
ASSEMBLY BILL NO. 285—ASSEMBLYMEN KOIVISTO, MCCLAIN,
CHOWNING, CONKLIN, OHRENSCHALL, ANDERSON,
BUCKLEY, CARPENTER, COLLINS, MANENDO, MCCLEARY,
OCEGUERA, PARKS, PIERCE, SHERER AND WILLIAMS

MARCH 11, 2003

JOINT SPONSOR: SENATOR CARLTON

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Revises provisions regarding filing of declaration of
candidacy or acceptance of candidacy.
(BDR 24-705)

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; requiring a declaration of candidacy
or acceptance of candidacy to be accompanied by a
completed fingerprint card, authorization for an
investigation and fee for the investigation; requiring a
declaration of candidacy or acceptance of candidacy to
include a statement that the declarant is a qualified elector
and, if he has been convicted of a felony, that his civil
rights have been restored; prohibiting a filing officer from
accepting a declaration of candidacy or acceptance of
candidacy if the candidate has not presented certain
identification; and providing other matters properly
relating thereto.

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

- 1 **Section 1.** NRS 293.177 is hereby amended to read as follows:
2 293.177 1. Except as otherwise provided in NRS 293.165, a
3 name may not be printed on a ballot to be used at a primary election
4 unless the person named has filed a declaration of candidacy or an



* A B 2 8 5 *

1 acceptance of candidacy, ~~and~~ *accompanied by completed*
2 *fingerprint cards, an authorization and a fee as required by*
3 *subsection 5, and has* paid the fee required by NRS 293.193 not
4 earlier than the first Monday in May of the year in which the
5 election is to be held nor later than 5 p.m. on the third Monday in
6 May.

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

10 (a) For partisan office:

11
12 DECLARATION OF CANDIDACY OF FOR THE
13 OFFICE OF

14
15 State of Nevada

16
17 County of

18
19 For the purpose of having my name placed on the official ballot as a
20 candidate for the Party nomination for the office of
21, I, the undersigned, do swear or affirm under penalty
22 of perjury that I actually, as opposed to constructively, reside at
23, in the City or Town of, County of, State of
24 Nevada; that my actual, as opposed to constructive, residence in the
25 state, district, county, township, city or other area prescribed by law
26 to which the office pertains began on a date at least 30 days
27 immediately preceding the date of the close of filing of declarations
28 of candidacy for this office; that my telephone number is,
29 and the address at which I receive mail, if different than my
30 residence, is; that I am registered as a member of the
31 Party; *that I am a qualified elector pursuant to Section 1*
32 *of Article 2 of the Constitution of the State of Nevada; that if I*
33 *have ever been convicted of treason or a felony, my civil rights*
34 *have been restored by a court of competent jurisdiction;* that I have
35 not, in violation of the provisions of NRS 293.176, changed the
36 designation of my political party or political party affiliation on an
37 official application to register to vote in any state since September 1
38 before the closing filing date for this election; that I generally
39 believe in and intend to support the concepts found in the principles
40 and policies of that political party in the coming election; that if
41 nominated as a candidate of the Party at the ensuing
42 election, I will accept that nomination and not withdraw; that I will
43 not knowingly violate any election law or any law defining and
44 prohibiting corrupt and fraudulent practices in campaigns and
45 elections in this state; that I will qualify for the office if elected



1 thereto, including, but not limited to, complying with any limitation
2 prescribed by the Constitution and laws of this state concerning the
3 number of years or terms for which a person may hold the office;
4 and that I understand that my name will appear on all ballots as
5 designated in this declaration.

6
7
8 (Designation of name)
9

10
11 (Signature of candidate for office)
12

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

15
16
17 Notary Public or other person
18 authorized to administer an oath
19

20 (b) For nonpartisan office:

21
22 DECLARATION OF CANDIDACY OF FOR THE
23 OFFICE OF

24
25 State of Nevada
26
27 County of

28
29 For the purpose of having my name placed on the official ballot as a
30 candidate for the office of, I, the undersigned,
31 do swear or affirm under penalty of perjury that I actually, as
32 opposed to constructively, reside at, in the City or Town of
33, County of, State of Nevada; that my actual, as
34 opposed to constructive, residence in the state, district, county,
35 township, city or other area prescribed by law to which the office
36 pertains began on a date at least 30 days immediately preceding the
37 date of the close of filing of declarations of candidacy for this
38 office; that my telephone number is, and the address at
39 which I receive mail, if different than my residence, is; ***that I***
40 ***am a qualified elector pursuant to Section 1 of Article 2 of the***
41 ***Constitution of the State of Nevada; that if I have ever been***
42 ***convicted of treason or a felony, my civil rights have been restored***
43 ***by a court of competent jurisdiction;*** that if nominated as a
44 nonpartisan candidate at the ensuing election, I will accept the
45 nomination and not withdraw; that I will not knowingly violate any
46 election law or any law defining and prohibiting corrupt and



1 fraudulent practices in campaigns and elections in this state; that I
2 will qualify for the office if elected thereto, including, but not
3 limited to, complying with any limitation prescribed by the
4 Constitution and laws of this state concerning the number of years
5 or terms for which a person may hold the office; and my name will
6 appear on all ballots as designated in this declaration.

7
8
9 (Designation of name)

10
11
12 (Signature of candidate for office)

13
14 Subscribed and sworn to before
15 me this day of the month of of the year

16
17
18 Notary Public or other person
19 authorized to administer an oath

20
21 3. A person may be a candidate under his given name and
22 surname, a contraction or familiar form of his given name followed
23 by his surname or the initial of his given name followed by his
24 surname. A nickname of not more than 10 letters may be
25 incorporated into a candidate's name. The nickname must be in
26 quotation marks and appear immediately before the candidate's
27 surname. A nickname must not indicate any political, economic,
28 social or religious view or affiliation and must not be the name of
29 any person, living or dead, whose reputation is known on a
30 statewide, nationwide or worldwide basis, or in any other manner
31 deceive a voter regarding the person or principles for which he is
32 voting.

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

39 (a) *The* candidate's address is listed as a post office box unless a
40 street address has not been assigned to his residence ~~f~~.

41 ~~—5.1~~ ; or

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

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



1 (2) *A current utility bill, bank statement, paycheck, or*
2 *document issued by a governmental entity, including, without*
3 *limitation, a check, which indicates the candidate's name and*
4 *address.*
5 5. *A declaration or acceptance of candidacy filed pursuant to*
6 *this section must be accompanied by:*
7 (a) *Completed fingerprint cards;*
8 (b) *A form authorizing an investigation of the candidate's*
9 *background and the submission of his fingerprints to the Central*
10 *Repository for Nevada Records of Criminal History and the*
11 *Federal Bureau of Investigation; and*
12 (c) *The fee established pursuant to subsection 7 for processing*
13 *the fingerprints.*
14 6. *The fingerprint cards and authorization form submitted*
15 *pursuant to subsection 5 must be those which are provided to the*
16 *applicant by the filing officer. The candidate's fingerprints must*
17 *be taken by an agency of law enforcement.*
18 7. *The Secretary of State shall by regulation establish the fee*
19 *to be paid by a candidate for processing his fingerprints if the*
20 *fingerprints are submitted to the Secretary of State. The board of*
21 *county commissioners of a county shall establish the fee to be paid*
22 *by a candidate for processing his fingerprints if the fingerprints*
23 *are submitted to the county clerk of the county. A fee established*
24 *pursuant to this subsection:*
25 (a) *Must not exceed the sum of the amounts charged by the*
26 *Central Repository for Nevada Records of Criminal History and*
27 *the Federal Bureau of Investigation for processing the*
28 *fingerprints; and*
29 (b) *Must be deposited to the credit of:*
30 (1) *The State General Fund, if the fee is collected by the*
31 *Secretary of State; and*
32 (2) *The general fund of the appropriate county, if the fee is*
33 *collected by the county clerk of the county.*
34 8. *The filing officer shall keep the results of the investigation*
35 *pursuant to subsections 5 and 6 confidential, and the results are*
36 *not subject to inspection by the general public.*
37 9. *By filing the declaration or acceptance of candidacy, the*
38 *candidate shall be deemed to have appointed the filing officer for*
39 *the office as his agent for service of process for the purposes of a*
40 *proceeding pursuant to NRS 293.182. Service of such process must*
41 *first be attempted at the appropriate address as specified by the*
42 *candidate in the declaration or acceptance of candidacy. If the*
43 *candidate cannot be served at that address, service must be made by*
44 *personally delivering to and leaving with the filing officer duplicate*
45 *copies of the process. The filing officer shall immediately send, by*



1 registered or certified mail, one of the copies to the candidate at his
2 specified address, unless the candidate has designated in writing to
3 the filing officer a different address for that purpose, in which case
4 the filing officer shall mail the copy to the last address so
5 designated.

6 **Sec. 2.** NRS 293C.185 is hereby amended to read as follows:
7 293C.185 1. Except as otherwise provided in NRS 293C.190,
8 a name may not be printed on a ballot to be used at a primary city
9 election, unless the person named has filed a declaration of
10 candidacy or an acceptance of candidacy , *accompanied by*
11 *completed fingerprint cards, an authorization and a fee as*
12 *required by subsection 5,* and *has* paid the fee established by the
13 governing body of the city not earlier than 70 days before the
14 primary city election and not later than 5 p.m. on the 60th day
15 before the primary city election.

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

18
19 DECLARATION OF CANDIDACY OF FOR THE
20 OFFICE OF

21
22 State of Nevada
23
24 City of

25
26 For the purpose of having my name placed on the official ballot as a
27 candidate for the office of, I, the undersigned,
28 do swear or affirm under penalty of perjury that I actually, as
29 opposed to constructively, reside at, in the City or
30 Town of, County of, State of Nevada; that my
31 actual, as opposed to constructive, residence in the city, township or
32 other area prescribed by law to which the office pertains began on a
33 date at least 30 days immediately preceding the date of the close of
34 filing of declarations of candidacy for this office; that my telephone
35 number is, and the address at which I receive mail, if
36 different than my residence, is; *that I am a qualified*
37 *elector pursuant to Section 1 of Article 2 of the Constitution of the*
38 *State of Nevada; that if I have ever been convicted of treason or a*
39 *felony, my civil rights have been restored by a court of competent*
40 *jurisdiction;* that if nominated as a candidate at the ensuing election
41 I will accept the nomination and not withdraw; that I will not
42 knowingly violate any election law or any law defining and
43 prohibiting corrupt and fraudulent practices in campaigns and
44 elections in this state; that I will qualify for the office if elected
45 thereto, including, but not limited to, complying with any limitation



1 prescribed by the Constitution and laws of this state concerning the
2 number of years or terms for which a person may hold the office;
3 and my name will appear on all ballots as designated in this
4 declaration.

5
6
7 (Designation of name)

8
9
10 (Signature of candidate for office)

11
12 Subscribed and sworn to before
13 me this day of the month of of the year

14
15
16 Notary Public or other person
17 authorized to administer an oath

18
19 3. A person may be a candidate under his given name and
20 surname, a contraction or familiar form of his given name followed
21 by his surname or the initial of his given name followed by his
22 surname. A nickname of not more than 10 letters may be
23 incorporated into a candidate's name. The nickname must be in
24 quotation marks and appear immediately before the candidate's
25 surname. A nickname must not indicate any political, economic,
26 social or religious view or affiliation and must not be the name of
27 any person, living or dead, whose reputation is known on a
28 statewide, nationwide or worldwide basis, or in any other manner
29 deceive a voter concerning the person or principles for which he is
30 voting.

31 4. The address of a candidate that must be included in the
32 declaration or acceptance of candidacy pursuant to subsection 2
33 must be the street address of the residence where he actually, as
34 opposed to constructively, resides in accordance with NRS 281.050,
35 if one has been assigned. The declaration or acceptance of
36 candidacy must not be accepted for filing if ~~the~~:

37 (a) *The* candidate's address is listed as a post office box unless a
38 street address has not been assigned to his residence ~~f~~.

39 ~~5.1~~ ; or

40 (b) *The candidate does not present to the filing officer:*
41 (1) *A valid driver's license or identification card issued by a*
42 *governmental agency that contains a photograph of the candidate*
43 *and the candidate's address; or*

44 (2) *A current utility bill, bank statement, paycheck, or*
45 *document issued by a governmental entity, including, without*



1 *limitation, a check, which indicates the candidate's name and*
2 *address.*
3 *5. A declaration or acceptance of candidacy filed pursuant to*
4 *this section must be accompanied by:*
5 *(a) Completed fingerprint cards;*
6 *(b) A form authorizing an investigation of the candidate's*
7 *background and the submission of his fingerprints to the Central*
8 *Repository for Nevada Records of Criminal History and to the*
9 *Federal Bureau of Investigation; and*
10 *(c) The fee established pursuant to subsection 7 for processing*
11 *the fingerprints.*
12 *6. The fingerprint cards and authorization form submitted*
13 *pursuant to subsection 5 must be those which are provided to the*
14 *applicant by the filing officer. The candidate's fingerprints must*
15 *be taken by an agency of law enforcement.*
16 *7. The governing body of the city shall establish a fee to be*
17 *paid by the candidate for processing his fingerprints which:*
18 *(a) Must not exceed the sum of the amounts charged by the*
19 *Central Repository for Nevada Records of Criminal History and*
20 *the Federal Bureau of Investigation for processing the*
21 *fingerprints; and*
22 *(b) Must be deposited to the credit of the general fund of the*
23 *city.*
24 *8. The filing officer shall keep the results of the investigation*
25 *pursuant to subsections 5 and 6 confidential, and the results are*
26 *not subject to inspection by the general public.*
27 *9. By filing the declaration or acceptance of candidacy, the*
28 *candidate shall be deemed to have appointed the city clerk as his*
29 *agent for service of process for the purposes of a proceeding*
30 *pursuant to NRS 293C.186. Service of such process must first be*
31 *attempted at the appropriate address as specified by the candidate in*
32 *the declaration or acceptance of candidacy. If the candidate cannot*
33 *be served at that address, service must be made by personally*
34 *delivering to and leaving with the city clerk duplicate copies of the*
35 *process. The city clerk shall immediately send, by registered or*
36 *certified mail, one of the copies to the candidate at his specified*
37 *address, unless the candidate has designated in writing to the city*
38 *clerk a different address for that purpose, in which case the city*
39 *clerk shall mail the copy to the last address so designated.*

