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**Assembly Elections, Procedures, and Ethics
April 8, 2003**

AB 421

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**ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS
DATE: 4-8-03 ROOM: 3138 EXHIBIT F
SUBMITTED BY: Valerie Weber**

F1 of 10

AB421
April 8, 2003
Testimony

Good afternoon, Madame Chair and members of the Assembly Elections, Procedures and Ethics Committee. For the record, I am Valerie E Weber, representing Assembly District 5, Clark County. I bring before you today the amended version of AB421, a practical bill that can assist voters in several ways.

The goal of this bill is simple.

If a non-partisan race has only one candidate (UNOPPOSED), the name of the candidate shall appear on the PRIMARY election ballot. Currently, the name of this candidate goes on the general election ballot. Recall, that these unopposed candidates only require one vote to be elected to their respective offices.

We will examine NRS 293.260 Section 1, subsection 5 on page 2 of the amendment. You can see that there are only two changes:

1. Unopposed nonpartisan candidates and;
2. Partisan and Supreme Court Justice candidates. The latter must appear on the general election ballot and be declared elected at that time as required by Article 6, Section 3 of the Nevada Constitution.

The benefits from this bill are several.

1. This modification "unclogs" the general election ballot where choices in other races are required. For example, at least 16 names would have "shifted" from the 2002 general election ballot in Clark Co to the primary ballot had this legislation been in effect at that time. The 2000 general election would have had 14 less names on that ballot as well. This could significantly remove up to 1/3 of the candidate names (by office) we see now. With initiatives and critical races for voters to ponder, this alleviates the voter of longer times casting his/her ballot.
2. It should help Clark Co get rid of some of those "cherished" campaign signs sooner from our open spaces.
3. The candidate only needs one vote to win anyway
4. I do feel it is important that the candidate name actually appear on the ballot as opposed to the way the bill was originally written.
5. Please note that this does not apply to Supreme Court justice candidates due to Constitutional restraints as previously mentioned.

In summary, this bill is practical, assists voters, candidates, and the environment and makes the process more efficient. I urge your support for passage.

ASSEMBLY BILL NO. 421

PROPOSED AMENDMENT by Assemblywoman Weber
for discussion by the
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, AND ETHICS

(Prepared by the Legal Division)
(Proposed Changes are Underlined and in Green)

Amend the bill as a whole by deleting section 1 of the bill and inserting a new section, designated section 1, following the enacting clause to read as follows:

Section 1. NRS 293.260 is hereby amended to read as follows:

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

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

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

4. If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office ~~{or}~~ *and* no independent candidate has filed for the office:

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

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

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

(a) Any partisan office or the office of Justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election.

(b) Any nonpartisan office, other than the office of Justice of the Supreme Court, the name of those candidates must appear on the ballot for a primary election. If a candidate receives one or more votes at the primary election, he must be declared elected to the office and his name must not be placed on the ballot for the general election.

6. If at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for a nonpartisan office, other than for the office of Justice of the Supreme Court, that candidate must be declared elected and no election may be held for that office.

~~7.1~~ If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

Sec. 2. NRS 293C.180 is hereby amended to read as follows:

293C.180 1. ~~If at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for an office, that candidate must be declared elected and no election may be held for that office.~~

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

~~3.1~~ 2. If more than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must appear on the ballot for a primary city election. Except as otherwise provided in subsection 4 of NRS 293C.175, those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

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

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

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

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

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

(a) Any partisan office or the office of Justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election.

(b) Any nonpartisan office, other than the office of Justice of the Supreme Court, the name of those candidates must appear on the ballot for a primary election. If a candidate receives one or more votes at the primary election, he must be declared elected to the office and his name must not be placed on the ballot for the general election.

6. If at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for a nonpartisan office, other than for the office of Justice of the Supreme Court, that candidate must be declared elected and no election may be held for that office.

~~7.1~~ If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

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

~~3.1~~ **2.** If more than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must appear on the ballot for a primary city election. Except as otherwise provided in subsection 4 of NRS 293C.175, those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

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Title IX

ELECTORS AND ELECTIONS

Chapter 105

NONPARTISAN ELECTIONS

[View Entire Chapter](#)**105.051 Determination of election or retention to office.--**

(1) ELECTION.--In circuits and counties holding elections:

(a) The name of an unopposed candidate for the office of circuit judge, county court judge, or member of a school board shall not appear on any ballot, and such candidate shall be deemed to have voted for himself or herself at the general election.

(b) If two or more candidates, neither of whom is a write-in candidate, qualify for such an office, the names of those candidates shall be placed on the ballot at the first primary election. If any candidate for such office receives a majority of the votes cast for such office in the first primary election, the name of the candidate who receives such majority shall not appear on any other ballot unless a write-in candidate has qualified for such office. An unopposed candidate shall be deemed to have voted for himself or herself at the general election. If no candidate for such office receives a majority of the votes cast for such office in the first primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot. If more than two candidates receive an equal and highest number of votes, the name of each candidate receiving an equal and highest number of votes shall be placed on the general election ballot. In any contest in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed on the general election ballot.

(c) The candidate who receives the highest number of votes cast for the office in the general election shall be elected to such office. If the vote at the general election results in a tie, the outcome shall be determined by lot.

(2) RETENTION.--With respect to any justice or judge who qualifies to run for retention in office, the question prescribed in s. [105.041\(2\)](#) shall be placed on the ballot at the general election. If a majority of the qualified electors voting on such question within the territorial jurisdiction of the court vote for retention, the justice or judge shall be retained for a term of 6 years commencing on the first Tuesday after the first Monday in January following the general election. If less than a majority of the qualified electors voting on such question within the territorial jurisdiction of the court vote for retention, a vacancy shall exist in such office upon the expiration of the term being served by the justice or judge.

History.--s. 5, ch. 71-49; s. 38, ch. 77-175; s. 19, ch. 81-105; s. 632, ch. 95-147; s. 5, ch. 99-326; s. 4, ch. 99-355.

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§12-41 Result of election. (a) The person or persons receiving the greatest number of votes at the primary or special primary as a candidate of a party for an office shall be the candidate of the party at the following general or special general election but not more candidates for a party than there are offices to be elected; provided that any candidate for any county office who is the sole candidate for that office at the primary or special primary election, or who would not be opposed in the general or special general election by any candidate running on any other ticket, nonpartisan or otherwise, and who is nominated at the primary or special primary election shall, after the primary or special primary election, be declared to be duly and legally elected to the office for which the person was a candidate regardless of the number of votes received by that candidate.

(b) Any nonpartisan candidate receiving at least ten per cent of the total votes cast for the office for which the person is a candidate at the primary or special primary, or a vote equal to the lowest vote received by the partisan candidate who was nominated in the primary or special primary, shall also be a candidate at the following election; provided that when more nonpartisan candidates qualify for nomination than there are offices to be voted for at the general or special general election, there shall be certified as candidates for the following election those receiving the highest number of votes, but not more candidates than are to be elected. [L 1970, c 26, pt of §2; am L 1973, c 217, §2(j); am L 1979, c 139, §10; am L 1983, c 34, §21]

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