

ASSEMBLY BILL NO. 82—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

PREFILED NOVEMBER 20, 2018

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.
(BDR 24-482)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to elections; revising deadlines by which certain petitions of minor political parties and independent candidates must be filed; revising the circumstances under which candidates of major political parties appear on or are omitted from the ballot at a primary election; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, if a major political party has two or more candidates for a
2 particular partisan office, there must be a primary election where the person who
3 receives the highest number of votes is declared the nominee of that party for the
4 office. (NRS 293.260) **Section 3** of this bill eliminates this provision and provides
5 instead for the circumstances under which candidates of major political parties
6 appear on or are omitted from the ballot at a primary election. **Section 3** provides
7 that if more than one major political party has candidates for a particular partisan
8 office, the names of the candidates of the major political parties appear on the ballot
9 at the primary election and from each party, the candidate who receives the highest
10 number of votes at the primary election is declared the nominee of that party.
11 **Section 3** also provides that if only one major political party has candidates for a
12 particular office, whether or not the names of the candidates of the major political
13 party appear on the ballot at the primary election depends on whether a minor
14 political party has nominated a candidate for that office or an independent
15 candidate has filed for the office. If there is at least one candidate nominated by a
16 minor political party or one independent candidate who has filed for the office,
17 **section 3** requires the candidates of the major political party to appear on the ballot
18 at the primary election. The major party candidate who receives the highest number
19 of votes in the primary election is the nominee of that party and will be placed on



20 the ballot at the general election. Alternatively, if for any particular office there are
21 no candidates nominated by a minor political party and no independent candidates
22 file for the office, the candidates of the major political party: (1) appear on the
23 ballot at the primary election if there are more candidates than twice the number to
24 be elected to that office; and (2) do not appear on the ballot if there are not more
25 than twice the number of candidates to be elected to that office.

26 Under existing law, the names of candidates for a partisan office of a minor
27 political party do not appear on the ballot at a primary election. Instead, if the minor
28 political party has qualified as such, either by receiving a certain percentage of
29 votes at the preceding election or by collecting a certain number of signatures, the
30 party can name one candidate for each partisan office, and the name of each such
31 candidate must appear on the general election ballot. If a minor political party
32 wishes to place a candidate on the ballot for a general election by collecting a
33 certain number of signatures, the party must file a petition with the signatures with
34 the Secretary of State not later than the third Friday in June before the general
35 election. (NRS 293.1715) **Section 1** of this bill changes the deadline for a minor
36 political party to file its petition to the third Friday in May before the general
37 election.

38 Under existing law, the names of independent candidates for a partisan office
39 do not appear on the ballot at a primary election. Instead, a person wishing to run as
40 an independent candidate can be named as such on the general election ballot if he
41 or she files a petition with a certain number of signatures. The petition must be filed
42 with the appropriate filing officer not later than the third Friday in June before the
43 general election. (NRS 293.200) **Section 2** of this bill changes the deadline for an
44 independent candidate to file his or her petition to the second Friday after the first
45 Monday in March.

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

1 **Section 1.** NRS 293.1715 is hereby amended to read as
2 follows:

3 293.1715 1. The names of the candidates for partisan office
4 of a minor political party must not appear on the ballot for a primary
5 election.

6 2. The names of the candidates for partisan office of a minor
7 political party must be placed on the ballot for the general election if
8 the minor political party is qualified. To qualify as a minor political
9 party, the minor political party must have filed a certificate of
10 existence and be organized pursuant to NRS 293.171, must have
11 filed a list of its candidates for partisan office pursuant to the
12 provisions of NRS 293.1725 with the Secretary of State and:

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

17 (b) On January 1 preceding a primary election, the minor
18 political party must have been designated as the political party on



1 the applications to register to vote of at least 1 percent of the total
2 number of registered voters in this State; or

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

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

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

14 **Sec. 2.** NRS 293.200 is hereby amended to read as follows:

15 293.200 1. An independent candidate for partisan office must
16 file with the appropriate filing officer as set forth in NRS 293.185:

17 (a) A copy of the petition of candidacy that he or she intends to
18 subsequently circulate for signatures. The copy must be filed not
19 earlier than the January 2 preceding the date of the election and not
20 later than 10 working days before the last day to file the petition
21 pursuant to subsection 4. The copy of the petition must be filed with
22 the appropriate filing officer before the petition may be circulated
23 for signatures.

24 (b) Either of the following:

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

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

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

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

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

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



1 the document. The documents that are circulated for signature in a
2 county must be submitted to that county clerk for verification in the
3 manner prescribed in NRS 293.1276 to 293.1279, inclusive, not
4 later than 10 working days before the last day to file the petition
5 pursuant to subsection 4. Each person who signs the petition shall
6 add to his or her signature the address of the place at which the
7 person actually resides, the date that he or she signs the petition and
8 the name of the county where he or she is registered to vote. The
9 person who circulates each document of the petition shall sign an
10 affidavit attesting that the signatures on the document are genuine to
11 the best of his or her knowledge and belief and were signed in his or
12 her presence by persons registered to vote in that county.

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

15 4. Petitions of candidacy must be filed not earlier than the first
16 Monday in March preceding the general election and not later than 5
17 p.m. on the ~~[third]~~ *second* Friday ~~[in June.]~~ *after the first Monday*
18 *in March.*

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

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

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

26 8. If the sufficiency of the petition of the candidacy of any
27 person seeking to qualify pursuant to this section is challenged, all
28 affidavits and documents in support of the challenge must be filed
29 not later than 5 p.m. on the fourth Friday in June. Any judicial
30 proceeding resulting from the challenge must be set for hearing not
31 more than 5 days after the fourth Friday in June.

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

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

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

37 10. The district court in which the challenge is filed shall give
38 priority to such proceedings over all other matters pending with the
39 court, except for criminal proceedings.

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



1 **Sec. 3.** NRS 293.260 is hereby amended to read as follows:

2 293.260 1. If there is no contest of election for nomination to
3 a particular office, neither the title of the office nor the name of the
4 candidate may appear on the ballot at the primary election.

5 2. If ~~[a]~~ *more than one* major political party has ~~[two or more]~~
6 candidates for a particular *partisan* office, the ~~[person who receives]~~
7 *names of the candidates of the major political parties must appear*
8 *on the ballot at the primary election. The candidates of the major*
9 *political parties who receive* the highest number of votes at the
10 primary election must be declared the ~~[nominee of that major~~
11 ~~political party]~~ *nominees* for the office ~~[.]~~ *of those parties and the*
12 *names of the nominees must be placed on the ballot at the general*
13 *election.*

14 3. *If only one major political party has candidates for a*
15 *particular office and at least one minor political party has*
16 *nominated a candidate for the office or at least one independent*
17 *candidate has filed for the office, the names of the candidates of*
18 *the major political party must appear on the ballot at the primary*
19 *election. The candidate who receives the highest number of votes*
20 *in the primary election of the major political party must be*
21 *declared the nominee of that party and his or her name must be*
22 *placed on the ballot at the general election.*

23 4. *If only one major political party has candidates for a*
24 *particular office and no minor political party has nominated a*
25 *candidate for the office and no independent candidate has filed for*
26 *the office:*

27 (a) *If there are more candidates than twice the number to be*
28 *elected to the office, the names of the candidates must appear on*
29 *the ballot for the primary election. Except as otherwise provided in*
30 *this paragraph, the candidates of that party who receive the*
31 *highest number of votes in the primary election, not to exceed*
32 *twice the number to be elected to that office at the general*
33 *election, must be declared the nominees for that office. If only one*
34 *candidate is to be elected to the office and a candidate receives a*
35 *majority of the votes in the primary election for that office, that*
36 *candidate must be declared the nominee for that office and his or*
37 *her name must be placed on the ballot for the general election.*

38 (b) *If there are not more than twice the number of candidates*
39 *to be elected to that office, the candidates must, without a primary*
40 *election, be declared the nominees for the office and the names of*
41 *all of the candidates must be placed on the ballot at the general*
42 *election.*

43 5. If not more than the number of candidates to be elected have
44 filed for nomination for:



1 (a) Any partisan office or the office of judge of a district court,
2 judge of the Court of Appeals or justice of the Supreme Court, the
3 names of those candidates must be omitted from all ballots for a
4 primary election and placed on all ballots for the general election;

5 (b) Any nonpartisan office, other than the office of judge of a
6 district court, judge of the Court of Appeals, justice of the Supreme
7 Court or member of a town advisory board, the names of those
8 candidates must appear on the ballot for a primary election unless
9 the candidates were nominated pursuant to subsection 2 of NRS
10 293.165. If a candidate receives one or more votes at the primary
11 election, the candidate must be declared elected to the office and his
12 or her name must not be placed on the ballot for the general
13 election. If a candidate does not receive one or more votes at the
14 primary election, his or her name must be placed on the ballot for
15 the general election; and

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

19 ~~[4.]~~ 6. If there are not more than twice the number of
20 candidates to be elected to a nonpartisan office, the candidates must,
21 without a primary election, be declared the nominees for the office,
22 and the names of the candidates must be omitted from all ballots for
23 a primary election and placed on all ballots for the general election.

24 ~~[5.]~~ 7. If there are more than twice the number of candidates to
25 be elected to a nonpartisan office, the names of the candidates must
26 appear on the ballot for a primary election. Those candidates who
27 receive the highest number of votes at the primary election, not to
28 exceed twice the number to be elected, must be declared nominees
29 for the office and the names of those candidates must be placed on
30 the ballot for the general election, except that if one of those
31 candidates receives a majority of the votes cast in the primary
32 election for:

33 (a) The office of judge of a district court, judge of the Court of
34 Appeals or justice of the Supreme Court, the candidate must be
35 declared the only nominee for the office and only his or her name
36 must be placed on the ballot for the general election.

37 (b) Any other nonpartisan office, the candidate must be declared
38 elected to the office and his or her name must not be placed on the
39 ballot for the general election.



