

SENATE BILL NO. 53—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE SECRETARY OF STATE)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.
(BDR 24-411)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to elections; revising the timeframe within which nonjudicial candidates must file a petition or declaration of candidacy; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that the period for filing a declaration of candidacy for
2 nonjudicial candidates begins on the first Monday in March of the year in which the
3 election is to be held and ends at 5 p.m. on the second Friday after the first Monday
4 in March. (NRS 293.177) **Section 2** of this bill provides instead that the period for
5 filing a declaration of candidacy for nonjudicial candidates begins on the first
6 Monday in February of the year in which the election is to be held and ends at 5
7 p.m. on the second Friday after the first Monday in February.

8 Existing law requires: (1) a minor political party to file with the Secretary of
9 State its list of candidates for partisan office not earlier than the first Monday in
10 March preceding the election and not later than 5 p.m. on the second Friday after
11 the first Monday in March; (2) each candidate on the list to file a declaration of
12 candidacy not earlier than the date on which the list of candidates is filed and not
13 later than 5 p.m. on the second Friday after the first Monday in March; and (3)
14 amendments to the list to be made not later than 5 p.m. on the second Friday after
15 the first Monday in March. (NRS 293.1725) **Section 1** of this bill requires instead
16 that: (1) a minor political party file its list of candidates not earlier than the first
17 Monday in February and not later than 5 p.m. on the second Friday after the first
18 Monday in February; (2) each candidate on the list file a declaration of candidacy
19 not earlier than the date on which the list of candidates is filed and not later than 5
20 p.m. on the second Friday after the first Monday in February; and (3) amendments
21 to the list be made not later than 5 p.m. on the second Friday after the first Monday
22 in February.



Existing law requires an independent candidate for partisan office to file: (1) a petition for candidacy not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the third Friday in June; and (2) a declaration of candidacy not earlier than the first Monday in March of the year in which the election is held and not later than 5 p.m. on the second Friday after the first Monday in March. (NRS 293.200) **Section 3** of this bill requires instead that an independent candidate file: (1) a petition for candidacy not earlier than the first Monday in February preceding the general election and not later than 5 p.m. on the third Friday in June; and (2) a declaration of candidacy not earlier than the first Monday in February of the year in which the election is held and not later than 5 p.m. on the second Friday after the first Monday in February.

Existing law requires a candidate for nonjudicial office in a primary or general city election to file a declaration of candidacy with the city clerk not earlier than the first Monday in March of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March. (NRS 293C.145, 293C.175) **Sections 4 and 5** of this bill require instead such a candidate in a primary or general city election to file a declaration of candidacy not earlier than the first Monday in February of the year in which the applicable election is to be held and not later than 5 p.m. on the second Friday after the first Monday in February.

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

Section 1. NRS 293.1725 is hereby amended to read as follows:

293.1725 1. Except as otherwise provided in subsection 4, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:

(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; or

(b) Files or will file a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715,

↪ must file with the Secretary of State a list of its candidates for partisan office not earlier than the first Monday in ~~March~~ **February** preceding the election and not later than 5 p.m. on the second Friday after the first Monday in ~~March~~ **February**. The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. The list may be amended not later than 5 p.m. on the second Friday after the first Monday in ~~March~~ **February**.

2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his or her declaration of candidacy.

3. Each candidate on the list must file his or her declaration of candidacy with the appropriate filing officer and pay the filing fee



1 required by NRS 293.193 not earlier than the date on which the list
2 of candidates for partisan office of the minor political party is filed
3 with the Secretary of State and not later than 5 p.m. on the second
4 Friday after the first Monday in ~~{March.}~~ *February*.

5 4. A minor political party that wishes to place candidates for
6 the offices of President and Vice President of the United States on
7 the ballot and has qualified to place the names of its candidates for
8 partisan office on the ballot for the general election pursuant to
9 subsection 2 of NRS 293.1715 must file with the Secretary of State
10 a certificate of nomination for these offices not later than the last
11 Tuesday in August.

12 **Sec. 2.** NRS 293.177 is hereby amended to read as follows:

13 293.177 1. Except as otherwise provided in NRS 293.165
14 and 293.166, a name may not be printed on a ballot to be used at a
15 primary election unless the person named has filed a declaration of
16 candidacy with the appropriate filing officer and paid the filing fee
17 required by NRS 293.193 not earlier than:

18 (a) For a candidate for judicial office, the first Monday in
19 January of the year in which the election is to be held and not later
20 than 5 p.m. on the second Friday after the first Monday in January;
21 and

22 (b) For all other candidates, the first Monday in ~~{March}~~
23 *February* of the year in which the election is to be held and not later
24 than 5 p.m. on the second Friday after the first Monday in ~~{March.}~~
25 *February*.

26 2. A declaration of candidacy required to be filed pursuant to
27 this chapter must be in substantially the following form:

28 (a) For partisan office:

30 DECLARATION OF CANDIDACY OF FOR THE
31 OFFICE OF

32
33 State of Nevada

34
35 County of

36
37 For the purpose of having my name placed on the official
38 ballot as a candidate for the Party nomination for
39 the office of, I, the undersigned, do swear or
40 affirm under penalty of perjury that I actually, as opposed to
41 constructively, reside at, in the City or Town of,
42 County of, State of Nevada; that my actual, as opposed
43 to constructive, residence in the State, district, county,
44 township, city or other area prescribed by law to which the
45 office pertains began on a date at least 30 days immediately



1 preceding the date of the close of filing of declarations of
 2 candidacy for this office; that my telephone number is
 3, and the address at which I receive mail, if different
 4 than my residence, is; that I am registered as a member
 5 of the Party; that I am a qualified elector pursuant
 6 to Section 1 of Article 2 of the Constitution of the State of
 7 Nevada; that if I have ever been convicted of treason or a
 8 felony, my civil rights have been restored; that I have not, in
 9 violation of the provisions of NRS 293.176, changed the
 10 designation of my political party or political party affiliation
 11 on an official application to register to vote in any state since
 12 December 31 before the closing filing date for this election;
 13 that I generally believe in and intend to support the concepts
 14 found in the principles and policies of that political party in
 15 the coming election; that if nominated as a candidate of the
 16 Party at the ensuing election, I will accept that
 17 nomination and not withdraw; that I will not knowingly
 18 violate any election law or any law defining and prohibiting
 19 corrupt and fraudulent practices in campaigns and elections in
 20 this State; that I will qualify for the office if elected thereto,
 21 including, but not limited to, complying with any limitation
 22 prescribed by the Constitution and laws of this State
 23 concerning the number of years or terms for which a person
 24 may hold the office; that I understand that knowingly and
 25 willfully filing a declaration of candidacy which contains a
 26 false statement is a crime punishable as a gross misdemeanor
 27 and also subjects me to a civil action disqualifying me from
 28 entering upon the duties of the office; and that I understand
 29 that my name will appear on all ballots as designated in this
 30 declaration.

31
 32 (Designation of name)

33
 34
 35
 36 (Signature of candidate for office)

37
 38 Subscribed and sworn to before me
 39 this day of the month of of the year

40
 41
 42 Notary Public or other person
 43 authorized to administer an oath

44
 45 (b) For nonpartisan office:



DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate 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 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; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the 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; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me



1 this day of the month of of the year

2
3

4 Notary Public or other person
5 authorized to administer an oath
6

7 3. The address of a candidate which must be included in the
8 declaration of candidacy pursuant to subsection 2 must be the street
9 address of the residence where the candidate actually, as opposed to
10 constructively, resides in accordance with NRS 281.050, if one has
11 been assigned. The declaration of candidacy must not be accepted
12 for filing if the candidate fails to comply with the following
13 provisions of this subsection or, if applicable, the provisions of
14 subsection 4:

15 (a) The candidate shall not list the candidate's address as a post
16 office box unless a street address has not been assigned to his or her
17 residence; and

18 (b) Except as otherwise provided in subsection 4, the candidate
19 shall present to the filing officer:

20 (1) A valid driver's license or identification card issued by a
21 governmental agency that contains a photograph of the candidate
22 and the candidate's residential address; or

23 (2) A current utility bill, bank statement, paycheck, or
24 document issued by a governmental entity, including a check which
25 indicates the candidate's name and residential address, but not
26 including a voter registration card.

27 4. If the candidate executes an oath or affirmation under
28 penalty of perjury stating that the candidate is unable to present to
29 the filing officer the proof of residency required by subsection 3
30 because a street address has not been assigned to the candidate's
31 residence or because the rural or remote location of the candidate's
32 residence makes it impracticable to present the proof of residency
33 required by subsection 3, the candidate shall present to the filing
34 officer:

35 (a) A valid driver's license or identification card issued by a
36 governmental agency that contains a photograph of the candidate;
37 and

38 (b) Alternative proof of the candidate's residential address that
39 the filing officer determines is sufficient to verify where the
40 candidate actually, as opposed to constructively, resides in
41 accordance with NRS 281.050. The Secretary of State may adopt
42 regulations establishing the forms of alternative proof of the
43 candidate's residential address that the filing officer may accept to
44 verify where the candidate actually, as opposed to constructively,
45 resides in accordance with NRS 281.050.



1 5. The filing officer shall retain a copy of the proof of identity
2 and residency provided by the candidate pursuant to subsection 3 or
3 4. Such a copy:

4 (a) May not be withheld from the public; and

5 (b) Must not contain the social security number, driver's license
6 or identification card number or account number of the candidate.

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

20 7. If the filing officer receives credible evidence indicating that
21 a candidate has been convicted of a felony and has not had his or her
22 civil rights restored, the filing officer:

23 (a) May conduct an investigation to determine whether the
24 candidate has been convicted of a felony and, if so, whether the
25 candidate has had his or her civil rights restored; and

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

30 8. The receipt of information by the Attorney General or
31 district attorney pursuant to subsection 7 must be treated as a
32 challenge of a candidate pursuant to subsections 4 and 5 of NRS
33 293.182 to which the provisions of NRS 293.2045 apply.

34 9. Any person who knowingly and willfully files a declaration
35 of candidacy which contains a false statement in violation of this
36 section is guilty of a gross misdemeanor.

37 **Sec. 3.** NRS 293.200 is hereby amended to read as follows:

38 293.200 1. An independent candidate for partisan office must
39 file with the appropriate filing officer as set forth in NRS 293.185:

40 (a) A copy of the petition of candidacy that he or she intends to
41 subsequently circulate for signatures. The copy must be filed not
42 earlier than the January 2 preceding the date of the election and not
43 later than 10 working days before the last day to file the petition
44 pursuant to subsection 4. The copy of the petition must be filed with



1 the appropriate filing officer before the petition may be circulated
2 for signatures.

3 (b) Either of the following:

4 (1) A petition of candidacy signed by a number of registered
5 voters equal to at least 1 percent of the total number of ballots cast
6 in:

7 (I) This State for that office at the last preceding general
8 election in which a person was elected to that office, if the office is a
9 statewide office;

10 (II) The county for that office at the last preceding general
11 election in which a person was elected to that office, if the office is a
12 county office; or

13 (III) The district for that office at the last preceding
14 general election in which a person was elected to that office, if the
15 office is a district office.

16 (2) A petition of candidacy signed by 250 registered voters if
17 the candidate is a candidate for statewide office, or signed by 100
18 registered voters if the candidate is a candidate for any office other
19 than a statewide office.

20 2. The petition may consist of more than one document. Each
21 document must bear the name of the county in which it was
22 circulated, and only registered voters of that county may sign the
23 document. If the office is not a statewide office, only the registered
24 voters of the county, district or municipality in question may sign
25 the document. The documents that are circulated for signature in a
26 county must be submitted to that county clerk for verification in the
27 manner prescribed in NRS 293.1276 to 293.1279, inclusive, not
28 later than 10 working days before the last day to file the petition
29 pursuant to subsection 4. Each person who signs the petition shall
30 add to his or her signature the address of the place at which the
31 person actually resides, the date that he or she signs the petition and
32 the name of the county where he or she is registered to vote. The
33 person who circulates each document of the petition shall sign an
34 affidavit attesting that the signatures on the document are genuine to
35 the best of his or her knowledge and belief and were signed in his or
36 her presence by persons registered to vote in that county.

37 3. The petition of candidacy may state the principle, if any,
38 which the person qualified represents.

39 4. Petitions of candidacy must be filed not earlier than the first
40 Monday in ~~March~~ **February** preceding the general election and not
41 later than 5 p.m. on the third Friday in June.

42 5. No petition of candidacy may contain the name of more than
43 one candidate for each office to be filled.

44 6. A person may not file as an independent candidate if he or
45 she is proposing to run as the candidate of a political party.



1 7. The names of independent candidates must be placed on the
2 general election ballot and must not appear on the primary election
3 ballot.

4 8. If the sufficiency of the petition of the candidacy of any
5 person seeking to qualify pursuant to this section is challenged, all
6 affidavits and documents in support of the challenge must be filed
7 not later than 5 p.m. on the fourth Friday in June. Any judicial
8 proceeding resulting from the challenge must be set for hearing not
9 more than 5 days after the fourth Friday in June.

10 9. Any challenge pursuant to subsection 8 must be filed with:

11 (a) The First Judicial District Court if the petition of candidacy
12 was filed with the Secretary of State.

13 (b) The district court for the county where the petition of
14 candidacy was filed if the petition was filed with a county clerk.

15 10. The district court in which the challenge is filed shall give
16 priority to such proceedings over all other matters pending with the
17 court, except for criminal proceedings.

18 11. An independent candidate for partisan office must file a
19 declaration of candidacy with the appropriate filing officer and pay
20 the filing fee required by NRS 293.193 not earlier than the first
21 Monday in ~~[March]~~ *February* of the year in which the election is
22 held and not later than 5 p.m. on the second Friday after the first
23 Monday in ~~[March.]~~ *February.*

24 **Sec. 4.** NRS 293C.145 is hereby amended to read as follows:

25 293C.145 1. A general city election must be held in each city
26 of population category three on the first Tuesday after the first
27 Monday in November of the first even-numbered year after
28 incorporation, and at each successive interval of 2 years.

29 2. There must be one mayor and three or five council members,
30 as the city council shall provide by ordinance, for each city of
31 population category three. The terms of office of the mayor and the
32 council members are 4 years, which terms must be staggered. The
33 mayor and council members elected to office immediately after
34 incorporation shall decide, by lot, among themselves which two of
35 their offices expire at the next general city election, and thereafter
36 the terms of office must be 4 years. If a city council thereafter
37 increases the number of council members, it shall, by lot, stagger the
38 initial terms of the additional members.

39 3. A candidate for an office to be voted for at the general city
40 election must file a declaration of candidacy with the city clerk not
41 earlier than:

42 (a) For the office of judge of a municipal court, the first Monday
43 in January of the year in which the applicable election is to be held
44 and not later than 5 p.m. on the second Friday after the first Monday
45 in January.



1 (b) For any other office, the first Monday in ~~March~~ *February*
2 of the year in which the applicable election is to be held and not
3 later than 5 p.m. on the second Friday after the first Monday in
4 ~~March~~ *February*.

5 4. At the time that a candidate files a declaration of candidacy,
6 the city clerk shall charge and collect from the candidate, and the
7 candidate must pay to the city clerk, a filing fee in an amount fixed
8 by the city council by ordinance or resolution.

9 5. Candidates for mayor must be voted upon by the electors of
10 the city at large. Candidates for the city council must be voted upon
11 by the electors of their respective wards to represent the wards in
12 which they reside or by the electors of the city at large in accordance
13 with the provisions of chapter 266 of NRS.

14 **Sec. 5.** NRS 293C.175 is hereby amended to read as follows:

15 293C.175 1. A primary city election must be held in each city
16 of population category one, and in each city of population category
17 two that has so provided by ordinance, on the second Tuesday in
18 June of each even-numbered year, at which time there must be
19 nominated candidates for offices to be voted for at the next general
20 city election.

21 2. A candidate for an office to be voted for at the primary or
22 general city election must file a declaration of candidacy with the
23 city clerk not earlier than:

24 (a) For the office of judge of a municipal court, the first Monday
25 in January of the year in which the applicable election is to be held
26 and not later than 5 p.m. on the second Friday after the first Monday
27 in January.

28 (b) For any other office, the first Monday in ~~March~~ *February*
29 of the year in which the applicable election is to be held and not
30 later than 5 p.m. on the second Friday after the first Monday in
31 ~~March~~ *February*.

32 3. At the time that a candidate files a declaration of candidacy,
33 the city clerk shall charge and collect from the candidate, and the
34 candidate must pay to the city clerk, a filing fee in an amount fixed
35 by the governing body of the city by ordinance or resolution. The
36 filing fees collected by the city clerk must be deposited to the credit
37 of the general fund of the city.

38 4. All candidates, except as otherwise provided in NRS
39 266.220, must be voted upon by the electors of the city at large.

40 5. If, in a primary city election held in a city of population
41 category one or two, one candidate receives a majority of votes cast
42 in that election for the office for which he or she is a candidate, the
43 candidate must be declared elected to the office and the candidate's
44 name must not be placed on the ballot for the general city election.
45 If, in the primary city election, no candidate receives a majority of



1 votes cast in that election for the office for which he or she is a
2 candidate, the names of the two candidates receiving the highest
3 number of votes must be placed on the ballot for the general city
4 election.

5 **Sec. 6.** This act becomes effective upon passage and approval.

③

