
ASSEMBLY BILL NO. 526—COMMITTEE ON ELECTIONS,
PROCEDURES, AND ETHICS

MARCH 24, 2003

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Makes various changes concerning contests of general elections for offices of Assemblyman and Senator. (BDR 24-1289)

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; authorizing the contestant in a contest of a general election for the office of Assemblyman or Senator to continue to investigate the contest and amend the statement of contest until the day of the organization of the Legislature; authorizing the parties in such a contest to take depositions; providing that the contestant in such a contest is responsible for costs under certain circumstances; 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 293.425 is hereby amended to read as follows:
2 293.425 *1.* If the contest is of the general election for the
3 office of Assemblyman or Senator, a statement of contest, prepared
4 as provided in NRS 293.407, and all depositions, ballots and other
5 documents relating to the contest must be filed with the Secretary of
6 State within the time provided for the filing of statements of contests
7 with the clerk of the district court.
8 *2. Before the day of the organization of the Legislature, the*
9 *contestant in a contest of a general election for the office of*
10 *Assemblyman or Senator may:*
11 *(a) Investigate issues relating to the contest; and*



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1 ***(b) Amend the statement of contest filed pursuant to this***
2 ***section by filing an amended copy of the statement of contest and***
3 ***any relevant depositions, ballots and other documents relating to***
4 ***the contest with the Secretary of State.***

5 ***3. Any party in a contest of a general election for the office of***
6 ***Assemblyman or Senator may take the deposition of any witness in***
7 ***the manner prescribed by rule of court for taking depositions in***
8 ***civil actions in the district courts.***

9 **Sec. 2.** NRS 293.427 is hereby amended to read as follows:

10 293.427 1. The Secretary of State shall deliver the statement
11 of contest filed pursuant to NRS 293.425 and all other documents ,
12 ***including any amendments to the statement,*** to the presiding
13 officer of the appropriate house of the Legislature on the day of the
14 organization of the Legislature.

15 2. Until the contest has been decided, the candidate who
16 received the highest number of votes for the office in the contested
17 election must be seated as a member of the appropriate house.

18 3. If, before the contest has been decided, a contestant gives
19 written notice to the Secretary of State that he wishes to withdraw
20 his statement of contest, the Secretary of State shall dismiss the
21 contest.

22 4. The contest, if not dismissed, must be heard and decided as
23 prescribed by the standing or special rules of the house in which the
24 contest is to be tried. If after hearing the contest, the house decides
25 to declare the contestant elected, the Governor shall execute a
26 certificate of election and deliver it to the contestant. The certificate
27 of election issued to the other candidate is thereafter void.

28 ***5. If a contest is dismissed pursuant to subsection 3, the***
29 ***contestant is responsible for all costs incurred in connection with***
30 ***the contest by the State of Nevada and the candidate who received***
31 ***the highest number of votes for the office, unless the house in***
32 ***which the contest was to be tried determines that under the***
33 ***circumstances it would be unjust for the contestant to be***
34 ***responsible for such costs.***

35 ***6. If after hearing a contest, a house does not decide to***
36 ***declare the contestant elected, the contestant is responsible for all***
37 ***costs incurred in connection with the contest by the State of***
38 ***Nevada and the candidate who received the highest number of***
39 ***votes for the office.***

