

SENATE BILL NO. 113—SENATOR FARLEY

PREFILED FEBRUARY 9, 2017

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections. (BDR 24-452)

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

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

AN ACT relating to elections; revising provisions governing the filing of a declaration or acceptance of candidacy; requiring a candidate who violates certain residency requirements for elected public office to reimburse persons who made certain campaign contributions to the candidate; requiring certain campaign contribution reports; enacting provisions relating to an ineligible candidate for office as a Legislator; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law provides that a person may not be a candidate for any elected
- 2 public office unless, for the 30-day period immediately preceding the date of the
- 3 close of the filing period for that office, the person has actually, as opposed to
- 4 constructively, resided in the State, district, county, township or other area
- 5 prescribed by law for that office. Existing law provides that a person who
- 6 knowingly and willfully files an acceptance of candidacy or declaration of
- 7 candidacy which contains a false statement regarding the person’s compliance with
- 8 the 30-day residency requirement is guilty of a gross misdemeanor. (NRS
- 9 293.1755, 293C.200)
- 10 Existing law also regulates campaign finance practices, including campaign
- 11 contributions. (Chapter 294A of NRS) Candidates must comply with certain
- 12 reporting requirements for campaign contributions and must dispose of unspent or
- 13 excess campaign contributions after an election. (NRS 294A.120, 294A.125,
- 14 294A.128, 294A.160) Candidates may use campaign contributions only for certain
- 15 authorized purposes such as paying for campaign expenses and certain legal
- 16 expenses. (NRS 294A.160, 294A.200, 294A.286) The Secretary of State may



17 investigate, bring civil actions and impose civil penalties for violations of the  
18 campaign finance laws. (NRS 294A.410, 294A.420)

19 **Sections 3 and 12** of this bill provide that in addition to any other remedies or  
20 penalties, a candidate who violates the 30-day residency requirement prescribed by  
21 law must comply with the campaign contribution reimbursement requirements set  
22 forth in **section 14** of this bill. **Section 14** provides that if a district court finds that  
23 a candidate has violated the 30-day residency requirement, the district court must  
24 order the candidate, within a prescribed period, to reimburse certain campaign  
25 contributors in an amount equivalent to the amount of the monetary contributions  
26 received for that campaign, or any proportion thereof as determined by the district  
27 court, whether or not the contributions were spent on any authorized campaign or  
28 legal expenses. For any monetary contributions which, singly or cumulatively,  
29 exceeded \$100, the candidate must: (1) reimburse the contributor in an equivalent  
30 amount of money in the amount or proportion ordered by the district court; or (2) if  
31 the contributor declines to be reimbursed or cannot be located, donate an equivalent  
32 amount of money in the amount or proportion ordered by the district court  
33 to any tax-exempt nonprofit entity. For any monetary contribution which did not  
34 exceed \$100, the candidate must donate an equivalent amount of money in the  
35 amount or proportion ordered by the district court to any tax-exempt nonprofit  
36 entity.

37 If the candidate is unable to comply with the requirements within the prescribed  
38 period, **section 14** authorizes the Secretary of State to extend the period or approve  
39 a payment plan. **Section 14** also requires the candidate to submit to the Secretary of  
40 State reports of each reimbursement or donation, and **section 17** of this bill  
41 authorizes the Secretary of State to impose certain civil penalties if the candidate  
42 fails to report within the required period. **Section 14** also prohibits the candidate  
43 from disposing of any unspent or excess monetary contributions after the election  
44 until it has been determined whether the candidate must reimburse or donate any  
45 monetary contributions pursuant to **section 14**. Finally, **section 14** requires the  
46 Secretary of State to include a description of the provisions of the section in any  
47 guide, handbook or other informational materials prepared for the candidates and  
48 on the Internet website of the Secretary of State.

49 Existing law requires a candidate to file a declaration or acceptance of  
50 candidacy before his or her name may appear on a ballot, and existing law specifies  
51 the forms for a declaration or acceptance of candidacy. (NRS 293.177, 293C.185)  
52 **Sections 4 and 11** of this bill provide that the forms for a declaration or acceptance  
53 of candidacy must include a statement in which the candidate acknowledges that a  
54 violation of the 30-day residency requirement subjects the candidate to a civil  
55 action disqualifying the candidate from entering upon the duties of the office and  
56 making the candidate liable under **section 14**.

57 Existing law requires a candidate for office as a Legislator to meet certain  
58 qualifications for the office. If elected, such a candidate is entitled to receive a  
59 certificate of election and must take and subscribe to the official oath before taking  
60 office. (NRS 218A.200, 218A.210, 218A.220) **Sections 1, 2, 5-10 and 18-24** of  
61 this bill revise the legal rules, standards and procedures that apply to a candidate  
62 who is or becomes an ineligible candidate for the office of Legislator during an  
63 election.

64 **Section 18** defines the term "ineligible candidate" to mean a candidate for  
65 office as a Legislator who fails to meet any qualification required for the office or  
66 who is found by a court to be disqualified from entering upon the duties of the  
67 office. If, after the date a candidate files a declaration or acceptance of candidacy  
68 and on or before the date of the general election, the candidate is or becomes such  
69 an ineligible candidate, **sections 1, 2, 5-10 and 18-24** provide that the ineligible  
70 candidate: (1) is not eligible to be seated as a Legislator; (2) must not be issued a  
71 certificate of election regardless of the number of votes cast for the ineligible



72 candidate; (3) shall not take and subscribe to the official oath as a Legislator; and  
73 (4) may not demand or receive a recount of the vote at the election or contest the  
74 results of the election.

75 Lastly, existing law requires the Secretary of State, before the Assembly meets  
76 for each regular session, to make out a roll from the election returns of the persons  
77 who received the highest number of votes to be elected as members of the  
78 Assembly, and the members whose names appear upon the roll must be allowed to  
79 participate in the organization of the Assembly. (NRS 218A.400) **Section 23**  
80 provides that the Secretary of State shall not include an ineligible candidate upon  
81 the roll of the persons elected as members of the Assembly and that the name of the  
82 ineligible candidate must not appear upon the roll regardless of the number of votes  
83 cast for the ineligible candidate.

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

1 **Section 1.** NRS 293.034 is hereby amended to read as  
2 follows:

3 293.034 "Certificate of election" means a certificate prepared  
4 by the county or city clerk or Governor, as the case may be, for the  
5 person having the highest number of votes for any district, county,  
6 township, city, state or statewide office as official recognition of the  
7 person's election to office **H**, *except that if the name of an*  
8 *ineligible candidate, as defined in section 18 of this act, could not*  
9 *be removed from the ballot pursuant to this chapter, such a*  
10 *certificate must not be prepared for the ineligible candidate*  
11 *regardless of the number of votes cast for the ineligible*  
12 *candidate.*

13 **Sec. 2.** NRS 293.042 is hereby amended to read as follows:

14 293.042 "Contest" means an adversary proceeding between a  
15 candidate for a public office who has received the greatest number  
16 of votes and any other candidate for that office or, in certain cases,  
17 any registered voter of the appropriate political subdivision, for the  
18 purpose of determining the validity of an election **H**, *except that an*  
19 *ineligible candidate, as defined by section 18 of this act, may not*  
20 *contest the election for the office for which he or she is an*  
21 *ineligible candidate.*

22 **Sec. 3.** NRS 293.1755 is hereby amended to read as  
23 follows:

24 293.1755 1. In addition to any other requirement provided by  
25 law, no person may be a candidate for any office unless, for at least  
26 the 30 days immediately preceding the date of the close of filing of  
27 declarations of candidacy or acceptances of candidacy for the office  
28 which the person seeks, the person has, in accordance with NRS  
29 281.050, actually, as opposed to constructively, resided in the State,  
30 district, county, township or other area prescribed by law to which



1 the office pertains and, if elected, over which he or she will have  
2 jurisdiction or will represent.

3 2. Any person who knowingly and willfully files an acceptance  
4 of candidacy or declaration of candidacy which contains a false  
5 statement in this respect is guilty of a gross misdemeanor.

6 3. *In addition to any other remedy or penalty provided by law,*  
7 *if a district court finds that a person who is a candidate for any*  
8 *office violated subsection 1, the person is subject to the*  
9 *requirements of section 14 of this act.*

10 4. The provisions of this section do not apply to candidates for  
11 the office of district attorney.

12 **Sec. 4.** NRS 293.177 is hereby amended to read as  
13 follows:

14 293.177 1. Except as otherwise provided in NRS 293.165, a  
15 name may not be printed on a ballot to be used at a primary election  
16 unless the person named has filed a declaration of candidacy or an  
17 acceptance of candidacy, and has paid the fee required by NRS  
18 293.193 not earlier than:

19 (a) For a candidate for judicial office, the first Monday in  
20 January of the year in which the election is to be held nor later  
21 than 5 p.m. on the second Friday after the first Monday in January;  
22 and

23 (b) For all other candidates, the first Monday in March of the  
24 year in which the election is to be held nor later than 5 p.m. on the  
25 second Friday after the first Monday in March.

26 2. A declaration of candidacy or an acceptance of candidacy  
27 required to be filed by this section must be in substantially the  
28 following form:

29 (a) For partisan office:

30  
31 DECLARATION OF CANDIDACY OF ..... FOR THE  
32 OFFICE OF .....

33  
34 State of Nevada

35  
36 County of .....

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



1 which the office pertains began on a date at least 30 days  
 2 immediately preceding the date of the close of filing of  
 3 declarations of candidacy for this office; *that I understand*  
 4 *that if I violate the foregoing residency requirements, it*  
 5 *subjects me to a civil action disqualifying me from entering*  
 6 *upon the duties of this office and making me liable upon*  
 7 *order of the court pursuant to section 14 of this act to*  
 8 *reimburse each person who made a monetary contribution*  
 9 *to my campaign in an amount determined by the court,*  
 10 *whether or not I already used the monetary contribution for*  
 11 *campaign expenses or legal expenses pursuant to chapter*  
 12 *294A of NRS;* that my telephone number is ....., and the  
 13 address at which I receive mail, if different than my  
 14 residence, is .....; that I am registered as a member of the  
 15 ..... Party; that I am a qualified elector pursuant to  
 16 Section 1 of Article 2 of the Constitution of the State of  
 17 Nevada; that if I have ever been convicted of treason or a  
 18 felony, my civil rights have been restored by a court of  
 19 competent jurisdiction; that I have not, in violation of the  
 20 provisions of NRS 293.176, changed the designation of my  
 21 political party or political party affiliation on an official  
 22 application to register to vote in any state since December 31  
 23 before the closing filing date for this election; that I generally  
 24 believe in and intend to support the concepts found in the  
 25 principles and policies of that political party in the coming  
 26 election; that if nominated as a candidate of the .....  
 27 Party at the ensuing election, I will accept that nomination  
 28 and not withdraw; that I will not knowingly violate any  
 29 election law or any law defining and prohibiting corrupt and  
 30 fraudulent practices in campaigns and elections in this State;  
 31 that I will qualify for the office if elected thereto, including,  
 32 but not limited to, complying with any limitation prescribed  
 33 by the Constitution and laws of this State concerning the  
 34 number of years or terms for which a person may hold the  
 35 office; and that I understand that my name will appear on all  
 36 ballots as designated in this declaration.

37  
 38 .....  
 39 (Designation of name)

40  
 41 .....  
 42 (Signature of candidate for office)



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

.....  
Notary Public or other person  
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE  
OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; *that I understand that if I violate the foregoing residency requirements, it subjects me to a civil action disqualifying me from entering upon the duties of this office and making me liable upon order of the court pursuant to section 14 of this act to reimburse each person who made a monetary contribution to my campaign in an amount determined by the court, whether or not I already used the monetary contribution for campaign expenses or legal expenses pursuant to chapter 294A of NRS;* that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State;



1 that I will qualify for the office if elected thereto, including,  
2 but not limited to, complying with any limitation prescribed  
3 by the Constitution and laws of this State concerning the  
4 number of years or terms for which a person may hold the  
5 office; and my name will appear on all ballots as designated  
6 in this declaration.

7  
8 .....  
9 (Designation of name)

10  
11 .....  
12 (Signature of candidate for office)

13  
14 Subscribed and sworn to before me  
15 this ..... day of the month of ..... of the year .....

16  
17 .....  
18 Notary Public or other person  
19 authorized to administer an oath  
20

21 3. The address of a candidate which must be included in the  
22 declaration of candidacy or acceptance of candidacy pursuant to  
23 subsection 2 must be the street address of the residence where the  
24 candidate actually, as opposed to constructively, resides in  
25 accordance with NRS 281.050, if one has been assigned. The  
26 declaration or acceptance of candidacy must not be accepted for  
27 filing if:

28 (a) The candidate's address is listed as a post office box unless a  
29 street address has not been assigned to his or her residence; or

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

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

34 (2) A current utility bill, bank statement, paycheck, or  
35 document issued by a governmental entity, including a check which  
36 indicates the candidate's name and residential address, but not  
37 including a voter registration card issued pursuant to NRS 293.517.

38 4. The filing officer shall retain a copy of the proof of identity  
39 and residency provided by the candidate pursuant to paragraph (b)  
40 of subsection 3. Such a copy:

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

42 (b) Must not contain the social security number or driver's  
43 license or identification card number of the candidate.

44 5. By filing the declaration or acceptance of candidacy, the  
45 candidate shall be deemed to have appointed the filing officer for



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

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

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

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

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

36 **Sec. 5.** NRS 293.395 is hereby amended to read as follows:

37 293.395 1. The board of county commissioners, after making  
38 the abstract of votes as provided in NRS 293.393, shall cause the  
39 county clerk to certify the abstract and, by an order made and  
40 entered in the minutes of its proceedings, to make:

41 (a) A copy of the certified abstract; and

42 (b) A mechanized report of that abstract in compliance with  
43 regulations adopted by the Secretary of State,

44 and forthwith transmit them to the Secretary of State.



1        2. On the fourth Tuesday of November after each general  
2 election, the justices of the Supreme Court, or a majority thereof,  
3 shall meet with the Secretary of State, and shall open and canvass  
4 the vote for the number of presidential electors to which this State  
5 may be entitled, United States Senator, Representative in Congress,  
6 members of the Legislature, state officers who are elected statewide  
7 or by district, district judges, or district officers whose districts  
8 include area in more than one county and for and against any  
9 question submitted.

10        3. ~~The~~ *Except as otherwise provided in NRS 218A.200,*  
11 *218A.210 and 218A.220, the* Governor shall issue certificates of  
12 election to and commission the persons having the highest number  
13 of votes and shall issue proclamations declaring the election of those  
14 persons.

15        **Sec. 6.** NRS 293.397 is hereby amended to read as follows:

16        293.397 ~~It~~ *Except as otherwise provided in NRS 218A.200,*  
17 *218A.210 and 218A.220, the* certificate of election or commission  
18 must not be withheld from the person having the highest number of  
19 votes for the office because of any contest of election filed in the  
20 election or any defect or informality in the returns of any election, if  
21 it can be ascertained with reasonable certainty from the returns what  
22 office is intended and who is entitled to the certificate or  
23 commission.

24        **Sec. 7.** NRS 293.400 is hereby amended to read as follows:

25        293.400 1. If, after the completion of the canvass of the  
26 returns of any election, two or more persons *who are not ineligible*  
27 *candidates as defined in section 18 of this act* receive an equal  
28 number of votes, which is sufficient for the election of one or more  
29 but fewer than all of them to the office, the person or persons  
30 elected must be determined as follows:

31        (a) In a general election for a United States Senator,  
32 Representative in Congress, state officer who is elected statewide or  
33 by district, district judge, or district officer whose district includes  
34 area in more than one county, the Legislature shall, by joint vote of  
35 both houses, elect one of those persons to fill the office.

36        (b) In a primary election for a United States Senator,  
37 Representative in Congress, state officer who is elected statewide or  
38 by district, district judge, or district officer whose district includes  
39 area in more than one county, the Secretary of State shall summon  
40 the candidates who have received the tie votes to appear before the  
41 Secretary of State at a time and place designated by the Secretary of  
42 State and the Secretary of State shall determine the tie by lot. If the  
43 tie vote is for the office of Secretary of State, the Governor shall  
44 perform these duties.



1 (c) For any office of a county, township, incorporated city, city  
2 organized under a special charter where the charter is silent as to  
3 determination of a tie vote, or district which is wholly located within  
4 one county, the county clerk shall summon the candidates who have  
5 received the tie votes to appear before the county clerk at a time and  
6 place designated by the county clerk and determine the tie by lot. If  
7 the tie vote is for the office of county clerk, the board of county  
8 commissioners shall perform these duties.

9 2. The summons mentioned in this section must be mailed to  
10 the address of the candidate as it appears upon the candidate's  
11 declaration of candidacy at least 5 days before the day fixed for the  
12 determination of the tie vote and must contain the time and place  
13 where the determination will take place.

14 3. The right to a recount extends to all candidates in case of a  
15 tie ~~H~~, *except for an ineligible candidate as defined in section 18*  
16 *of this act.*

17 **Sec. 8.** NRS 293.403 is hereby amended to read as follows:

18 293.403 1. ~~HA~~ *Except for an ineligible candidate as defined*  
19 *in section 18 of this act, a* candidate defeated at any election may  
20 demand and receive a recount of the vote for the office for which he  
21 or she is a candidate to determine the number of votes received for  
22 the candidate and the number of votes received for the person who  
23 won the election if within 3 working days after the canvass of the  
24 vote and the certification by the county clerk or city clerk of the  
25 abstract of votes the candidate who demands the recount:

26 (a) Files in writing a demand with the officer with whom the  
27 candidate filed his or her declaration of candidacy or acceptance of  
28 candidacy; and

29 (b) Deposits in advance the estimated costs of the recount with  
30 that officer.

31 2. Any voter at an election may demand and receive a recount  
32 of the vote for a ballot question if within 3 working days after the  
33 canvass of the vote and the certification by the county clerk or city  
34 clerk of the abstract of votes, the voter:

35 (a) Files in writing a demand with:

36 (1) The Secretary of State, if the demand is for a recount of a  
37 ballot question affecting more than one county; or

38 (2) The county or city clerk who will conduct the recount, if  
39 the demand is for a recount of a ballot question affecting only one  
40 county or city; and

41 (b) Deposits in advance the estimated costs of the recount with  
42 the person to whom the demand was made.

43 3. The estimated costs of the recount must be determined by  
44 the person with whom the advance is deposited based on regulations  
45 adopted by the Secretary of State defining the term "costs."



1 4. As used in this section, “canvass” means:

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

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

9 (c) In any general election:

10 (1) The canvass by the Supreme Court of the returns for a  
11 candidate for a statewide office or a statewide ballot question; or

12 (2) The canvass of the board of county commissioners of the  
13 returns for any other candidate or ballot question, as provided in  
14 paragraph (a).

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

17 **Sec. 9.** NRS 293.407 is hereby amended to read as follows:

18 293.407 1. ~~FA~~ *Except for an ineligible candidate as defined*  
19 *in section 18 of this act, a candidate at any election, or any*  
20 *registered voter of the appropriate political subdivision, may contest*  
21 *the election of any candidate, except for the office of United States*  
22 *Senator or Representative in Congress.*

23 2. Except where the contest involves the general election for  
24 the office of Governor, Lieutenant Governor, Assemblyman,  
25 Assemblywoman, State Senator, justice of the Supreme Court or  
26 judge of the Court of Appeals, a candidate or voter who wishes to  
27 contest an election, including election to the office of presidential  
28 elector, must, within the time prescribed in NRS 293.413, file with  
29 the clerk of the district court a written statement of contest, setting  
30 forth:

31 (a) The name of the contestant and that the contestant is a  
32 registered voter of the political subdivision in which the election to  
33 be contested or part of it was held;

34 (b) The name of the defendant;

35 (c) The office to which the defendant was declared elected;

36 (d) The particular grounds of contest and the section of Nevada  
37 Revised Statutes pursuant to which the statement is filed; and

38 (e) The date of the declaration of the result of the election and  
39 the body or board which canvassed the returns thereof.

40 3. The contestant shall verify the statement of contest in the  
41 manner provided for the verification of pleadings in civil actions.

42 4. All material regarding a contest filed by a contestant with  
43 the clerk of the district court must be filed in triplicate.



**Sec. 10.** NRS 293.427 is hereby amended to read as follows:

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

2. Until the contest has been decided, the candidate who received the highest number of votes for the office in the contested election must be seated as a member of the appropriate house **H**, *except that if the name of an ineligible candidate, as defined in section 18 of this act, could not be removed from the ballot pursuant to this chapter, the ineligible candidate must not be seated as a member of the appropriate house regardless of the number of votes cast for the ineligible candidate.*

3. If, before the contest has been decided, a contestant gives written notice to the Secretary of State that the contestant wishes to withdraw his or her statement of contest, the Secretary of State shall dismiss the contest.

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

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

**Sec. 11.** NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

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

DECLARATION OF CANDIDACY OF ..... FOR THE  
OFFICE OF .....



1 State of Nevada

2  
3 City of.....  
4

5 For the purpose of having my name placed on the official  
6 ballot as a candidate for the office of ....., I,  
7 ....., the undersigned do swear or affirm under penalty  
8 of perjury that I actually, as opposed to constructively, reside  
9 at ....., in the City or Town of ....., County of  
10 ....., State of Nevada; that my actual, as opposed to  
11 constructive, residence in the city, township or other area  
12 prescribed by law to which the office pertains began on a date  
13 at least 30 days immediately preceding the date of the close  
14 of filing of declarations of candidacy for this office; *that I*  
15 *understand that if I violate the foregoing residency*  
16 *requirements, it subjects me to a civil action disqualifying*  
17 *me from entering upon the duties of this office and making*  
18 *me liable upon order of the court pursuant to section 14 of*  
19 *this act to reimburse each person who made a monetary*  
20 *contribution to my campaign in an amount determined by*  
21 *the court, whether or not I already used the monetary*  
22 *contribution for campaign expenses or legal expenses*  
23 *pursuant to chapter 294A of NRS;* that my telephone number  
24 is ....., and the address at which I receive mail, if  
25 different than my residence, is .....; that I am a  
26 qualified elector pursuant to Section 1 of Article 2 of the  
27 Constitution of the State of Nevada; that if I have ever been  
28 convicted of treason or a felony, my civil rights have been  
29 restored by a court of competent jurisdiction; that if  
30 nominated as a candidate at the ensuing election I will accept  
31 the nomination and not withdraw; that I will not knowingly  
32 violate any election law or any law defining and prohibiting  
33 corrupt and fraudulent practices in campaigns and elections in  
34 this State; that I will qualify for the office if elected thereto,  
35 including, but not limited to, complying with any limitation  
36 prescribed by the Constitution and laws of this State  
37 concerning the number of years or terms for which a person  
38 may hold the office; and my name will appear on all ballots  
39 as designated in this declaration.

40  
41 .....  
42 (Designation of name)

43  
44 .....  
45 (Signature of candidate for office)



1 Subscribed and sworn to before me  
2 this ..... day of the month of ..... of the year .....

3  
4 .....  
5 Notary Public or other person  
6 authorized to administer an oath  
7

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

14 (a) The candidate's address is listed as a post office box unless a  
15 street address has not been assigned to the residence; or

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

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

20 (2) A current utility bill, bank statement, paycheck, or  
21 document issued by a governmental entity, including a check which  
22 indicates the candidate's name and residential address, but not  
23 including a voter registration card issued pursuant to NRS 293.517.

24 4. The filing officer shall retain a copy of the proof of identity  
25 and residency provided by the candidate pursuant to paragraph (b)  
26 of subsection 3. Such a copy:

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

28 (b) Must not contain the social security number or driver's  
29 license or identification card number of the candidate.

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

43 6. If the city clerk receives credible evidence indicating that a  
44 candidate has been convicted of a felony and has not had his or her



1 civil rights restored by a court of competent jurisdiction, the city  
2 clerk:

3 (a) May conduct an investigation to determine whether the  
4 candidate has been convicted of a felony and, if so, whether the  
5 candidate has had his or her civil rights restored by a court of  
6 competent jurisdiction; and

7 (b) Shall transmit the credible evidence and the findings from  
8 such investigation to the city attorney.

9 7. The receipt of information by the city attorney pursuant to  
10 subsection 6 must be treated as a challenge of a candidate pursuant  
11 to subsections 4 and 5 of NRS 293C.186. If the ballots are printed  
12 before a court of competent jurisdiction makes a determination that  
13 a candidate has been convicted of a felony and has not had his or her  
14 civil rights restored by a court of competent jurisdiction, the city  
15 clerk must post a notice at each polling place where the candidate's  
16 name will appear on the ballot informing the voters that the  
17 candidate is disqualified from entering upon the duties of the office  
18 for which the candidate filed the declaration of candidacy or  
19 acceptance of candidacy.

20 **Sec. 12.** NRS 293C.200 is hereby amended to read as follows:

21 293C.200 1. In addition to any other requirement provided by  
22 law, no person may be a candidate for a city office unless, for at  
23 least the 30 days immediately preceding the date of the close of  
24 filing of declarations or acceptances of candidacy for the office that  
25 the person seeks, the person has in accordance with NRS 281.050,  
26 actually, as opposed to constructively, resided in the city or other  
27 area prescribed by law to which the office pertains and, if elected,  
28 over which he or she will have jurisdiction or which he or she will  
29 represent.

30 2. Any person who knowingly and willfully files a declaration  
31 of candidacy or an acceptance of candidacy that contains a false  
32 statement in this respect is guilty of a gross misdemeanor.

33 *3. In addition to any other remedy or penalty provided by law,  
34 if a district court finds that a person who is a candidate for any  
35 office violated subsection 1, the person is subject to the  
36 requirements of section 14 of this act.*

37 **Sec. 13.** NRS 293C.395 is hereby amended to read as follows:

38 293C.395 ~~1A~~ *Except as otherwise provided in NRS  
39 218A.200, 218A.210 and 218A.220, the* certificate of election or  
40 commission must not be withheld from the person having the  
41 highest number of votes for the city office because of any contest of  
42 election filed in the city election or any defect or informality in the  
43 returns of any city election, if it can be ascertained with reasonable  
44 certainty from the returns what city office is intended and who is  
45 entitled to the certificate or commission.



1       **Sec. 14.** Chapter 294A of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *In addition to any other remedy or penalty provided by law,*  
4 *but except as otherwise provided in this section, if a district court*  
5 *finds that a person who is a candidate for any office violated*  
6 *subsection 1 of NRS 293.1755 or subsection 1 of NRS 293C.200,*  
7 *the district court shall order the candidate, in the manner and*  
8 *within the period prescribed by this section, to reimburse each*  
9 *person who made a monetary contribution to the candidate in an*  
10 *amount equal to the monetary contribution, or any proportion*  
11 *thereof as determined by the district court, whether or not the*  
12 *candidate used the monetary contribution for campaign expenses*  
13 *or legal expenses pursuant to this chapter.*

14       2. *Except as otherwise provided in subsection 3, the candidate*  
15 *shall reimburse each person in the amount or proportion ordered*  
16 *by the district court for each monetary contribution in excess of*  
17 *\$100 and any other monetary contributions which cumulatively*  
18 *exceed \$100 from the same person.*

19       3. *If a person who made a monetary contribution declines to*  
20 *be reimbursed pursuant to this section or cannot be located at the*  
21 *address listed on the report submitted to the Secretary of State*  
22 *pursuant to NRS 294A.120 or a different address after a*  
23 *reasonable search, the candidate shall donate an equivalent*  
24 *amount of money in the amount or proportion ordered by the*  
25 *district court to any tax-exempt nonprofit entity.*

26       4. *If the candidate received any contributions in the amount*  
27 *of \$100 or less, the candidate shall donate an equivalent amount*  
28 *of money in the amount or proportion ordered by the district court*  
29 *to any tax-exempt nonprofit entity.*

30       5. *Except as otherwise provided in subsection 6, not later*  
31 *than the 15th day of the second month after the date that written*  
32 *notice of entry of the district court's order is served or, if an*  
33 *appeal is taken, after the date that the appeal is resolved by a final*  
34 *order, the candidate shall make all the reimbursements and*  
35 *donations required by this section.*

36       6. *If, by the date prescribed by subsection 5, the candidate is*  
37 *unable to make all the reimbursements and donations required by*  
38 *this section, the Secretary of State may, upon a request filed by the*  
39 *candidate before that date:*

40       (a) *Extend the period for making all the reimbursements and*  
41 *donations required by this section; or*

42       (b) *Approve an installment plan proposed by the candidate to*  
43 *make, in installments, all the reimbursements and donations*  
44 *required by this section.*



1       7. *If the Secretary of State approves an installment plan*  
2 *pursuant to this section, the Secretary of State shall:*

3       (a) *Create a record which describes the circumstances that*  
4 *require the installment plan, sets forth the terms of the installment*  
5 *plan and establishes the dates on which any reports regarding the*  
6 *reimbursements and donations required by this section are due;*  
7 *and*

8       (b) *Ensure that the record is available for review by the*  
9 *general public.*

10      8. *In addition to the reporting requirements set forth in NRS*  
11 *294A.120, 294A.125, 294A.128, 294A.200 and 294A.362, the*  
12 *candidate shall submit to the Secretary of State a report listing all*  
13 *reimbursements and donations made pursuant to this section not*  
14 *later than the dates established by the Secretary of State by*  
15 *regulation.*

16      9. *Except as otherwise provided in NRS 294A.3733, any*  
17 *report required pursuant to this section must be filed electronically*  
18 *with the Secretary of State. The report shall be deemed to be filed*  
19 *on the date that it was received by the Secretary of State.*

20      10. *The candidate shall not use any contributions received as*  
21 *a candidate for another election to comply with the provisions of*  
22 *this section.*

23      11. *The candidate shall not dispose of any unspent or excess*  
24 *contributions pursuant to NRS 294A.160 until after the date*  
25 *prescribed by subsection 5. If, after that date, the candidate has*  
26 *any unspent or excess contributions, the candidate shall dispose of*  
27 *the unspent or excess contributions pursuant to NRS 294A.160 but*  
28 *only to the extent that such unspent or excess contributions are*  
29 *not necessary to comply with the provisions of this section.*

30      12. *The provisions of this section do not apply to a legal*  
31 *defense fund established pursuant to NRS 294A.286.*

32      13. *The Secretary of State shall include a description of the*  
33 *provisions of this section:*

34       (a) *In any guides, handbooks or other informational materials*  
35 *prepared for candidates; and*

36       (b) *On the Internet website of the Secretary of State.*

37      **Sec. 15.** NRS 294A.160 is hereby amended to read as follows:

38      294A.160 1. It is unlawful for a candidate to spend money  
39 received as a contribution for the candidate's personal use.

40      2. Notwithstanding the provisions of NRS 294A.286, a  
41 candidate or public officer may use contributions to pay for any  
42 legal expenses that the candidate or public officer incurs in relation  
43 to a campaign or serving in public office without establishing a legal  
44 defense fund. Any such candidate or public officer shall report any  
45 expenditure of contributions to pay for legal expenses in the same



1 manner and at the same time as the report filed pursuant to NRS  
2 294A.120 or 294A.200. A candidate or public officer shall not use  
3 contributions to satisfy a civil or criminal penalty imposed by law.

4 3. ~~Every~~ *Except as otherwise provided in section 14 of this*  
5 *act, every* candidate for office at a primary election, general election  
6 or special election who is elected to that office and received  
7 contributions that were not spent or committed for expenditure  
8 before the primary election, general election or special election shall  
9 dispose of the money through one or any combination of the  
10 following methods:

11 (a) Return the unspent money to contributors;

12 (b) Use the money in the candidate's next election or for the  
13 payment of other expenses related to public office or his or her  
14 campaign, regardless of whether he or she is a candidate for a  
15 different office in the candidate's next election;

16 (c) Contribute the money to:

17 (1) The campaigns of other candidates for public office or for  
18 the payment of debts related to their campaigns;

19 (2) A political party; or

20 (3) Any combination of persons or groups set forth in  
21 subparagraphs (1) and (2);

22 (d) Donate the money to any tax-exempt nonprofit entity; or

23 (e) Donate the money to any governmental entity or fund of this  
24 State or a political subdivision of this State. A candidate who  
25 donates money pursuant to this paragraph may request that the  
26 money be used for a specific purpose.

27 4. ~~Every~~ *Except as otherwise provided in section 14 of this*  
28 *act, every* candidate for office at a primary election, general election  
29 or special election who withdraws pursuant to NRS 293.202 or  
30 293C.195 after filing a declaration of candidacy or an acceptance of  
31 candidacy, is removed from the ballot by court order or is defeated  
32 for or otherwise not elected to that office and who received  
33 contributions that were not spent or committed for expenditure  
34 before the primary election, general election or special election  
35 shall, not later than the 15th day of the second month after the  
36 election, dispose of the money through one or any combination of  
37 the following methods:

38 (a) Return the unspent money to contributors;

39 (b) Contribute the money to:

40 (1) The campaigns of other candidates for public office or for  
41 the payment of debts related to their campaigns;

42 (2) A political party; or

43 (3) Any combination of persons or groups set forth in  
44 subparagraphs (1) and (2);

45 (c) Donate the money to any tax-exempt nonprofit entity; or



1 (d) Donate the money to any governmental entity or fund of this  
2 State or a political subdivision of this State. A candidate who  
3 donates money pursuant to this paragraph may request that the  
4 money be used for a specific purpose.

5 5. ~~Every~~ *Except as otherwise provided in section 14 of this*  
6 *act, every* candidate for office who withdraws after filing a  
7 declaration of candidacy or an acceptance of candidacy, is defeated  
8 for that office at a primary election or is removed from the ballot by  
9 court order before a primary election or general election and who  
10 received a contribution from a person in excess of \$5,000 shall, not  
11 later than the 15th day of the second month after the primary  
12 election or general election, as applicable, return any money in  
13 excess of \$5,000 to the contributor.

14 6. Except for a former public officer who is subject to the  
15 provisions of subsection 10, every person who qualifies as a  
16 candidate by receiving one or more qualifying contributions in  
17 excess of \$100 but who, within 4 years after the date of receiving  
18 the first of those qualifying contributions, does not:

19 (a) File a declaration of candidacy or an acceptance of  
20 candidacy; or

21 (b) Appear on an official ballot at any election,  
22 ➤ shall, not later than the 15th day of the month after the end of the  
23 4-year period, dispose of all contributions that have not been spent  
24 or committed for expenditure through one or any combination of the  
25 methods set forth in subsection 4.

26 7. Except as otherwise provided in subsection 8, every public  
27 officer who:

28 (a) Does not run for reelection to the office which he or she  
29 holds;

30 (b) Is not a candidate for any other office and does not qualify as  
31 a candidate by receiving one or more qualifying contributions in  
32 excess of \$100; and

33 (c) Has contributions that are not spent or committed for  
34 expenditure remaining from a previous election,

35 ➤ shall, not later than the 15th day of the second month after the  
36 expiration of the public officer's term of office, dispose of those  
37 contributions in the manner provided in subsection 4.

38 8. Every public officer who:

39 (a) Resigns from his or her office;

40 (b) Is not a candidate for any other office and does not qualify as  
41 a candidate by receiving one or more qualifying contributions in  
42 excess of \$100; and

43 (c) Has contributions that are not spent or committed for  
44 expenditure remaining from a previous election,



1   ↳ shall, not later than the 15th day of the second month after the  
2 effective date of the resignation, dispose of those contributions in  
3 the manner provided in subsection 4.

4   9. Except as otherwise provided in subsection 10, every public  
5 officer who:

6   (a) Does not run for reelection to the office which he or she  
7 holds or who resigns from his or her office;

8   (b) Is a candidate for any other office or qualifies as a candidate  
9 by receiving one or more qualifying contributions in excess of \$100;  
10 and

11   (c) Has contributions that are not spent or committed for  
12 expenditure remaining from a previous election,

13   ↳ may use the unspent contributions in a future election. Such a  
14 public officer is subject to the reporting requirements set forth in  
15 NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for  
16 as long as the public officer is a candidate for any office or qualifies  
17 as a candidate by receiving one or more qualifying contributions in  
18 excess of \$100.

19   10. Every former public officer described in subsection 9 who  
20 qualifies as a candidate by receiving one or more qualifying  
21 contributions in excess of \$100 but who, within 4 years after the  
22 date of receiving the first of those qualifying contributions, does not:

23   (a) File a declaration of candidacy or an acceptance of  
24 candidacy; or

25   (b) Appear on an official ballot at any election,

26   ↳ shall, not later than the 15th day of the month after the end of the  
27 4-year period, dispose of all contributions that have not been spent  
28 or committed for expenditure through one or any combination of the  
29 methods set forth in subsection 4.

30   11. In addition to the methods for disposing of the unspent  
31 money set forth in this section, a Legislator may donate not more  
32 than \$500 of that money to the Nevada Silver Haired Legislative  
33 Forum created pursuant to NRS 427A.320.

34   12. Any contributions received before a candidate for office at  
35 a primary election, general election or special election dies that  
36 were not spent or committed for expenditure before the death of the  
37 candidate must be disposed of in the manner provided in  
38 subsection 4.

39   13. The court shall, in addition to any penalty which may be  
40 imposed pursuant to NRS 294A.420, order the candidate or public  
41 officer to dispose of any remaining contributions in the manner  
42 provided in this section.

43   14. As used in this section:

44   (a) "Contribution" includes, without limitation, any interest and  
45 other income earned on a contribution.



1 (b) "Qualifying contribution" means the receipt of a contribution  
2 that causes a person to qualify as a candidate pursuant to subsection  
3 4 of NRS 294A.005.

4 **Sec. 16.** NRS 294A.350 is hereby amended to read as follows:

5 294A.350 1. Except as otherwise provided in subsection 2,  
6 every candidate for office shall file the reports required by NRS  
7 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and  
8 294A.362, *and section 14 of this act*, even though the candidate:

9 (a) Withdraws his or her candidacy pursuant to NRS 293.202 or  
10 293C.195;

11 (b) Ends his or her campaign without withdrawing his or her  
12 candidacy pursuant to NRS 293.202 or 293C.195;

13 (c) Receives no contributions;

14 (d) Has no campaign expenses;

15 (e) Is not opposed in the election by another candidate;

16 (f) Is defeated in the primary election;

17 (g) Is removed from the ballot by court order; or

18 (h) Is the subject of a petition to recall and the special election is  
19 not held.

20 2. A candidate described in paragraph (a), (b), (f) or (g) of  
21 subsection 1 may simultaneously file all the reports required by  
22 NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and  
23 294A.362 *and section 14 of this act* that are due after the candidate  
24 disposes of any unspent or excess contributions as provided in  
25 subsections 4 and 5 of NRS 294A.160, as applicable, *or after the*  
26 *candidate makes all reimbursements and donations required by*  
27 *section 14 of this act, whichever is later*, if the candidate gives  
28 written notice to the Secretary of State, on the form prescribed by  
29 the Secretary of State, that the candidate is ending his or her  
30 campaign and will not accept any additional contributions. If the  
31 candidate has submitted a withdrawal of candidacy pursuant to NRS  
32 293.202 or 293C.195 to an officer other than the Secretary of State,  
33 the candidate must enclose with the notice a copy of the withdrawal  
34 of candidacy. A form submitted to the Secretary of State pursuant to  
35 this subsection must be signed by the candidate under an oath to  
36 God or penalty of perjury. A candidate who signs the form under an  
37 oath to God is subject to the same penalties as if the candidate had  
38 signed the form under penalty of perjury.

39 3. A candidate described in paragraph (b) of subsection 1 who  
40 simultaneously files reports pursuant to subsection 2 but is elected  
41 to office despite ending his or her campaign is subject to the  
42 reporting requirements set forth in NRS 294A.120, 294A.125,  
43 294A.128, 294A.200, 294A.286 and 294A.362, beginning with the  
44 next report that is due pursuant to those sections after his or her  
45 election to office.



1       **Sec. 17.** NRS 294A.420 is hereby amended to read as follows:

2       294A.420 1. If the Secretary of State receives information  
3 that a candidate, person, committee, political party or nonprofit  
4 corporation that is subject to the provisions of NRS 294A.120,  
5 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220,  
6 294A.230, 294A.250, 294A.270, 294A.280 or 294A.286 *or section*  
7 *14 of this act* has not filed a report or form for registration pursuant  
8 to the applicable provisions of those sections, the Secretary of State  
9 may, after giving notice to that candidate, person, committee,  
10 political party or nonprofit corporation, cause the appropriate  
11 proceedings to be instituted in the First Judicial District Court.

12       2. Except as otherwise provided in this section, a candidate,  
13 person, committee, political party or nonprofit corporation that  
14 violates an applicable provision of this chapter is subject to a civil  
15 penalty of not more than \$5,000 for each violation and payment of  
16 court costs and attorney's fees. The civil penalty must be recovered  
17 in a civil action brought in the name of the State of Nevada by the  
18 Secretary of State in the First Judicial District Court and deposited  
19 by the Secretary of State for credit to the State General Fund in the  
20 bank designated by the State Treasurer.

21       3. If a civil penalty is imposed because a candidate, person,  
22 committee, political party or nonprofit corporation has reported its  
23 contributions, campaign expenses, independent expenditures ,  
24 *reimbursements, donations* or other expenditures after the date the  
25 report is due, except as otherwise provided in this subsection, the  
26 amount of the civil penalty is:

27       (a) If the report is not more than 7 days late, \$25 for each day  
28 the report is late.

29       (b) If the report is more than 7 days late but not more than 15  
30 days late, \$50 for each day the report is late.

31       (c) If the report is more than 15 days late, \$100 for each day the  
32 report is late.

33       ➤ A civil penalty imposed pursuant to this subsection against a  
34 public officer who by law is not entitled to receive compensation for  
35 his or her office or a candidate for such an office must not exceed a  
36 total of \$100 if the public officer or candidate received no  
37 contributions and made no expenditures during the relevant  
38 reporting periods.

39       4. For good cause shown, the Secretary of State may waive a  
40 civil penalty that would otherwise be imposed pursuant to this  
41 section.

42       5. When considering whether to waive, pursuant to subsection  
43 4, a civil penalty that would otherwise be imposed pursuant to  
44 subsection 3, the Secretary of State may consider, without  
45 limitation:



1 (a) The seriousness of the violation, including, without  
2 limitation, the nature, circumstances and extent of the violation;

3 (b) Any history of violations committed by the candidate,  
4 person, committee, political party or nonprofit corporation against  
5 whom the civil penalty would otherwise be imposed;

6 (c) Any mitigating factor, including, without limitation, whether  
7 the candidate, person, committee, political party or nonprofit  
8 corporation against whom the civil penalty would otherwise be  
9 imposed reported the violation, corrected the violation in a timely  
10 manner, attempted to correct the violation or cooperated with the  
11 Secretary of State in resolving the situation that led to the violation;

12 (d) Whether the violation was inadvertent;

13 (e) Any knowledge or experience the candidate, person,  
14 committee, political party or nonprofit corporation has with the  
15 provisions of this chapter; and

16 (f) Any other factor that the Secretary of State deems to be  
17 relevant.

18 6. If the Secretary of State waives a civil penalty pursuant to  
19 subsection 4, the Secretary of State shall:

20 (a) Create a record which sets forth that the civil penalty has  
21 been waived and describes the circumstances that constitute the  
22 good cause shown; and

23 (b) Ensure that the record created pursuant to paragraph (a) is  
24 available for review by the general public.

25 7. The remedies and penalties provided by this chapter are  
26 cumulative, do not abrogate and are in addition to any other  
27 remedies and penalties that may exist at law or in equity, including,  
28 without limitation, any criminal penalty that may be imposed  
29 pursuant to this chapter or NRS 199.120, 199.145 or 239.330.

30 **Sec. 18.** Chapter 218A of NRS is hereby amended by adding  
31 thereto a new section to read as follows:

32 *As used in NRS 218A.200, 218A.210 and 218A.220, unless the*  
33 *context otherwise requires, "ineligible candidate" means a person*  
34 *who is a candidate for office as a Legislator and who:*

35 *1. Fails to meet any qualification required for the office*  
36 *pursuant to the Constitution or laws of this State; or*

37 *2. Is found by a court of competent jurisdiction to be*  
38 *disqualified from entering upon the duties of the office pursuant*  
39 *to the Constitution or laws of this State.*

40 **Sec. 19.** NRS 218A.200 is hereby amended to read as follows:

41 218A.200 *1.* A person is not eligible to be elected or  
42 appointed to office as a Legislator unless the person:

43 ~~1.~~ (a) Is a qualified elector;



1 ~~12.1~~ (b) Has been an actual, as opposed to constructive, citizen  
2 resident of this State for 1 year next preceding the person's election  
3 or appointment; ~~and~~

4 ~~3.1~~ (c) At the time of election or appointment, has attained the  
5 age of 21 years ~~H~~; and

6 (d) *Meets all other qualifications for the office as required by*  
7 *the Constitution and laws of this State.*

8 2. *A person is not eligible to be seated as a Legislator if, at*  
9 *any time after the person most recently filed a declaration of*  
10 *candidacy or acceptance of candidacy for the office of Legislator*  
11 *pursuant to chapter 293 of NRS and, on or before the date of the*  
12 *most recent general election held for the office, the person is or*  
13 *becomes an ineligible candidate.*

14 **Sec. 20.** NRS 218A.210 is hereby amended to read as follows:

15 218A.210 A person who is elected to office as a Legislator is  
16 entitled to receive a certificate of election from the Governor ~~H~~ ,  
17 *except that if the name of an ineligible candidate could not be*  
18 *removed from the ballot pursuant to chapter 293 of NRS, the*  
19 *Governor shall not issue a certificate of election to the ineligible*  
20 *candidate regardless of the number of votes cast for the ineligible*  
21 *candidate.*

22 **Sec. 21.** NRS 218A.220 is hereby amended to read as follows:

23 218A.220 1. A person who receives a certificate of election  
24 or appointment to office as a Legislator must take and subscribe to  
25 the official oath before the person takes office as a Legislator, and  
26 an entry thereof must be made on the journal of the proper House.

27 2. *A person shall not take and subscribe to the official oath to*  
28 *take office as a Legislator if, at any time after the person most*  
29 *recently filed a declaration of candidacy or acceptance of*  
30 *candidacy for the office of Legislator pursuant to chapter 293 of*  
31 *NRS and, on or before the date of the most recent general election*  
32 *held for the office, the person is or becomes an ineligible*  
33 *candidate.*

34 **Sec. 22.** NRS 218A.260 is hereby amended to read as follows:

35 218A.260 1. If a vacancy occurs in the office of a Legislator  
36 during a regular or special session or at a time when no biennial  
37 election or regular election at which county officers are to be elected  
38 will take place between the occurrence of the vacancy and the next  
39 regular or special session, the vacancy must be filled in the manner  
40 provided in this section.

41 2. If the former Legislator was elected or appointed from a  
42 district wholly within one county, the board of county  
43 commissioners of the county in which the district is located shall fill  
44 the vacancy by appointing a person who is a member of the same  
45 political party as the former Legislator , ~~and~~ who actually, as



1 opposed to constructively, resides in the district ~~H~~ *and who meets*  
2 *all qualifications for the office as required by NRS 218A.200.*

3 3. If the former Legislator was elected or appointed from a  
4 district comprising more than one county, the county commissioners  
5 of each county within or partly within the district shall fill the  
6 vacancy by appointing a person who is a member of the same  
7 political party as the former Legislator, ~~and~~ who actually, as  
8 opposed to constructively, resides in the district ~~H~~ *and who meets*  
9 *all qualifications for the office as required by NRS 218A.200.* To  
10 fill the vacancy:

11 (a) Each board of county commissioners shall first meet  
12 separately and determine the single candidate it will nominate to fill  
13 the vacancy.

14 (b) The boards shall then meet jointly. The joint meeting must  
15 be chaired by the person who is the chair of the board of county  
16 commissioners of the county with the largest population in the  
17 district. At the joint meeting:

18 (1) The chair of each board, on behalf of that board, shall  
19 cast a proportionate number of votes according to the percent,  
20 rounded to the nearest whole percent, which the population of that  
21 board's county is of the population of the entire district. Populations  
22 must be determined by the last decennial census or special census  
23 conducted by the Bureau of the Census of the United States  
24 Department of Commerce.

25 (2) The person who receives a plurality of these votes is  
26 appointed to fill the vacancy. If no person receives a plurality of the  
27 votes, the boards of county commissioners of the respective counties  
28 shall each select a candidate, and the appointee must be chosen by  
29 drawing lots among the candidates so selected.

30 4. The board of county commissioners or the board of the  
31 county with the largest population in the district shall issue a  
32 certificate of appointment naming the appointee. The county clerk  
33 or the clerk of the county with the largest population in the district  
34 shall give the certificate to the appointee and send a copy of the  
35 certificate to the Secretary of State.

36 **Sec. 23.** NRS 218A.400 is hereby amended to read as follows:

37 218A.400 1. Before the Assembly meets for each regular  
38 session, the Secretary of State shall make out a roll from the returns  
39 on file in the Secretary of State's office of the persons who received  
40 the highest number of votes to be elected to office as members of  
41 the Assembly in each district in the general election ~~H~~, *except that*  
42 *if the name of an ineligible candidate could not be removed from*  
43 *the ballot pursuant to chapter 293 of NRS, the Secretary of State*  
44 *shall not include the ineligible candidate upon the roll of the*  
45 *persons elected to office as members of the Assembly and the*



1 *name of the ineligible candidate must not appear upon the roll*  
2 *regardless of the number of votes cast for the ineligible candidate.*

3 The members whose names appear upon the roll must be allowed to  
4 participate in the organization of the Assembly.

5 2. On the first day of each regular session at a time that is  
6 appropriate for that regular session, the Secretary of State shall call  
7 the Assembly to order and shall preside over the Assembly until a  
8 presiding officer is elected.

9 3. If a special session is convened between the date of the  
10 general election and the date of the next regular session, the  
11 Assembly must be organized for the special session according to  
12 the procedure set forth in this section, except that on the first day of  
13 the special session, the Secretary of State shall call the Assembly to  
14 order at a time that is appropriate for that special session.

15 *4. As used in this section, "ineligible candidate" has the*  
16 *meaning ascribed to it in section 18 of this act.*

17 **Sec. 24.** NRS 283.130 is hereby amended to read as follows:

18 283.130 ~~Any~~ *Except as otherwise provided in NRS*  
19 *218A.200, 218A.210 and 218A.220, any* officer elected or  
20 appointed to fill any vacancy shall be commissioned, or shall  
21 receive a certificate of election or appointment to such office.

22 **Sec. 25.** This act becomes effective:

23 1. Upon passage and approval for the purpose of adopting any  
24 regulations and performing any other preparatory administrative  
25 tasks necessary to carry out the provisions of this act; and

26 2. On January 1, 2018, for all other purposes.

