

STUDY OF THE LAWS GOVERNING
THE PROCEDURES USED IN
ELECTIONS IN NEVADA



Bulletin No. 87-24

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

August 1986

S T U D Y O F T H E L A W S G O V E R N I N G
T H E P R O C E D U R E S U S E D I N
E L E C T I O N S I N N E V A D A

Bulletin No. 87-24

LEGISLATIVE COMMISSION
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LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

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Assembly Concurrent Resolution No. 23—Committee on Elections

FILE NUMBER...96.

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to study the need to modernize Nevada's election laws

WHEREAS. The laws governing the procedures used in elections in Nevada have not been comprehensively studied since the authorization of punchcard voting in 1975; and

WHEREAS. There are now two methods of voting authorized by law; and

WHEREAS. The law governing those methods should be examined to identify any inconsistent or conflicting provisions and, where necessary or appropriate, modernize and simplify those methods; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the legislative commission is hereby directed to conduct, through the staff of the legislative counsel bureau, a study of the laws governing the procedures used in elections in Nevada to determine the need for their revision and modernization; and be it further

RESOLVED, That the results of the study and any recommendations for legislation be reported to the 64th session of the legislature.

REPORT OF THE LEGISLATIVE COMMISSION

TO THE MEMBERS OF THE 64TH SESSION OF THE NEVADA LEGISLATURE:

This report is submitted in compliance with Assembly Concurrent Resolution Number 23 of the 63rd Session of the Nevada Legislature. Assembly Concurrent Resolution Number 23 directs the Legislative Commission to study the laws governing the procedures used in elections in Nevada to determine the need for their revision and modernization.

In order to conduct the study the Legislative Commission, under the auspices of the Joint Committee on Government Affairs, appointed a subcommittee to recommend appropriate action to the 1987 session of the Legislature. Legislative members of the subcommittee were:

Assemblyman Courtenay C. Swain, Chairman
Senator Sue Wagner, Vice Chairman

In this report the subcommittee has attempted to present its findings and recommendations briefly and concisely. The report is intended as a useful guide to legislators. Considerable data was gathered in the course of the study, and much of it was provided in the form of exhibits that became part of the minutes of the subcommittee. The data which relates directly to the subcommittee's recommendations is included in the report. All supporting documents and minutes are on file with the Research Library at the Legislative Counsel Bureau, and are readily available to any member.

This report is transmitted to the Members of the 64th Session of the Nevada Legislature for their consideration and appropriate action.

Respectfully submitted,

Legislative Commission
Legislative Counsel Bureau
State of Nevada

Carson City, Nevada
August 1986

* * * * *

LEGISLATIVE COMMISSION

Assemblyman Louis W. Bergevin, Chairman

Senator James H. Bilbray	Assemblyman Bob L. Kerns
Senator Helen A. Foley	Assemblyman Robert M. Sader
Senator Lawrence E. Jacobsen	Assemblyman James W. Schofield
Senator Kenneth K. Redelsperger	Assemblyman Danny L. Thompson
Senator Sue Wagner	Assemblyman Barbara A. Zimmer

SUMMARY OF RECOMMENDATIONS

This summary represents the major conclusions reached by the subcommittee. These conclusions are based upon (1) suggestions made to the subcommittee at public hearings by members of the general public and various public officers charged with the duty of conducting elections in Nevada; (2) published information concerning procedures governing elections; and (3) the experience and knowledge of the members of the subcommittee and staff.

The recommendations of the subcommittee are as follows:

ABSENT BALLOTS

1. Amend NRS 293.327 to require that the voting booth in the office of the county clerk or registrar of voters be available at least 25 days before an election for use by registered voters who have been issued absent ballots. (BDR 24-347)
2. Amend NRS 293.545 to extend the time for the return of an absent ballot to the county clerk or registrar of voters for the purpose of determining whether an affidavit of registration must be canceled. (BDR 24-347)

PAPER BALLOTS

3. Amend chapter 293 of NRS to correct various inaccurate provisions relating to the use of paper ballots. (BDR 24-347)

SAMPLE BALLOTS

4. Amend NRS 293.097 which defines "sample ballot" to include any document which is printed by a computer. (BDR 24-347)

NOMINATIONS

5. Amend NRS 293.176 to provide that a person who changes his political party affiliation after September 1 of the preceding year is eligible to be a candidate for a nomination of a political party if the party is qualified after September 1 of the year preceding the election. (BDR 24-347)

REGISTRATION OF VOTERS

6. Amend NRS 293.505 to require that each county clerk or registrar of voters appoint at least one deputy registrar in the county. (BDR 24-347)

ELECTIONS

7. Amend NRS 293.481 to require that a question which must be submitted to a county clerk or registrar of voters for an election other than a primary or general election be submitted at least 90 days before the election. (BDR 24-347)
8. Amend NRS 293.296 to permit any election officer to assist a voter in casting a ballot if the voter is physically disabled or unable to read or write English. (BDR 24-347)

COMPUTERS USED IN ELECTIONS

9. Amend NRS 293.247 to require the Secretary of State to adopt regulations to ensure the security of computer programs used in elections and to develop testing procedures for those programs. (BDR 24-347)
10. Urge the Secretary of State to review and evaluate all available studies conducted by the Federal Election Commission relating to computer fraud before adopting regulations to ensure the security of computer programs used in elections.

RECALL OF PUBLIC OFFICERS

11. Amend NRS 306.020 to provide that a public officer appointed to an elective office is subject to recall in the same manner as provided for an officer elected to that office. (BDR 24-347)
12. Amend NRS 306.040 to require that a hearing for the recall of a district officer whose district includes area in more than one county must be held in the district court for the county in which the largest proportion of the area of the district is located. (BDR 24-347)

CAMPAIGN CONTRIBUTIONS AND EXPENSES

13. Amend NRS 294A.080 to require a city clerk to notify the district attorney of the county of any violation concerning the reporting of campaign contributions or expenses of a candidate for municipal office. (BDR 24-347)

GENERAL IMPROVEMENT DISTRICTS

14. Amend NRS 318.095 to require that:
- (a) The names of candidates for the office of trustee of a general improvement district be placed on the primary or general election ballot; and
 - (b) A general improvement district reimburse the county clerk or registrar of voters for the costs incurred in conducting an election for that district.
(BDR 24-347)

CITY ELECTIONS

15. Amend various provisions of chapters 293 and 293B of NRS to clarify the application of those provisions to city elections. (BDR 24-348)

FILING FEES FOR PUBLIC OFFICE

16. Amend NRS 293.193 to reduce the filing fee for a trustee of a county hospital or hospital district from \$40 to \$15.
(BDR 24-347)

REPORT TO THE LEGISLATIVE COMMISSION FROM
THE SUBCOMMITTEE TO STUDY THE LAWS
GOVERNING THE PROCEDURES USED
IN ELECTIONS IN NEVADA

I. INTRODUCTION

In 1985 the 63rd session of the Legislature adopted Assembly Concurrent Resolution No. 23 which required the Legislative Commission to study the laws governing the procedures used in elections in Nevada to determine the need for their revision and modernization. The Legislative Commission appointed a subcommittee to conduct the study. The members of the subcommittee were:

Assemblyman Courtenay C. Swain, Chairman
Senator Sue Wagner, Vice Chairman

The subcommittee held two meetings in Reno on December 2, 1985, and April 28, 1986. The subcommittee heard testimony at the first meeting from various public officers charged with the duty of conducting elections in the state and from members of the general public. The second meeting was devoted to a work session to analyze public testimony, make findings and adopt recommendations.

II. FINDINGS AND RECOMMENDATIONS

A. BALLOTS

1. Absent Ballots

NRS 293.327 requires each county clerk or registrar of voters to provide a voting booth on the premises of his office for use by a registered voter who has been issued an absent ballot and has chosen to vote the ballot on the premises. However, the statute does not specify the time before an election when the voting booth must be available for such use. The subcommittee, therefore, recommends:

Requiring the county clerk or registrar of voters to provide a voting booth on the premises of his office at least 25 days before an election for use by registered voters who have been issued absent ballots.
(BDR 24-347)

NRS 293.545 requires a county clerk or registrar of voters to cancel the affidavit of registration of any

registered voter who fails to vote in a general election. The voter must register again if he wishes to vote in a subsequent election. However, NRS 293.545 provides an exception for a registered voter who votes and mails an absent ballot on or before the date of the general election but which arrives too late to be counted. Although the absent ballot is not counted, the registered voter is considered to have voted for the purpose of determining whether his affidavit of registration must be canceled. The subcommittee heard testimony from election officers who urged that the time for mailing or personally delivering an absent ballot be extended after the date of the general election in order to reduce the number of affidavits of registration which must be canceled for those registered voters whose absent ballots are mailed or delivered after the date of the general election. The subcommittee, therefore, recommends:

Extending the time for the return of an absent ballot to the county clerk or registrar of voters for the purpose of determining whether an affidavit of registration must be canceled. (BDR 24-347)

2. Paper Ballots

When chapter 293 was added to NRS in 1960, the paper ballot was the primary method of voting in Nevada. As a result, certain provisions in chapter 293 refer to procedures which apply only to elections in which paper ballots are used. Since 1975 when chapter 293B was added to NRS, the punch card system of voting has replaced the paper ballot as the primary method of voting in this state. Thus, the use of the punch card system has created inaccurate references in certain provisions of chapter 293 of NRS. For example, NRS 293.293 directs the voter to fold his ballot after marking it. However, this reference is inaccurate because the ballots used in the punch card system of voting are not folded. The subcommittee, therefore, recommends:

Correcting various inaccurate provisions of chapter 293 of NRS relating to the use of paper ballots.
(BDR 24-347)

3. Sample Ballots

The subcommittee considered a suggestion made by several county clerks that the definition of a "sample ballot" be amended to include any facsimile of a ballot which is printed by a computer. It is the opinion of the subcommittee that the dramatic increase in the use of computers in conducting

elections required a clarification of that definition. The subcommittee, therefore, recommends:

Amending the definition of a "sample ballot" to include any facsimile of a ballot which is printed by a computer. (BDR 24-347)

B. NOMINATIONS

NRS 293.176 prohibits a person from becoming a candidate for a party nomination in a primary election if he has changed the designation of his political party affiliation after September 1 of the year preceding the primary election.

A person attempted to file for the office of Lieutenant Governor as a representative of the Independent American Party which had qualified as a political party in Nevada in June 1974. However, the Secretary of State refused to accept his declaration of candidacy because the candidate had changed his party affiliation after September 1 of the preceding year. The candidate petitioned the Nevada Supreme Court which issued a writ of mandamus ordering the Secretary of State to accept the declaration of candidacy despite NRS 293.176. The court held in Long v. Swackhamer, 91 Nev. 498 (1975) that NRS 293.176 does not apply to any political party which is qualified as such after September 1 of the preceding year. The subcommittee, therefore, recommends:

Amending NRS 293.176 to provide that a person who changes his political party affiliation after September 1 of the preceding year is eligible to be a candidate for a nomination of a political party in a primary election if the party is qualified after September 1 of the year preceding the election. (BDR 24-347)

C. REGISTRATION OF VOTERS

NRS 293.505 provides that a county clerk or registrar of voters may appoint registered voters to serve as deputy registrars and perform their duties as he directs. The subcommittee heard testimony from interested persons that at least one county clerk had refused to appoint any deputy registrars in his county. Because deputy registrars perform an invaluable service in the registration of voters, it is the opinion of the subcommittee that a county clerk or registrar of voters should not be able to frustrate the electoral process by refusing to appoint deputy registrars. The subcommittee, therefore, recommends:

Requiring each county clerk or registrar of voters to appoint at least one deputy registrar in the county.
(BDR 24-347)

D. ELECTIONS

1. Submission of Ballot Questions for Certain Elections

NRS 293.481 provides that a question required to be submitted to a county clerk or registrar of voters for an election other than a primary or general election must be submitted at least 35 days before the election. The subcommittee heard testimony from election officers that the requirement of 35 days should be increased to allow more time for the preparation of the ballot when such a question is proposed and submitted. The subcommittee, therefore, recommends:

Requiring that a question which must be submitted to a county clerk or registrar of voters for an election other than a primary or general election be submitted at least 90 days before the election. (BDR 24-347)

2. Assistance in Casting Ballots

NRS 293.296 provides that a registered voter who requires assistance to vote because of a physical disability or an inability to read or write English is entitled to assistance by any person of his choice except his employer or agent, an officer or agent of his labor organization or an election board officer who is not his spouse. However, because of a change in federal law pursuant to Pub. L. No. 97-205, an election board officer who is not the spouse of the voter requesting assistance is no longer prohibited from providing such assistance. The subcommittee, therefore, recommends:

Amending NRS 293.296 to conform it to the provisions of 42 U.S.C. § 1973aa-6 which allows any election board officer to assist a voter who is physically disabled or unable to read or write English.
(BDR 24-347)

E. COMPUTERS USED IN ELECTIONS

The potential for fraud in elections where computers are used to count ballots was an issue of great concern to many people who attended the meetings of the subcommittee. The subcommittee heard testimony that the computer programs designed for use in elections could easily be tampered with

by anyone who possesses a rudimentary understanding of computers. Although the election officers who testified at the meeting conceded that the possibility of computer fraud exists, they felt such a possibility was unlikely in this state because the provisions of chapter 293B of NRS require the testing of the computers and their programs before and after an election. Furthermore, none of the election officers who attended the meetings had knowledge of any fraudulent use of computers in any election in this state. However, it is the opinion of the subcommittee that because of the increased sophistication and use of computers in elections, it is imperative that the integrity of the electoral process be ensured in order to maintain the confidence and participation of the people in that process. The subcommittee, therefore, recommends:

1. Requiring the Secretary of State to adopt regulations to ensure the security of computer programs used in elections and to develop testing procedures for those programs. (BDR 24-347)
2. Urging the Secretary of State to review and evaluate all available studies conducted by the Federal Election Commission relating to computer fraud before adopting regulations to ensure the security of computer programs used in elections.

F. RECALL OF PUBLIC OFFICERS

1. Recall of Officer Appointed to Elective Office

NRS 306.020 provides that a public officer is subject to recall from office by the registered voters of the state, county, district or municipality from which he was elected. However, there are no provisions relating to the recall of a public officer who is appointed to an elective office. The subcommittee, therefore, recommends:

Amending NRS 306.020 to provide that a public officer who is appointed to an elective office is subject to recall in the same manner as provided for an officer who is elected to that office. (BDR 24-347)

2. Hearing on Petition for Recall

After a petition to recall a public officer has been verified, the petition is filed with the proper officer who shall cause publication of a notice of hearing on the petition

by the appropriate district court. NRS 306.040, however, does not provide for a hearing on a petition for the recall of a district officer whose district includes area in more than one county. The subcommittee, therefore, recommends:

Requiring that a hearing on a petition for the recall of a district officer whose district includes area in more than one county must be held in the district court for the county in which the largest proportion of the area of the district is located. (BDR 24-347)

G. CAMPAIGN CONTRIBUTIONS AND EXPENSES

NRS 294A.080 requires the Secretary of State and each county clerk or registrar of voters to report to the attorney general or the appropriate district attorney any violation concerning the reporting of campaign contributions or expenses. This statute, however, does not require a city clerk to report any such violation concerning a candidate for city office. The subcommittee, therefore, recommends:

Requiring a city clerk to notify the district attorney of the appropriate county of any violation concerning the reporting of campaign contributions or expenses of a candidate for municipal office. (BDR 24-347)

H. GENERAL IMPROVEMENT DISTRICTS

1. Placement of Names of Candidates on Ballot

NRS 318.095 requires that after the creation of a general improvement district, each election for trustees of that district must be held simultaneously with the general election of the county. The subcommittee heard testimony from several county clerks that the statute is unclear whether such an election may be conducted by using a ballot different from the ballot used for the primary or general election. They suggested that the subcommittee consider requiring the names of candidates for trustees of a general improvement district to be placed on the same ballot which is used for the primary or general election. The subcommittee, therefore, recommends:

Requiring the names of candidates for trustees of a general improvement district to be placed on the primary or general election ballot of the county. (BDR 24-347)

2. Reimbursement of Costs for Election

NRS 318.095 also requires that an election for trustees of a general improvement district must be conducted under the supervision of the county clerk or registrar of voters. The statute, however, does not provide for reimbursement of the costs incurred by a county clerk or registrar of voters when he conducts such an election. The subcommittee, therefore, recommends:

Requiring a general improvement district to reimburse the county clerk or registrar of voters for the costs he incurred in conducting an election for that district. (BDR 24-347)

I. CITY ELECTIONS

City elections are governed by the provisions of chapter 293 and 293B of NRS unless otherwise specifically provided for in a city charter or in provisions of NRS. The subcommittee heard testimony from several city clerks that the provisions of chapter 266 of NRS relating to city elections and chapter 293 of NRS were difficult to interpret and apply to city elections. It was suggested that a new chapter be added to NRS to govern city elections only. The subcommittee, therefore, recommends:

Amending various provisions of chapters 293 and 293B of NRS to clarify the application of those provisions to city elections. (BDR 24-348)

J. FILING FEES FOR PUBLIC OFFICE

The subcommittee heard testimony from several persons that the filing fee for a trustee of a general improvement district should be reduced from \$75 to \$15 because many trustees receive little compensation for performing their duties. The subcommittee reviewed the compensation of trustees in all the general improvement districts in the state and, because of the wide disparity in compensation for those trustees, declined to recommend a reduction in the filing fee.

The subcommittee also heard testimony concerning the reduction of the filing fee for a trustee of a county hospital or hospital district from \$40 to \$15. It was suggested that because the filing fee for a trustee of a county school district is \$15, the filing fee for a trustee of a county

hospital or hospital district should also be \$15 because the duties of each office are comparable. The subcommittee, therefore, recommends:

Reducing the filing fee for a trustee of a county hospital or hospital district from \$40 to \$15.
(BDR 24-347)

III. APPEARANCES

The following is a list of the names of persons who appeared before the subcommittee:

Ray Anderson
Citizens for Reno
Reno, Nevada

Barbara Bennett
Chairman
Nevada Common Cause
Reno, Nevada

Robin M. Bogich
Washoe County Registrar of Voters
Reno, Nevada

Fred Copeland
Reno, Nevada

Dianne Cornwall
Former Washoe County
Registrar of Voters
Reno, Nevada

Jerry Crawford
Computer Programming and Processing
Accuracy Board of Washoe County
Reno, Nevada

G. P. Etcheverry
Executive Director
Nevada League of Cities
Carson City, Nevada

Chloris Goodwin
Sparks City Clerk
Sparks, Nevada

Ken Haller
Reno, Nevada

Elvin Henslin
Department of Management
Information Services
Washoe County
Reno, Nevada

Gilbert Mandagaran
Reno City Clerk
Reno, Nevada

Orland Outland
Reno, Nevada

Jim Shields
Director
American Civil Liberties
Union of Nevada
Reno, Nevada

Dorothy Vondenbrink
Henderson City Clerk
Henderson, Nevada

Val Young
Computer Programming and Processing
Accuracy Board of Washoe County
Reno, Nevada

SUGGESTED LEGISLATION

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SUMMARY--Makes various changes in provisions governing elections.

(BDR 24-347)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to elections; requiring the secretary of state to adopt regulations to ensure the security and accuracy of computer programs used for elections; requiring a county clerk or registrar of voters to appoint at least one deputy registrar in the county; extending the time for the return of an absent ballot for the purposes of determining whether an affidavit of registration must be canceled; and providing other matters properly relating thereto.

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

Section 1. NRS 293.015 is hereby amended to read as follows:

293.015 "Absent [ballot] voter" means a registered voter who has received or who has voted an absent [voter's] ballot.

Sec. 2. NRS 293.097 is hereby amended to read as follows:

293.097 "Sample ballot" means a document distributed by the county clerk upon which is printed a facsimile of a ballot. *The term includes any such document which is printed by a computer.*

Sec. 3. NRS 293.176 is hereby amended to read as follows:

293.176 [No] 1. *Except as otherwise provided in subsection 2, no person may be a candidate for a party nomination in any primary election if he has changed the designation of his political party affiliation on an official affidavit of registration in the State of Nevada or in any other state since the September 1 [prior to] next preceding the closing filing date for [such] the election, whether or not his previous registration was still effective at the time of the change in party designation.*

2. *The provisions of subsection 1 do not apply to any person who is a candidate for a party nomination of a political party which was not qualified as such on the September 1 next preceding the closing filing date for the election.*

Sec. 4. NRS 293.193 is hereby amended to read as follows:

293.193 1. Fees as listed in this section for filing declarations of candidacy or acceptances of candidacy [shall] *must* be paid to the filing officer by cash, cashier's check or certified check.

United States Senator	\$250
Representative in Congress	150

Governor	\$150
Justice of the supreme court	150
Any state office, other than governor or justice of the supreme court	100
Any district office.....	75
Any county office other than a trustee of a school district , <i>hospital or hospital district</i>	40
State senator.....	30
Assemblyman	15
Trustee of a county school district , <i>hospital or hospital district</i>	15
Justice of the peace, constable or other town or township office.....	10

2. No filing fee may be required from a candidate for an office the holder of which receives no compensation.

3. The county clerk shall pay to the county treasurer all filing fees received by him from candidates. The county treasurer shall deposit the money to the credit of the general fund of the county.

Sec. 5. NRS 293.230 is hereby amended to read as follows:

293.230 1. In precincts or districts where there are less than 200 registered voters [.] *and paper ballots are used*, the election board shall perform all duties required from the time of preparing for the opening of the polls through delivering the supplies and result of votes cast to the county clerk.

2. Except as provided in NRS 293.235, one election board [shall] *must* be appointed by the county clerk for all mailing precincts within the county, and [shall] *must* be designated the central election board. The county clerk shall deliver the mailed ballots to [such] *that* board in his office and the board shall count the votes on [such] *those* ballots in the manner required by law.

Sec. 6. NRS 293.233 is hereby amended to read as follows:

293.233 In each precinct or district where there are 200 or more registered voters [.] *and paper ballots are used*, the county clerk shall appoint two election boards and designate one the voting board and the other the counting board. The officers of the counting board shall count the votes and make the record of the votes. The voting board shall account for the records at the time the polls are closed and deliver to the counting board the ballot box containing the voted ballots and all other books and supplies in [their] *its* possession. Upon such delivery, the counting board shall perform [their] *its* duties as required by law. The time of service for the counting board [shall] *must* be from the closing of the polls through the returning of the supplies and the result of votes cast to the county clerk.

Sec. 7. NRS 293.247 is hereby amended to read as follows:

293.247 1. The secretary of state shall adopt regulations, not inconsistent with the election laws of this state, for the conduct of primary, general, special and district elections in all counties.

2. [Such regulations shall] *The regulations must* prescribe:

- (a) The duties of election boards;
 - (b) The type and amount of election supplies;
 - (c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;
 - (d) The method to be used in distributing ballots to precincts and districts;
 - (e) The method of inspection and the disposition of ballot boxes;
 - (f) The form and placement of instructions to voters;
 - (g) The recess periods for election boards;
 - (h) The size, lighting and placement of voting booths;
 - (i) The amount and placement of guardrails and other furniture and equipment at voting places;
 - (j) The disposition of election returns;
 - (k) The procedures to be used for canvasses, ties, recounts and contests;
- [and]
- (l) *The procedures to be used to ensure the security and accuracy of computer programs used for elections: and*

(m) Such other matters as determined necessary by the secretary of state.

3. The secretary of state may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this state.

4. The secretary of state shall prepare and distribute to county clerks the election officer's digest and instructions for election boards, and copies of any attorney general's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the secretary of state.

Sec. 8. NRS 293.285 is hereby amended to read as follows:

293.285 1. A registered voter applying to vote shall state his name to the election board officer in charge of the election board register and [such] *the* officer shall immediately announce the name and take the registered voter's signature. After a registered voter is properly identified at a polling place where *paper* ballots are used, one partisan ballot and, if required, one nonpartisan ballot, correctly folded [shall] *must* be given to [such] *the* voter and the number of [such] *the* ballot or ballots [shall] *must* be written by an election board officer upon the pollbook, opposite the name of the registered voter receiving the ballot or ballots.

2. In pollbooks in which voters' names have been entered, election officers may indicate the application to vote without writing the name.

Sec. 9. NRS 293.293 is hereby amended to read as follows:

293.293 Where paper ballots are used for voting:

1. Except as provided in subsection 2, the voter shall mark his ballot in no other manner than by stamping a cross (X) in the square following the name of each candidate for whom he intends to vote for each office, or upon one of the lines provided pursuant to NRS 293.269, except that in a general election, at which the names of candidates for President and Vice President of the United States are on the ballot, followed by the designation of their party, one vote for the party designated constitutes a vote for that party's candidates for President and Vice President.

2. If a proposed constitutional amendment or other question is submitted to the registered voters, the cross must be placed in the square following the answer which the voter chooses to give.

3. Before leaving the booth, the voter shall fold his ballot in such a manner that the number of the ballot appears on the outside, without exposing how he voted, and shall keep it so folded until he has delivered it to the officer from whom he received it, who shall announce the number of the ballot in an audible voice.

4. The election board officer who is in charge of the pollbook shall repeat the number, and mark in the column opposite the number the word "Voted," or a character indicating the word "Voted."

5. The election board officer who receives the voted ballot shall separate from the ballot the strip bearing the number and shall deposit the ballot in the ballot box in the presence of the voter.

6. No ballot may be deposited in the ballot box until the slip containing the number of the ballot has been removed from it by the election board officer. The strip bearing the number must be retained by the election board officer.

Sec. 10. NRS 293.296 is hereby amended to read as follows:

293.296 1. Any registered voter who by reason of a physical disability or an inability to read or write English is unable to mark a ballot or use any voting device without assistance is entitled to assistance from a consenting person of his own choice, except:

(a) The voter's employer or his agent; *or*

(b) An officer or agent of the voter's labor organization . [; or

(c) An officer of the election board who is not the spouse of the registered voter.]

2. A person providing assistance to a disabled voter in casting his vote shall not disclose any information with respect to the casting of that ballot.

3. The right to assistance in casting a ballot may not be denied or impaired when the need for assistance is apparent or is known to the election board or any member thereof, but the election board may require a registered voter to sign a statement that he requires assistance in casting his vote by reason of a physical disability or an inability to read or write English when the need for assistance is not apparent or no member of the election board has knowledge thereof. The statement must be executed under penalty of perjury.

Sec. 11. NRS 293.297 is hereby amended to read as follows:

293.297 1. Any voter who spoils his ballot may return [such] *the* spoiled ballot to the election board and receive another in its place.

2. The election board officers shall indicate in the pollbook that [such] *the* ballot is spoiled and shall enter the number of the ballot issued in its place.

3. Each spoiled ballot returned [shall] *must* be canceled [without unfolding it] by writing the word "Canceled" across the back of the ballot. *A spoiled paper ballot must be canceled without unfolding it.*

4. A record [shall] *must* be made of [such] *the* canceled ballots at the closing of the polls and before counting. [Such ballots shall] *The ballots must* be placed in a separate envelope and returned to the county clerk with the election supplies.

Sec. 12. NRS 293.304 is hereby amended to read as follows:

293.304 1. When the eligibility of a voter to vote in a general election is successfully challenged solely on the basis of a change of residence within the county, the election [judges] *board* shall issue a statement to the voter on a form provided by the secretary of state which contains:

(a) The name of the voter;

(b) The address which appears on the record of voter registration;

(c) The address at which the voter actually resides;

(d) The signatures of the *members of the* election [judges] *board* who issued the statement; and

(e) Other information which the secretary of state deems necessary to carry out the provisions of this section.

2. The registrar of voters of each county shall maintain a special polling place in his office during each general election. The ballots for the special polling place must contain provisions for voting for any of the following offices and questions if an election is being held for the offices and questions, and no others:

(a) President and Vice President of the United States;

(b) United States Senator;

(c) All state officers for whom all voters in the state may vote; and

(d) Questions which have been submitted to all of the voters of the state:

3. When a person comes to the office of the registrar of voters and presents a properly prepared statement issued pursuant to subsection 1, the registrar of voters shall permit him to vote at the special polling place, using the special ballot prepared pursuant to subsection 2.

4. The secretary of state shall provide by regulation for:

(a) Forms for statements; and

(b) The counting of ballots voted at a special polling place.

Sec. 13. NRS 293.327 is hereby amended to read as follows:

293.327 1. If a request for an absent ballot is made by a registered voter in person, the county clerk shall issue an absent ballot to the registered voter, and the ballot must be voted on the premises of the clerk's office and returned to the clerk. The clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. [Each] *At least 25 days before an election, each* county clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued absent ballots in accordance with this section.

Sec. 14. NRS 293.330 is hereby amended to read as follows:

293.330 1. When an absent voter receives his ballot, he must stamp and fold it , *if it is a paper ballot, or punch it,-if the ballot is voted by punching a*

card, in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. If the absent voter who has received a ballot by mail applies to vote the ballot in person at the county clerk's office, he must stamp *or punch* the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the county clerk.

Sec. 15. NRS 293.333 is hereby amended to read as follows:

293.333 1. On the day of election, the precinct or district election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, deposit the ballots in the ballot box in the following manner:

(a) The name of the voter, as shown on the return envelope, [shall] *must* be called and checked as if the voter were voting in person; and

(b) The signature on the back of the return envelope [shall] *must* be compared with that on the original affidavit of registration.

2. If the board determines that the absent voter is entitled to cast his ballot, the envelope [shall] *must* be opened, the numbers on the ballot and envelope compared, the number strip [torn off] *or stub detached from* the ballot, and, if the numbers are the same, the ballot deposited in the regular ballot box.

3. The election board officers shall mark in the pollbook opposite the name of the voter the word "Voted."

Sec. 16. NRS 293.481 is hereby amended to read as follows:

293.481 1. Except as provided in subsection 2, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:

(a) At a general election, shall provide a copy of the question to each county clerk within the designated territory on or before the 3rd Monday in July preceding the election.

(b) At a primary election, shall provide a copy of the question to each county clerk within the designated territory on or before the 1st Monday in July preceding the election.

(c) At any election ~~[() other than a primary or general election ()]~~ at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide a copy of the question to each county clerk at least ~~[35 days prior to]~~ *90 days before* the election.

2. The requirements of subsection 1 do not apply to any question expressly privileged or required under article 19 of the constitution of the State of Nevada or under chapter 295 of NRS or any other statute to be submitted if proposed after the dates specified.

Sec. 17. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio deputy registrars to carry out the provisions of this chapter.

2. The county clerk [may appoint registered voters as deputy registrars.] *shall appoint at least one registered voter to serve as a deputy registrar, who shall register voters within the county for which [they are] he is appointed.* Except as provided in subsection 1, a candidate for any office may not be appointed or serve as a deputy registrar. Deputy registrars serve at the pleasure of the county clerk and shall perform their duties as the county clerk may direct.

3. Deputy registrars may demand of any person who applies for registration all information required by the affidavit of registration, and may administer all oaths required by this chapter.

4. When a deputy registrar has in his possession five or more completed affidavits of registration, he shall forward them to the county clerk, but in no case may he hold any number of them for more than 10 days.

5. Immediately after the close of registration, each deputy registrar shall forward to the county clerk all completed affidavits in his possession. Within 5 days after the close of registration for a general election, a deputy registrar shall return all unused affidavits in his possession to the county clerk.

6. Deputy registrars shall submit to the county clerk an alphabetical list of names of electors registered by him, giving the serial number of the affidavit used for each named registrant.

7. Each deputy registrar shall post notices sent to him by the county clerk for posting in accordance with the election laws of this state.

8. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 18. NRS 293.545 is hereby amended to read as follows:

293.545 1. Immediately after the county commissioners of a county canvass the general election vote, the county clerk shall compare the registrar of voters' register for each precinct or district in the county with the list of registered voters who voted at the election in each precinct or district as shown by the pollbook or roster returned by the precinct or district election board and the absent ballot central counting board, if one has been appointed, to the county clerk, and he shall remove from the registrar of voters' register and from the election board register by January 1 of the year following the election

the affidavits of registration of all electors who have failed to vote at the election.

2. If the affidavit of registration of an elector is canceled pursuant to the provisions of subsection 1, the county clerk shall mail by March 15 of the year following the general election a notice stating that the elector's affidavit of registration has been canceled because of his failure to vote in the last general election.

3. An absent voter whose ballot is voted and mailed [on or before] *or delivered to the county clerk within 10 days after* the date of the general election [but which arrives too late to be cast and counted] must not be considered as having failed to vote under subsection 1.

Sec. 19. NRS 293B.370 is hereby amended to read as follows:

293B.370 The absent ballot mailing precinct inspection board shall:

1. Perform functions similar to those of the central ballot inspection board and the ballot duplicating board as [such] *those* functions are applicable to absent and mailing ballots.

2. Bundle the empty absentee and mailing return envelopes according to ballot type or precinct and deliver the bundles to the county clerk.

3. Treat any absentee or mailing [ballot] *envelope* found not to contain a ballot as a rejected ballot and place each such envelope in a separate larger

envelope on which [shall] *must* be written the ballot code or precinct and the reason for the rejection.

Sec. 20. NRS 294A.020 is hereby amended to read as follows:

294A.020 1. Every candidate for state, district, county [, city] or township office at a primary or general election shall, not later than:

(a) Fifteen days before the primary election, for the period from the last election for that office up to 20 days before the primary election;

(b) Fifteen days before the general election, whether or not the candidate won the primary election, for the period from 20 days before the primary election up to 20 days before the general election; and

(c) Thirty days after the general election, for the remaining period up to the general election,

report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

2. Except as provided in subsection 3, every candidate for a district office at a special election shall, not later than:

(a) Fifteen days before the special election, for the period from his nomination up to 20 days before the special election; and

(b) Thirty days after the special election, for the remaining period up to the special election.

report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer [shall] *will* be recalled shall report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury, 30 days after the special election, for the period from the filing of the notice of intent to circulate the petition for recall up to the special election.

4. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. County clerks who receive from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to subsection 2 shall file a copy of each report with the secretary of state.

6. Except as otherwise provided in this section, any candidate who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 21. NRS 294A.080 is hereby amended to read as follows:

294A.080 If it appears that the provisions of NRS 294A.010, 294A.020 , 294A.035 or 294A.041 have been violated:

1. The secretary of state shall report the alleged violation to the attorney general; and

2. A county *or city* clerk shall report the alleged violation to the appropriate district attorney,

and the attorney general or district attorney to whom the report is made shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

Sec. 22. NRS 306.020 is hereby amended to read as follows:

306.020 1. Every public officer in the State of Nevada is subject to recall from office by the registered voters of the state or of the county, district or municipality from which he was elected, as provided in section 9 of article 2 of the constitution of the State of Nevada and this chapter. *A public officer who is appointed to an elective office is subject to recall in the same manner as provided for an officer who is elected to that office.*

2. The petition must, in addition to setting forth the reason why the recall is demanded:

(a) Contain the residence addresses of the signers and the date that the petition was signed;

(b) Contain a statement of the minimum number of signatures necessary to the validity of the petition;

(c) Include the date that a notice of intent was filed; and

(d) Have the designation: "Signatures of registered voters seeking the recall of (name of public officer for whom recall is sought)" on each page if the petition contains more than one page.

Sec. 23. NRS 306.040 is hereby amended to read as follows:

306.040 1. Upon the filing of the petition, the officer with whom the petition is filed shall cause publication of a notice of a hearing on the petition by the district court in and for the appropriate county at a time and place fixed by the district court, which shall give priority to the petition over all but criminal matters.

2. If the officer against whom the petition is filed is a [state] :

(a) State officer, the hearing on the petition must be held by the first judicial district court.

(b) District officer whose district includes area in more than one county, the hearing on the petition must be held in the district court for the county in which the largest proportion of the area of the district is located.

The notice must be published once in a newspaper of general circulation in the appropriate county or, if the officer is a state officer, in each county of the state. The notice must contain the names of the signers of the petition and the reasons for the proposed recall. Any person whose name appears on the petition as a signer may appear at the hearing and request that his name be

stricken from the petition, and the court shall strike his name if good cause appears therefor.

[2.] 3. At the conclusion of the hearing, the court shall make a determination of the sufficiency and validity of the petition within 5 days, and shall instruct the officer with whom the petition is filed either to cease any further proceedings in the matter or, if the officer against whom the petition was filed has not resigned, to issue a call, not sooner than 10 days nor more than 20 days after the date of the order, for a special election to be held in the state, or in the county, district or municipality electing the officer against whom the petition was filed, to determine whether the people will recall him.

Sec. 24. NRS 318.095 is hereby amended to read as follows:

318.095 Except as otherwise provided in NRS 318.0953:

1. There must be held simultaneously with the first general election in the county after the creation of the district and simultaneously with every general election thereafter an election to be known as the biennial election of the district. The election must be conducted under the supervision of the county clerk or registrar of voters. *A district shall reimburse the county clerk or registrar of voters for the costs he incurred in conducting the election for the district.*

2. The office of trustee is a nonpartisan office. The general election laws of this state govern the candidacy, nominations and election of a member of the board. *The names of the candidates for trustee of a district must be placed on the ballot for the primary or general election.*

3. At the first biennial election in any district organized or reorganized and operating under this chapter, and each fourth year thereafter, there must be elected by the qualified electors of the district two qualified electors as members of the board to serve for terms of 4 years. At the second biennial election and each fourth year thereafter, there must be so elected three qualified electors as members of the board to serve for terms of 4 years.

4. The secretary of the district shall give notice of election by publication, and shall arrange such other details in connection therewith as the county clerk or registrar of voters may direct.

5. Any new member of the board must qualify in the same manner as members of the first board qualify.

SUMMARY--Clarifies application of Title 24 of NRS to city elections.

(BDR 24-348)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to elections; clarifying the application of Title 24 of NRS to city elections; and providing other matters properly relating thereto.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *In any city election, if at 5 p.m. on the last day for filing an affidavit or declaration of candidacy, there is only one candidate for nomination for any office, that candidate must be declared elected and no election need be held for that office.*

Sec. 3. 1. *A primary city election must be held in each city of the first and second classes on the 1st Tuesday after the 1st Monday in May of every year in*

which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. A candidate for any office to be voted for at the primary city election must file an affidavit of candidacy with the city clerk not less than 30 nor more than 40 days before the date of the primary election. The city clerk shall charge and collect from the candidate and the candidate shall pay to the city clerk, at the time of filing the affidavit of candidacy, a filing fee in an amount fixed by the city council by ordinance. All filing fees so collected by the city clerk must be deposited to the credit of the general fund of the city.

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

4. If in the primary city election one candidate receives more than a majority of votes cast in that election for the office for which he is a candidate his name alone must be placed on the ballot for the general city election. If in the primary city election no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 4. *1. A general city election must be held in each city of the first and second classes on the 1st Tuesday after the 1st Monday in June of the first odd-*

numbered year after incorporation, and on the same day every 2 or 4 years thereafter as determined by law, ordinance or resolution, at which time there must be elected the elective city officers, the offices of which are required next to be filled by election. All candidates, except as provided in NRS 266.220, at the general city election must be voted upon by the electors of the city at large.

2. The city council of each city of the second class shall determine by ordinance passed after incorporation or after July 1, 1969, whether the terms of office of councilmen are to be 2 or 4 years and if it is determined to have terms of 4 years, whether the terms are to be staggered. If it is determined by ordinance that the terms of office are to be staggered, the councilmen holding office on the date of the ordinance shall decide by lot among themselves which of their offices expire at the general election which next follows the date of the ordinance, and thereafter the terms of office must be 4 years.

Sec. 5. 1. A general city election must be held in each city of the third class on the 1st Tuesday after the 1st Monday in June of the first odd-numbered year after incorporation, and on the same day either every 2 years or every 4 years thereafter as determined by ordinance.

2. There must be one mayor and three councilmen for each city of the third class, and it must be determined by ordinance passed after incorporation or after July 1, 1969, whether the terms of office of the mayor and the councilmen

are to be 2 or 4 years and if it is determined to have terms of 4 years, whether the terms of office are to be staggered. If it is determined by ordinance that the terms of office are to be staggered, the mayor and the three councilmen holding office on the date of the ordinance shall decide by lot among themselves which two of their offices expire at the general election which next follows the date of the ordinance, and thereafter the terms of office must be 4 years.

3. A candidate for any office to be voted for at the general city election must file an affidavit of candidacy with the city clerk not less than 30 nor more than 40 days before the day of the general city election. The city clerk shall charge and collect from the candidate and the candidate shall pay to the city clerk, at the time of filing the affidavit of candidacy, a filing fee in an amount fixed by the city council by ordinance.

4. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for councilmen must be voted upon by the electors of their respective wards to represent the wards in which they reside, or by the electors of the city at large to represent the wards in which they reside, in accordance with the provisions of chapter 266 of NRS.

Sec. 6. The conduct of any city election must be under the control of the city council, and it shall by ordinance provide for the holding of the election, appoint the necessary officers thereof, and do all other things required to carry the election into effect.

Sec. 7. 1. Every person who resides within the boundaries of the city at the time of the holding of any city election, and whose name appears upon the official register of voters for the city, is entitled to vote at each special, primary and general city election, and for all officers to be voted for and on all questions submitted to the people at any such elections except as otherwise provided in chapter 266 of NRS.

2. The city council may provide for a supplemental registration.

Sec. 8. 1. The election returns from any special, primary or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the mayor and city council.

2. The mayor and city council shall meet within 5 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the city clerk for 6 months and no person may have access thereto except on order of a court of competent jurisdiction or by order of the city council.

3. The city clerk, under his hand and official seal, shall issue to each person elected a certificate of election. The officers so elected qualify and enter upon the discharge of their respective duties on the first regular meeting of the city council next succeeding that in which the canvass of returns was made as provided in subsection 2.

Sec. 9. *A general election must be held throughout the state on the 1st Tuesday after the 1st Monday of November in each even-numbered year.*

Sec. 10. *Any organization of registered voters which, under a common name or designation at the last preceding general election, polled for any of its candidates a number of votes equal to or more than 5 percent of the total vote cast for Representative in Congress is qualified as a political party in this state.*

Sec. 11. *"General city election" means an election held pursuant to section 4 or 5 of this act. The term includes a general municipal election held pursuant to the provisions of a special charter of an incorporated city.*

Sec. 12. *"Primary city election" means an election held pursuant to section 3 of this act. The term includes a primary municipal election held pursuant to the provisions of a special charter of an incorporated city.*

Sec. 13. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this Title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and sections 11 and 12 of this act*, have the meanings ascribed to them in those sections.

Sec. 14. NRS 293.032 is hereby amended to read as follows:

293.032 "Canvass" means a review of the election results by the board of county commissioners *or the mayor and city council* or the justices of the supreme court, by which any errors within the election results are officially noted and the official election results are declared.

Sec. 15. NRS 293.034 is hereby amended to read as follows:

293.034 "Certificate of election" means a certificate prepared by the county *or city* clerk or governor, as the case may be, for the person having the highest number of votes for any district, county, township, *city*, state or statewide office as official recognition of [such] *the* person's election to office.

Sec. 16. NRS 293.057 is hereby amended to read as follows:

293.057 "Filing officer" means the secretary of state, county *or city* clerk [and] *or* any other officer authorized by law to receive designations and declarations of candidacy, certificates and acceptances of nomination or any other nomination papers.

Sec. 17. NRS 293.060 is hereby amended to read as follows:

293.060 "General election" means the election held [throughout the state on the 1st Tuesday after the 1st Monday of November in each even-numbered year.] *pursuant to section 9 of this act.*

Sec. 18. NRS 293.073 is hereby amended to read as follows:

293.073 "Political party" means any organization [of registered voters which, under a common name or designation at the last preceding general election, polled for any of its candidates a number of votes equal to or more than 5 percent of the total vote cast for Representative in Congress.] *which is qualified as a political party pursuant to section 10 of this act.*

Sec. 19. NRS 293.080 is hereby amended to read as follows:

293.080 "Primary election" means the election [at which candidates are nominated for the general election in the same year.] *held pursuant to NRS 293.175.*

Sec. 20. NRS 293.097 is hereby amended to read as follows:

293.097 "Sample ballot" means a document distributed by [the] *a county or city* clerk upon which is printed a facsimile of a ballot.

Sec. 21. NRS 293.150 is hereby amended to read as follows:

293.150 1. The delegates elected to the state convention of each political party by the several county conventions of [such] *that* party shall convene on such respective dates as the state central committees of the parties [shall] designate, or if an earlier date is not designated then on the 2nd Tuesday in May in each year in which the general [state] election is to be held, at the state capital, or at such other place in the state as the state central committee of [such party shall designate.] *that party designates.* The delegates shall there organize, adopt a state party platform, and elect a state central committee for [such] *that* party for the ensuing term and the chairman thereof.

2. The state central committee of the parties may convene additional state conventions of their respective parties at such times and places as they [shall] designate during the period between the state conventions, as provided in subsection 1, and the next ensuing precinct meetings, as provided in NRS

293.135. The delegate composition at [such conventions shall] *those conventions must* be the same as that certified pursuant to subsection 3 of NRS 293.140.

Sec. 22. NRS 293.218 is hereby amended to read as follows:

293.218 The county *or city* clerk may provide by rule or regulation for the:

1. Recommendation, by the persons selected as chairmen of election boards, of suitable persons to serve as members of election boards; and
2. Recommendation by the chairmen of suitable persons to serve in the case of vacancies.

Sec. 23. NRS 293.220 is hereby amended to read as follows:

293.220 Upon *the* selection of persons to act as election board officers in the county [,] *or city* the county *or city* clerk shall deliver, by mail or other means, notifications of [such] *the* appointments to [such] *those* persons.

Sec. 24. NRS 293.223 is hereby amended to read as follows:

293.223 If any person appointed to serve as an election board officer is unwilling to serve as appointed, he shall notify the county *or city* clerk within 5 days after receipt of [such] *the* notification that he is unwilling to serve, whereupon the county *or city* clerk shall appoint some other registered voter to serve at [such] *the* election.

Sec. 25. NRS 293.225 is hereby amended to read as follows:

293.225 1. Members of election boards continue as such from the day before the day of the election, until the time for filing contests of the election has expired.

2. Each member of an election board is subject to call by the board of county commissioners *or city council* to correct any errors discovered during the canvass of votes by the board of county commissioners [.] *or city council*.

3. Reserve election board officers must be appointed by the county *or city* clerk, if practicable, [for the purpose of filling] *to fill* any vacancy which occurs on the day of the election, and the reserve officers must be compensated if they serve at the polls.

4. If a vacancy occurs in any election board on the day of the election and no reserves are available, the election board may appoint, at the polling place, any registered voter who is willing to serve and satisfies the election board that he possesses the qualifications required to perform the services required.

Sec. 26. NRS 293.227 is hereby amended to read as follows:

293.227 1. Each election board consists of at least three members, one of whom [shall] *must* be designated chairman by the county *or city* clerk. [Such] *The* boards shall make the records of election required by this chapter.

2. The county *or city* clerk shall conduct or cause to be conducted, at least 5 days [prior to] *before* the date of the election for which the boards are

appointed, a school [for the chairmen for the purpose of acquainting such] *to acquaint the* chairmen with the election laws, duties of election boards, [the] regulations of the secretary of state and with the procedure for making the records of election and using the register for election boards. If the person appointed chairman is unable for any reason to attend [such] *the* school, he shall appoint some other member of his election board to attend [such] *the* school in his stead.

3. The board of county commissioners of any county may reimburse the chairmen or their designates who attend [such] *the* school for their travel expenses at a rate not exceeding 10 cents per mile.

4. Each chairman shall instruct his board before election day.

Sec. 27. NRS 293.230 is hereby amended to read as follows:

293.230 1. In precincts or districts where there are less than 200 registered voters, the election board shall perform all duties required from the time of preparing for the opening of the polls through delivering the supplies and result of votes cast to the county *or city* clerk.

2. Except as provided in NRS 293.235, one election board [shall] *must* be appointed by the county *or city* clerk for all mailing precincts within the county [, and shall] *or city, and must* be designated the central election board. The county *or city* clerk shall deliver the mailed ballots to [such] *that* board in

his office and the board shall count the votes on [such] *those* ballots in the manner required by law.

Sec. 28. NRS 293.233 is hereby amended to read as follows:

293.233 In each precinct or district where there are 200 or more registered voters, the county *or city* clerk shall appoint two election boards and designate one the voting board and the other the counting board. The officers of the counting board shall count the votes and make the record of the votes. The voting board shall account for the records at the time the polls are closed and deliver to the counting board the ballot box containing the voted ballots and all other books and supplies in [their] *its* possession. Upon such delivery, the counting board shall perform [their] *its* duties as required by law. The time of service for the counting board [shall] *must* be from the closing of the polls through the returning of the supplies and the result of votes cast to the county *or city* clerk.

Sec. 29. NRS 293.235 is hereby amended to read as follows:

293.235 1. When it appears to the satisfaction of the county *or city* clerk that an absent ballot central counting board will expedite the work of tallying the absent ballot vote of the county [,] *or city*, he may appoint such a board. In counties which use a computer to maintain records of registered voters, the county clerk shall appoint the board.

2. In counties *or cities* where an absent ballot central counting board has been appointed, no central election board may be appointed. The absent ballot central counting board shall perform the duties of the central election board.

Sec. 30. NRS 293.243 is hereby amended to read as follows:

293.243 1. An absent ballot central counting board consists of election board officers appointed in such numbers as the county *or city* clerk determines to be required by the volume of absent ballots requested.

2. The county *or city* clerk's deputies who perform duties in connection with elections shall be deemed officers of the absent ballot central counting board.

3. When requested by the [county] :

(a) *County* clerk, the sheriff shall appoint a deputy sheriff ; *or*

(b) *City* clerk, the chief law enforcement officer of the city shall appoint an officer,

to keep order during the counting board's counting of the absent ballot votes.

4. [Such a] *The* counting board is under the direction of the county *or city* clerk.

Sec. 31. NRS 293.245 is hereby amended to read as follows:

293.245 When the county *or city* clerk determines it necessary to cause any precincts in the county *or city* to be designated absent ballot mailing precincts,

[such] *the* precinct's ballots [shall] *must* be placed by the central election board, or the absent ballot central counting board, in the proper absent ballot mailing precinct ballot box.

Sec. 32. NRS 293.247 is hereby amended to read as follows:

293.247 1. The secretary of state shall adopt regulations, not inconsistent with the election laws of this state, for the conduct of primary, general, special and district elections in all *cities and* counties.

2. [Such regulations shall] *The regulations must* prescribe:

- (a) The duties of election boards;
- (b) The type and amount of election supplies;
- (c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;
- (d) The method to be used in distributing ballots to precincts and districts;
- (e) The method of inspection and the disposition of ballot boxes;
- (f) The form and placement of instructions to voters;
- (g) The recess periods for election boards;
- (h) The size, lighting and placement of voting booths;
- (i) The amount and placement of guardrails and other furniture and equipment at voting places;
- (j) The disposition of election returns;
- (k) The procedures to be used for canvasses, ties, recounts and contests; and

(l) Such other matters as determined necessary by the secretary of state.

3. The secretary of state may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this state.

4. The secretary of state shall prepare and distribute to [county clerks] *each county and city clerk* the election officer's digest and instructions for election boards, and copies of any attorney general's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the secretary of state.

Sec. 33. NRS 293.250 is hereby amended to read as follows:

293.250 1. The secretary of state shall, in a manner consistent with the election laws of this state, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, affidavits of registration, lists, applications, pollbooks, registers, rosters, statements and abstracts required by the election laws of this state.

(b) The procedure to be followed when a computer is used to register voters and to keep records of registration.

2. He shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the state.

(b) The listing of all other candidates required to file with him, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county clerk shall prepare appropriate ballot forms for use in his county.

3. He shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The explanation of each proposed constitutional amendment or statewide measure, including arguments for and against it, must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the secretary of state, upon consultation with the attorney general. They must be in easily understood language and of reasonable length, and whenever feasible must be completed by April 1 of the year in which the general election is to be held.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of [such] *that* township or district.

7. County *and city* clerks may divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

Sec. 34. NRS 293.260 is hereby amended to read as follows:

293.260 1. Where there is no contest for nomination to a particular office, neither the title of the office nor the name or names of the candidates [shall] *may* appear on the ballot.

2. If only one political party has candidates for a particular office, the candidates of that party who receive the highest number of votes at the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office.

3. Where no more than the number of candidates to be elected have filed for nomination for any office, the names of those candidates must be omitted from all [primary election] ballots *for a primary election or primary city election* and placed on all [general election ballots.] *ballots for a general election or general city election.*

4. If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the [primary election ballot.] *ballot for a primary election or primary city election.* Those candidates who receive the highest number of votes at [the primary] *that*

election, not to exceed twice the number to be elected, must be declared nominees for the office.

Sec. 35. NRS 293.267 is hereby amended to read as follows:

293.267 1. [General election ballots] *Ballots for a general election or general city election* must contain the names of candidates who were nominated at the primary election *or primary city election* and the names of independent candidates.

2. Names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

3. Except as provided in subsection 4:

(a) Immediately following the name of each candidate for a partisan office must appear the name of his political party or the word "independent," as the case may be.

(b) Immediately following the name of each candidate for a nonpartisan office must appear the word "nonpartisan."

4. Where a system of voting other than by paper ballot is used, the secretary of state may provide for any placement of the name of the political party or the word "independent" or "nonpartisan" which clearly relates the designation to the name of the candidate to whom it applies.

Sec. 36. NRS 293.268 is hereby amended to read as follows:

293.268 The offices for which there are candidates, the names of the candidates therefor, and the questions to be voted upon must be printed on ballots in the following order:

1. President and Vice President of the United States.
2. United States Senator and Representative in Congress, in that sequence.
3. Governor, lieutenant governor, secretary of state, treasurer, controller and attorney general, in that sequence.
4. State senators and assemblymen.
5. County and township partisan offices.
6. Statewide nonpartisan offices.
7. District nonpartisan offices.
8. *City offices:*
 - (a) *Mayor;*
 - (b) *Councilmen according to ward in numerical order, if no wards, in alphabetical order; and*
 - (c) *Municipal judges.*
9. Township nonpartisan offices.
- [9.] 10. Questions presented to the voters of the state.
- [10.] 11. Questions presented only to the voters of a special district or political subdivision of the state.

Sec. 37. NRS 293.270 is hereby amended to read as follows:

293.270 1. Voting at any [primary or general election shall] *election regulated by this chapter must* be on printed ballots or by any other system approved by the secretary of state or specifically authorized by law.

2. Voting [shall] *must* be only upon candidates whose names appear upon the ballot prepared by the election [officials,] *officers*, and no person may write in the name of an additional candidate for any office.

Sec. 38. NRS 293.297 is hereby amended to read as follows:

293.297 1. Any voter who spoils his ballot may return [such] *the* spoiled ballot to the election board and receive another in its place.

2. The election board officers shall indicate in the pollbook that [such] *the* ballot is spoiled and shall enter the number of the ballot issued in its place.

3. Each spoiled ballot returned [shall] *must* be canceled without unfolding it by writing the word "Canceled" across the back of the ballot. A record [shall] *must* be made of [such] *those* canceled ballots at the closing of the polls and before counting. [Such ballots shall] *The ballots must* be placed in a separate envelope and returned to the *appropriate* county *or* city clerk with the election supplies.

Sec. 39. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged orally by any registered voter of the precinct or district upon the ground that he is not the

person entitled to vote as claimed, or has voted before on the same day, or on any other ground provided for in this Title.

2. If a person is challenged orally, the election board shall tender him the following oath or affirmation: "Do you swear (or affirm) that you are the person whose name is in this precinct register?"

3. If he refuses to take the oath so tendered, or if he is otherwise successfully challenged, he must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged" opposite his name in the election board register.

4. The election board officers shall record the success of the challenge on the challenge list, and the election board officer in charge of the checklist shall indicate next to the name of the challenged person that he was challenged successfully.

5. When a challenge is unsuccessful, the challenged person must be issued a ballot and allowed to vote. The election board officers shall record the unsuccessful challenge on the challenge list.

6. In all cases of challenge the decision rests with the election board by majority vote.

7. The election board officers may test the qualifications of the challenged person by asking any relevant question which they consider necessary to arrive at a decision.

8. Answers must be given under oath and compared with the statements in the election board register.

9. The election board officers may refuse to allow a challenged person to vote without further proceedings unless he:

(a) Brings registered voters of the *appropriate* county *or* city to be examined under oath as to his qualifications; and

(b) If a challenge to his residency is made, produces official identification as proof of his residence, such as his driver's license or other official document.

10. When the entry in the election board register for a person applying to vote contains a challenge, the officer in charge of the election board register shall cause the challenge to be executed before all the election board officers in the same manner as if the person were challenged orally at the polling place. After such execution, the election board shall decide the challenge in the manner provided in this section for oral challenges.

Sec. 40. NRS 293.305 is hereby amended to read as follows:

293.305 1. If at the hour of closing the polls there are any registered voters waiting to vote, the doors of the polling place [shall] *must* be closed after all such voters have been admitted to the polling place. Voting [shall] *must* continue until [such] *those* voters have voted.

2. The deputy sheriff shall allow other persons to enter the polling place after the doors have been closed for the purpose of observing or *any* other legitimate purpose if there is room within the polling place and such admittance will not interfere unduly with the voting.

Sec. 41. NRS 293.309 is hereby amended to read as follows:

293.309 1. The county clerk of each county *and city clerk of each city* shall prepare an absent ballot for the use of registered voters who will be unable to vote at the polling place on election day. [Such ballot shall] *The ballot must* be prepared and ready for distribution not later than 25 days [prior to] *before* the election in which it is to be used.

2. Any legal action which would prevent [such] *the* ballot from being issued 25 days before the election for which it is to be used [shall be] *is* moot and of no effect.

Sec. 42. NRS 293.310 is hereby amended to read as follows:

293.310 1. A registered voter who requests and receives an absent voter's ballot may vote only by absent ballot at the election for which [such] *the* absent ballot was issued.

2. When any registered voter has requested an absent ballot and [such] *the* ballot has been mailed or issued, the *appropriate* county *or city* clerk shall notify the precinct or district election board that the registered voter has requested an absent ballot.

Sec. 43. NRS 293.313 is hereby amended to read as follows:

293.313 1. Any registered voter who provides sufficient written notice to the *appropriate* county or city clerk, may vote an absent ballot as provided in this chapter if, on the day of voting at any [general or primary election,] *election regulated by this chapter*, he is or expects to be:

- (a) Absent from the precinct or district in the county of his residence because of the nature of his vocation, business or any other unavoidable cause;
- (b) Unable to go to the polling place; or
- (c) In the service of the United States.

2. The spouses and dependents of any voter referred to in subsection 1 may vote in the same manner as [such] *that* voter if, by reason of the services of [such] *that* voter, they are required to reside beyond the boundaries of the state.

Sec. 44. NRS 293.315 is hereby amended to read as follows:

293.315 A registered voter referred to in NRS 293.313 may, at any time before 5 p.m. on the Tuesday preceding any election, make application to [the clerk of the county in which he is registered] *that clerk* for an absent voter's ballot. When [such] *the* voter has identified himself to the satisfaction of the clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

Sec. 45. NRS 293.316 is hereby amended to read as follows:

293.316 1. Any registered voter unable to go to the polls because of illness or disability resulting in his confinement in a hospital, sanatorium, dwelling or nursing home may request in a written statement, signed by him, that the *appropriate county or city* clerk send him an absent ballot. The [county] clerk shall deliver the ballot, at the office of the clerk, to any authorized representative of the voter possessing a written statement signed by the voter stating that he is a patient in a hospital, sanatorium or nursing home, and that he will be confined therein on election day. If any registered voter is suddenly hospitalized or becomes seriously ill or is called away from home after the time has elapsed for requesting an absent ballot as provided in NRS 293.315, and is unable to vote at the polling place, he may apply to the [county] *appropriate* clerk for an absent ballot at any time before 5 p.m. on the day of the election. The [county] clerk shall issue an absent ballot upon satisfactory proof of the emergency.

2. After marking his ballot the voter shall place it in the identification envelope. He shall then affix his signature on the back of the envelope and return it to the office of the [county] clerk.

3. A request for a ballot under this section must be made, and the ballot delivered to the voter and returned to the [county] clerk, not later than the time the polls close on election day.

4. The procedure authorized by this section is subject to all other provisions of this chapter relating to absent ballot voting insofar as those provisions are not inconsistent with the provisions of this section.

Sec. 46. NRS 293.317 is hereby amended to read as follows:

293.317 Absent ballots received by the county *or city* clerk after the polls are closed on the day of election are invalid.

Sec. 47. NRS 293.320 is hereby amended to read as follows:

293.320 1. The county *or city* clerk shall determine before issuing an absent ballot that the person making application is a registered voter in [such county.] *the proper county or city.*

2. Armed Forces personnel applying for absent ballots shall complete the form of affidavit required for registration before receiving an absent ballot.

Sec. 48. NRS 293.323 is hereby amended to read as follows:

293.323 1. If the request for an absent ballot is made by mail or telegram, the county *or city* clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail if the absent voter is in a foreign country but not on a military base, postage prepaid:

(a) Except as provided in paragraph (b), an absent ballot, a return envelope, a stamp for marking the ballot, a stamp pad and instructions.

(b) In those counties *or cities* using a mechanical voting system whereby a vote is cast by punching a card, a card attached to a sheet of foam plastic or similar backing material, a return envelope, a punching instrument, a sample ballot and instructions.

2. The return envelope must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

3. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1.

4. Before depositing the ballot in the mails, the county *or city* clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, his political affiliation, if any, the number of the ballot and any remarks he finds appropriate.

Sec. 49. NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as provided in subsections 2 and 3, when an absent ballot is returned by a registered voter to the county *or city* clerk through the mails, and record thereof is made in the absent ballot record book, the *appropriate* county *or city* clerk shall deliver, or cause to be delivered, that ballot to the precinct or district election board.

2. If the county *or city* clerk has appointed an absent ballot central counting board, the [county] clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the voter on the county clerk's register. If the [county] clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. On election day the [county] clerk shall deliver the ballot box to the absent ballot counting board to be counted.

3. If the county *or city* uses a mechanical voting system, the county *or city* clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the county clerk's register. If the county *or city* clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. On election day the county *or city* clerk shall deliver the ballot box to the central counting place.

Sec. 50. NRS 293.327 is hereby amended to read as follows:

293.327 1. If a request for an absent ballot is made by a registered voter in person, the county *or city* clerk shall issue an absent ballot to the registered voter, and the ballot must be voted on the premises of the clerk's office and returned to the clerk. The clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. Each county clerk *and city clerk* shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued absent ballots in accordance with this section.

Sec. 51. NRS 293.330 is hereby amended to read as follows:

293.330 1. When an absent voter receives his ballot, he must stamp and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. If the absent voter who has received a ballot by mail applies to vote the ballot in person at the county *or city* clerk's office, he must stamp the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the [county] clerk.

Sec. 52. NRS 293.333 is hereby amended to read as follows:

293.333 1. On the day of election, the precinct or district election boards receiving the absent voters' ballots from the county *or city* clerk shall, in the presence of a majority of the election board officers, deposit the ballots in the ballot box in the following manner:

(a) The name of the voter, as shown on the return envelope, [shall] *must* be called and checked as if the voter were voting in person; and

(b) The signature on the back of the return envelope [shall] *must* be compared with that on the original affidavit of registration.

2. If the board determines that the absent voter is entitled to cast his ballot, the envelope [shall] *must* be opened, the numbers on the ballot and envelope compared, the number strip torn off the ballot, and, if the numbers are the same, the ballot deposited in the regular ballot box.

3. The election board officers shall mark in the pollbook opposite the name of the voter the word "Voted."

Sec. 53. NRS 293.335 is hereby amended to read as follows:

293.335 When all absent ballots delivered to precinct or district election boards have been either voted or rejected , the empty envelopes and the envelopes containing rejected ballots [shall] *must* be returned to the county *or* city clerk. On all envelopes containing rejected ballots the cause of rejection [shall] *must* be noted and the envelope signed by a majority of the officers of the election board.

Sec. 54. NRS 293.337 is hereby amended to read as follows:

293.337 The provisions of this chapter [shall not be construed to] *do not* prohibit any registered voter who has applied for, but not received, an absent ballot from communicating [such] *that* fact to the county *or* city clerk, receiving a certificate of error and voting in person on election day.

Sec. 55. NRS 293.343 is hereby amended to read as follows:

293.343 1. A registered voter who resides in an election precinct in which there were not more than 200 voters registered for the last preceding general election, or in a precinct in which it appears to the satisfaction of the county *or city* clerk that there are not more than 200 registered voters, may vote at [primary and general elections] *any election regulated by this chapter* in the manner provided in NRS 293.345 to 293.355, inclusive.

2. Whenever the county *or city* clerk has designated a precinct as a mailing precinct, registered voters residing in [such] *that* precinct may vote at [primary and general elections] *any election regulated by this chapter* in the manner provided in NRS 293.345 to 293.355, inclusive.

Sec. 56. NRS 293.345 is hereby amended to read as follows:

293.345 1. The county clerk shall mail to each registered voter in each mailing precinct and in each absent ballot mailing precinct, before 5 p.m. on the 3rd Thursday in August and before 5 p.m. on the 4th Tuesday in October of any year in which a general election is to be held, an official mailing ballot to be voted by him at [such] *the* election.

2. *The city clerk shall mail to each registered voter in each mailing precinct and in each absent ballot mailing precinct, before 5 p.m. on the 3rd Thursday in April and before 5 p.m. on the 4th Tuesday in May of any year in which a general city election is to be held, an official mailing ballot to be voted by him at the election.*

Sec. 57. NRS 293.350 is hereby amended to read as follows:

293.350 1. The county *or city* clerk shall:

(a) Make certain of the names and addresses of all voters registered to vote in mailing precincts and absent ballot mailing precincts;

(b) Enroll the name and address of each voter found eligible to vote in those precincts in the mailing precinct record book;

(c) Mark the number of the ballot on the return envelope; and

(d) Mail the ballot to the registered voter.

2. Except as provided in subsection 3, the ballot must be accompanied by:

(a) A stamp and stamp pad;

(b) A return envelope;

(c) A sample ballot; and

(d) Instructions regarding the manner of stamping and returning the ballot.

3. In those counties *or cities* using a mechanical voting system whereby a vote is cast by punching a card, the ballot must be accompanied by:

(a) A sheet of foam plastic or similar backing material attached to the card;

(b) A punching instrument;

(c) A return envelope;

(d) A sample ballot; and

(e) Instructions regarding the manner of punching and returning the card.

Sec. 58. NRS 293.353 is hereby amended to read as follows:

293.353 Upon receipt of a mailing ballot from the county *or city* clerk, the registered voter must:

1. Except as provided in subsection 2:

(a) Immediately after opening the envelope, mark and fold the ballot;

(b) Place the ballot in the return envelope;

(c) Affix his signature on the back of the envelope; and

(d) Mail or deliver the envelope to the county *or city* clerk.

2. In those counties *or cities* using a mechanical voting system whereby a vote is cast by punching a card:

(a) Immediately after opening the envelope, punch the card;

(b) Place the unfolded card in the return envelope;

(c) Affix his signature on the back of the envelope; and

(d) Mail or deliver the envelope to the county *or city* clerk.

Sec. 59. NRS 293.355 is hereby amended to read as follows:

293.355 Upon receipt of the return envelope from the registered voter, the county *or city* clerk shall follow the same procedure as in the case of absent ballots.

Sec. 60. NRS 293.363 is hereby amended to read as follows:

293.363 When the polls are closed, the counting board shall prepare to count the ballots voted that day. The counting procedure [shall] *must* be public

and continue without adjournment until completed. The counting board shall prepare in the following manner:

1. The pollbooks must be compared and errors corrected until the books agree.

2. The ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If, on comparison of the count with the pollbook, a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the ballot box after the count is completed.

3. If the ballots in the box are found to exceed in number the number of names on the pollbooks, the ballots must be replaced in the box, and a counting board officer, with his back turned to the box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county *or city* clerk with the other ballots rejected for any cause.

4. When it has been ascertained that the pollbook and the number of ballots agree with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 61. NRS 293.367 is hereby amended to read as follows:

293.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot [should] *must* be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of [such] *the* tampering, the outcome of the election would be affected.

2. Regulations for counting ballots must include provisions that:

(a) A vote on a paper ballot may not be counted unless indicated by a cross in the appropriate square.

(b) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

(c) If more choices than permitted by the instructions are marked for any office or question, the vote for that office or question may not be counted.

(d) If it is impossible to determine a voter's choice for any office or question, his vote or votes for that office or question may not be counted.

(e) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

(f) Only devices provided for in this chapter may be used in marking ballots.

(g) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

(h) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it.

(i) In counties *or cities* where mechanical voting systems are used whereby a vote is cast by punching a card, a superfluous punch into any card does not constitute grounds for rejection of the ballot unless the election board determines that the condition of the ballot justifies its exclusion pursuant to subsection 1.

Sec. 62. NRS 293.368 is hereby amended to read as follows:

293.368 1. Whenever a candidate whose name appears upon the ballot at a [general] :

(a) *General* election dies after 5 p.m. of the 3rd Tuesday in September ; *or*

(b) *General city election dies after 5 p.m. of the 3rd Tuesday in May,*
and before the time of the closing of the polls on the day of the election, the votes cast for [such] *the* deceased candidate [shall] *must* be counted in determining the results of the election for the office for which the decedent was a candidate.

2. If the deceased candidate receives the majority of the votes cast for the office, he shall be considered elected and the office to which he was elected shall be *considered* vacant at the beginning of the term for which he was elected. The vacancy thus created [shall] *must* be filled in the same manner as if the candidate had died [subsequent to] *after* taking office for that term.

Sec. 63. NRS 293.373 is hereby amended to read as follows:

293.373 1. After the tally lists have been completed, the counting board officers shall:

(a) File the voted ballots on a string, enclose and seal them in an envelope marked "Election returns, voted ballots."

(b) File the rejected ballots on a string, enclose and seal them in an envelope marked "Election returns, rejected ballots."

(c) Place one of the tally lists for regular ballots and one of the pollbooks in an envelope marked "Election returns" and seal the envelope.

2. The voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots and unused ballots [shall] *must* be sealed under cover by the counting board officers and addressed to the county *or city* clerk.

3. The other pollbooks, tally lists and election board register [shall] *must* be returned to the county *or city* clerk.

Sec. 64. NRS 293.383 is hereby amended to read as follows:

293.383 1. Except as provided in subsection 2, each counting board, before it adjourns, shall post a copy of the voting results in a conspicuous place on the outside of the place where the votes were counted.

2. When votes are cast on ballots which are mechanically or electronically tabulated in accordance with the provisions of chapter 293B of NRS, the county *or city* clerk shall, as soon as possible, post copies of the tabulated voting results in a conspicuous place on the outside of the counting facility, courthouse or city hall, in the case of a [municipal] *city* election.

3. Each copy of the voting results posted in accordance with subsections 1 and 2 must set forth the accumulative total of all the votes cast within the county , *city* or *other* political subdivision conducting the election and must be signed by the members of the counting board or the computer program and processing accuracy board.

Sec. 65. NRS 293.384 is hereby amended to read as follows:

293.384 1. Beginning at 8 a.m. on the day before the day of an election, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw all the ballots deposited in the absent voters' ballot boxes before that day and ascertain that each box has the required number of ballots according to the county *or city* clerk's absent voters' record.

2. Any absent ballots received by the county *or city* clerk after 8 a.m. on the day that *the* ballots are withdrawn must be held by him until *the* ballots received before that day have been withdrawn pursuant to subsection 1. The clerk shall then deposit those absent ballots in the appropriate ballot boxes.

3. The counting board or absent ballot central counting board shall count the number of ballots in the same manner as election boards.

Sec. 66. NRS 293.385 is hereby amended to read as follows:

293.385 1. After 8 a.m. on election day, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw all the ballots received the previous day from absent voters' ballot boxes and ascertain that each box has the required number of ballots according to the county *or city* clerk's absent voters' ballot record.

2. If any absent ballots are received by the county *or city* clerk on election day, pursuant to NRS 293.316, the county *or city* clerk shall hold the ballots

until ballots received before election day have been withdrawn pursuant to subsection 1. Thereafter, the county *or city* clerk shall deposit the absent ballots in the appropriate ballot boxes.

3. After the polls close the appropriate board shall count in public the votes cast on the absent ballots.

4. The result of the absent ballot vote in each precinct or district must be certified and submitted to the county *or city* clerk, who shall have the results added to the regular votes of the precinct or district.

5. Any person who disseminates to the public in any way information pertaining to the count of absent ballots before the polls close is guilty of a misdemeanor.

Sec. 67. NRS 293.387 is hereby amended to read as follows:

293.387 1. As soon as the returns from all the precincts and districts in any county *or city* have been received by the board of county commissioners [such] *or city council*, the board *or council* shall meet and proceed to canvass the returns. The canvass [shall] *must* be completed on or before the 10th day following the election.

2. In making its canvass, the board [of county commissioners] *or council* shall:

(a) Note separately any clerical errors discovered; *and*

(b) Take account of the changes resulting from [such] *the* discovery, so that the result declared [will represent] *represents* the true vote cast.

3. The county *or city* clerk shall, as soon as the result is declared, enter upon the records of [such] *the* board *or council* an abstract of the result, which [shall] *must* contain the number of votes cast for each candidate. The board [of county commissioners,] after making [such] *the* abstract, shall cause the county clerk, by an order made and entered in the minutes of its proceedings, to make a copy of [such] *the* abstract and transmit it to the secretary of state within 10 days after the day of election.

4. The secretary of state shall, immediately after any primary [,) *election*, compile the returns for all candidates voted for in more than one county. He shall make out and file in his office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which he is nominated.

5. *The city clerk shall, immediately after any primary city election, compile the returns for all candidates voted for in the city. He shall make out and file in his office an abstract thereof, and shall certify the name of each person nominated, and the name of the office for which he is nominated.*

Sec. 68. NRS 293.393 is hereby amended to read as follows:

293.393 1. On or before the 10th day after any general election [,] *or general city election*, the board of county commissioners *or city council* shall open the returns of votes cast and make abstracts of the votes.

2. Abstracts of votes [shall] *must* be prepared in such manner as the secretary of state [shall prescribe] *prescribes* by regulation.

3. The county *or city* clerk shall make out a certificate of election to each of the persons having the highest number of votes for *the* district, county , *city* and township offices.

4. Each such certificate [shall] *must* be delivered to the person elected upon application at the office of the county *or city* clerk.

Sec. 69. NRS 293.403 is hereby amended to read as follows:

293.403 1. After the canvass of the vote in any election, any candidate defeated at the election may demand and receive a recount of the vote for the office for which he is a candidate if within 5 days after the certification of the abstract of votes:

(a) He makes his demand to the officer with whom he filed his declaration or acceptance of candidacy ; [, either the secretary of state or the county clerk;] and

(b) He deposits in advance the estimated costs of the recount with [the county clerk or secretary of state.] *that officer*. The estimated costs of the

recount must be determined by the [county clerk or secretary of state] *officer* based on regulations adopted by the secretary of state defining the term "costs."

2. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate voted for in the city.

(c) In any general election:

(1) The canvass by the supreme court of the returns for a candidate for a statewide office; or

(2) The canvass of the board of county commissioners of the returns for any other candidate, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate voted for in the city.

Sec. 70. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the [county] :

(a) *County* clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chairman of the recount board unless the recount is for the office of county clerk, in which case the chairman of the board of county commissioners shall act as chairman of the recount board. At least one member of the board of county commissioners must be present at the recount.

(b) *City* clerk shall employ a recount board to conduct the recount in the city, and shall act as chairman of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city shall act as chairman of the recount board. At least one member of the city council must be present at the recount.

Each candidate for the office affected by the recount may be present in person or by an authorized representative, but may not be a member of the recount board.

2. Except in counties *or cities* using a mechanical voting system, the recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether those ballots are marked as required by law.

3. If a recount is demanded in a county *or city* using a mechanical voting system, the county *or city* clerk shall select at random the ballots for the office affected from 5 percent of the precincts, but in no case fewer than three

precincts, after consultation with each candidate for the office or his authorized representative. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this Title and shall count the valid ballots by hand. A recount by computer must be made of all the selected ballots. If the count of the selected ballots or the recount shows a discrepancy of 1 percent or more for either candidate from the original canvass of the returns, the county *or city* clerk shall order a count by hand of all the ballots for that office. If there is not a discrepancy of 1 percent or more for any candidate, the county *or city* clerk shall not order such a count, but shall order a recount by computer of all the ballots for the office.

4. The county *or city* clerk shall unseal and give to the recount board all ballots to be counted.

5. In the case of a demand for a recount affecting more than one county, the demand must be made to the secretary of state, who shall notify the county clerks to proceed with the recount.

Sec. 71. NRS 293.405 is hereby amended to read as follows:

293.405 1. If the candidate who demanded the recount does not prevail, and it is found that the sum deposited was less than the cost of the recount, the candidate shall, upon demand, pay the deficiency to the county clerk , *city*

clerk or secretary of state, as the case may be. If the sum deposited is in excess of the cost, the excess must be refunded to him.

2. If the candidate who demanded the recount prevails, the sum deposited with the secretary of state , [or] county clerk *or city clerk* must be refunded to the candidate and the cost of the recount must be paid as follows:

(a) If the recount concerns an office for which voting is not statewide, the cost must be borne by the [counties] *county or city* which conducted the recount.

(b) If the recount concerns an office for which voting is statewide, the clerk of each county shall submit a statement of its costs in the recount to the secretary of state for review and approval. The secretary of state shall submit the statements to the state board of examiners, which shall repay the allowable costs from the reserve for statutory contingency fund to the respective counties.

3. Each recount must be commenced within 5 days after demand, and must be completed within 5 days after it is begun. Sundays and holidays must not be excluded in determining each 5-day period.

Sec. 72. NRS 293.417 is hereby amended to read as follows:

293.417 1. If, in any contest, the court finds from the evidence that a person other than the defendant received the greatest number of legal votes, the court, as a part of the judgment, shall declare [such] *that* person elected or nominated.

2. The person declared nominated or elected by the court [shall be] *is* entitled to a certificate of nomination or election. If a certificate has not been issued to him, the county clerk , *city clerk* or [the] secretary of state shall execute and deliver to [such] *that* person a certificate of election or a certificate of nomination.

3. If a certificate of election or nomination to the same office has been issued to any person other than the one declared elected by the court, [such certificate shall] *that certificate must* be annulled by the judgment of the court.

4. Whenever an election is annulled or set aside by the court, and the court does not declare some candidate elected, the certificate of election or the commission, if any has been issued, is void and the office is vacant.

Sec. 73. NRS 293.437 is hereby amended to read as follows:

293.437 1. The county *or city* clerk may designate any building, public or otherwise, or any portion of a building, as the site for any polling place or any number of polling places for any [or all] of the precincts or districts in the county [.] *or city*.

2. If, in the opinion of the county *or city* clerk, the convenience and comfort of the voters and election [officials] *officers* will be best served by putting two or more polling places in any such building, or if, in the opinion of the county *or city* clerk, the expense to the county *or city* for polling places can

be diminished by putting two or more polling places in any such building, he may so provide.

3. In precincts where there are no public buildings or other appropriate locations owned by the state, county, township, city, town or precinct, privately owned locations may be rented at a rate not to exceed \$35 for each election if only one precinct is involved and at a rate not to exceed \$50 for each election if more than one precinct is involved.

Sec. 74. NRS 293.443 is hereby amended to read as follows:

293.443 1. The expense of providing all ballots, forms and other supplies to be used at any [primary or general] election *regulated by this chapter* and all expenses necessarily incurred in the preparation for, or the conduct of, any such election [shall be] *is* a charge upon the municipality, county, district or state, as the case may be.

2. The cost of printing ballots [shall] *must* not exceed the sum of \$100 per thousand or fraction thereof for the first two thousand ballots printed and \$50 for each additional thousand printed.

3. The county *or city* clerk may submit such printing for competitive bidding.

Sec. 75. NRS 293.445 is hereby amended to read as follows:

293.445 The board of county commissioners of each county *or city council of each city* shall provide the *appropriate* county *or city* clerk with sufficient assistants to enable him to perform properly the duties imposed upon him by this chapter. Such expense [shall be a county charge.] *is a charge upon the appropriate county or city.*

Sec. 76. NRS 293.446 is hereby amended to read as follows:

293.446 1. The election board officer who delivers the package containing the election returns [shall] *must* be paid the amount expended by him in paying the postage on the package, and 15 cents per mile for going to and 15 cents per mile for returning from the post office or the office of the county *or city* clerk, in the same manner and out of the same fund as other election expenses are paid.

2. No mileage [shall] *may* be paid unless the total distance necessarily traveled in going and returning is greater than 2 miles.

Sec. 77. NRS 293.460 is hereby amended to read as follows:

293.460 The compensation of voting board officers, counting board officers, specially appointed deputy sheriffs, election board officers and other employees [shall] *must* be fixed by county *or city* ordinance, resolution or order.

Sec. 78. NRS 293.465 is hereby amended to read as follows:

293.465 If an election is prevented in any precinct or district by reason of the loss or destruction of the ballots intended for that precinct, or any other cause, the election officers for [such] *that* precinct or district shall make an affidavit setting forth [such] *that* fact and transmit it to the *appropriate board of county commissioners [.] or city council*. Upon receipt of [such] *the* affidavit and upon the application of any candidate for any office to be voted for by the registered voters of [such] *that* precinct or district, the *board of county commissioners or city council* shall order a new election in [such] *that* precinct or district.

Sec. 79. NRS 293.480 is hereby amended to read as follows:

293.480 Until the time for contest of election has expired, the ballots returned to the county *or city* clerk may not be inspected by any person, except in cases of recount or election contest, and then only by the judge, special master, board or legislative body before whom [such] *the* election is being contested or who is conducting the recount.

Sec. 80. NRS 293.481 is hereby amended to read as follows:

293.481 1. Except as provided in subsection 2, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:

(a) At a general election, shall provide a copy of the question to each county clerk within the designated territory on or before the 3rd Monday in July preceding the election.

(b) At a primary election, shall provide a copy of the question to each county clerk within the designated territory on or before the 1st Monday in July preceding the election.

(c) At any election (other than a primary or general election) at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide a copy of the question to each county clerk at least 35 days [prior to] *before* the election.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide a copy of the question to the city clerk at least 35 days before the election.

2. The requirements of subsection 1 do not apply to any question expressly privileged or required under article 19 of the constitution of the State of Nevada or under chapter 295 of NRS or any other statute to be submitted if proposed after the dates specified.

Sec. 81. NRS 293.482 is hereby amended to read as follows:

293.482 1. The governing body of any county or city may, at any general election [,] *or general city election*, ask the advice of the registered voters within its jurisdiction on any question which it has under consideration by adopting a resolution which:

(a) Sets forth the advisory question to be submitted to the voters; and

(b) States that the result of the voting on the question does not place any legal requirement on the governing body or any officer of the political subdivision.

2. A governing body may, at any general election, ask the advice of the registered voters of part of its territory if:

(a) The advisory question to be submitted affects only that part of its territory; and

(b) The resolution adopted pursuant to subsection 1 sets forth the boundaries of the area in which the advice of the registered voters will be asked.

Sec. 82. NRS 293.485 is hereby amended to read as follows:

293.485 1. Every citizen of the United States, 18 years of age or over, who has continuously resided in this state and in the county 30 days and in the precinct 10 days next preceding the day of the next succeeding [primary or general election,] :

(a) *Primary election*;

(b) Primary city election;

(c) General election; or

(d) General city election,

and who has registered in the manner provided in this chapter, [shall be] *is* entitled to vote at [such] *that* election.

2. This section [shall not be construed to] *does not* exclude the registration of eligible persons whose 18th birthday or the date of whose completion of the required residence occurs on or before the next succeeding [primary, general or other election.] :

(a) Primary election;

(b) Primary city election;

(c) General election;

(d) General city election; or

(e) Any other election.

Sec. 83. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio deputy registrars to carry out the provisions of this chapter.

2. The county clerk may appoint registered voters as deputy registrars, who shall register voters within the county for which they are appointed. Except as provided in subsection 1, a candidate for any office may not be appointed or

serve as a deputy registrar. Deputy registrars serve at the pleasure of the county clerk and shall perform their duties as the county clerk may direct.

3. Deputy registrars may demand of any person who applies for registration all information required by the affidavit of registration, and may administer all oaths required by this chapter.

4. When a deputy registrar has in his possession five or more completed affidavits of registration, he shall forward them to the county clerk, but in no case may he hold any number of them for more than 10 days.

5. Immediately after the close of registration, each deputy registrar shall forward to the county clerk all completed affidavits in his possession. Within 5 days after the close of registration for a general election [,] *or general city election*, a deputy registrar shall return all unused affidavits in his possession to the county clerk.

6. Deputy registrars shall submit to the county clerk an alphabetical list of names of electors registered by him, giving the serial number of the affidavit used for each named registrant.

7. Each deputy registrar shall post notices sent to him by the county clerk for posting in accordance with the election laws of this state.

8. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 84. NRS 293.563 is hereby amended to read as follows:

293.563 1. During the interval between the closing of registration and 5 days before the election, the county clerk shall:

(a) In counties where records of registration are not kept by computer, prepare for each precinct or district a binder or binders containing in alphabetical order the original affidavits of registration of the electors in the precinct or district. The binder or binders constitute the election board register.

(b) In counties where records of registration are kept by computer, have printed and placed in a binder or binders for each precinct or district a computer listing in alphabetical order of the affidavits of registration of the electors in the precinct or district. The binder or binders constitute the election board register.

2. Each election board register must be delivered or caused to be delivered by the county *or city* clerk to an election officer of the proper precinct or district before the opening of the polls.

Sec. 85. NRS 293.565 is hereby amended to read as follows:

293.565 1. At least 10 days before any election, the county *or city* clerk shall cause to be mailed to each registered voter in the county *or city* a sample ballot for his precinct with a notice informing the voter of the location of his polling place.

2. The cost of mailing sample ballots for [elections which are not either primary or general elections] *any election other than a primary or general election* must be borne by the political subdivision holding the election.

Sec. 86. NRS 293.596 is hereby amended to read as follows:

293.596 1. [No] A person who is entitled to vote shall *not* vote or attempt to vote more than once at the same election. Any person who votes or attempts to vote twice at the same election is guilty of a gross misdemeanor.

2. Notice of the provisions of subsection 1 [shall] *must* be given by the county *or city* clerk [or registrar of voters] as follows:

(a) Printed on all sample ballots mailed;

(b) Posted in boldface type at each polling place; and

(c) Posted in boldface type at the office of the county *or city* clerk . [or registrar of voters.]

Sec. 87. NRS 293.602 is hereby amended to read as follows:

293.602 1. It is unlawful for any person or persons to solicit any funds, fees, dues or other [moneys] *money* for any organization the title of which incorporates the name, or any form of the name, of any political party in the State of Nevada, as defined in NRS 293.073, without first having obtained written approval therefor, or a charter for [such] *that* organization, from the central committee of the political party the name of which is being used or

incorporated in the title of [such] *that* organization for the county in which [such] *the* funds are being solicited.

2. Nothing in this section requires any person or organization to obtain such a charter or written approval if [such] *the* person or organization is:

(a) Publicly organized for the sole and limited purpose of supporting the candidacy of a particular candidate in a single election.

(b) Chartered by a national political party or organization.

(c) Chartered by a state central committee in Nevada.

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

Sec. 88. NRS 293B.010 is hereby amended to read as follows:

293B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS [293B.025 to 293B.033, inclusive,] 293B.027, 293B.032 and 293B.033 have the meanings ascribed to them in those sections.

Sec. 89. NRS 293B.027 is hereby amended to read as follows:

293B.027 "Election board" means the persons appointed by each county *or* city clerk to assist in the conduct of an election.

Sec. 90. NRS 293B.130 is hereby amended to read as follows:

293B.130 Before any election where a mechanical voting system is to be used, the *county or city* clerk shall prepare or cause to be prepared a computer

program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

1. All lawful votes cast by each voter must be counted.
2. All unlawful votes, including but not limited to overvotes or, in a primary election, votes cast for a candidate of a political party other than the party, if any, of the voter's registration, must not be counted.

3. If the election is:

(a) A primary election held in an even-numbered year, other than a presidential preference primary; or

(b) A general election,

the total votes, other than absentee votes and votes in a mailing precinct, must be accumulated by precinct.

4. The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code identifying the precinct in which it was voted and, in a primary election, identifying the political party of the voter.

Sec. 91. NRS 293B.140 is hereby amended to read as follows:

293B.140 [Prior to] *Before* conducting the test required under NRS 293B.150, the *county or city* clerk shall appoint two persons who are not of the same political party to serve as an accuracy certification board.

Sec. 92. NRS 293B.150 is hereby amended to read as follows:

293B.150 No sooner than 2 weeks [prior to] *before* the election day, the *county or city* clerk shall test the automatic tabulating equipment and programs to ascertain that the equipment and programs will correctly count the votes cast for all offices and on all measures.

Sec. 93. NRS 293B.155 is hereby amended to read as follows:

293B.155 1. The tests prescribed by NRS 293B.150 and 293B.165 must be conducted by processing a preaudited group of logic and accuracy test ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure, and must include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment and programs to reject [such] *those* votes.

2. If any error is detected, the cause therefor must be ascertained and corrected and an errorless count must be made before the automatic tabulating equipment and programs are approved.

3. When satisfied with the accuracy of the computer program, the accuracy certification board and the *county or city* clerk shall date and sign all reports, seal the program, the reports, and all test material in an appropriate container. The container must be kept sealed by the clerk.

4. The contents of such a sealed container are not subject to the inspection of anyone except in the case of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of [such] *that* judge, body or board.

Sec. 94. NRS 293B.185 is hereby amended to read as follows:

293B.185 If the ballot is larger than the mechanical recording device can accommodate, the *county or city* clerk may place it upon more than one device or place part of it upon the recording device and the remainder upon paper.

Sec. 95. NRS 293B.210 is hereby amended to read as follows:

293B.210 1. If a mechanical voting system is used whereby a vote is cast by punching a card, the *county or city* clerk shall furnish sufficient lists of offices and candidates and the statements of measures to be voted on for the mechanical recording devices used at any election.

2. The secretary of state shall provide to or reimburse each county for all cards used in each primary or general election.

Sec. 96. NRS 293B.220 is hereby amended to read as follows:

293B.220 The *county or city* clerk shall place the proper lists of offices and candidates and the statements of measures to be voted on on the mechanical recording devices, corresponding with the sample ballots provided for in this chapter, and shall put the devices in order, ready for use in voting.

Sec. 97. NRS 293B.225 is hereby amended to read as follows:

293B.225 To prepare the mechanical recording device for an election, the *county or city* clerk shall employ competent persons [,] who must be sworn to perform their duties honestly and faithfully.

Sec. 98. NRS 293B.230 is hereby amended to read as follows:

293B.230 The *county or city* clerk shall not appoint any person to prepare any mechanical recording device for an election unless he is fully qualified to perform his duties in connection with the complete preparation of the devices for the election and the instruction of the election officers and voters.

Sec. 99. NRS 293B.235 is hereby amended to read as follows:

293B.235 The assistants referred to in NRS 293B.225 and 293B.230 shall, under the direction of the *county or city* clerk, prepare the mechanical recording devices for the election and provide for the delivery of the devices to the polling places of the election district in which the election is to be held, or to the custody of the chairman of the election board, together with all furniture and appliances necessary for the proper conduct of the election.

Sec. 100. NRS 293B.240 is hereby amended to read as follows:

293B.240 In preparing a mechanical recording device for an election, the *county or city* clerk shall, according to the printed directions furnished, thoroughly test the device and arrange it so that it will in every particular meet with the requirements for voting and counting at the election.

Sec. 101. NRS 293B.245 is hereby amended to read as follows:

293B.245 Before preparing mechanical recording devices for any election, the *county* clerk shall mail written notices to the chairmen of the county central committees of at least two of the principal political parties, stating the time and place where the devices will be prepared. At the specified time, one representative of each such political party must be afforded an opportunity to see that the devices are in proper condition for use in the election. The representatives shall not interfere with the persons assigned to prepare the devices or assume any of their duties.

Sec. 102. NRS 293B.250 is hereby amended to read as follows:

293B.250 If the voting booth in which a mechanical recording device is to be installed is not equipped with a light, the *county or city* clerk may provide a light and direct that it be affixed to the booth or to the device.

Sec. 103. NRS 293B.260 is hereby amended to read as follows:

293B.260 Within a reasonable time before each election, the *county or city* clerk shall instruct the members of the election board in the use of the mechanical voting system and in their duties in connection therewith.

Sec. 104. NRS 293B.270 is hereby amended to read as follows:

293B.270 To give instruction in the mechanical voting system, the *county or city* clerk shall call any meeting of the election board which may be necessary.

The members of the election board of each election precinct in which such a voting system is used shall attend any meeting called for the purpose of receiving instruction concerning their duties and necessary for the proper conduct of the election.

Sec. 105. NRS 293B.275 is hereby amended to read as follows:

293B.275 The *county or city* clerk shall keep a record of attendance of those election officers receiving instruction in their duties in connection with the mechanical voting system. The clerk shall certify that the record is a list of election officers who have been instructed pursuant to NRS 293B.260. The list, when so certified, is prima facie evidence that the election officers have been properly instructed in their duties.

Sec. 106. NRS 293B.305 is hereby amended to read as follows:

293B.305 1. In a primary election, a member of the election board for a precinct shall issue each nonpartisan voter a ballot of a distinctive color, code and printed designation identifying it as a nonpartisan ballot.

2. [At the direction of the clerk, the] *The* member of the election board shall then:

(a) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates setting forth only the nonpartisan ballot;

(b) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates arranged for a partisan ballot, instruct the voter to vote only the nonpartisan section of the list and advise the voter that any votes he may cast in the partisan section will not be counted; or

(c) Issue a nonpartisan ballot attached to a sheet of foam plastic or similar backing material, a punching instrument, a sample nonpartisan ballot and an instruction sheet to the nonpartisan voter and instruct him to punch his ballot by reference to the sample ballot.

Sec. 107. NRS 293B.310 is hereby amended to read as follows:

293B.310 In a primary election, the *county* clerk may require those partisan voters in a precinct or district whose political parties each comprise less than 5 percent of the registered voters for [such] *that* precinct or district to vote in the manner prescribed for nonpartisan voters in NRS 293B.305.

Sec. 108. NRS 293B.325 is hereby amended to read as follows:

293B.325 The *county* clerk may order deputized officers to pick up all voted ballots from any or all of the precincts or districts after the polls have been opened for 5 hours. At least two such officers who are not members of the same political party shall deliver any ballots which are picked up early to the central counting place. The various boards operating the central counting place may begin to process those ballots upon receipt, but no reports may be printed by the counting device or computer until the polls have closed.

Sec. 109. NRS 293B.330 is hereby amended to read as follows:

293B.330 Upon closing of the polls, the election board shall:

1. Secure all mechanical recording devices against further voting.
2. Count all ballots.
3. Account for all ballots on the ballot statement.
4. Place all official ballots, the ballot statement and any other records, reports and materials as directed by the *county or city* clerk into the container provided by him to transport those items to a central counting place and seal the container.

Sec. 110. NRS 293B.335 is hereby amended to read as follows:

293B.335 1. The chairman and at least one other member of the election board shall deliver the sealed container to a receiving center or to the central counting place, as directed by the *county or city* clerk. Insofar as is practicable, the other board member [shall] *must* be of a different political party than the chairman.

2. The chairman shall provide for the transportation or other disposition of all other supplies and election materials as directed by the clerk.

Sec. 111. NRS 293B.340 is hereby amended to read as follows:

293B.340 The *county or city* clerk may provide that an intermediate point other than the central counting place be designated as a receiving center for

ballots in transit. In [such] *that* case, he shall appoint [officials] *officers* to inspect seals, issue receipts, maintain logs and effect the final transportation of ballots to the central counting place.

Sec. 112. NRS 293B.350 is hereby amended to read as follows:

293B.350 The *county or city* clerk shall supervise the operation of the central counting place.

Sec. 113. NRS 293B.355 is hereby amended to read as follows:

293B.355 When a computer or counting device owned or leased by the State of Nevada is used to count ballots, the *county or city* clerk and computer facility manager shall determine that such use complies with the provisions of this chapter. The clerk shall exercise his authority in a manner consistent with established procedures for the operation and use of the computer, so far as is practicable.

Sec. 114. NRS 294A.020 is hereby amended to read as follows:

294A.020 1. Every candidate for state, district, county [, city] or township office at a primary or general election shall, not later than:

(a) Fifteen days before the primary election, for the period from the last election for that office up to 20 days before the primary election;

(b) Fifteen days before the general election, whether or not the candidate won the primary election, for the period from 20 days before the primary election up to 20 days before the general election; and

(c) Thirty days after the general election, for the remaining period up to the general election, report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

2. Except as provided in subsection 3, every candidate for a district office at a special election shall, not later than:

(a) Fifteen days before the special election, for the period from his nomination up to 20 days before the special election; and

(b) Thirty days after the special election, for the remaining period up to the special election, report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer [shall] *will* be recalled shall report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury, 30 days after the special election, for the period from the filing of the notice of intent to circulate the petition for recall up to the special election.

4. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A

candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. County clerks who receive from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to subsection 2 shall file a copy of each report with the secretary of state.

6. Except as otherwise provided in this section, any candidate who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 115. NRS 294A.035 is hereby amended to read as follows:

294A.035 1. Every candidate for [municipal] *city* office where the general *city* election is preceded by a primary *city* election shall file the reports in the manner required by NRS 294A.010, 294A.020 and 294A.031 for other offices not later than:

(a) Fifteen days before the primary *city* election, for the period from the last election for that office up to 20 days before the primary *city* election;

(b) Fifteen days before the general *city* election, whether or not the candidate won the primary *city* election, for the period from 20 days before the primary *city* election up to 20 days before the general *city* election; and

(c) Thirty days after the general *city* election, for the remaining period up to the general *city* election.

2. Every candidate for [municipal] *city* office where there is no primary *city* election shall so file those reports:

(a) Twenty days before the general *city* election, for the period from the last election for that office up to 30 days before the general *city* election; and

(b) Thirty days after the general *city* election, for the remaining period up to the general *city* election.

Sec. 116. NRS 294A.041 is hereby amended to read as follows:

294A.041 1. Every person who advocates the election of a candidate other than himself or the defeat of a candidate other than his opponent or advocates the election or defeat of a group of candidates not including himself or his opponent for national, congressional, state, district, county, municipal or township office at [a recall, special, primary or general] *any election including any recall or special* election, and every group of persons, whether formally or informally organized, which advocates the election or defeat of a candidate shall, not later than:

(a) Fifteen days before [the] *a primary election [,] or primary city election*, for the period from the last election, for that office to 20 days before [the primary] *that* election;

(b) Fifteen days before [the] *a general election [,] or general city election*, whether or not the candidate won the primary election [,] *or primary city*

election, for the period from 20 days before [the primary] *that* election to 20 days before the general election [;] *or general city election*; and

(c) Thirty days after [the] *a* general election [,] *or general city election*, for the remaining period until the general election [,] *or general city election*, report expenditures made on behalf of or against a candidate or group of candidates in excess of \$500 on forms designed and provided by the secretary of state and signed by the person under penalty of perjury. The report must also include identification of expenditures which the person made cumulatively in excess of \$500 since the beginning of the first reporting period. The report must not include any contributions which are required to be reported by a candidate pursuant to NRS 294A.010.

2. Expenditures made within the state or made elsewhere but for use within the state, including expenditures made outside the state for printing, television and radio broadcasting or other production of the media, must be included in the report. Expenditures made to communicate with the group's own members on behalf of or against a candidate or group of candidates must not be included in the report.

3. If the candidate is elected from one county, the reports must be filed with the county clerk of that county. Otherwise, the reports must be filed with the secretary of state. If an expenditure is made on behalf of a group of

candidates, the reports must be made to the officer appropriate for each candidate but need not be itemized by candidate. A person may make his report to the appropriate officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

4. Each county clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state.

5. Except as otherwise provided in this section, any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 117. NRS 294A.050 is hereby amended to read as follows:

294A.050 1. A newspaper, radio broadcasting station, outdoor advertising company, television broadcasting station, direct mail advertising company, printer or other person or group of persons which accepts, broadcasts, disseminates, prints or publishes advertising on behalf of any candidate or group of candidates or political advertising for any person other than a candidate shall make available for inspection, at any reasonable time beginning at least 10 days before each primary *election*, *primary city election*, *general election* or general *city* election and ending at least 30 days after the election, information setting forth the cost of all advertisements accepted and broadcast, disseminated or published for each candidate, group of candidates or person other than a candidate.

2. For purposes of this section the necessary cost information is made available if a copy of each bill, receipt or other evidence of payment made out for any such advertising is kept in a record or file, separate from the other business records of the enterprise and arranged alphabetically by name of the candidate or other person, at the principal place of business of the enterprise.

Sec. 118. NRS 295.200 is hereby amended to read as follows:

295.200 The registered voters of a city [have power:

1. To propose] *may*:

1. *Propose* ordinances to the council and, if the council fails to adopt an ordinance so proposed without change in substance, [to] adopt or reject it at a [municipal] *city* election.

2. [To require] *Require* reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, [to] approve or reject it at a [municipal] *city* election.

Sec. 119. NRS 295.205 is hereby amended to read as follows:

295.205 1. Any five registered voters of the city may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and

setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the city equal to 15 percent or more of the number of voters who voted at the last preceding [municipal] *city* election.

3. Referendum petitions must be signed by a number of registered voters of the city equal to 10 percent or more of the number of voters who voted at the last preceding [municipal] *city* election.

4. A petition may consist of more than one document, but all documents of a petition [shall] *must* be uniform in size and style and [shall be] assembled as one instrument for filing. Each signature [shall] *must* be executed in ink or indelible pencil and [shall be] followed by the address of the person signing. Each document [shall] *must* contain or have attached thereto throughout its circulation the full text of the ordinance proposed or sought to be reconsidered.

5. Each document of a petition [shall] *must* have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the document, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be and that each signer

had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

Sec. 120. NRS 295.215 is hereby amended to read as follows:

295.215 1. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided by law for the consideration of ordinances generally or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the registered voters of the city.

2. The vote of the city on a proposed or referred ordinance [shall] *must* be held not less than 30 days and not later than 1 year [from] *after* the date of the final [council] vote *of the council* thereon. If no regular [municipal] *city* election is to be held within the period prescribed in this subsection, or if the deadline for placing questions on the ballot has passed when the time for action by the board expires, the council shall provide for a special election . [; otherwise,] *Otherwise* the vote [shall] *must* be held at the [same time as such] primary or general [municipal] *city* election, except that the council may [in its discretion] provide for a special election at an earlier date within the

prescribed period. Copies of the proposed or referred ordinance [shall] *must* be made available at the polls.

3. An initiative or referendum petition may be withdrawn at any time [prior to] *before* the 30th day preceding the day scheduled for a vote of the city or the deadline for placing questions on the ballot, whichever is earlier, by filing with the city clerk a request for withdrawal signed by at least four members of the petitioners' original committee. Upon the filing of [such] *that* request the petition [shall have] *has* no further [force or] effect and all proceedings thereon [shall] *must* be terminated.

Sec. 121. NRS 266.050 is hereby amended to read as follows:

266.050 Any city now or hereafter organized under a special charter may surrender [such] *that* charter and become organized under this chapter in the following manner:

1. Whenever a petition signed by 15 percent of the qualified electors of the city, as [the same appears] *they appear* from the registration list of qualified electors at the last preceding [municipal] *city* election for city officers, [shall be] *is* presented to the legislative body of [such] *that* city, praying that [such] *the* special charter may be surrendered, and that [such city shall become] *the city is to be* organized under the provisions of this chapter, the city council shall submit [such] *the* question at a special election and appoint a time and place [or places] at which [such vote may] *the vote must* be taken.

2. Notice of the special election [shall] *must* be given and [such] *the* special election [shall] *must* be held and conducted in [all respects as nearly as may be as provided in this chapter for the holding of] *the same manner as* other special [municipal] *city* elections.

3. If a majority of the votes cast at [such] *the* special election [shall be] *are* for city organization under this chapter, [such] *the* city shall , from the date the results of the election are declared , be deemed to have surrendered its charter and to be organized under this chapter.

Sec. 122. NRS 266.080 is hereby amended to read as follows:

266.080 1. When any city now existing under *a* special charter [shall be] *is* organized under the provisions of this chapter, or [shall,] by proclamation of the governor, [become] *becomes* a city of the second class, or any city of the second class [shall in like manner become] *becomes* a city of the first class, the officers then in office [shall] continue to be officers of the city until the next [municipal] *city* election, and until their successors [shall be duly] *are* elected and qualified.

2. When new territory is organized as a city, by petition and election of officers, the officers first elected [shall] serve until the next [municipal] *city* election, and until their successors [be duly] *are* elected and qualified.

Sec. 123. NRS 266.415 is hereby amended to read as follows:

266.415 Except as otherwise provided by law, the term of office of all appointive officers [shall be] *continues* until the [municipal] *city* election next following their appointment and until their successors are [duly] appointed and qualified, unless sooner removed by the mayor, with the concurrence of a majority of the members of the city council [; but] , *except that* any such person so appointed may be removed by the votes of all the members of the city council, if the council [shall] *so provides* by resolution . [so provide.]

Sec. 124. NRS 266.775 is hereby amended to read as follows:

266.775 1. Whenever one-fourth of the registered voters of any city now existing or hereafter created by general law [shall] petition the district court in and for the county wherein [such] *the* corporation is situated for the disincorporation of the city, the district court shall cause to be published, for at least 30 days, a notice stating the question of disincorporating [such] *the* corporation will be submitted to the registered voters of the [same] *corporation* at the next [municipal] *city* election, or at a special election as the petition [shall] *may* request, and the form of the ballot [shall] *must* be "For Disincorporation" or "Against Disincorporation." Not more than one of [such elections shall] *those elections may* be held in 2 years.

2. [In the event that] *If* a special election is requested in the petition, the district court shall set the date of the special election not less than 45 nor more than 60 days [from] *after* the date of the first publication of notice.

3. The registered voters provided for in this section [shall] *must* be determined from the registration lists as taken from the office of the county clerk for all precincts in the city at the last general election held in the county.

• **Sec. 125.** NRS 266.780 is hereby amended to read as follows:

266.780 The vote [shall] *must* be taken and canvassed in the same manner as in other [municipal] *city* elections, and return thereof made to the district court. If the court finds that a majority of the legal votes are cast "For Disincorporation," [then] a judgment [shall] *must* be entered disincorporating the [same,] *corporation*, and upon the entry of the judgment , its corporate powers [shall] cease.

Sec. 126. NRS 267.110 is hereby amended to read as follows:

267.110 1. Any city having adopted a charter under the provisions of NRS 267.010 to 267.140, inclusive, [shall have,] *has*, under the charter:

(a) All of the powers enumerated in the general laws of the state for the incorporation of cities.

(b) Such other powers necessary, and not in conflict with the constitution and laws of the State of Nevada to carry out the commission form of government.

2. The charter, when submitted, [shall:] *must*:

(a) Fix the number of commissioners, their terms of office [,] and their duties and compensation.

(b) Provide for all necessary appointive and elective officers for the form of government therein provided, and fix their salaries and emoluments, their duties and powers.

(c) Fix, in accordance with the provisions of [NRS 266.623 and 266.626] *sections 3 and 4 of this act* or with the provisions of [NRS 266.629,] *section 5 of this act*, the time for the first and subsequent elections for all elective officers, and, after [such] *the* first election and the qualification of the officers thereat elected, the old officers [,] and all boards or officers [shall] *must* be abolished, together with the emoluments thereof, and [shall] cease to exist.

3. If this form of government [shall be] *is* adopted by any unincorporated town or unincorporated area, the board of county commissioners shall fix the boundaries of the new city in accordance with the petition therefor, and shall, by resolution, declare [such city duly] *that city* incorporated under the provisions of NRS 267.010 to 267.140, inclusive.

Sec. 127. NRS 268.010 is hereby amended to read as follows:

268.010 1. As used in this section, "city" means an incorporated city or incorporated town.

2. An amendment to the charter of a city may be:

(a) Made by the legislature.

(b) Proposed and submitted to the registered voters of the city by a majority of the whole governing body, and must be so submitted by a petition signed by registered voters of the city equal [in number] to 15 percent or more of the voters who voted at the last preceding general [municipal] *city* election, setting forth the proposed amendments.

3. An amendment proposed pursuant to paragraph (b) of subsection 2 must be submitted at the next general [municipal] *city* election or at a special election.

4. The city attorney shall draft any amendment proposed in the petition mentioned in paragraph (b) of subsection 2 and an explanation thereof for submission to the registered voters.

5. The petition must be filed with the city clerk. It must be in the form and its sufficiency must be determined in the manner provided for city initiative petitions.

6. When an amendment is adopted by the registered voters of the city, the city clerk shall, within 30 days thereafter, transmit a certified copy of the amendment to the legislative counsel.

Sec. 128. NRS 266.623, 266.626, 266.629, 266.632, 266.634, 266.637, 266.641, 268.407 and 293B.025 are hereby repealed.

TEXT OF REPEALED SECTIONS

266.623 Primary municipal elections in cities of first and second classes; filing affidavit of candidacy; names on ballots for general election.

1. A primary city election shall be held in each city of the first and second classes on the 1st Tuesday after the 1st Monday in May of every year in which a general city election is to be held, at which time there shall be nominated candidates for offices to be voted for at the next general city election.

2. A candidate for any office to be voted for at the primary city election shall file an affidavit of candidacy with the city clerk not less than 30 nor more than 40 days before the day of primary election. The city clerk shall charge and collect from the candidate and the candidate shall pay to the city clerk, at the time of filing the affidavit of candidacy, a filing fee in an amount fixed by the city council by ordinance. All filing fees so collected by the city clerk shall be deposited to the credit of the general fund of the city.

3. All candidates, except as provided in NRS 266.220, shall be voted upon by the electors of the city at large.

4. If in the primary city election one candidate receives more than a majority of votes cast in that election for the office for which he is a candidate his name alone shall be placed on the ballot for the general city election. If in the primary city election no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest numbers of votes shall be placed on the ballot for the general city election.

266.626 General municipal elections in cities of first and second classes; voting for candidates; terms of office of councilmen.

1. A general city election shall be held in each city of the first and second classes on the 1st Tuesday after the 1st Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 or 4 years thereafter as determined by law, ordinance or resolution, at which time there shall be elected such elective city officers, the offices of which are required next to be filled by election. All candidates, except as provided in NRS 266.220, at the general municipal election shall be voted upon by the electors of the city at large.

2. The city council of each city of the second class shall determine by ordinance passed after incorporation or after July 1, 1969, whether the terms of office of councilmen shall be 2 or 4 years and if it is determined to have terms

of 4 years, whether such terms shall be staggered. If it is determined by ordinance that the terms of office shall be staggered, the councilmen holding office on the date of the ordinance shall decide by lot among themselves which of their offices shall expire at the general election which next follows the date of the ordinance; and thereafter the terms of office shall be 4 years.

266.629 General municipal elections in cities of third class; filing affidavit of candidacy; voting for candidates; terms of office of mayor and councilmen.

1. A general city election must be held in each city of the third class on the 1st Tuesday after the 1st Monday in June of the first odd-numbered year after incorporation, and on the same day either every 2 years or every 4 years thereafter as determined by ordinance.

2. There must be one mayor and three councilmen for each city of the third class, and it must be determined by ordinance passed after incorporation or after July 1, 1969, whether the terms of office of the mayor and the councilmen are to be 2 or 4 years and if it is determined to have terms of 4 years, whether the terms of office are to be staggered. If it is determined by ordinance that the terms of office shall be staggered, the mayor and the three councilmen holding office on the date of the ordinance shall decide by lot among themselves which two of their offices expire at the general election which next follows the date of the ordinance, and thereafter the terms of office must be 4 years.

3. A candidate for any office to be voted for at the general city election shall file an affidavit of candidacy with the city clerk not less than 30 nor more than 40 days before the day of the general city election. The city clerk shall charge and collect from the candidate and the candidate shall pay to the city clerk, at the time of filing the affidavit of candidacy, a filing fee in an amount fixed by the city council by ordinance.

4. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for councilmen must be voted upon by the electors of their respective wards to represent the wards in which they reside, or by the electors of the city at large to represent the wards in which they reside, in accordance with the provisions of this chapter.

266.632 Applicability of state's election laws; elections under council's control. All elections held under this chapter shall be governed by the provisions of the election laws of this state, so far as the same can be made applicable and which are not inconsistent herewith. The conduct and carrying on of all city elections shall be under the control of the city council, and they shall by ordinance provide for the holding of the same, appoint the necessary officers thereof, and do all other or further things required to carry the same into effect.

266.634 Qualifications and registration of voters. Every person who resides within the exterior boundaries of the city at the time of holding any city election, and whose name appears upon the official register of voters in and for the city, shall have the right to vote at each city election, whether special, primary or general, and for all officers to be voted for and on all questions that may be submitted to the people at any such primary, general or special city elections, except as otherwise provided in this chapter, and nothing herein shall be so construed as to deny or abridge the power of the council to provide for a supplemental registration.

266.637 Election returns; canvass; certificate of election; entry of officer upon duties.

1. The election returns from any special, primary or general city election shall be filed with the city clerk, who shall immediately place the same in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with the same until canvassed by the mayor and council.

2. The mayor and council shall meet within 5 days after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the city clerk for 6 months and no person shall have access thereto except on order of a court of competent jurisdiction, or by order of the council.

3. The city clerk, under his hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first regular meeting of the council next succeeding that in which the canvass of returns was made as provided in subsection 2.

266.641 Contest of election. A contested election for any city office shall be determined according to the law of the state regulating proceedings in contested elections in county offices.

268.407 Declaration of election of unopposed candidate for office; no election required. In any municipal election, if at 5 p.m. on the last day for filing an affidavit or declaration of candidacy, there is only one candidate for nomination for any office, that candidate must be declared elected and no election need be held for that office.

293B.025 "Clerk" defined. "Clerk" means the county clerk or other officer having charge of elections in any county or city in this state.