

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 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; making
various changes concerning investigations to determine
whether a candidate has been convicted of a felony and, if
so, whether he has had his civil rights restored; 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
5 acceptance of candidacy, and *has* paid the fee required by NRS



* A B 2 8 5 R 1 *

1 293.193 not earlier than the first Monday in May of the year in
2 which the election is to be held nor later than 5 p.m. on the third
3 Monday in May.

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

7 (a) For partisan office:

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DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

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State of Nevada

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County of

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



1 and that I understand that my name will appear on all ballots as
2 designated in this declaration.

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5 (Designation of name)

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8 (Signature of candidate for office)

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

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

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17 (b) For nonpartisan office:

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19 DECLARATION OF CANDIDACY OF FOR THE
20 OFFICE OF

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22 State of Nevada
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24 County of

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



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

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6 (Designation of name)

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9 (Signature of candidate for office)

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

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

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

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

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

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

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

42 (2) *A current utility bill, bank statement, paycheck, or*
43 *document issued by a governmental entity, including, without*
44 *limitation, a check, which indicates the candidate's name and*
45 *address.*



1 5. By filing the declaration or acceptance of candidacy, the
 2 candidate shall be deemed to have appointed the filing officer for
 3 the office as his agent for service of process for the purposes of a
 4 proceeding pursuant to NRS 293.182. Service of such process must
 5 first be attempted at the appropriate address as specified by the
 6 candidate in the declaration or acceptance of candidacy. If the
 7 candidate cannot be served at that address, service must be made by
 8 personally delivering to and leaving with the filing officer duplicate
 9 copies of the process. The filing officer shall immediately send, by
 10 registered or certified mail, one of the copies to the candidate at his
 11 specified address, unless the candidate has designated in writing to
 12 the filing officer a different address for that purpose, in which case
 13 the filing officer shall mail the copy to the last address so
 14 designated.

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

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

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

27 *7. The receipt of information by the Attorney General or*
 28 *district attorney pursuant to subsection 6 must be treated as a*
 29 *challenge of a candidate pursuant to subsections 4 and 5 of NRS*
 30 *293.182. If the ballots are printed before a court of competent*
 31 *jurisdiction makes a determination that a candidate has been*
 32 *convicted of a felony and has not had his civil rights restored by a*
 33 *court of competent jurisdiction, the filing officer must post a*
 34 *notice at each polling place where the candidate's name will*
 35 *appear on the ballot informing the voters that the candidate is*
 36 *disqualified from entering upon the duties of the office for which*
 37 *the candidate filed the declaration of candidacy or acceptance of*
 38 *candidacy.*

39 **Sec. 2.** NRS 293C.185 is hereby amended to read as follows:
 40 293C.185 1. Except as otherwise provided in NRS 293C.190,
 41 a name may not be printed on a ballot to be used at a primary city
 42 election, unless the person named has filed a declaration of
 43 candidacy or an acceptance of candidacy and *has* paid the fee
 44 established by the governing body of the city not earlier than 70



1 days before the primary city election and not later than 5 p.m. on the
2 60th day before the primary city election.

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

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DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

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State of Nevada

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City of

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Subscribed and sworn to before

me this day of the month of of the year

.....

(Designation of name)

.....

(Signature of candidate for office)



1
2 Notary Public or other person
3 authorized to administer an oath
4

5 3. A person may be a candidate under his given name and
6 surname, a contraction or familiar form of his given name followed
7 by his surname or the initial of his given name followed by his
8 surname. A nickname of not more than 10 letters may be
9 incorporated into a candidate's name. The nickname must be in
10 quotation marks and appear immediately before the candidate's
11 surname. A nickname must not indicate any political, economic,
12 social or religious view or affiliation and must not be the name of
13 any person, living or dead, whose reputation is known on a
14 statewide, nationwide or worldwide basis, or in any other manner
15 deceive a voter concerning the person or principles for which he is
16 voting.

17 4. The address of a candidate that must be included in the
18 declaration or acceptance of candidacy pursuant to subsection 2
19 must be the street address of the residence where he actually, as
20 opposed to constructively, resides in accordance with NRS 281.050,
21 if one has been assigned. The declaration or acceptance of
22 candidacy must not be accepted for filing if ~~the~~ :

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

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

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

29 (2) *A current utility bill, bank statement, paycheck, or*
30 *document issued by a governmental entity, including, without*
31 *limitation, a check, which indicates the candidate's name and*
32 *address.*

33 5. By filing the declaration or acceptance of candidacy, the
34 candidate shall be deemed to have appointed the city clerk as his
35 agent for service of process for the purposes of a proceeding
36 pursuant to NRS 293C.186. Service of such process must first be
37 attempted at the appropriate address as specified by the candidate in
38 the declaration or acceptance of candidacy. If the candidate cannot
39 be served at that address, service must be made by personally
40 delivering to and leaving with the city clerk duplicate copies of the
41 process. The city clerk shall immediately send, by registered or
42 certified mail, one of the copies to the candidate at his specified
43 address, unless the candidate has designated in writing to the city
44 clerk a different address for that purpose, in which case the city
45 clerk shall mail the copy to the last address so designated.



1 6. *If the city clerk receives credible evidence indicating that a*
2 *candidate has been convicted of a felony and has not had his civil*
3 *rights restored by a court of competent jurisdiction, the city clerk:*
4 (a) *May conduct an investigation to determine whether the*
5 *candidate has been convicted of a felony and, if so, whether he has*
6 *had his civil rights restored by a court of competent jurisdiction;*
7 *and*
8 (b) *Shall transmit the credible evidence and the findings from*
9 *such investigation to the city attorney.*
10 7. *The receipt of information by the city attorney pursuant to*
11 *subsection 6 must be treated as a challenge of a candidate*
12 *pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots*
13 *are printed before a court of competent jurisdiction makes a*
14 *determination that a candidate has been convicted of a felony and*
15 *has not had his civil rights restored by a court of competent*
16 *jurisdiction, the city clerk must post a notice at each polling place*
17 *where the candidate's name will appear on the ballot informing*
18 *the voters that the candidate is disqualified from entering upon the*
19 *duties of the office for which the candidate filed the declaration of*
20 *candidacy or acceptance of candidacy.*

