Legislative Counsel Bureau.

3. If the initial or corrected election precinct map is not filed as required pursuant to this section or the county clerk fails to make the necessary changes to the boundaries of an election precinct pursuant to subsection 2, the Secretary of State may establish appropriate precinct boundaries in compliance with the provisions of NRS 293.205 to 293.213, inclusive. If the Secretary of State revises the map pursuant to this subsection, he shall submit a copy or electronic file of the revised map to the Director of the Legislative Counsel Bureau and the appropriate county clerk.



4. As used in this section, “electronic file” includes, without limitation, an electronic data file of a geographic information system.

Sec. 12. NRS 293.208 is hereby amended to read as follows:

293.208 1. Except as otherwise provided in subsections 2, 3 and 5 and in NRS 293.206, no election precinct may be created, divided, abolished or consolidated, or the boundaries thereof changed, during the period between the third Wednesday in ~~May~~ *March* of any year whose last digit is 6 and the time when the Legislature has been redistricted in a year whose last digit is 1, unless the creation, division, abolishment or consolidation of the precinct, or the change in boundaries thereof, is:

(a) Ordered by a court of competent jurisdiction;

(b) Required to meet objections to a precinct by the Attorney General of the United States pursuant to the Voting Rights Act of 1965, 42 U.S.C. §§ 1971 and 1973 et seq., and any amendments thereto;

(c) Required to comply with subsection 2 of NRS 293.205;

(d) Required by the incorporation of a new city; or

(e) Required by the creation of or change in the boundaries of a special district.

➔ As used in this subsection, “special district” means any general improvement district or any other quasi-municipal corporation organized under the local improvement and service district laws of this State as enumerated in title 25 of NRS which is required by law to hold elections or any fire protection district which is required by law to hold elections.

2. If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

3. A new election precinct may be established at any time if it lies entirely within the boundaries of any existing precinct.

4. If a change in the boundaries of an election precinct is made pursuant to this section during the time specified in subsection 1, the county clerk must:

(a) Within 15 days after the change to the boundary of a precinct is established by the county clerk or ordered by a court, send to the Director of the Legislative Counsel Bureau and the Secretary of State a copy or electronic file of a map showing the new boundaries of the precinct; and

(b) Maintain in his office an index providing the name of the precinct and describing all changes which were made, including any



change in the name of the precinct and the name of any new precinct created within the boundaries of an existing precinct.

5. Cities of population categories two and three are exempt from the provisions of subsection 1.

6. As used in this section, "electronic file" includes, without limitation, an electronic data file of a geographic information system.

Sec. 13. (Deleted by amendment.)

Sec. 14. NRS 293.368 is hereby amended to read as follows:

293.368 1. Whenever a candidate whose name appears upon the ballot at a primary election dies after 5 p.m. of the second Tuesday in ~~June,~~ *April*, his name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary election receives the number of votes required to receive the nomination to the office for which he was a candidate, except as otherwise provided in subsection 3 of NRS 293.165, he shall be deemed nominated and ~~there shall be a~~ *the* vacancy in the nomination ~~that~~ must be filled as provided in NRS 293.165 or 293.166. If the deceased person was a candidate for a nonpartisan office, the nomination must be filled pursuant to subsection 2 of NRS 293.165.

3. Whenever a candidate whose name appears upon the ballot at a general election dies after 5 p.m. on the first Tuesday after the primary election, the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.

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

Sec. 15. NRS 293.481 is hereby amended to read as follows:

293.481 1. Except as otherwise provided in subsection 2, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:



(a) At a general election, shall provide to each county clerk within the designated territory on or before the third Monday in July preceding the election:

(1) A copy of the question, including an explanation of the question;

(2) Except as otherwise provided in NRS 295.121 or 295.217, arguments for and against the question; and

(3) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 293.482.

(b) At a primary election, shall provide to each county clerk within the designated territory on or before the second Friday after the first Monday in ~~May~~ **March** preceding the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 293.482.

(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide to each county clerk at least 60 days before the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 293.482.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide to the city clerk at least 60 days before the election:

(1) A copy of the question, including an explanation of the question;

(2) Arguments for and against the question; and

(3) A description of the anticipated financial effect on the local government which, if the question is an advisory question that



proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 293.482.

2. A question may be submitted after the dates specified in subsection 1 if the question is expressly privileged or required to be submitted pursuant to the provisions of Article 19 of the Constitution of the State of Nevada, or pursuant to the provisions of chapter 295 of NRS or any other statute except NRS 293.482, 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that authorizes the governing body to issue bonds upon the approval of the voters.

3. A question that is submitted pursuant to subsection 1 may be withdrawn if the governing body provides notification to each of the county or city clerks within the designated territory of its decision to withdraw the particular question on or before the same dates specified for submission pursuant to paragraph (a), (b), (c) or (d) of subsection 1, as appropriate.

4. A county or city clerk:

(a) Shall assign a unique identification number to a question submitted pursuant to this section; and

(b) May charge any political subdivision, public or quasi-public corporation, or other local agency which submits a question a reasonable fee sufficient to pay for the increased costs incurred in including the question, explanation, arguments and description of the anticipated financial effect on the ballot.

Sec. 16. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502, a person may register to vote by mailing an application to register to vote to the county clerk of the county in which he resides. The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.



4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If he determines that the application is complete, he shall, within 10 days after he receives the application, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice informing him that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, he shall, as soon as possible, mail a notice to the applicant informing him that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after he receives the information, mail to the applicant:

(a) A notice informing him that he is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice informing him that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

↳ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. The applicant shall be deemed to be registered or to have corrected the information in the register ~~if~~:

~~(a) If the application is received by the county clerk or postmarked not more than 3 working days after the applicant completed the application, on the date the applicant completed the application; or~~

~~(b) If the application is received by the county clerk or postmarked more than 3 working days after the applicant completed the application, on the date the application is received by the county clerk.] on the date the application is postmarked or received by the county clerk, whichever is earlier.~~

8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at his assigned polling place.



9. The Secretary of State shall prescribe the form for an application to register to vote by mail which must be used to register to vote by mail in this State.

10. The application to register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to register to vote to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be registered to vote. Please retain the duplicate copy or receipt from your application to register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) The question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in paragraph (b) or (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on his application to register to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application to register to



vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to register to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 17. NRS 293B.354 is hereby amended to read as follows:

293B.354 1. The county clerk shall, not later than ~~June~~ *April* 15 of each year in which a general election is held, submit to the Secretary of State for his approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.

2. The city clerk shall, not later than January 1 of each year in which a general city election is held, submit to the Secretary of State for his approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of the ballots at a polling place, receiving center or central counting place.

3. Each plan must include:

(a) The location of the central counting place and of each polling place and receiving center;

(b) A procedure for the establishment of areas within each polling place and receiving center and the central counting place from which members of the general public may observe the activities set forth in subsections 1 and 2;

(c) The requirements concerning the conduct of the members of the general public who observe the activities set forth in subsections 1 and 2; and

(d) Any other provisions relating to the accommodation of members of the general public who observe the activities set forth in subsections 1 and 2 which the county or city clerk considers appropriate.

