

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.

~

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 amend the statement of contest by a certain date before the commencement of the legislative session; authorizing the parties in such a contest to take depositions, investigate the contest until the date of the hearing of the contest and present the evidence or findings of the investigation at the hearing of the contest; providing that the legislative house in which the contest was tried or was to be tried may determine the remedies awarded to a party in such a contest; 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. *The parties to such a contest*
8 *shall be designated contestant and defendant.*



* A B 5 2 6 R 1 *

1 2. *On or before December 15 of the year immediately*
2 *preceding a regular legislative session:*
3 (a) *The contestant in a contest of a general election for the*
4 *office of Assemblyman or Senator may amend the statement of*
5 *contest filed pursuant to this section by filing an amended*
6 *statement of contest and any relevant depositions, ballots and*
7 *other documents relating to the contest with the Secretary of State;*
8 *and*
9 (b) *Each party in a contest of a general election for the office*
10 *of Assemblyman or Senator shall provide the Secretary of State*
11 *with a list of the witnesses the party intends to present at the*
12 *hearing of the contest.*
13 3. *Each party in a contest of a general election for the office*
14 *of Assemblyman or Senator may:*
15 (a) *Before the hearing of the contest:*
16 (1) *Take the deposition of any witness in the manner*
17 *prescribed by rule of court for taking depositions in civil actions in*
18 *the district courts; and*
19 (2) *Investigate issues relating to the contest; and*
20 (b) *At the hearing of the contest, present any relevant*
21 *depositions and other evidence obtained as a result of such*
22 *investigation at the hearing of the contest, including, without*
23 *limitation, evidence obtained after the date for filing an amended*
24 *statement of contest. If a party obtains evidence after such date,*
25 *the evidence may not be included in the statement of contest or*
26 *amended statement of contest.*
27 **Sec. 2.** NRS 293.427 is hereby amended to read as follows:
28 293.427 1. The Secretary of State shall deliver the statement
29 of contest filed pursuant to NRS 293.425 and all other documents ,
30 *including any amendments to the statement,* to the presiding
31 officer of the appropriate house of the Legislature on the day of the
32 organization of the Legislature.
33 2. Until the contest has been decided, the candidate who
34 received the highest number of votes for the office in the contested
35 election must be seated as a member of the appropriate house.
36 3. If, before the contest has been decided, a contestant gives
37 written notice to the Secretary of State that he wishes to withdraw
38 his statement of contest, the Secretary of State shall dismiss the
39 contest.
40 4. The contest, if not dismissed, must be heard and decided as
41 prescribed by the standing or special rules of the house in which the
42 contest is to be tried. If after hearing the contest, the house decides
43 to declare the contestant elected, the Governor shall execute a
44 certificate of election and deliver it to the contestant. The certificate
45 of election issued to the other candidate is thereafter void.



1 ***5. In a contest of a general election for the office of***
2 ***Assemblyman or Senator, the house in which a contest was tried***
3 ***or was to be tried shall determine the remedy, if any, to be***
4 ***awarded to a party to such a contest. The remedy may include,***
5 ***without limitation, any costs incurred by a party in connection***
6 ***with the contest.***

⑩

