

*State of Nevada*

INDEPENDENT  
CANDIDATE  
GUIDE



2014

*Provided by*

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**Secretary of State**

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## 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 the 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.

# THE INDEPENDENT CANDIDATE PETITION

## Signatures Required

There are two ways in which an independent candidate can qualify to be placed on the ballot for the 2014 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, 2014, and not later than February 6, 2014 (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 6, 2014. (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 2014 Primary or General Election by signing the petition.

## 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 declared to be 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))

## 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))

## 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)

## 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 3, 2014, through 5:00 p.m. Friday, March 14, 2014**. (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.

## 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 24, 2014**. (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))

## IMPORTANT DATES

- January 2, 2014** 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 6, 2014** Last day for an independent candidate to submit petitions to the county clerk/registrar for signature verification.  
(NRS 293.200(2))
- March 3, 2014** First day an independent candidate may file a Declaration of Candidacy with the appropriate filing officer.  
(NRS 293.200(10))
- March 14, 2014** Last day an independent candidate may file a Declaration of Candidacy with the appropriate filing officer.  
(NRS 293.200(10))
- March 24, 2014** 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 25, 2014** Last day a candidate may withdraw candidacy.  
(NRS 293.202)
- March 31, 2014** Last day to set a hearing for judicial proceeding resulting from the challenge filed.  
(NRS 293.200(8))

**APPENDIX:**

***Sample Independent Candidate Petition***

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

***Pertinent Sections of the Nevada Administrative Code***

# 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 \_\_\_\_\_

County of \_\_\_\_\_ }

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

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 each individual who signed was at the time of signing a registered voter in the county of his or her residence; and (6) that the number of signatures affixed thereon is \_\_\_\_\_.

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 293.127565 Use of public buildings to gather signatures on petitions; remedy for violation; 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 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, 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](#) 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, but in no event may the deadline be extended for a period of more than 5 days.

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, but in no event may the deadline be extended for a period of more than 5 days.

5. The Secretary of State may adopt regulations to carry out the provisions of subsection 3.

(Added to NRS by [2001, 1347](#); A [2005, 1432, 2828](#))

**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 the person is deemed to be registered to vote pursuant to [NRS 293.517](#) or subsection 7 of [NRS 293.5235](#).

(Added to NRS by [1999, 3546](#); A [2005, 2829](#); [2007, 2582](#))

**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; regulations.**

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, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained fully or partially within the county 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, the Secretary of State 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.

4. The Secretary of State may adopt regulations establishing procedures to carry out the provisions of this section.

(Added to NRS by 1985, 1090; A 1987, 1361; [1993, 2665](#); [1997, 750](#); [1999, 2147](#); [2009, 2588](#); [2011, 1784, 3271](#))

**NRS 293.1277 Verification of signatures by county clerks; regulations. [Effective January 1, 2014.]**

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, the Secretary of State 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 the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.
2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the 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. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.
3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks 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 clerks within the petition district 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 presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.
4. 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, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 5, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.
5. If:
  - (a) Pursuant to [NRS 293.506](#), a county clerk establishes a system to allow persons to register to vote by computer; or
  - (b) A person registers to vote pursuant to [NRS 293D.230](#) and signs his or her application to register to vote using a digital signature or an electronic signature,
    - ↳ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.
6. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to [NRS 293.675](#).
7. Except as otherwise provided in subsection 9, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to [NRS 295.055](#) or [306.015](#).
8. A person who submits a petition to the county clerk which is required to be verified pursuant to [NRS 293.128](#), [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.
9. For any petition containing signatures which are required to be verified pursuant to the provisions of [NRS 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.
10. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.  
(Added to NRS by [1985, 1090](#); A [1987, 1361](#); [1993, 2665](#); [1995, 2257](#); [1997, 750](#); [1999, 2147](#); [2001, 641](#); [2009, 2588](#); [2011, 1784, 2083, 3271](#); [2013, 29](#), effective January 1, 2014)

**NRS 293.1278 Qualification or disqualification of petition upon receipt of certificates or amended certificates by Secretary of State.**

1. If the certificates received by the Secretary of State from all the county clerks establish that the number of valid signatures is less than 90 percent of the required number of registered voters, the petition shall be deemed to have failed to qualify, and the Secretary of State shall immediately so notify the petitioners and the county clerks.
2. If those certificates establish that the number of valid signatures is equal to or more than the sum of 100 percent of the number of registered voters needed to make the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to [NRS 295.055](#) or [306.015](#) and, in the case of a petition for initiative or referendum proposing a

constitutional amendment or statewide measure, that the petition has the minimum number of signatures required for each petition district, the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of those certificates, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

3. If the certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient but the petition fails to qualify pursuant to subsection 2, each county clerk who received a request to remove a name pursuant to [NRS 295.055](#) or [306.015](#) shall remove each name as requested, amend the certificate and transmit the amended certificate to the Secretary of State. If the amended certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, that the petition has the minimum number of signatures required for each petition district, the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of the amended certificates, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

(Added to NRS by 1985, 1091; A [1993, 2666](#); [2001, 642](#); [2009, 2589](#); [2011, 1786, 3273](#))

**NRS 293.1279 Qualification or disqualification of petition upon verification of signatures; regulations.**

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. Except as otherwise provided in this subsection, 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 the county clerk has removed each name as requested pursuant to [NRS 295.055](#) or [306.015](#). In the case of a petition for initiative or referendum that proposes a constitutional amendment or statewide measure, if the statistical sampling shows that the number of valid signatures in any petition district is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters required for that petition district pursuant to [NRS 295.012](#) plus the total number of requests to remove a name received by the county clerk or county clerks, if the petition district comprises more than one county, pursuant to [NRS 295.055](#), the Secretary of State may order a county clerk to examine every signature for verification.

3. Within 12 days, excluding Saturdays, Sundays and holidays, after receipt of such an order, the county clerk or county clerks shall determine from the records of registration what number of registered voters have signed the petition and, if appropriate, tally those signatures by petition district. 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 and in determining in which petition district the voters reside, 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 or county clerks 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. In the case of a petition for initiative or referendum to propose a constitutional amendment or statewide measure, if a petition district comprises more than one county, the county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the amended certificate.

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 the Secretary of State 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, the Secretary of State 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.

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

(Added to NRS by 1985, 1091; A 1985, 551; 1987, 1362; [1993, 2666](#); [1997, 751](#); [1999, 2148](#); [2001, 642](#); [2003, 2174](#); [2007, 2742](#); [2009, 2590](#); [2011, 1786, 3273](#))

**NRS 293.12793 Appeal with Secretary of State contesting verification of signatures; 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 the Secretary of State finds for the appellant, order the county clerk to recertify the petition, including as verified signatures all contested signatures which the Secretary of State determines are valid. If the county clerk has not yet removed each name as requested pursuant to [NRS 295.055](#) or [306.015](#), the county clerk shall do so before recertifying the petition.
- (b) If the Secretary of State 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, the Secretary of State may order the county clerk to reverify the signatures.

3. The decision of the Secretary of State is a final decision for the purposes of judicial review. The decision of the Secretary of State may only be appealed in the First Judicial District Court.

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

**NRS 293.185 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 as set forth in [NRS 293.185](#):

(a) A copy of the petition of candidacy that he or she 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. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.

(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 or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she 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 or her knowledge and belief and were signed in his or her 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 March preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in 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 or she 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 March. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in 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 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 March.

(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](#); [2009, 1266](#); [2013, 2373](#))

#### **NRS 298.109 Nomination of independent candidates for President and Vice President; 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 the person must also designate a 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 the person 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 or her signature the address of the place at which he or she resides, the date that he or she signs and the name of the county wherein he or she 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 the person's knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. 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.

4. 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](#); [2013, 1233](#))

**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 293.183 Verification of signatures on certain petitions: Limitation of witnesses.** ([NRS 293.124](#), [293.1277](#), [293.247](#))

A county clerk who conducts the verification of signatures on a petition in the manner prescribed in [NRS 293.1276](#) to [293.1279](#), inclusive, may:

1. In addition to those persons who are authorized to witness the verification of signatures on a petition pursuant to [NRS 293.1277](#), limit the number of persons who may witness the verification of signatures to not more than two persons who support the petition and two persons who oppose the petition.
2. Prohibit any person who is authorized to witness the verification of signatures from interfering with the verification of signatures.
3. Remove and replace any person who interferes with the verification of signatures.

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