

**A STUDY OF THE ELECTION LAWS OF NEVADA RELATING TO  
PRIMARY AND GENERAL ELECTIONS**

**BULLETIN NO. 42**

**NEVADA LEGISLATIVE COUNSEL BUREAU**

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**NEVADA LEGISLATIVE COUNSEL BUREAU**

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## FOREWORD

The Nevada Legislative Counsel Bureau is a fact-finding organization designed to assist legislators, State officers, and citizens in obtaining the facts concerning the government of the State, proposed legislation, and matters vital to the welfare of the people. The staff will always be non-partisan, and non-political; it will not deal in propaganda, take part in any political campaign, nor endorse or oppose any candidates for public office.

The primary purpose of the Counsel Bureau is to assist citizens and officials in obtaining effective State government at a reasonable cost. The plan is to search out facts about government and to render unbiased interpretations of them. Its aim is to cooperate with public officials and to be helpful rather than critical. Your suggestions, comments, and criticisms will greatly aid in accomplishing the object for which we are all working--the promotion of the welfare of the State of Nevada.



**1959 SESSION, NEVADA LEGISLATURE**  
**ASSEMBLY CONCURRENT RESOLUTION NO. 7**

**Memorializing the legislative commission to make a complete study of the election laws of the State of Nevada during the year 1959 and present a new code of election laws for adoption by the legislature at the 1960 session.**

**WHEREAS, The election laws of the State of Nevada were adopted in piecemeal fashion throughout the legislative history of the state; and**

**WHEREAS, Many of the laws are antiquated and perplexing; now, therefore, be it**

**RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the legislative commission is hereby memorialized to make a complete study of the election laws of the State of Nevada during the year 1959 and present a new code of election laws for adoption by the legislature at the 1960 session; and be it further**

**RESOLVED, That the legislative commission deliver a report of the results of such study to each member of the legislature no later than January 3, 1960.**





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PRIMARY AND GENERAL ELECTIONS**

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## INTRODUCTION

During the 1959 Session of the Nevada Legislature, the Senate and Assembly adopted Assembly Concurrent Resolution No. 7 which memorialized the Legislative Commission to "make a complete study of the election laws of the State of Nevada, and present a new code of election laws for adoption by the legislature at the 1960 Session."

The wording of Assembly Concurrent Resolution No. 7 indicates that existing election laws were "adopted in a piecemeal fashion throughout the legislative history of the state..." We believe this "piecemeal" legislation has caused many of the difficulties that county clerks have experienced in attempting to comply with the present election laws.

After careful study of the election laws, we determined that reorganization of the existing law was more necessary than changing provisions presently in the law. We also noted that there were many conflicts in the present statutes, and in some instances, the law was silent where detailed coverage was very necessary. These are the reasons we felt it was more important to clarify the existing laws, making them more complete and workable rather than attempt any drastic changes.

When the completed study of election laws is presented to the Nevada Legislature in 1960, it will contain a draft of a basic framework that can be more readily amended.

The following sources of material were considered for incorporation in the proposed revision: (1) Bills which were introduced but not passed by the 1959 Legislature; (2) Bills which were drafted but never introduced; (3) Election provisions existing in other states; (4) Suggestions for changes in the present law, both amendatory and new, by various officials in Nevada who are required to administer the election laws.

Also included in this study is a chapter devoted to absentee voting by military personnel. We have used discourses from the Federal Government, The Council of State Governments and the National Municipal League concerning election and registration provisions for military personnel. It is to be noted that some of their suggestions are already incorporated in Nevada's present law, and we have incorporated others in our proposed revision.

We believe it necessary to present the 1960 Session with a well-coordinated revision of present election laws, which may be readily amended as becomes necessary, rather than draft a new code, which, after being used for a while, would have to be amended on a trial-and-error basis. We know our present law, however cumbersome and scattered throughout the statutes, is workable. It needs a great deal of revision and a few new provisions in order that it can be administered more efficiently.

As a result of this study, it is recommended that the 1960 Session of the Nevada Legislature consider another study of all election laws and practices at the municipal level of government.

Because of the variety of different provisions found in local charters, and the total lack of many important provisions, it is recommended that the Legislature eventually consider a uniform code, and further, that the code parallel the primary and general election statutes governing state and county elections.

It is further recommended that bond election provisions be made uniform and be placed within the structure of the revised election code.

A continuing effort throughout the study has been made to improve and simplify the mechanics of conducting elections; in this endeavor, we have striven to remove any unnecessary verbiage and to spell out the meaning of proposed sections with the utmost clarity in order to avoid ambiguities, so far as humanly possible.

It must be remembered that election laws are mainly the working tools of those officials charged with the duty of managing and conducting elections; also that the elective process is the most vital part of the structure of a democratic government. It is, therefore, incumbent upon anyone preparing election laws, or amendments thereto, to preserve to the voter those distinctive American rights which should be inalienable in connection with the selection of those who will manage and govern the several states and the federal government until the next ensuing election. As a consequence, we have, in a few instances, suggested change in existing law where it was believed the change would be beneficial to the voter. For example, the present law requires a woman whose name is changed by marriage to re-register, there being no saving provision to cover a case where the marriage took place after the close of registration. It is suggested in the proposed law that, in such a contingency, the lady be accorded the right to vote upon demonstrating by satisfactory proof to the county clerk or election officials that she was registered under her maiden name and was married after the close of registration. In making such changes and in rejecting certain suggestions, we have cast greater burdens on the county clerks and other election officials. However, we did so in the confident belief such officials will be in accord when it is seen such new provisions will the better protect the right of suffrage.

This right, lightly regarded by many who do not even trouble to register, was obtained only after centuries of struggle. History's cemeteries are occupied by legions of heroes who valued democracy so highly they died fighting for the right of self-government. Hence, we felt impelled to strike out whatever appeared to infringe upon the right of suffrage.

We have reviewed the laws of other states, reports of the Council of State Governments, the National Municipal League and other research agencies who have recently conducted studies in this field.

We were greatly aided also by John Koontz, Secretary of State of Nevada, and the Nevada County Clerks' Association. We are especially indebted to members of the latter association for numerous constructive criticisms after reading copies of the first draft of the proposed code; also for the time given to us by them at their annual state meeting in Yerington. The experience of the county clerks in working with election laws gives us the "key to their improvement."

We are especially grateful to members of the Nevada Newspaper Publishers' Association for suggestions, and particularly to J. R. McCloskey, owner and publisher of The Mineral County Independent News at Hawthorne, Nevada, for his numerous helpful suggestions after painstaking reading and re-reading the first draft, and to Walter Cox, owner and publisher of the Mason Valley News, and former Senator from Lyon County, for his helpful suggestions.

It is believed that a general explanation of each subdivision, with a particular discussion of each important section thereof, together with the reasons for any material change, will be the best way to compile this report.

## DEFINITIONS

In this chapter, a great many more definitions have been set out than in the existing law. The reason for this is to indicate with certainty what is meant by the defined term wherever it is used throughout the election laws. The value of defining terms that we hear almost daily may seem doubtful to many, but it becomes readily apparent when, for example, it is explained that the courts have decided that "qualified elector" and "qualified voter" do not mean an elector or a voter who has registered. Those terms have been decided by our supreme court to mean only persons who have the constitutional and statutory qualifications of an elector and a voter, but does not mean or require a registration, the court holding that registration is merely the demonstration of such qualifications for the orderly conduct of elections.

Nevada Constitution, Article II, Section 6, requires the enactment of registration laws "for the ascertainment by proper proofs of the persons who shall be entitled to the right of suffrage." The section also empowers the legislature "to prescribe by law any other rules or oaths as may be deemed necessary as a list of electoral qualifications."

We have, therefore, defined "elector" as "a person who is eligible to vote under the provisions of Section 1 of Article II of the Constitution of the State of Nevada;" and we have defined a "registered voter" as "an elector who has completed the procedure prescribed by law for registration as a voter."

Definitions are sometimes of the greatest importance in determining legislative intent. For example, in one Nevada case, the law provided that a candidate for a particular office must be a "qualified voter." After the election, it was discovered that the successful candidate had not registered to vote in the district in which he was elected. Legal action was begun to prevent him from taking office. The court held the words "qualified voter" did not mean a "registered voter." A strong argument could be made that by using the term "qualified voter" the legislature intended that only those voters who had enough interest in the government of the district in question to register to vote therein were qualified to be a candidate therein. Hence, our reasons for clear, unequivocal definitions.

## POLITICAL ORGANIZATIONS

In this division of the proposed new law, we have made a major change. This change deletes many of the existing sections dealing with political parties and their rights, and functions, and the procedures controlling the election of party officers and the terms thereof. These sections now fill numerous pages of Nevada Revised Statutes, which is a constantly expanding set of laws. After much discussion with members of both existing parties, it was believed advisable to delete most of the sections dealing with parties and their affairs and authorize all parties now existing or hereafter formed to provide for the conduct of their own affairs and functions by the adoption of constitutions and by-laws. We believed this would give the parties greater autonomy, and permit them to more quickly and easily change their controlling documents as necessity and experience dictate.

We, therefore, have limited our statutes on political parties to a definition thereof, provisions for their creation and continued existence, and that they shall adopt constitutions and by-laws not inconsistent or contrary to the federal or our state constitution and laws passed pursuant thereto.

It must be remembered that although political parties play an important function in this business called government, they are private organizations of electors, attempting through organization to elect officers of their own party faith and make their political doctrines the policy of government. In the two-party system, the majority party carries on and manages the affairs of government, while the minority party's duty is, or should be, by constructive criticism to induce the leaders of the party in power to keep the promises made during election. It was believed that political parties should be governed by a constitution and by-laws of their own choosing rather than by statute.

\*

We have provided for a minimum number of party delegates for party conventions, and that the greater number shall be determined by the registered vote of the party. This permits the number of delegates to increase with the party's growth.

## NOMINATIONS

Very little substantive change has been made in this division. We believe we have eliminated a considerable area of doubt and confusion by a change in language. For example, heretofore it has been the custom in this and other states to provide that the filing of a nomination paper or other election documents shall be done a certain number of days prior to a given date. For instance, 120 or 90 or 30 days prior to the general election or to the close of registration for the primary. These provisions have caused doubts and law suits. For, sometimes, the final day for a filing to be made would fall on Saturday, Sunday or a holiday.

The usual legal rule is that when the last day to perform an act falls on non-legal days, the one obligated has all the next legal day in which to perform. That rule has not always been applied to performance under the election laws and decisions have not been uniform.

It was, therefore, decided to make these provisions definite and certain. To accomplish this, we provided, for example, that a nomination may be made "not earlier than the ~~second Monday~~ in June nor later than 5 p.m. on the second Friday in July." Or, that a declaration or acceptance of nomination must be made "not later than 5 p.m. of the third Wednesday in July."

Impelled by an abundance of caution, we made an omnibus provision that if the last day for filing any paper should fall on a Saturday, Sunday, legal holiday or any holiday proclaimed by the governor, then the filing must be completed on the preceding business day.



## INDEPENDENT NOMINATIONS

In this division we have made a provision that perhaps is both procedural and substantive. The change was made with the hope that a great area of confusion and contention could be removed.

Many persons experienced with the election laws of this state confuse the terms "non-partisan" and "independent." They are not synonymous. "Non-partisan," as used in Nevada, has reference only to judicial, school offices, including the regents of the University, and members of the county fish and game boards and the State Fish and Game Commission.

The term "independent candidate" refers exclusively to a candidate for a partisan office who has registered as having no party affiliation. For example, an elector does not have to be registered as either a Democrat or Republican to be an independent candidate for any partisan office, from that of governor to the least important office. Such an elector may be nominated under the present or proposed law by obtaining signatures to a nominating petition equal in number to 5% of the registered voters in the district county or state, according to what office he seeks. The signers can be registered with or without any party affiliation. If only one such independent candidate for a particular office is so nominated, his name will not appear on the primary ballot. He, like unopposed Democrat and Republican candidates, appears as a matter of course on the general election ballot.

If there are two or more independent candidates for a particular partisan office in a primary election, the names of all such candidates must appear on the non-partisan ballots only. And only those voters registered as having no party affiliation may vote for such candidates at primary election. The name of the independent candidate receiving the greatest number of votes in the primary election appears on the general election ballot with the designation "independent" after his name, along with the partisan nominees, and may be voted for by any voter at such election. This procedure will require all contests for nomination to be settled at the primary election; that is exactly what primaries are for. It has been stated often by courts that a primary is not an election, but a contest for "nomination" to determine those candidates who may contest for the "election" at the general. This has been the function of primary elections ever since the direct primary replaced the system of nominating by party conventions. The elimination of all but finalists in the primary gives the electorate a free unconfused choice of candidates in the general.

In some instances in Nevada, in contests for election of county officials in general elections, there have been as many as four independent candidates for partisan offices contesting with the two party nominees. This is more in the nature of a popularity contest than a true demonstration of desire on the part of the electorate between party candidates.

It must be remembered in this connection, however, that there may be times when partisan candidates dominate their parties, yet neither espouses a political, social or economic policy acceptable to the majority of the voters. In such a case, the voters should have the right to nominate and elect a person of no party affiliation who does hold to the political or economic concept desired by a majority of the voters. Hence, the provisions in the proposed laws for such an exigency. There has been no change in any other nominating procedure.

## ELECTION SUBDIVISIONS

This section of the proposed law deals mainly with the formation, consolidation and abolishing of voting districts and precincts and the designation by name of the several boards that conduct elections, and those that count the votes. No material change has been made in any of the relevant sections of existing law. We did eliminate a few sections that were redundant, after determining that other sections contained the same provisions. It may be well to point out at this point that forty-five years have elapsed since any comprehensive or major study of the election laws of Nevada was made. In that long interim of nearly half a century, the election laws grew by accretion. It must also be remembered that before the creation of the Statute Revision Commission or the Legislative Counsel Bureau, there was no study or research group that could aid the legislature or members thereof in elimination of conflicting sections. As a consequence, new sections were adopted that were either duplicates of existing sections or in conflict therewith, with no provisions made for the repeal of those existing sections. It is apparent, to use an old trite saying, that the election laws for years just "grewed like Topsy." As stated at the outset of this report, our constant endeavor in this study has been to prune out the dead wood; to remove conflicts and to spell out with clarity in the law the duties of election officials and the rights and obligations of electors, and to make changes only where necessity demanded.

## ELECTION BOARDS: APPOINTMENT, DUTIES AND SUPPLIES

In this division, we have made two changes in the procedure leading up to the appointment of election officials. We were induced to propose the changes after urged to do so by some interested persons, none of whom was a county clerk. In the existing law, the county central committee of each political party "on or before the first Monday in July" in each primary election year nominated three "qualified electors" for each precinct in the county. From these nominees, the county commissioners appointed the election officials. It is well to consider the fact, or rather the law, in this connection. County clerks, and not county commissioners or party officials, are charged with the duties of conducting elections. They are legally responsible for the conduct of elections and may be liable personally and on their official bonds for the misconduct of any election officials under his direction. Why then shouldn't he be given the authority to select the officials who are virtually his deputies, and for whose conduct he may be held liable? In the natural course of events, he will often select his officials from names suggested to him by party leaders and county officials; however, it was believed he should not be legally bound to do so if he felt he could obtain more efficient, experienced help elsewhere.

It is to be remembered that we have re-enacted the provisions of the present law requiring that both political parties shall, as far as may be, be equally represented on all election and counting boards. Those who suggested the changes in this section believed it would result in the appointment of a more efficient corps of election officials.

As to the purely procedural matters of instruction to election officials or the supplies to be furnished, and the thousand and one details that in no way affect the rights and obligations of voters or the legal duties of election officials, it was believed by all with whom the subject was discussed that provisions covering such details would be better in administrative rules and regulations promulgated by the secretary of state. We have, therefore, charged the secretary of state with the duty of issuing such rules and regulations, after notice to the seventeen county clerks and an opportunity for them to participate in the drafting of the rules and regulations. The infinite and numerous details connected with the so-called mechanical details of each election should be provided for by administrative regulation rather than being frozen into N.R.S. sections. One reason for this is that whenever experience demands or reason dictates, changes can be made even on the eve of an election. Whereas, if such provisions are in the statutes, any change, no matter how slight, requires action by both houses of the legislature and the governor. The legislature should not be burdened with such administrative detail. It is to be remembered that administrative regulations have the force and effect of law when issued pursuant to legislative authority. The proposed new law charges the secretary of state with the duty of issuing the necessary rules and regulations, and we have set forth in detail the subject matter which he must cover.

## BALLOTS

In this division, we again replaced numerous sections with administrative regulations to be issued by the secretary of state. It is provided that he "shall in a manner not inconsistent with the election laws of this state, prescribe the form of all ballots, diagrams, (see definitions) sample ballots, ballot labels," and all other registers, rosters and supplies required by the election laws.

The form and size of all such election supplies and necessities should not be the subject of legislative action. Provisions for such detail are far better provided for by administrative rules and regulations issued by the secretary of state, the county clerks participating. Thus beneficial or advisable changes can easily be made when such election officials deem such change advantageous.

The only other change in connection with ballots is really a change only to the extent that we have made it clear and certain that independent candidates for partisan office shall appear only on the non-partisan ballots in the primary, as explained in detail above under "Nominations."

As to the titles "VOTING AT THE POLLS", VOTING BY ABSENT BALLOT," "VOTING IN MAILING PRECINCTS" and "VOTE COUNTING PROCEDURE," we have made no substantive change however.

There was a suggestion made that all polling places in all counties open at 7 a.m. and close at 7 p.m., thus giving the voters of all counties the same period of time in which to vote. No such change was made as only Washoe and Clark counties use voting machines and it was thought the better course to leave that matter to a legislative consideration. Nor was any material change made in the sections relating to vote counting procedure.

#### VOTE COUNTING PROCEDURE

In this division of the proposed code, we have some changes to meet the requirement of the proposed changes in the next section, dealing with ties, recounts and contests.

The present law requires the county commissioners to begin the canvass as soon as the returns from all precincts have been received, and the canvass must continue until completed. Unfortunately, the words "count the votes" and "canvass the votes" are often used synonymously. In Nevada statutes the terms are so used. The votes are counted by the election or counting board and canvassed by the county commissioners as provided by law. The word "canvass" means "to examine thoroughly, to search or scrutinize" (Webster's Dictionary and Bouvier's Law Dictionary.) It is important to note the distinction because the right to demand a recount arises after the canvass, and is lost if not demanded in a certain number of days after the "canvass," not after the "count."

We have provided that "when the polls are closed, the counting board shall prepare to count the vote. . .and continue without adjournment until completed." A procedure to be followed in counting is spelled out in detail, very similar to the existing law, but incorporating some rules laid down by our supreme court in order to minimize the probability of disputed ballots. This is in accord with the theory, heretofore expressed, that a voter shall not be disfranchised if it can be possibly avoided under the law.

As soon as the count has been completed, a return is prepared by the board and the result of the count, together with all ballots voted, not voted, rejected and spoiled, certified to the county clerk.

## CANVASS

As we stated above, the canvass is the function performed by the county commissioners. As soon as the returns from all precincts and voting districts in the county have been received, the commissioners are required to meet and canvass the returns. We also provide that the canvass must be completed "on or before the seventh day following the election." This requirement is necessary to meet the other time factors incident to recounts and contests which will be discussed under the next subtitle. Heretofore, there was no time limit as to when the canvass had to be completed. We were impelled to make the change so that we could fix with certainty the dates on or before which recounts could be demanded, and contests could be filed.

## TIES, RECOUNTS AND CONTESTS

We have partially explained this section in our discussion of the section relating to canvass. We wish, however, to explain the reasons for the new and definite time schedule set by the proposed code for the beginning and completion of recounts and election contests.

Under the present law, and the time factors therein provided, it would be impossible to conduct a recount and complete a contest in time to determine the names of the nominees that are to be printed on the general election ballot. Likewise, it would be equally impossible to determine who were the elected officials in time for the swearing-in process.

It is extremely important in the business of our government to permit any elector to challenge an election result, either by a demand for a recount or an election contest or both. This is necessary to assure that the expressed will of the voters is not circumvented. This is no reflection on election officials; often in the count or canvass of election returns, votes are rejected mistakenly, that are ordered to be counted by the court in a contest. We have made certain in the proposed code that these rights are preserved, but we require that they be availed of more expeditiously than heretofore.

It can be readily seen that unless a strict time schedule is required and adhered to as to recounts and contests after a primary election, it would be impossible to determine the nominees in time to print and distribute ballots for the general election. So also, after a general election, it would not be possible to make certain who were the elected officials to be sworn in on the dates provided by law. We have, therefore, provided a time schedule that preserves the rights to recounts and contests, yet requires timely demands for both rights so that nominees and elected officials may be judicially determined in time either for the primary election or the swearing-in process.

To accomplish both of these desired results, we have given original jurisdiction to the supreme court, rather than have the action begun in the district court and an appeal taken to the supreme court. It would be seldom that a contestant would not appeal to the supreme court after a district court judgment, so it was believed wiser to allow the contest to be decided in the first instance by the upper court.

This rule applies to all offices except governor, lieutenant governor, members of the supreme court and members of the legislature. The constitution gives each house of the legislature the exclusive right to determine the qualifications and election returns of members elected thereto. In addition, we have provided that a contest of an election to the office of governor, lieutenant governor and member of the supreme court should also be heard and decided by the senate and the assembly, sitting in joint session. There may be objections raised to this latter procedure on the ground that the contest would be decided along party lines. If so, it is a matter of policy to be decided by the legislature. As to ties, the constitution also provided for exclusive legislative jurisdiction to decide all ties in the elections of United States senator, con-



gressmen, members of the legislature and all "district and state officers" (Article V, section 4.) There is some question as to the meaning of "district officers," but it is believed the term applies to all other than state officers.

No change has been made in the sections relating to "MISCELLANEOUS PROVISIONS" or "VOTING MACHINES."

In the section entitled "PUNITIVE PROVISIONS" we have deleted two sections providing punishment in the form of civil damages for a failure of an appointed election officer to notify the county clerk of his unwillingness to serve within 5 days of his appointment, and for a refusal of a person to serve when ordered to do so by an election official. It was believed that the provisions were unnecessary and might result in some injustice.

No change can be made as to voters' qualifications as they are covered by constitutional provisions. In connection with registrations, at the request of county clerks, we have provided that the registrations of all who vote by absent ballot shall be canceled. It is required, however, that when the voter is a member of, or connected with, the armed services, a re-registration affidavit is to be mailed him immediately upon the cancellation.

This requirement will assist the clerks to keep registrations current or "live." It will also prevent a person who has left Nevada with no intent of returning from voting by absent ballot and perhaps voting elsewhere also. Any person, absent, but claiming Nevada as the state of his residence, may with slight difficulty keep his right to vote by filling in his affidavit of registration and returning it to the county clerk in the county of his residence.

There has been no substantive change made in the proposed new law other than we have set forth in this report.

There are two matters that were the subject of considerable comment. They are the questions of the sale or giving of liquor to anyone when the polls are open, and gambling on elections. Both were submitted to the county clerks at their state convention, and they were unanimous in the opinion that the gambling prohibition should remain.

They also favored prohibiting the sale of liquor during elections, but there was a division of opinion on the question. They were agreed, however, that the social giving of a drink in a person's home or place of residence was probably unenforceable and somewhat ridiculous. We have, therefore, deleted that prohibition.

As to the gambling feature, all were agreed that it was fraught with considerable evil and danger. There are certainly many good citizens in the gambling industry. Likewise, there are many of the different variety who, if given the legal opportunity, might make sizeable wagers and then try to influence the election. It was believed no such opportunity should be afforded. Both questions are of such considerable public policy, it was thought the legislature alone should originally

consider them.

We wish to respectfully point out that no "earth-shaking" changes have been made. It has been forty years since any major study of election laws has been made. We have tried to eliminate the "dead wood" and improve the language to produce clarity and remove ambiguities. Had there been more time for study, perhaps a better job could have been done. However, we believe we have established or constructed a super-structure that can be later improved as experience dictates.

We are extremely indebted to the Statute Revisor's office for their excellent help and to Mr. Grant Davis thereof for his able drafting assistance.

Section 1. Title 24 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth in sections \_\_\_\_\_ to \_\_\_\_\_, inclusive, of this act.

#### DEFINITIONS

Sec. 2. As used in this Title, unless the context otherwise requires, words shall have the meanings assigned in sections \_\_\_\_\_ to \_\_\_\_\_, inclusive, of this act.

Sec. \_\_\_\_\_. "Absent ballot" means a ballot voted by a person who expects to be or is absent on election day.

Sec. \_\_\_\_\_. "Absent ballot voter" means a registered voter who has received or who has voted an absent voter's ballot.

Sec. \_\_\_\_\_. "Active registration" means a current registration of a voter in the official register, entitling such voter to vote in the manner provided by this Title.

Sec. \_\_\_\_\_. "Admission authority" means a written permission issued to a registered voter by an election board officer signifying that the voter is entitled to be allowed to vote on a voting machine in the precinct or district in which the voter is registered.

Sec. \_\_\_\_\_. "Attendant" means the election board officer who is authorized to allow registered voters to vote by using the voting machines in the precinct or district in which such officer is appointed.

Sec. \_\_\_\_\_. "Ballot" means the printed paper bearing the listing of candidates' names, and of questions to be voted upon at an election.

Sec. \_\_\_\_\_. "Ballot label" means the cardboard, paper or other material, bearing office titles, names of candidates and statements of questions to be voted upon, which is placed on the front of a voting machine, and which conforms to the ballot.

Sec. \_\_\_\_\_. "Ballot listing" means the list of the names of candidates as they appear on the ballot.

Sec. \_\_\_\_\_. "Central committee" means either the county or the state authority of a political party.

Sec. \_\_\_\_\_. "Challenge list" means a form furnished election board officers to be used in making a record of all challenges.

Sec. \_\_\_\_\_. "Checklist" means an alphabetical list of the names of the registered voters in a precinct or district.

Sec. \_\_\_\_\_. "Clerk" means the election board officer designated or assigned to make the record of the election in the pollbook, tally list, challenge list and checklist in the precinct or district in which such officer is appointed.

Sec. \_\_\_\_\_. "County clerk's register" means the record of affidavits of registration kept by the county clerk.

Sec. \_\_\_\_\_. "Diagram" means the sample ballot used in precincts or districts where votes are cast on a voting machine.

Sec. \_\_\_\_\_. "District" means an area formed by the consolidation of two or more contiguous precincts.

Sec. \_\_\_\_\_. "Election board officer" means a person appointed to assist in the conduct of an election.

Sec. \_\_\_\_\_. "Election board register" means the record of affidavits of registration provided to election boards.

Sec. \_\_\_\_\_. "Elector" means a person who is eligible to vote under the provisions of section 1 of article 2 of the constitution of the State of Nevada.

Sec. \_\_\_\_\_. "Filing officer" means the secretary of state, county clerk and any other officer authorized by law to receive designations and declarations of candidacy, certificates and acceptances of nomination or any other nomination papers.

Sec. \_\_\_\_\_. "General election" means the election held throughout the state on the 1st Tuesday after the 1st Monday of November in each even-numbered year.

Sec. \_\_\_\_\_. "Independent candidate" means a registered voter who has not declared a partisan affiliation in registering to vote, or an elector who has not registered to vote and who has been nominated for a partisan office pursuant to the provisions of this Title.

Sec. \_\_\_\_\_. "Mail" means the depositing of printed or written matter in a mailbox or post office for delivery by the United States Post Office Department.

Sec. \_\_\_\_\_. "Model" means a device which demonstrates the manner of voting and casting a ballot on a voting machine.

Sec. \_\_\_\_\_. "Physical disability" means blindness or a physical handicap making it impossible to cast a ballot, but does not include the inability to read or write.

Sec. \_\_\_\_\_. "Political party" means a legally constituted organization of electors organized for the purpose of nominating member candidates, on a basic platform derived or adapted from fundamental policies and principles, for election to office in the manner provided by the election laws of this state.

Sec. \_\_\_\_\_. "Pollbook" means the form furnished election board officers to be used for recording the names of the registered voters issued ballots, the number on each ballot issued and whether or not

such ballots were voted.

Sec. \_\_\_\_\_. "Precinct" means the smallest voting area in a political subdivision.

Sec. \_\_\_\_\_. "Primary election" means the election on the 1st Tuesday in September at which candidates are nominated for the general election in the same year.

Sec. \_\_\_\_\_. "Protective counter" means a numbering device attached to a voting machine which indicates the number of times such machine has been operated.

Sec. \_\_\_\_\_. "Public counter" means a numbering device attached to a voting machine which indicates the number of persons voting on such machine during an election.

Sec. \_\_\_\_\_. "Qualified member of a political party" means a person who has designated his choice of political party on his registration slip.

Sec. \_\_\_\_\_. "Registered voter" means an elector who has completed the procedure prescribed by law for registration as a voter.

Sec. \_\_\_\_\_. "Regular votes" means the votes cast by registered voters, except votes cast by absent ballot.

Sec. \_\_\_\_\_. "Roster" means the form furnished election board officers to be used for obtaining the signature of each person applying for a ballot.

Sec. \_\_\_\_\_. "Sample ballot" means a document distributed by the county clerk upon which is printed a facsimile of a ballot.

Sec. \_\_\_\_\_. "School office" means an office filled by a school officer.

Sec. \_\_\_\_\_. "School officers" means the regents of the University of Nevada, members of county or state boards of education and school district trustees.

Sec. \_\_\_\_\_. "Service of the United States" means the Armed Forces of the United States and the auxiliaries thereof, the United States Coast Guard, the merchant marine service of the United States, civilian employment by the Federal Government beyond the boundaries of the State of Nevada, and religious groups and welfare agencies officially attached to and serving with the Armed Forces of the United States.

Sec. \_\_\_\_\_. "Spoiled ballot" means a ballot defaced by a voter and exchanged for a new one.

Sec. \_\_\_\_\_. "Statement of votes cast" means the form furnished election board officers to be used for a simplified presentation of the

numbers of votes tallied for each candidate and question.

Sec. \_\_\_\_\_. "Tally list" or "tally book" means the forms furnished election board officers to be used in tallying or recording the number of votes cast for each candidate and question on the ballot as such votes are called in counting.

Sec. \_\_\_\_\_. "Township office" is an office filled by a township officer.

Sec. \_\_\_\_\_. "Township officer" means a public official elected in a township to serve the township.

Sec. \_\_\_\_\_. "Vote indicator" means the device with which votes are indicated for candidates, or for or against questions, on voting machines.

Sec. \_\_\_\_\_. "Voting machine booth" or "voting machine compartment" means the enclosure occupied by the voter when voting his ballot on a voting machine.

Sec. \_\_\_\_\_. "Watermark" means an identifying design, word, words, syllable, letter or character used to designate official ballots.

Sec. \_\_\_\_\_. This Title shall be liberally construed to the end that all electors shall have an opportunity to participate in elections and that the real will of the electors may not be defeated by any informality or by failure to substantially comply with the provisions of this Title with respect to the giving of any notice or the conducting of the primary election or the certifying the results thereof.

## POLITICAL ORGANIZATIONS

Sec. \_\_\_\_\_. A political party is a legally constituted organization of voters qualified to participate in a primary election in either of the two following ways:

1. Any organization of electors which, under a common name or designation at the last preceding general election, polled for any of its candidates a number of votes equivalent to 5 percent of the total vote cast for Representative in Congress.

2. Any organization of electors which, under a common name or designation, files a petition with the secretary of state, signed by registered voters equal in number to at least 5 percent of the entire vote cast at the last preceding general election for Representative in Congress, declaring that it represents a political party or principle, the name of which shall be stated, and that it desires to participate and nominate officers by primary. The petition may also contain the platform of the party and shall be filed before 5 p.m. on the 1st Wednesday in July. The names of the registered voters petitioning need not all be on one petition, but may be on one or more petitions; but each petition shall be verified by at least one signer thereof to the effect that the signers are registered voters of the state according to his best information and belief.

Sec. \_\_\_\_\_. 1. Each political party shall adopt a constitution and bylaws not inconsistent with the Constitution or laws of the United States, or of this state, which provide for county and state conventions, the manner of selecting delegates from precincts to such conventions, county and state central committees, and the election and tenure of county, state and national committeemen and committeewomen.

2. The number of delegates which shall be selected from each precinct shall be one for each 50 registered voters, or major portion thereof, registered to vote at the last preceding general election.

3. Except as otherwise prescribed in this chapter, the state and county party conventions may each adopt its own rules, and each shall be the judge of the election of its own delegates.

4. In case of the inability of a delegate personally to attend a state or county convention, he may be represented and act by a duly appointed proxy; but no person shall be entitled to act either as a delegate or as a proxy at any convention unless he is a duly qualified elector of the county or precinct which he seeks to represent, nor may he act as a proxy unless he is a member of the same political party as the delegate he represents.

5. Adoption or application of the so-called unit rule of voting, whereby the votes of all delegates from any precinct or precincts, or ~~county~~ county or counties, are required to be cast in the manner determined by the majority of delegates from such precinct or precincts, county or counties, and against the protest of a minority of such delegates, in the proceedings of any state or county party convention is prohibited.

## NOMINATIONS

Sec. \_\_\_\_\_. 1. A vacancy occurring in a party nomination for office after a primary election and before a general election may be filled by a candidate designated by the appropriate political party central committee of the county or state, as the case may be.

2. A vacancy occurring in a non-partisan nomination shall be filled by the person who received the next highest vote for such nomination in the primary. If there is no such person, the vacancy may be filled by filing a petition with the proper filing officer designating a candidate and signed by registered voters equal in number to 5 percent of the total vote cast for Representative in Congress at the last preceding general election in the township, county, district, or state, as the case may be.

3. All designations and petitions provided for in this section shall be filed before 5 p.m. of the 1st Wednesday in October. In each case, the statutory filing fee shall be paid and an acceptance of the nomination or designation shall be filed before 5 p.m. of the 1st Wednesday in October.

Sec. \_\_\_\_\_. Party candidates for United States Senator and Representative in Congress shall be nominated in the same manner as state officers are nominated.

Sec. \_\_\_\_\_. 1. Not less than 60 days before a primary or a general election, the county central committee of each political party for each county may recommend to the county clerk of such county three registered voters for each precinct in the county to act as election board officers of the primary or general election in such precinct or district.

2. Subsequent to such date the county clerk may accept recommendations for reserve election board officers for such election.

Sec. \_\_\_\_\_. 1. Before preparing a voting machine for any general 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 such machines will be prepared. At the specified time, one representative of each such political party shall be afforded an opportunity to see that the machines are in proper condition for use in the election. Such representatives shall not interfere with the persons assigned to prepare the machines or assume any of their duties.

2. When a machine has been examined by each representative, it shall be sealed with a numbered metal seal. Each representative shall certify to:

(a) The number of machines;

(b) Whether or not all of the public counters are set at zero;  
and



- (c) The number registered on each protective counter and on each seal.

Sec. \_\_\_\_\_. 1. Candidates of a political party shall be nominated at the primary election held in accordance with the provisions of this chapter.

2. Non-partisan and independent candidates for public office shall be nominated in the manner provided in this chapter.

3. This chapter shall not apply to:

- (a) Special elections to fill vacancies;
- (b) The nomination of the officers of incorporated cities; or
- (c) The nomination of district officers whose nomination is otherwise provided for by statute.

Sec. \_\_\_\_\_. Except as provided in section \_\_\_\_\_ of this act, no name may be printed on a ballot or a ballot label to be used at a primary election unless the person named has filed a declaration of candidacy, or an acceptance of a nomination, and paid the fee required by section \_\_\_\_\_ of this act not later than 5 p.m. of the 3rd Wednesday in July.

Sec. \_\_\_\_\_. 1. Ten or more registered voters may, not earlier than the 2nd Monday in June nor later than 5 p.m. on the 2nd Friday in July, file a certificate of nomination designating any elector as a candidate for nomination for any elective office. When such certificate has been filed, the officer in whose office it is filed shall notify the elector named in such designation. If the elector named in the certificate files an acceptance of such nomination and pays the required fee, as provided by law, he shall be a candidate in the primary election in like manner as if he had filed a declaration of candidacy.

2. If any such certificate of nomination relates to a partisan office, all of the signers shall be of the same political party as the candidate designated, unless such candidate is an independent candidate. Any registered voter may sign nomination papers for an independent candidate.

Sec. \_\_\_\_\_. If the last day limited for filing any paper mentioned in this Title shall fall on a Saturday, Sunday, legal holiday or any holiday proclaimed by the governor, then the period so limited shall expire on the preceding business day at 5 p.m.

Sec. \_\_\_\_\_. The declaration of candidacy, the certificate of nomination, and the acceptance of nomination shall be filed during regular office hours, as follows:

1. For United States Senator, Representative in Congress, state offices and all other offices whose districts comprise more than one county, with the secretary of state.

2. For district offices voted for wholly within one county, state senators, assemblymen, county and township officers, with the county clerk.

Sec. \_\_\_\_\_. 1. On or before the 4th Monday in July, the secretary of state shall transmit to each county clerk a certified list containing the name and mailing address of each person for whom nomination papers have been filed in the office of the secretary of state, and who is entitled to be voted for in such county at the next succeeding primary election, together with the title of the office for which such person is a candidate and the party or principles he represents.

2. There shall be a party designation only for candidates for partisan offices.

Sec. \_\_\_\_\_. Immediately following the primary election at which candidates are nominated for any public office, the secretary of state shall certify to each county clerk the name of each person nominated and the title of the office for which he is nominated.

Sec. \_\_\_\_\_. 1. Fees as listed in this section for filing declarations of candidacy or acceptances of nomination shall be paid to the filing officer.

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.....	40
State senator.....	30
Assemblyman.....	15
Justice of the peace, constable or other town or township office.....	10

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

Sec. \_\_\_\_\_. 1. Judicial offices, school offices, members of county game management boards and members of the State Board of Fish and Game Commissioners are hereby designated non-partisan offices.

2. No words designating the party affiliation of a candidate for non-partisan offices shall be printed upon the ballot and ballot label.

Sec. \_\_\_\_\_. In any judicial district of this state having more than one district judge, each department shall be a separate office for the purposes of nominating and electing the district judge thereof.

Sec. \_\_\_\_\_. 1. Independent candidates for partisan office shall be nominated by filing with the proper filing officer a certificate of nomination signed by a number of registered voters equal to at least 5 percent of the total number of voters who voted at the last preceding general election in the state, district or political subdivision for which the nomination is made, but no such certificate may contain the signatures of less than five registered voters.

2. Each signer shall add to his signature his place of residence. One of the signers of each such certificate shall sign an affidavit attesting that the signatures on the certificate are genuine to the best of his knowledge and belief.

3. Such certificate of nomination may state the principle, if any, which the person nominated represents.

4. Certificates of nomination provided for in this section for officers to be voted for by the registered voters of the entire state or by districts composed of two or more counties shall be filed with the secretary of state and all other such certificates of nomination shall be filed with the clerk of the county wherein the officers are to be voted for.

5. Certificates of nomination provided for in this section shall be filed not later than 5 p.m. of the 3rd Wednesday in July.

6. No certificate of nomination, provided for in this section, may contain the name of more than one candidate for each office to be filled.

7. Independent candidates in a contest for nomination for any office shall be considered non-partisan candidates for the purpose of submitting their names to the vote of electors.

Sec. \_\_\_\_\_. 1. Immediately upon receipt by the county clerk of the certified list of candidates from the secretary of state, the county clerk shall publish a notice of primary election in a newspaper of general circulation in the county once a week for two successive weeks. If no such newspaper is published in the county, then such publication may be made in a newspaper of general circulation published in the nearest Nevada county.

2. The county clerk shall forward to each justice of the peace, except those in incorporated cities, within the county one written or printed notice for each precinct or voting district. It shall be the duty of each justice of the peace to whom such notice is delivered to post the same in a public place in the precinct or voting district at least 15 days prior to the date of the primary.

## ELECTION SUBDIVISIONS

Sec. \_\_\_\_\_. On or before the 1st Wednesday in July, the board of county commissioners in each county shall establish election precincts, define the boundaries thereof, abolish, alter, consolidate and designate precincts as public convenience, necessity and economy may require in accordance with sections \_\_\_\_\_ to \_\_\_\_\_, inclusive, of this act.

Sec. \_\_\_\_\_. Election precincts shall be established on the basis of the numbers of voters therein with a maximum limitation of no more than 400 voters per precinct.

Sec. \_\_\_\_\_. No new precinct may be established except upon petition of 10 or more electors, permanently residing in the area sought to be constituted a precinct, stating that they reside more than 10 miles from any polling place in the county, unless it appears to the satisfaction of the board of county commissioners that not less than 50 electors reside in the area in which event the precinct may be established without regard to the distance which the electors reside from another polling place or precinct.

Sec. \_\_\_\_\_. 1. Whenever there were not more than 20 voters registered in a precinct for the last preceding general election, the county commissioners may establish such precinct as a mailing precinct, and shall forthwith mail notification to the deputy registrar for such precinct.

2. The board of county commissioner in any county where an absent ballot central counting board is appointed may abolish two or more existing mailing precincts and combine such mailing precincts into absent ballot precincts and such precincts shall be designated absent ballot mailing precincts.

3. In any county where an absent ballot central counting board is appointed, any established precinct which had less than 200 ballots cast at the last preceding general election, or any newly established precinct with less than 200 registered electors, may be designated an absent ballot mailing precinct.

4. When any precinct contains more than 800 registered voters within its boundaries, the area shall be divided into separate precincts.

Sec. \_\_\_\_\_. In any county where voting machines are used, the county commissioners may combine the election precincts to which voting machines are assigned and designate them as voting machine districts, and appoint election boards to serve such districts. The area of any such voting machine district shall be limited by the ballot listing which allows the largest area to be included in such voting machine district.

## **ELECTION BOARDS: APPOINTMENTS AND DUTIES**

Sec. \_\_\_\_\_. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various precincts and districts in the county as provided in sections \_\_\_\_\_ to \_\_\_\_\_, inclusive, of this act, and shall conclude such duties no later than 31 days preceding the election. Immediately after election board officers are appointed, the board of county commissioners shall appoint a deputy sheriff for each polling place in the county and for the central election board or the absent ballot central counting board, who shall preserve order during hours of voting and attend closing of the polls.

Sec. \_\_\_\_\_. Upon selection of persons to act as election board officers in the county, the county clerk shall deliver, by mail or other means, notifications of such appointments to such persons.

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

Sec. \_\_\_\_\_. 1. Members of election boards shall continue as such from the time of preparation for opening the polls until the time for filing contests of the election has expired.

2. Each member of an election board shall be subject to call by the board of county commissioners for the purpose of correcting any errors discovered during the canvass of votes by the board of county commissioners.

3. Reserve election board officers shall be appointed by the county clerk, if practicable, for the purpose of filling any vacancy which occurs on election day and such reserve officers shall be compensated if they serve at the polls.

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

Sec. \_\_\_\_\_. 1. In any precinct or district where ballots are used, the election board shall consist of five members, one of whom shall be designated chairman. Such boards shall make the records of election required by this chapter.

2. The county clerk shall conduct or cause to be conducted, at least 5 days prior to the date of the election for which the boards are appointed, a school for the chairmen for the purpose of acquainting such chairmen with the election laws, duties of election boards, the rules and regulations of the secretary of state and with the procedure for making the records of election and using the register for election boards.

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

Sec. \_\_\_\_\_. 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 clerk.

2. Except as provided in section \_\_\_\_\_ of this act, one election board shall be appointed by the county clerk for all mailing precincts within the county, and shall be designated the central election board. The county clerk shall deliver the mailed ballots to such board in his office and the board shall count the votes on such ballots in the manner required by law.

Sec. \_\_\_\_\_. In each precinct or district where there are 200 or more registered voters, 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 possession. Upon such delivery, the counting board shall perform their duties as required by law. The time of service for the counting board shall be from the closing of the polls through the returning of the supplies and the result of votes cast to the county clerk.

Sec. \_\_\_\_\_. 1. When it appears to the satisfaction of the county clerk that an absent ballot central counting board will expedite the work of tallying the vote of the county, he may appoint such a board.

2. In counties 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. \_\_\_\_\_. 1. In each county where voting machines are used, the election board for each precinct or district with one voting machine shall consist of not less than three members, two of whom shall act as clerks to record the application and polling of registered voters. The third shall act as an attendant to admit registered voters to vote on the machine. Where more than one voting machine is used, there shall be appointed an additional attendant for each additional machine.

2. No member of an election board, in a precinct or district where a voting machine is used, may serve in any election unless he has received instruction relating to the operation of voting machines, and has received certification from the county clerk to that effect.

3. This section shall not prevent the appointment and service of a member of the precinct or district election board to fill a vacancy in an emergency.

4. Such election boards shall perform all the duties required from the time of preparing for the opening of the polls through delivering the supplies and results of votes cast to the county clerk.

Sec. \_\_\_\_\_. In precincts and districts where both voting machines and ballots are used, one additional officer shall be appointed to the precinct or district election board and shall be assigned to issue the ballots.

Sec. \_\_\_\_\_. 1. In counties where voting machines are used, the board of county commissioners shall appoint one or more absent ballot central counting boards to count the absent ballot votes cast by the registered voters in such county, as received in the mails by the county clerk or voted in person at his office.

2. Such counting board shall consist of four or more election board officers appointed in such numbers as the county clerk determines to be required by the volume of absent ballots requested.

3. The county clerk's deputies who perform duties in connection with elections shall be considered officers of the absent ballot central counting board.

4. The board of county commissioners shall appoint a deputy sheriff to keep order during such counting board's counting of the votes.

5. The counting of the votes shall be in public.

6. Such counting board shall be under the direction of the county clerk.

7. Members of the absent ballot central counting board shall begin the performance of their duties no later than when the polls open, and shall continue in session until all the votes cast on absent voters' ballots are counted.

Sec. \_\_\_\_\_. When the board of county commissioners of a county determines it necessary to cause any precincts in the county to be designated absent ballot mailing precincts, such precinct's ballots shall be placed by the central election board, or the absent ballot central counting board, in the proper absent ballot mailing precinct ballot box.

## **ADMINISTRATIVE RULES BY SECRETARY OF STATE**

**Sec. \_\_\_\_.** 1. The secretary of state shall promulgate rules and regulations, not inconsistent with the election laws of this state, for the conduct of primary and general elections in all counties.

2. Such regulations shall 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 such ballots to be distributed to precincts and districts;
- (d) Standards for voting machines;
- (e) The manner of preparing, inspecting and placing voting machines;
- (f) The disposition and custody of voting machines, voting machine keys, and voting booths;
- (g) The method to be used in distributing ballots to precincts and districts;
- (h) The method of inspection and the disposition of ballot boxes;
- (i) The form and placement of instructions to voters;
- (j) The recess periods for election boards;
- (k) The size, lighting and placement of voting booths;
- (l) The amount and placement of guardrails and other furniture and equipment at voting places;
- (m) The disposition of election returns; and
- (n) Such other matters as determined necessary by the secretary of state.

3. The secretary of state shall prepare and distribute to county clerks the election officer's digest and instructions for election boards.



## BALLOTS

Sec. \_\_\_\_\_. The secretary of state shall, in a manner not inconsistent with the election laws of this state, prescribe the form of all ballots, absent ballots, diagrams, sample ballots, ballot labels, voting machine labels, certificates, notices, declarations, affidavits, lists, applications, pollbooks, registers, rosters, statements and abstracts required by the election laws of this state.

Sec. \_\_\_\_\_. 1. The secretary of state shall provide each county clerk with copies of any proposed constitution, constitutional amendment or question on or before the 1st Monday in August of the year in which such constitution, amendment or question will appear on the general election ballot.

2. On or before the 4th Friday in October, each county clerk shall post one such copy at each polling place in the county outside the limits of incorporated cities.

3. Each county clerk shall cause a copy of any such constitution, amendment or question to be published in a newspaper of general circulation in the county three times at 10-day intervals, the first publication to be on or before the 1st Monday in October. If no such newspaper is published in the county, then such publication may be made in a newspaper of general circulation published in the nearest Nevada county.

Sec. \_\_\_\_\_. Each county clerk, as registrar of voters, shall issue certificates of error to registered voters whose affidavits of registration have been misplaced or for some other reason do not appear in the election board register at the polling place on election day. The county clerk shall seal the certificate in an envelope addressed to the appropriate precinct or district election board.

Sec. \_\_\_\_\_. 1. There shall be a separate primary ballot for each political party and a separate non-partisan primary ballot.

2. The names of candidates for partisan offices who have designated a political party in the declaration of candidacy or acceptance of nomination shall appear on the primary ballot of the political party designated.

3. The names of candidates for non-partisan offices shall appear on all political party primary ballots and ballot labels and on non-partisan ballots and ballot labels.

4. The names of independent candidates for partisan offices shall appear on non-partisan ballots only.

5. The names of candidates for township and assembly district offices shall be printed only on the ballots and ballot labels furnished to voters of such township or district.

Sec. \_\_\_\_\_. 1. Where there is no contest for nomination to a particular office, neither the title of the office or the name or names

of the candidates shall appear on the ballot.

2. If only one political party has candidates for an office or offices for which there is no independent candidate, the candidates of such party who receive the highest number of votes at such primary, not to exceed twice the number to be elected to such office or offices at the general election, shall be declared the nominees for the office or offices.

3. Where no more than the number of candidates to be elected have filed for nomination for any office, the names of such candidates shall be omitted from all primary election ballots and placed on all general election ballots.

Sec. \_\_\_\_\_. On political party primary ballots the name of the particular political party shall appear at the top of the ballot and the designation "candidates for partisan office" shall appear under the party name. Following this designation shall appear the names of candidates grouped alphabetically under the title of the partisan office for which such candidates filed. Following the names of candidates for partisan offices shall appear the designation "Candidates for non-partisan offices" and the names of candidates grouped alphabetically under the title of the non-partisan office for which such candidates filed.

Sec. \_\_\_\_\_. On non-partisan primary ballots there shall appear at the top of the ballot the designation "Candidates for non-partisan offices." Following this designation shall appear the names of candidates grouped alphabetically under the title of the non-partisan office for which such candidates filed. Following the names of candidates for non-partisan offices shall appear the designation "Independent candidates for partisan offices" and the names of candidates grouped alphabetically under the title of the partisan office for which such candidates filed.

Sec. \_\_\_\_\_. 1. General election ballots shall contain the names of candidates who were nominated at the primary election.

2. At the top of the general election ballot shall appear the designation "Candidates for partisan office." Under such designation shall appear the names of the nominated candidates grouped alphabetically under the title of the partisan office for which such candidates filed.

3. Following the names of candidates for partisan offices shall appear the designation "Candidates for non-partisan offices" and the names of the nominated candidates grouped alphabetically under the title of the non-partisan office for which such candidates filed.

4. Immediately following the name of each candidate for a partisan office shall appear the name of his political party or the word "Independent", as the case may be.

## VOTING AT POLLS

Sec. \_\_\_\_\_. Voting at any primary or general election shall be on printed ballots or voting machine ballot labels.

Sec. \_\_\_\_\_. 1. Except as provided in subsections 2 and 3 of section \_\_\_\_\_ of this act, at all elections held under the provisions of this Title, the polls shall open at 8 a.m. and close at 6 p.m.

2. Where voting machines are used, the polls shall open at 7 a.m. and close at 7 p.m.

3. Whenever at any election all the votes of the precinct or district, as shown on the checklist and roster, have been cast, the election board officers shall close the polls, and the counting of votes shall begin and continue without unnecessary delay until the count is completed.

4. Upon opening the polls the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

5. No person other than election board officers engaged in receiving, preparing or depositing ballots, or issuing voting machine admission authorities, may be permitted inside the guardrail during the time the polls are open, except by authority of the election board as necessary for the purpose of keeping order and carrying out the provisions of this Title.

Sec. \_\_\_\_\_. No election board may perform its duty in serving registered voters at any precinct or district polling place in any election provided for in this Title, unless it has before it the election board register for its precinct or district.

Sec. \_\_\_\_\_. 1. No person may vote at any election unless his name, on the day of election, appears on the election board register furnished by the county clerk to the precinct or district election board, or unless such person presents a certificate of error issued by the county clerk.

2. If a person's name appears in the election board register or on a certificate of error, such person is entitled to vote, and he shall sign his name in the precinct or district roster when he applies to vote. Such signature shall be compared by an election board officer with that on his original affidavit of registration or certificate of error.

Sec. \_\_\_\_\_. When a certificate of error stating the precinct or district in which a person is entitled to vote, and containing the signature of such person, is presented to the election board in such precinct or district and the person votes, the certificate shall be marked "Voted" by the election board and returned with the precinct or district election board register to the county clerk.

Sec. \_\_\_\_\_. Registered voters who are unable to sign their names shall be identified by answering questions covering the personal data which is reported on the original affidavit of registration. The officer in charge of the roster shall stamp, write or print "identified as" to the left of the voter's name.

Sec. \_\_\_\_\_. 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 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 ballots are used, one ballot correctly folded shall be given to such voter and the number of such ballot shall be written by an election board officer upon the pollbook, opposite the name of the registered voter receiving the ballot.

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

3. Where voting machines are used, an admission authority rather than a ballot shall be issued to the registered voter, and the same procedure as in the case of a ballot shall be followed so far as practicable. Such admission authority shall entitle the registered voter to vote on a voting machine.

4. No registered voter may enter any voting machine compartment until the machine's attendant ascertains that such voter is entitled to vote by his presentation of an admission authority. Before admitting such voter to the compartment, the attendant shall inform him how to operate the machine and illustrate by use of the diagram or model. If any such voter, after entering the voting machine compartment, asks for information regarding the operation of the voting machine, the attendant shall give him the necessary information.

Sec. \_\_\_\_\_. 1. A registered voter applying to vote at any primary election shall give his political affiliation, if any, to the election board officer in charge of the election board register, and such officer shall immediately announce the name and political affiliation.

2. Any person's right to vote may be challenged by any registered voter upon any of the grounds allowed for a challenge in section \_\_\_\_\_, or on the ground that the person applying does not belong to the political party designated upon the register, or that the register does not show that he designated the political party to which he claims to belong.

3. Any such challenge shall be disposed of in the manner provided by section \_\_\_\_\_.

4. When the election board is satisfied as to the name, political affiliation and identity of the registered voter, the board shall issue the proper party or non-partisan ballot or admission authority.

Sec. \_\_\_\_\_. 1. On receiving a ballot or admission authority, the registered voter shall retire to a booth or voting machine compartment. Except as provided in subsection 2, only one person may occupy a booth or compartment at one time, and no registered voter may remain in a booth more than 10 minutes or in a compartment more than 2 minutes. If any elector refuses to leave the booth or compartment after the lapse of the prescribed time, he shall be removed by the deputy sheriff.

2. Any registered voter who declares under oath that by reason of physical disability he is unable to mark a ballot or use a voting machine, shall, at his request, be given assistance in stamping the ballot or using the voting machine by any registered voter he may designate, other than an election officer. The same registered voter may not assist more than one other registered voter.

Sec. \_\_\_\_\_. 1. The voter shall mark his ballot in no other manner than by stamping a cross (X) in the square following the name of the candidate for whom he intends to vote for each office, 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 shall constitute a vote for such 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 shall 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 watermark and the number of the ballot appear 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 name of the voter and the number of the ballot in an audible voice.

4. The election board officer who is in charge of the pollbook shall, if he finds the number to agree with the number of the ballot issued to the voter, repeat the name and number, and mark in the column opposite the name and 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 unless the watermark appears thereon, and until the slip containing the number of the ballot has been removed therefrom by the election board officer. The strip bearing the number may be destroyed or given to the voter.

7. When a voter has cast his vote on a voting machine, the attendant shall inspect the face of the machine to see that the ballot label

is in its proper place, that no printed matter has been placed in the compartment, and that no other act has been performed which might interfere with subsequent votes.

Sec. \_\_\_\_\_. Each county clerk may provide for the marking of ballots with a pencil which will enable the votes to be counted on an electronic tabulator. If such a procedure is adopted in any precinct or district within the county, the county clerk may also order that, in lieu of counting at the polls, the ballots shall be transmitted to a central counting place where the vote shall be counted and tabulated by electronically operated machines.

Sec. \_\_\_\_\_. 1. Any voter who spoils his ballot may return such spoiled ballot to the election board and receive another in its place.

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

3. Each spoiled ballot returned shall be canceled by writing the word "Canceled" across the face of the ballot. A record shall be made of such canceled ballots at the closing of the polls and before counting. Such ballots shall be returned to the county clerk with the election supplies and the ballots not issued to voters.

Sec. \_\_\_\_\_. A voter who does not vote the ballot delivered to him shall, before leaving the polling place, return such ballot to the election board and it shall be canceled in the same manner as a spoiled ballot.

Sec. \_\_\_\_\_. 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 on the affidavit of registration in this precinct register."

3. If such person refuses to take the oath so tendered, or if any person is otherwise successfully challenged, such person shall not be issued a ballot or admission authority, and the officer in charge of the election board register shall write the words "Challenged \_\_\_\_\_ (date of election) \_\_\_\_\_" on the back of such person's affidavit of registration.

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 such person was challenged successfully.

5. When a challenge is unsuccessful, the challenged person shall

be issued a ballot or an admission authority and shall be allowed to vote. The election board officers shall record the unsuccessful challenge on the challenge list.

6. In all cases of challenge the decision shall rest 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 such officers consider necessary to arrive at a decision.

8. Answers shall be given under oath and compared with the statements on the questioned person's affidavit of registration.

9. The election board officers may refuse to allow a challenged person to vote without further proceedings unless he brings registered voters of the county to be examined under oath as to the qualifications of the challenged person.

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

Sec. \_\_\_\_\_. 1. If at the hour of closing the polls there are any registered voters waiting to vote, the doors of the polling place shall be closed after all such voters have been admitted to the polling place. Voting shall continue until such voters have voted.

2. The deputy sheriff shall not allow anyone to enter the polling place after the polling place closes until all voting is completed, after which the polling place shall be open to the public.

Sec. \_\_\_\_\_. After the last person entitled to vote has voted, the voting board, before adjourning, shall put the records and the account of ballots in order for the counting board.

## VOTING BY ABSENT BALLOT

Sec. \_\_\_\_\_. A registered voter who requests and receives an absent voter's ballot may vote only by absent ballot at the election for which such absent ballot was issued.

Sec. \_\_\_\_\_. 1. Any registered voter may vote an absent ballot as provided in this chapter if, on the day of voting at any general or primary election, 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, because of illness or physical disability, 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 voter if, by reason of the services of such voter, they are required to reside beyond the boundaries of the state.

Sec. \_\_\_\_\_. In any year in which a general election is to be held, a registered voter referred to in section \_\_\_\_\_ of this act may, after the 1st Monday in June and before 5 p.m. on the 4th Thursday in August or after the 1st Tuesday in September and before 5 p.m. on the 4th Tuesday in October if he is within the continental limits of the United States, or before 5 p.m. on the 3rd Thursday in August and on the 3rd Tuesday in October if he is outside the limits thereof, make application in person, by mail or by telegram to the county clerk of the county in which his precinct or district is situated, for an absent voter's ballot.

Sec. \_\_\_\_\_. Absent ballots received by the county clerk after 6 p.m. on the day of election are invalid.

Sec. \_\_\_\_\_. The county clerk shall determine before issuing an absent ballot that the person making application is a registered voter in such county.

Sec. \_\_\_\_\_. 1. If the request for an absent ballot is made by mail or telegram, the county clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to such absent ballot voter by air mail, postage prepaid, an absent ballot, a return envelope, a ballot marking stamp, a stamp pad and instructions.

2. Nothing may be enclosed or sent with such ballot except as required by subsection 1.

3. Before depositing such ballot in the mails, the county clerk shall record the date such ballot is issued, the name of the registered



voter to whom issued, his precinct or district, political affiliation, if any, the ballot number and any remarks he finds appropriate.

Sec. \_\_\_\_\_. 1. Except as provided in subsection 2, when an absent ballot is returned by a registered voter to the county clerk through the mails, and record thereof is made in the absent ballot record book, the county clerk shall deliver, or cause to be delivered, such ballot to the precinct or district election board.

2. If the board of county commissioners 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, check the signature on the return envelope against the original signature of the voter on the county clerk's register, and mark opposite the voter's name on the pollbooks the letters "AB" to indicate the elector has voted by absent ballot.

3. If the county clerk determines that the absent voter is entitled to cast his ballot, he shall open the envelope, compare the number on the ballot with the number on the envelope, tear the number off the ballot, and, if the numbers are the same, deposit the ballot in the proper ballot box.

4. On election day the county clerk shall deliver such ballot box to the absent ballot counting board to be counted.

Sec. \_\_\_\_\_. 1. If the request for an absent ballot is made by a registered voter in person, the county clerk shall, in counties where voting machines are used for voting absent ballots:

- (a) Issue a ballot to the voter to be voted on the premises of such clerk's office and shall follow the same procedure as in the case of absent ballots received in the mail; or
- (b) Issue to such voter an admission authority to the voting machine which has the proper ballot listing required for such voter. When such voter has indicated his vote on the voting machine, the proper record shall be made in the pollbook and roster, or the record book incorporating poll and roster book, showing that such voter has voted an absent ballot.

2. In all other counties, the county clerk shall issue an absent ballot to the registered voter, and such ballot shall be voted on the premises of such 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.

Sec. \_\_\_\_\_. 1. When an absent voter receives his ballot, he shall stamp and fold his ballot in accordance with the instructions, deposit it in the return envelope, seal the envelope and affix his signature on the back of the envelope in the space provided therefore. The return envelope shall be mailed by such absent voter, postage prepaid.

2. If the absent voter who has received a ballot by mail applies to vote such ballot in person at the county clerk's office, he shall 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. \_\_\_\_\_. 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 be called and checked as if the voter were voting in person; and
- (b) The signature on back of the return envelope shall 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 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. \_\_\_\_\_. 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 be returned to the county clerk. On all envelopes containing rejected ballots the cause of rejection shall be noted and the envelope signed by a majority of the officers of the election board.

Sec. \_\_\_\_\_. The provisions of this chapter shall not be construed to prohibit any registered voter who has applied for, but not received, an absent ballot from communicating such fact to the county clerk, receiving a certificate of error and voting in person on election day.

Sec. \_\_\_\_\_. 1. In counties in which an absent ballot central counting board is appointed the county clerk shall provide a ballot box in his office for each different ballot listing in the county.

2. On each such box there shall appear a statement indicating the precincts and district for which such box has been designated.

3. Each absent ballot voted shall be deposited in a ballot box according to the precinct or district of the absent voter voting such ballot.

## VOTING IN MAILING PRECINCTS

Sec. \_\_\_\_\_. 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 clerk that there are not more than 200 registered voters, may vote at primary and general elections in the manner provided in sections \_\_\_\_ to \_\_\_\_, inclusive, of this act.

2. Whenever the county clerk has designated a precinct as a mailing precinct, registered voters residing in such precinct may vote at primary and general elections in the manner provided in sections \_\_\_\_ to \_\_\_\_, inclusive, of this act.

Sec. \_\_\_\_\_. Any registered voter who resides in an election precinct where there are not more than 200 voters, may, after the 1st Monday in June and before 5 p.m. on the 4th Thursday in August or after the 1st Tuesday in September and before 5 p.m. on the 4th Tuesday in October of any year in which a general election is to be held, make application in person or by mail to the county clerk of the county in which his precinct is situated for an official mailing ballot to be voted by him at such election.

Sec. \_\_\_\_\_. Application for mailing ballots shall be made on a form to be furnished by the county clerk of the county in which the applicant is a registered voter. Such form shall be mailed to the applicant upon request or delivered to the applicant in person upon his appearance at the office of the county clerk.

Sec. \_\_\_\_\_. 1. The county clerk shall:

- (a) Satisfy himself that the applicant for a mailing ballot is qualified to vote;
- (b) Enroll the name and address of the applicant, if found eligible, in the absent ballot record book;
- (c) Mark the number of the ballot on the return envelope; and
- (d) Mail the ballot to the applicant.

2. The ballot shall be accompanied by:

- (a) A stamp and stamp pad;
- (b) A return envelope; and
- (c) Instructions regarding the manner of stamping and returning the ballot.

Sec. \_\_\_\_\_. Upon receipt of a mailing ballot from the county clerk, the applicant shall:

1. Immediately after opening the envelope, mark and fold the ballot;

2. Place the ballot in the return envelope;

3. Affix his signature on the back of the envelope; and

4. Mail or deliver the envelope to the county clerk.

Sec. \_\_\_\_\_. Upon receipt of the return envelope from the applicant, the county clerk shall follow the same procedure as in the case of absent ballots.

Sec. \_\_\_\_\_. 1. If an applicant appears in person before the county clerk, he shall mark the ballot and seal and sign the envelope in the same manner as provided in section \_\_\_\_\_ of this act, and shall forthwith deliver the ballot to the county clerk, who shall follow the same procedure as in the case of absent ballots.

2. On the day of election, an election board which receives mailing ballots from the county clerk shall follow the same procedure as in the case of absent ballots.

Sec. \_\_\_\_\_. Any voter registered in a mailing precinct, who has not made application for a mailing ballot, or who, after making application, has failed to return such ballot within the time allowed, or whose mailing ballot has been improperly rejected, may appear before the central election board or absent ballot central counting board of his county at any time on election day while the polls are open and vote in person.

## VOTE COUNTING PROCEDURE

Sec. \_\_\_\_\_. When the polls are closed, the counting board shall prepare to count the vote. The counting procedure shall be public and continue without adjournment until completed. The counting board shall prepare in the following manner:

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

2. The ballot box shall 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 shall 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 thus folded together were voted by one person, such ballots shall be rejected and placed in an envelope, upon which shall be written the reason for their rejection. The envelope shall 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 shall be replaced in the box, and a counting board officer, with his back turned to the box, shall draw out and destroy publicly without opening them a number of ballots equal to the excess.

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 shall be made.

Sec. \_\_\_\_\_. No counting board in any precinct or district in which ballots are used may commence to count the votes until all ballots used or unused are accounted for.

Sec. \_\_\_\_\_. 1. No ballot which lacks the proper watermark may be counted, but such ballots shall be preserved and returned with the other ballots.

2. No vote may be counted unless indicated by a cross in the appropriate square.

3. An error in marking one or more votes on a ballot shall not invalidate any votes properly marked on such ballot.

4. If more choices than permitted by the instructions are marked for any office or question, the vote for such office or question may not be counted.

5. If it is impossible to determine a voter's choice for any office or question, his vote or votes for such office or question may

not be counted.

6. 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.

7. Only devices provided for in this chapter may be used in marking ballots.

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

9. When an election board officer rejects a ballot for any alleged defect or illegality, such officer shall write upon the back of such ballot a statement that it was rejected and the reason therefor.

Sec. \_\_\_\_\_. When all the votes have been tallied, the counting board officers shall enter on the tally lists by the name of every person voted for, the office for which such person received such votes, and the number of votes he received. The number shall be expressed in words and figures. The vote for and against any question submitted to the electors shall be entered in the same manner.

Sec. \_\_\_\_\_. 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, election board register, stubs of used ballots and unused ballots shall be sealed under cover by the counting board officers and addressed to the county clerk.

3. The other pollbooks and tally lists shall be returned to the county clerk.

Sec. \_\_\_\_\_. In precincts and districts where voting machines are used, the election board shall act as the counting board and, as soon as the polls are closed, lock the voting machines and open the counting compartments giving full view of all counter numbers. One election board officer shall read the number and letter on each counter for each candidate's name and each question, and the result as shown by the counter numbers.

Sec. \_\_\_\_\_. An election board officer shall enter the vote on the statement of votes cast, after which another officer shall verify the figures by calling them off from the counters of the machine. The counter compartment of the voting machine shall remain open until the official returns and all other reports have been completed and verified by the election board.

Sec. \_\_\_\_\_. During the reading of the result of votes cast, any candidate or observer who may desire to be present shall be admitted to the polling place. The proclamation of the result of the votes cast shall be announced by a member of the election board. During the proclamation ample opportunity shall be given to any person lawfully present to compare the result so announced with the counter-dials of the machine and any necessary corrections shall then and there be made by the election board, after which the voting machine shall be locked.

Sec. \_\_\_\_\_. The election board shall, before it adjourns, post in a conspicuous place on the outside of the polling place a copy of the result of the votes cast at the polling place. Such copy shall be signed by the members of the election board.

## CANVASS

Sec. \_\_\_\_\_. 1. As soon as the returns from all the precincts and districts in any county have been received by the board of county commissioners such board shall meet and proceed to canvass the returns. The canvass shall be completed on or before the seventh day following the election.

2. The county clerk shall, as soon as the result is declared, enter upon the records of such board an abstract of the result, which shall contain the number of votes cast for each candidate. The board of county commissioners, after making such abstract of votes, shall cause the county clerk, by an order made and entered in the minutes of its proceedings, to make a copy of such abstract and transmit the same to the secretary of state within 7 days after the day of election.

3. The secretary of state shall, immediately after any primary, compile the returns for all candidates voted for in more than one county, and for all candidates for the assembly and state senate. 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.

Sec. \_\_\_\_\_. If two or more counties or parts thereof are united in one district for the election of any district officer, the board of county commissioners of each county shall canvass the votes of its county for such office and transmit to the board of county commissioners of the county having the largest number of registered voters, a copy of the abstract of votes for such office, except for the office of district judge. The board of county commissioners receiving such abstracts shall make a final abstract of the total vote.

Sec. \_\_\_\_\_. 1. On or before the 1st Tuesday after any general election, the board of county commissioners shall open the returns of votes cast and make abstracts of the votes.

2. Abstracts of votes for United States Senator and for Representatives in Congress shall be on one sheet, abstracts of votes for district and state officers shall be on one sheet, abstracts of votes for presidential electors shall be on one sheet, abstracts of votes for members of the legislature shall be on one sheet, the abstracts of votes for county and township officers shall be on one sheet, and the abstracts of votes upon any question shall be on one sheet.

3. The board of county commissioners shall issue a certificate of election to each of the persons having the highest number of votes for member of the legislature, district office other than district judge and county and township office.

4. Each such certificate shall be delivered to the person elected upon application at the office of the county clerk.



Sec. \_\_\_\_\_. 1. The board of county commissioners, after making the abstract of votes as provided in section \_\_\_\_\_, of this act, shall cause the county clerk, by an order made and entered in the minutes of its proceedings, to make a copy of such abstract, except the abstracts for county, township and district officers and forthwith transmit the same to the secretary of state.

2. On the 4th Wednesday of November after each general election, the justices of the supreme court, or a majority thereof, shall meet with the secretary of state, and shall open and canvass the vote for United States Senator and Representative in Congress, district and state officers, and for and against any questions submitted.

3. The governor shall issue certificates of election to and commission the persons having the highest number of votes and shall also issue proclamations declaring the election of such persons.

Sec. \_\_\_\_\_. No certificate may be withheld because of any defect or informality in the returns of any election, if it can be ascertained with reasonable certainty from such returns what office is intended and who is entitled to such certificate, nor may any commission be withheld by the governor or board of county commissioners because of any such defect or informality.

Sec. \_\_\_\_\_. 1. On election day the absent ballot central counting board, if any, shall withdraw all the ballots from absent voter's ballot boxes and ascertain that each box has the required number of ballots according to the county clerk's absent voter's ballot record.

2. The absent ballot central counting board shall count the total absent ballot vote for each candidate and question, but shall not compile separate totals for each of the precincts or districts comprising the area for which such board was established.

3. The absent ballot central counting board shall count votes in the same manner as election boards.

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

5. The results of such tally shall not be revealed until after the polls are closed.

Sec. \_\_\_\_\_. If, after the completion of the canvass of the returns of any election, two or more persons receive an equal and the highest number of votes for U. S. Senator, member of Congress, district or state office, the legislature shall, by joint vote of both houses, elect one of such persons to fill the office.

## TIES, RECOUNTS AND CONTESTS

Sec. \_\_\_\_\_. After the canvass of the vote in any election, any candidate defeated at such election may demand and receive a recount of the vote for the office for which he is a candidate if:

1. Such demand is made within 5 days after the certification of the abstract of votes; and

2. Such candidate deposits with the county clerk or secretary of state, the amount established by the clerk or secretary of state to be the cost of the recount.

Sec. \_\_\_\_\_. 1. Whenever a candidate who has demanded a recount prevails in such recount, the costs advanced by the candidate shall be refunded to him and the expense of such recount shall be borne by the state or political subdivision which such candidate will serve.

2. 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, such candidate shall, upon demand, pay the deficiency to the county clerk or secretary of state, as the case may be. If the sum deposited is in excess of the cost, the excess shall be refunded to him.

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

Sec. \_\_\_\_\_. 1. A candidate at any election, or any registered voter of the appropriate political subdivision, may contest the election of any candidate.

2. Except where the contest involves the office of governor, lieutenant governor, assemblyman, state senator or justice of the supreme court, a candidate or voter who wishes to contest an election shall, within the time prescribed in section \_\_\_\_\_ of this act, file with the clerk of the supreme court a written statement of contest, setting forth:

- (a) The name of the contestant and that he is a registered voter of the political subdivision in which the election to be contested or part of it was held;
- (b) The name of the defendant;
- (c) The office to which the defendant was declared elected;
- (d) The particular grounds of contest and the section of Nevada Revised Statutes pursuant to which the statement is filed; and
- (e) The date of the declaration of the result of the election and the body or board which canvassed the returns thereof.

3. The contestant shall verify the statement of contest in the

manner provided for the verification of pleadings in civil actions.

Sec. 1. A statement of contest shall not be dismissed by any court for want of form if the grounds of contest are alleged with sufficient certainty to inform the defendant of the charges he is required to meet.

2. An election may be contested upon any of the following grounds:

- (a) That the election board or any member thereof was guilty of malfeasance.
  - (b) That a person who has been declared elected to an office was not at the time of election eligible to that office.
  - (c) That illegal votes were cast.
  - (d) That the election board, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.
- (3) That the defendant has given, or offered to give, to any person a bribe for the purpose of procuring his election.

Sec. \_\_\_\_\_. 1. The statement of contest provided for in section \_\_\_\_ of this act shall be filed with the clerk of the supreme court no later than 5 days after a recount is completed, and no later than 14 days after the election if no recount is demanded. The parties to a contest shall be denominated contestant and defendant.

2. The court shall set the matter for hearing not less than 5 days nor more than 10 days after the filing of the statement of contest. Election contests shall take precedence over all regular business of the court in order that results of elections shall be determined as soon as practicable.

3. The court may refer the contest to a special master in the manner provided by the Nevada Rules of Civil Procedure, and such special master shall have all powers necessary for a proper determination of the contest.

Sec. \_\_\_\_\_. Any party to a contest may take the deposition of any witness. The matter shall be tried and submitted so far as may be possible upon depositions and written or oral argument as the court may order.

Sec. \_\_\_\_\_. 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 person elected or nominated.

2. The person declared nominated or elected by the court shall be

entitled to a certificate of nomination or election. If a certificate has not been issued to him, the county clerk or the secretary of state shall execute and deliver to such 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 be annulled by the judgment of the courts.

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. \_\_\_\_\_. 1. If a contest proceeding is dismissed for insufficiency of the statement of contest or for want of prosecution, or if the supreme court confirms the election, judgment shall be rendered for costs in favor of the defendant and against the contestant.

2. If an election is annulled or set aside for errors or malfeasance of any election official in the conduct of the election or in canvassing the returns, the costs shall be a charge against the state or political subdivision in which the election was held.

3. When an election is annulled or set aside on any other ground, judgment for costs shall be given in favor of the contestant and against the defendant.

Sec. \_\_\_\_\_. At the hearing of any contest, the ballots may be opened and a recount made, in the presence of the parties or their representatives, of the votes cast for the various candidates for the contested office.

Sec. \_\_\_\_\_. If the contest is for the office of assemblyman or state senator, a statement of contest, prepared as provided in section \_\_\_\_\_ of this act, and all depositions, ballots, records of voting machine counters and all other documents relating to the contest shall be filed with the secretary of state within the time provided herein for the filing of statements of contests with the clerk of the supreme court.

Sec. \_\_\_\_\_. 1. The secretary of state shall deliver the statement of contest and all other documents to the presiding officer of the house of the legislature to which the candidates were declared to be elected on or before the second day after the organization of the legislature.

2. The contest shall be heard and decided as prescribed by the standing or special rules of the house in which the contest is to be tried.

3. A certificate of election shall be executed and delivered to the person declared elected by the house. If a certificate of election

to the office has been issued to any person other than the one declared by the house to be elected, such certificate is void.

Sec. \_\_\_\_\_. 1. If the contest is for the office of governor, lieutenant governor or justice of the supreme court, the statement of contest and all depositions, ballots, a record of voting machine counters and all other documents relating to such contest, shall be filed with the secretary of state within the time provided herein for filing statements of contests with the clerk of the supreme court.

2. The secretary of state shall deliver the statement of contest and all other papers and documents to the presiding officer of the senate on or before the second day after the organization of the legislature.

3. A joint session of both houses shall be convened as soon thereafter as the business of both houses permits, but not later than 10 days after receipt of statement of contest.

Sec. \_\_\_\_\_. 1. The senate and assembly meeting in joint session shall proceed to decide the contest,

2. The speaker of the assembly shall preside at such joint session, and the session shall be conducted under the joint standing rules or joint special rules adopted for the occasion.

3. The contest shall be decided by a majority vote of the elected membership of both houses not later than 30 days after the contest hearing is begun.

Sec. \_\_\_\_\_. 1. After both houses sitting in joint session have decided an election contest, the secretary of state shall execute and deliver a certificate of election to the person declared elected.

2. If a certificate of election to the same office has been issued to any person other than the one declared to have been elected, such certificate is void.

## POLLING PLACES, EXPENSES AND PAYMENTS

Sec. \_\_\_\_\_. 1. The board of county commissioners may designate any building or buildings, public or otherwise, or any portion of such building or buildings, as the site or sites for any polling place or any number of polling places for any or all of the precincts or districts in the county.

2. If, in the opinion of such board, the convenience and comfort of the voters and election officials will be best served by putting two or more polling places in any such building or buildings, or if, in the opinion of such board, the expense to the county for polling places can be diminished by putting two or more polling places in any such building or buildings, it 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 shall be rented at a rate not to exceed \$15 for each election.

Sec. \_\_\_\_\_. 1. When the county clerk causes a list of registered voters, segregated by districts or precincts, to be published in any newspaper circulated in such county, newspapers publishing such list shall not be paid more than 10 cents per name.

2. Any person desiring a copy of any precinct, district or county list may obtain such copy by applying at the office of the county clerk and paying not more than 10 cents per copy.

3. A county may not pay more than 10 cents per folio or more than \$6 per thousand copies for printed precinct or district lists.

Sec. \_\_\_\_\_. 1. The expense of providing all ballots, form and other supplies to be used at any primary or general election and all expenses necessarily incurred in the preparation for, or the conduct of any such election, shall be a charge upon the municipality, county, district or state, as the case may be.

2. The cost of printing ballots shall not exceed the sum of \$60 per thousand or fraction thereof for the first two thousand ballots printed and \$40 for each additional thousand printed.

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

Sec. \_\_\_\_\_. The board of county commissioners of each county shall provide the county 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.

Sec. \_\_\_\_\_. If it is necessary to employ a messenger to convey any election returns to the secretary of state, the person performing such service shall receive as compensation mileage at the rate of 15 cents per mile, one way only.

Sec. \_\_\_\_\_. 1. The county clerk shall pay to the county treasurer all filing fees received by him from candidates.

2. Each county shall receive a proportion of the total amount of filing fees paid into the office of secretary of state equal to the proportion which the total vote of his county for Representative in Congress bears to the total vote of the state or district for the same office.

Sec. \_\_\_\_\_. Where, due to an election, janitorial service is needed in a building used as a polling place, extra janitors may be hired. Each extra janitor hired may be paid an amount not to exceed \$2.00 per hour.

Sec. \_\_\_\_\_. The cost of voting machines shall be a county charge upon the county adopting them.

Sec. \_\_\_\_\_. Any person appointed a precinct or district deputy registrar, except justices of the peace, and deputies employed in the office of voters' registration, shall receive as compensation for all services the sum of not more than 10 cents for each voter registered, to be paid by claim against the county after such claim has been approved by the county clerk.

Sec. \_\_\_\_\_. 1. Each voting board officer serving in a county shall receive \$10 from the county treasury.

2. Each counting board officer shall receive the sum of \$10 for the first 8 hours, and \$2 per hour thereafter.

3. Where an election board acts as both voting board, and counting board, each member shall receive \$10 for the time he acts as a voting board member, and \$2 per hour for each hour he acts as a counting board member.

4. Where voting machines are used, each election board officer shall receive the sum of \$15 for his services.

5. Specially appointed deputy sheriffs shall receive \$10 as compensation for rendering the services required of the deputy sheriff on election day.

## MISCELLANEOUS PROVISIONS

Sec. \_\_\_\_\_. 1. Any registered voter may absent himself from his place of employment at a time to be designated by the employer for a sufficient time to vote, if it is impracticable for him to vote before or after his hours of employment. A sufficient time to vote shall be determined as follows:

- (a) If the distance between the place of such voter's employment and the polling place where such person votes is 2 miles or less, 1 hour.
- (b) If the distance is more than 2 miles but not more than 10 miles, 2 hours.
- (c) If the distance is more than 10 miles, 3 hours.

2. Such voter may not, because of such absence, be discharged, disciplined or penalized, nor shall any deduction be made from his usual salary or wages by reason of such absence.

3. Application for leave of absence to vote shall be made to the employer or person authorized to grant such leave prior to the day of the election.

4. Any employer or person authorized to grant the leave of absence provided for in subsection 1, who denies any registered voter any right granted under this section, or who otherwise violates the provisions of this section, is guilty of a misdemeanor.

Sec. \_\_\_\_\_. 1. It is unlawful for any person, in connection with any election, whether acting himself or through another person in his behalf, to:

- (a) Use or threaten to use any force, coercion, violence, restraint or undue influence; or
- (b) Inflict or threaten to inflict any physical or mental injury, damage, harm or loss upon the person or property of another; or
- (c) Expose or publish or threaten to expose or publish any fact concerning another in order to induce or compel such other to vote or refrain from voting for any candidate or any question; or
- (d) Urge, persuade or command, otherwise than by public speech or print, any voter to vote or refrain from voting for or against any candidate or question in the interest of any church or religious or other organization or corporation; or
- (e) Impede or prevent by abduction, duress or fraudulent contrivance, the free exercise of the franchise by any voter, or



thereby to compel, induce or prevail upon any elector to  
to give or refrain from giving his vote; or

- (f) Discharge or change the place of employment of any employee  
with the intent to impede or prevent the free exercise of  
the franchise by such employee.

2. Any violation of this section is a gross misdemeanor.

Sec. \_\_\_\_\_. 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 precinct or district ~~shall make an affidavit setting forth such fact and~~ transmit it to the county commissioners. Upon receipt of such affidavit and upon the application of any candidate for any office to be voted for by the registered voters of such precinct, or district, the county commissioners shall order a new election in such precinct or district.

Sec. \_\_\_\_\_. 1. The secretary of state shall have available a sufficient supply of tinted paper for ballots and shall furnish the same in quantities ordered to any county clerk. Such paper shall be watermarked with a design furnished by the secretary of state, in such manner that the watermark shall be plainly discernible on the outside of the ballot when properly folded.

2. The design shall be changed for each general election, and the same design may not be used more than once within the space of 8 years, but any special or separate local election paper marked with the design used at any previous general election may be used.

## VOTING MACHINES

Sec. \_\_\_\_\_. Only voting machines approved by the secretary of state may be used in any general or primary election.

Sec. \_\_\_\_\_. Each voting machine shall:

1. Secure to the voter secrecy in the act of voting.
2. Provide facilities for voting for the candidates of as many political parties or organizations as may make nominations and for or against measures.
3. Permit the voter to vote for any person for any office that he has the right to vote for, but no other.
4. Except at primary elections, permit the voter to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties.
5. Permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more.
6. Prevent the voter from voting for the same person more than once for the same office.
7. Permit the voter to vote for or against any measure he may have the right to vote on, but no other.
8. Correctly record all votes cast for any and all candidates and for or against any and all questions.
9. Be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine.
10. Be provided with a lock or locks by which all operation of the recording mechanism can be prevented as soon as the polls are closed.
11. Be provided with a protective counter, whereby any operation or tampering with the machine before or after the election will be detected. The protective counter shall be so constructed and so connected that it cannot be reset, altered or operated, except by operating the machine.
12. Be provided with a public counter which shall show at all times during an election how many persons have voted.
13. Be provided with a mechanical model, suitable for the instruction of voters, illustrating the manner of voting on the machine.
14. Provide in the general election, for grouping, under the name

of the office to be voted on, all the candidates for the office with the designation of the parties, if any, by which they were nominated. The party designation may be by usual or reasonable abbreviation.

Sec. \_\_\_\_\_. The voting devices for candidates at primary elections shall be arranged in separate parallel lines, one or more lines for each party, and in parallel office rows transverse thereto, and for general elections shall conform as nearly as practicable to the form of ballot provided for general elections where voting machines are not used.

Sec. \_\_\_\_\_. Where voting machines are used they shall be equipped to allow a vote for all the presidential electors of any party by one operation. The ballot label in such case shall contain only the words "presidential electors" preceded by the name of the party and followed by the names of its candidates for the offices of President and Vice President, and the recording device shall register the vote cast as if for the presidential electors voted for collectively.

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

## **PUNITIVE PROVISIONS**

**Sec. \_\_\_\_.** Any person appointed to serve on an election board shall notify the board of county commissioners of his willingness or unwillingness to serve as an election board officer within 5 days after he has notice of his appointment to such board.

**Sec. \_\_\_\_.** Any officer in whose office any nomination paper has been filed, who shall wrongfully suppress, neglect or fail to cause the proper filing thereof at the proper time and the proper place, is guilty of a misdemeanor, and shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment in the county jail for not less than 30 days nor more than 6 months, or by both such fine and imprisonment.

**Sec. \_\_\_\_.** 1. No person may loiter in any polling place so as to interfere with the conduct of the election.

2. No person except an election board officer may receive from any voter a ballot prepared by such voter.

3. No person may remove a ballot from any polling place before the closing of the polls.

4. No person may apply for or receive a ballot at any election precinct or district other than the one at which he is entitled to vote.

5. No person may show his ballot to any person, after marking it, so as to reveal any of the names voted for.

6. No person may, within 100 feet of the polling place, ask another person for whom he intends to vote.

7. No voter may receive a ballot from any person other than an election board officer, nor may any person other than an election board officer deliver a ballot to a voter.

8. No voter may deliver to an election board or to any member thereof any ballot other than the one received.

9. No voter may place any mark upon his ballot by which it may afterwards be identified as the one voted by him.

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

**Sec. \_\_\_\_.** Any person who, during an election, removes or destroys any of the supplies or equipment placed in the booths or compartments, or removes or defaces the cards of instruction posted as prescribed by this chapter, is guilty of a misdemeanor.

**Sec. \_\_\_\_.** Every person who, after being sworn by an election board, refuses to answer any relevant question propounded by such board concerning the right of any other person to vote, is guilty of a misdemeanor.

Sec. \_\_\_\_\_. If any person applying to vote at any election is challenged by an election board officer or a registered voter, an oath shall be administered to such person by one of the election board officers that he will answer truthfully all questions concerning his right to vote at such election, and if it appears that he is not a registered voter under the provisions of this chapter, shall be denied a ballot. If any person whose vote has been rejected offers to vote at the same election, at any polling place other than the one in which he is registered, to vote, he is guilty of a misdemeanor.

Sec. \_\_\_\_\_. 1. Any person who, either for himself or another, willfully gives a false answer or answers to questions propounded to him by the registrar or deputy registrar relating to the information called for by the affidavit of registration, or who willfully falsifies his registration affidavit in any particular, or who violates any of the provisions of the election laws of this state, or knowingly encourages another to violate such laws is guilty of a misdemeanor.

2. Any public officer or other person, upon whom any duty is imposed by this Title, willfully neglects such duty, or willfully performs it in such a way as to hinder the objects and purposes of the election laws of this state, is, except where some other penalty is provided, guilty of a gross misdemeanor.

3. If such person is a public officer, his office is forfeited.

4. Any person who causes or endeavors to cause his name to be registered, knowing that he is not an elector, or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he causes or endeavors to cause such registration to be made, and any other person who induces, aids, or abets any such person in the commission of either of such acts is guilty of a misdemeanor.

Sec. \_\_\_\_\_. Any person who makes, offers or accepts any bet or wager upon the result of any election, or upon the success or failure of any person or candidate, or upon the number of votes to be cast, either in the aggregate or for any particular candidate, or upon the vote to be cast by any person, is guilty of a misdemeanor.

Sec. \_\_\_\_\_. Any person who sells, gives away or furnishes or causes to be sold, given away or furnished within this state during the hours when the polls are open on any day upon which a general or primary election is held, or within the limits of any county or city on any day upon which any special or municipal election is held therein, any spiritous, malt or fermented liquors or wines, is guilty of a gross misdemeanor, and shall be fined in a sum not less than \$100 nor more than \$1,000, or by imprisonment in the county jail not less than 1 nor more than 6 months, or by both such fine and imprisonment. This section does not apply to any election at which the sole matter to be voted on relates to the creation or assumption of any public indebtedness to be evidenced by bonds or otherwise. Nor does it apply to a gratuitous serving of such beverages in private homes or places of residence by the residents thereof during any election.

## QUALIFICATIONS OF VOTERS AND REGISTRATION

Sec. \_\_\_\_\_. 1. Except as provided in section 1 of article 2 of the constitution of the State of Nevada, every citizen of the United States, 21 years of age or over, who has continuously resided in this state 6 months and in the county 30 days and in the precinct 10 days next preceding the day of the next succeeding primary or general election, and who has registered in the manner provided in this chapter, shall be entitled to vote at such election.

2. This section shall not be construed to exclude the registration of eligible persons whose 21st birthday occurs on or before the next succeeding primary or general election.

Sec. \_\_\_\_\_. No person may gain or lose residence by reason of his presence or absence while employed in the military, naval or civil service of the United States or of the State of Nevada, or while engaged in the navigation of the waters of the United States or of the high seas, or while a student at any seminary or other institution of learning, or while an inmate of any public institution.

Sec. \_\_\_\_\_. Any registered voter removing from one county to another in the state, within 30 days prior to any election, or from one precinct to another in the same county, within 10 days prior to any election, shall be deemed to retain his residence in the county or precinct removed from for the purposes of such election.

Sec. \_\_\_\_\_. If a person removes to another state, territory or foreign country, with the intention of establishing his domicile there, he thereby loses his residence in this state.

Sec. \_\_\_\_\_. If a person having a fixed and permanent home in this state, breaks up such home and removes to another state, territory or foreign country, the intent to abandon his residence in this state shall be presumed, and the burden shall be upon him to prove the contrary. The same rule shall apply when a person removes from one county to another within the state, or from one precinct to another within the county.

Sec. \_\_\_\_\_. If a man has a family residing in one place and he does business in another, the former is his residence, unless his family is located there only temporarily, but if his family resides without the state and he is permanently located within the state, with no intention of removing therefrom, he shall be deemed a resident for election purposes.

Sec. \_\_\_\_\_. If a person removes to another state, territory or foreign country, with the intention of residing there for an indefinite time, he thereby loses his residence in this state for election purposes, notwithstanding that he may intend to return at some uncertain future date, and an occasional return to the place of his former residence in this state, regardless of the reason, shall not be sufficient to preserve his residence.

Sec. \_\_\_\_\_. 1. The county clerk of each county shall:

- (a) Be ex officio county registrar and registrar for all precincts within the county.
- (b) Have the custody of all books, documents and papers pertaining to registration provided for in this chapter.

2. All books, documents and papers pertaining to registration are official records of the office of the county clerk.

Sec. \_\_\_\_\_. 1. All justices of the peace, except those located in county seats, are ex officio deputy registrars for the purpose of carrying 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. Deputy registrars so appointed shall 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 such forms for more than 5 days.

5. Immediately after the close of registration, each deputy registrar shall forward to the county clerk all completed affidavits in his possession.

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.

Sec. \_\_\_\_\_. County clerks shall provide original and duplicate forms for affidavits of registration to deputy registrars in form and number prescribed by the secretary of state.

Sec. \_\_\_\_\_. 1. The county clerk shall segregate original affidavits of registration according to the precinct in which the registered voters reside, and shall arrange the affidavits in such precinct or district in alphabetical order.

2. The affidavits for each precinct or district shall be kept in a separate binder which shall be marked with the number of the precinct

or district. Such binders shall constitute the election board register.

3. The county clerk shall arrange the duplicate affidavits of registration in alphabetical order for the entire county, and they shall be kept in binders or a suitable file which shall constitute the county clerk's register.

Sec. \_\_\_\_\_. If at any time the county clerk's register is closed for one election, but open for some other election, any elector shall be permitted to register for such other election, but the county clerk shall retain his affidavit of registration in a separate file until the county clerk's register is again open for filing of affidavits, at which time all affidavits in such temporary file shall be placed in their proper position in the county clerk's register.

Sec. \_\_\_\_\_. 1. Registration offices shall be open regularly for registration of voters for every election until the 30th day preceding the day of such election.

2. During the last 5 days before registration closes, such offices shall be open from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m., including Saturdays.

Sec. \_\_\_\_\_. 1. Any elector residing within the county may register by appearing before the county clerk or deputy registrar, completing the affidavit of registration, and giving true and satisfactory answers to all questions relevant to such elector's right to vote.

2. The affidavit of registration shall be signed and verified by the elector registering.

3. Each female elector who is or has been married, shall be registered under her own given or first name, and not under the given or first name or initials of her husband.

4. Any elector who changes his or her name by marriage, or otherwise, shall not be eligible to vote unless he or she registers. If any such change of name occurs after the close of registration, the elector may vote at the ensuing election upon satisfactory proof of registration and subsequent change of name.

Sec. \_\_\_\_\_. The registration or reregistration of electors who are unable to sign their names shall be made upon personal application of such electors at the office of the county clerk where they may be identified. Such electors may use a mark or cross in place of a signature.

Sec. \_\_\_\_\_. 1. Except as provided in subsection 2, no naturalized citizen may be registered unless he produces his certificate of naturalization.

2. If it appears to the county clerk, by the affidavit of the applicant and one registered voter, that such citizen's certificate of naturalization is lost or destroyed or temporarily beyond the reach of the applicant, the county clerk shall register the name of such appli-



cant, unless he is by law otherwise disqualified. If a naturalized citizen fails to produce his certificate of naturalization, the county clerk shall propound, in addition to the questions on the registration form, the following questions:

- (a) In what year did you come to the United States?
- (b) Where did you last see your certificate of naturalization?
- (c) Where were you admitted to citizenship?

5. When a naturalized citizen has registered to vote in a county and he applies to reregister in such county, he shall not be required to produce his certificate of naturalization.

Sec. \_\_\_\_\_, Any elector who has changed his residence subsequent to the last preceding general election from one precinct or district to another with the same county shall not be eligible to vote unless he reregisters.

## CANCELLATION OF REGISTRATION AND CHALLENGES

Sec. \_\_\_\_\_. When an elector moves to another county and registers to vote therein, the county clerk of such county shall send a cancellation notice to the clerk of the county in which the elector previously resided. The county clerk receiving such notice shall cancel such elector's affidavit of registration and place it in a canceled file.

Sec. \_\_\_\_\_. 1. County clerks may use any reliable means to correct the official registration lists.

2. A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass, or by any other method.

Sec. \_\_\_\_\_. Any elector may bring and any number of electors may join in an action or proceeding in a district court to compel the county clerk to enter the name of such elector or electors in the county clerk's register and the election board register.

Sec. \_\_\_\_\_. 1. Except as provided in subsection 2, the county clerk shall cancel a registration if any elector or other reliable person files an affidavit with him 30 days or more prior to an election stating that the registrant is an alien and the affiant has personal knowledge of such fact, or that:

- (a) The registrant has removed from the county where he is registered to another county, state, territory or foreign country, with the intention of remaining there for an indefinite time and with the intention of abandoning his residence in the county where registered;
- (b) The registrant has established his residence in some other state, territory or foreign country, or in some other county of this state, naming such place; and
- (c) The affiant has personal knowledge of those facts.

2. Upon the filing of the affidavit with him, the county clerk shall notify the registrant by registered mail, return receipt requested, of the filing of the affidavit, and shall enclose a copy of the affidavit. Unless the registrant, within 15 days after the return receipt has been filed in the office of the county clerk, presents a counter-affidavit, documentary evidence or an oral statement under oath refuting, to the satisfaction of the county clerk, the statements in the affidavits, the county clerk shall cancel the registration in the manner provided in subsection 1.

3. Nothing in this section shall be construed to prevent the challenge provided for in section \_\_\_\_\_ of this act.

Sec. \_\_\_\_\_. The county clerk of each county shall maintain a canceled file for canceled affidavits of registration. Such file shall be kept in alphabetical order and shall contain all affidavits of registra-

tion which are canceled. The county clerk shall mark such affidavits "Canceled," and indicate thereon the reason for cancellation. If the county clerk finds that any affidavit of registration was canceled erroneously, the county clerk shall reinstate such affidavit, reregister the elector, or, on election day, issue a certificate of error to the elector whose registration was erroneously canceled.

Sec. \_\_\_\_\_. The county clerk shall cancel an affidavit of registration;

1. If he has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in his office; or

2. If the insanity of the person registered is legally established; or

3. Upon the production of a certified copy of the judgment of conviction of the person registered of a felony; or

4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made; or

5. Upon the request of any registered voter to affiliate with any political party, or to change his affiliation, if such change is made before the end of the last day for filing declarations of candidacy for a primary election; or

6. Upon the request of any registered voter who has changed his name, if such voter satisfies the registrar that such change has been legally effected; or

7. At the request of the person registered.

Sec. \_\_\_\_\_. 1. If an affidavit of registration is canceled under subsection 5 or 6 or section \_\_\_\_\_ of this act, the elector may reregister immediately.

2. If an affidavit of registration is canceled under subsection 7 of section \_\_\_\_\_ of this act, after the close of registration, the elector may not reregister until after the primary election.

Sec. \_\_\_\_\_. 1. Immediately after the county commissioners of a county canvass the general election vote, the county clerk shall compare his register for each precinct or district in the county with the list of registered voters who voted at such election in each precinct or district as shown by the pollbook or roster returned by the precinct or district election board to the county clerk, and he shall remove from the county clerk's register and from the election board register the affidavits of registration of all electors who have failed to vote at such election.

2. Except as provided in subsection 3, the county clerk shall remove from the county clerk's register and election board register the affidavits of registration of voters who voted by absent ballot at the

last preceding general election.

3. If a county clerk determines that a voter who voted by absent ballot was, at the time of casting such ballot, a state or federal officer or a member of such person's immediate family, a person in the service of the United States, a person engaged in transportation by rail, motor or airplane whose occupation necessitated his being absent on election day, or an elector residing in an absent ballot mailing precinct, such clerk shall, immediately after removing such voter's affidavit of registration from the official register, forward to such voter at the address shown on his affidavit of registration, a new registration affidavit with instructions for its use and the necessity of reregistering.

Sec. \_\_\_\_\_. 1. After the 30th day but not later than the third day prior to any election, a written challenge may be filed with the county clerk. Such challenge shall be signed and verified by a registered voter and name the person whose right to vote is challenged and the ground of the challenge.

2. The county clerk shall file the challenge in the county clerk's register and attach a copy thereof to the challenged registration in the election board register.

Sec. \_\_\_\_\_. Any elector of this state who has not registered to vote in this state, or who has registered but whose registration has been canceled, and who contemplates enlisting in, or has been inducted into, the Armed Forces of the United States may, at any time, appear before the county clerk of the county of his residence or the deputy registrar thereof and register as a voter in the manner provided by law.

Sec. \_\_\_\_\_. Any elector of this state who is a member of the Armed Forces of the United States and by reason thereof is beyond the boundaries of this state, and who has not theretofore registered or whose registration has been canceled, may, at any time, request from the county clerk of the county of such elector's residence by mail, telephone or telegram an affidavit of registration. The county clerk, if satisfied that the elector is eligible for registration, shall forward the affidavit immediately. The county clerk shall, upon receipt of the completed affidavit, file it in the manner provided by law.

Sec. \_\_\_\_\_. If the spouse or a dependent of an elector referred to in section \_\_\_\_\_ of this act is an elector of this state but has not been registered, or his registration has been canceled, and such spouse or dependent of the elector is required, by reason of the enlistment in or induction into the Armed Forces of the United States of the elector, to reside beyond the boundaries of this state, such spouse or dependent may register in the manner provided by section \_\_\_\_\_ of this act.

## REGISTER FOR ELECTIONS

Sec. \_\_\_\_\_. At least 90 days prior to the closing of registration for any election, the county clerk shall prepare and date an alphabetical list of the persons whose names remain on the county clerk's register of each precinct and district, except the precincts and districts in the county seat of the county or in incorporated cities, and send such list to the deputy registrar of such precinct or district. The list shall consist of the names of the persons registered and the political affiliations designated on their affidavits of registration then on file in the office of the county clerk, or the fact that no political affiliation is designated.

Sec. \_\_\_\_\_. 1. Registration shall close at 9 p.m. of the 31st day preceding any primary or general election.

2. The county clerk of each county shall publish in a newspaper having a general circulation in the county a notice signed by him indicating the day that registration will be closed. If no such newspaper is published in the county, then such publication may be made in a newspaper of general circulation published in the nearest Nevada county.

3. Such notice shall be published once each week for four consecutive weeks next preceding the close of registration for any election.

4. At least 15 days before the time when the county clerk's register is closed for any election, the county clerk shall mail to deputy registrars, to be posted in a conspicuous place in each voting precinct outside incorporated cities and in which no newspaper is published, a copy of such notice.

Sec. \_\_\_\_\_. 1. During the time intervening between the closing of registration and 5 days before the election, the county clerk shall 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, and such binder or binders shall be the election board register.

2. Each election board register shall be delivered or caused to be delivered by the county clerk to an election officer of the proper precinct or district prior to the opening of the polls.

Sec. \_\_\_\_\_. 1. Not less than 8 days before any election, the county clerk shall cause the deputy registrar of each precinct or district to post at least one list of the registered voters in at least one conspicuous place within the proper precinct or district outside of incorporated cities.

2. On or before the 4th Monday in August preceeding a primary election and on or before the 4th Monday in November preceding a general election, the county clerk shall:

(a) Cause to be published once in each of the newspapers circulated in different parts of the county a list of all registered voters,

segregated by precincts or districts, within the circulation area of each newspaper; or

- (b) Cause to be published once in a newspaper circulated in the county a segregated listing for the entire county; or
  - (c) Cause to be mailed to each registered voter in the county a sample ballot for his precinct with a notice informing such voter of the location of his polling place.
3. The county may not pay more than 10 cents per name to each newspaper publishing the list.

Sec. \_\_\_\_\_. Not later than the 2nd Friday next preceding the primary or general election, the county clerk shall ascertain by precinct and district the number of registered voters in the county and their political affiliation, if any, and transmit such information to the secretary of state.

Sec. \_\_\_\_\_. Title 24 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth in sections \_\_\_\_\_ to \_\_\_\_\_, inclusive, of this act.

## INITIATIVE

Sec. \_\_\_\_\_. 1. The first power reserved by the people is the initiative.

2. 10 percent or more of the registered voters of this state as shown by the number of voters who voted at the last preceding general election may propose any measure for adoption by an initiative petition.

3. Every such petition shall include the full text of the measure so proposed.

4. The enacting clause of all bills proposed by the initiative shall be: "The People of the State of Nevada do enact as follows:".

Sec. \_\_\_\_\_. 1. Initiative petitions, for all but municipal legislation, shall be filed with the secretary of state not less than 30 days before any regular session of the legislature. Initiative petitions for municipal legislation shall be filed with the county clerk not later than the 1st Monday in August preceding the general election.

2. At the next general election after the filing of such initiative petition, the county clerk shall submit the measure so proposed for approval or disapproval.

3. A special election may be called to consider initiative proposals of municipal legislation in the manner and time provided by NRS 302.200.

Sec. \_\_\_\_\_. The secretary of state shall transmit initiative petitions to the legislature as soon as it convenes and organizes.

Sec. \_\_\_\_\_. Initiative measures shall take precedence over all measures of the legislature except appropriation bills, and shall be enacted or rejected by the legislature without change or amendment within 40 days.

If any initiative measure proposed by petition shall be enacted by the legislature and approved by the governor in the same manner as other laws are enacted, it shall become a law, but shall be subject to referendum petition as provided in sections 1 and 2 of article XIX of the constitution of the State of Nevada.

Sec. \_\_\_\_\_. If the initiative measure is rejected by the legislature, or if no action is taken thereon within the 40 days, the secretary of state shall submit the same to the qualified electors for approval or rejection at the next ensuing general election.

Sec. \_\_\_\_\_. If a majority of the qualified electors voting thereon approve such measure, it shall become a law and take effect from the date of the official declaration of the vote.

Sec. \_\_\_\_\_. An initiative measure approved by the qualified electors shall not be annulled, set aside or repealed by the legislature

within three years from the date the act takes effect.

Sec. \_\_\_\_\_. If the legislature rejects an initiative measure, the legislature may, with the approval of the governor, propose a different measure on the same subject, in which event both measures shall be submitted by the secretary of state to the qualified electors for approval or rejection at the next ensuing general election.



## REFERENDUM

Sec. \_\_\_\_\_. Whenever 10 percent or more of the registered voters of this state, as shown by the number of registered voters who voted at the last preceding general election, shall express their wish that any act or resolution enacted by the legislature be submitted to the vote of the people, they shall file with the secretary of state, not less than 4 months before the time set for the next succeeding general election a petition, which shall contain the names and residence addresses of at least 10 percent of the registered voters of this state, demanding that a referendum vote be had by the people of the state at the next general election upon the act or resolution on which the referendum is demanded.

Sec. \_\_\_\_\_. 1. The names of the registered voters petitioning need not all be upon one petition, but may be contained in one or more petitions; but each petition shall be verified by at least one of the voters who has signed such petition.

2. The voter making the verification shall swear that the persons signing the petition are registered voters of this state. The petition may be verified upon information and belief.

Sec. \_\_\_\_\_. 1. The secretary of state shall file the petition upon its receipt by him. At the next general election he shall submit the act or resolution, by appropriate questions on the ballot, for the approval or disapproval of the people of the state.

2. The secretary of state shall certify the questions to the county clerks, and they shall publish the same in accordance with the provisions of law requiring county clerks to publish questions and proposed constitutional amendments which are to be submitted for popular vote.

Sec. \_\_\_\_\_. 1. The title of the act or resolution shall be set out on the ballot and the question printed upon the ballot for the information of the voters shall be as follows: Shall the act (setting out the title thereof) be approved?

2. Where voting machines are used the title of the act shall appear on the ballot label and may be condensed to 20 words.

3. The votes cast upon such question shall be counted and canvassed as the votes for state officers are counted and canvassed.

Sec. \_\_\_\_\_. 1. When a majority of the registered voters voting on the question of the approval or disapproval of any act or resolution, by their vote, approve the act or resolution, it shall stand as the law of the state, and shall not be repealed, overruled, annulled, set aside, suspended or in any way made inoperative, except by a direct vote of the people.

2. When a majority disapproves, the act or resolution shall be void.

Sec. \_\_\_\_\_. Whenever 10 percent or more of the registered voters of any county of this state, as shown by the number of registered voters who voted at the last preceding general election, shall express their wish that any act or resolution enacted by the legislature, and pertaining to such county only, be submitted to the vote of the people, they shall file with the county clerk, not less than 4 months before the time set for the next succeeding general election a petition, which shall contain the names and residence addresses of at least 10 percent of the registered voters of such county, demanding that a referendum vote be had by the people of the county at the next general election or at any election called for such purpose, upon the act or resolution on which the referendum is demanded.

Sec. \_\_\_\_\_. 1. The names of the registered voters petitioning need not be all upon one petition, but may be contained on one or more petitions; but each petition shall be verified by at least one of the voters who has signed such petition.

2. The voter making the verification shall swear, on information and belief, that the persons signing the petition are registered voters of the county and state, and that such signatures are genuine and were executed in his presence.

Sec. \_\_\_\_\_. 1. The county clerk shall file the petition upon its receipt by him. At the next general election or at the election called for such purpose, he shall submit the act or resolution, by appropriate questions on the ballot, for the approval or disapproval of the people of such county.

2. The county clerk shall publish such questions in accordance with the provisions of law requiring county clerks to publish questions and proposed constitutional amendments which are to be submitted for popular vote.

Sec. \_\_\_\_\_. 1. The subject matter of such questions shall be stated concisely on the ballot, and the question printed upon the ballot for the information of the voter shall be as follows: "Shall the act (setting out the title thereof) be approved?"

2. Where voting machines are used the title of the act shall appear on the ballot label and may be condensed to 20 words.

3. The votes cast upon such question shall be counted and canvassed as the votes for county officers are counted and canvassed.

Sec. \_\_\_\_\_. 1. When a majority of the registered voters of such county voting upon the question submitted, by their vote, approve the act or resolution, it shall stand as the law of the state, and shall not be repealed, overruled, annulled, set aside or in any way made inoperative, except by a direct vote of such county.

2. When a majority of the registered voters of such county disapproves, the act or resolution shall be void.

Sec. \_\_\_\_\_. 1. After the filing of a referendum petition with the county clerk as provided in section \_\_\_\_\_ of this act, a special election shall be called by the board of county commissioners for the purpose of submitting the question to the registered voters of the county if a petition requesting a special election, signed by 40 percent or more of the registered voters of the county as shown by the number of registered voters who voted at the last preceding general election, and verified in the manner provided in section \_\_\_\_\_ of this act, is filed with the board of county commissioners.

2. A special election called by the board of county commissioners pursuant to subsection 1 shall be held within 40 days after the petition requesting the special election is filed with the board of county commissioners.

## NOMINATION AND ELECTION OF U.S. SENATORS AND CONGRESSMEN

Sec. \_\_\_\_\_. Title 24 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth in sections \_\_\_\_\_ to \_\_\_\_\_, inclusive, of this act.

Sec. \_\_\_\_\_. At the primary and general election next preceding the expiration of the time for which any United States Senator was elected or appointed to represent the State of Nevada in the United States Senate, candidates for United States Senator may be nominated and elected in the same manner as provided by law for the nomination and election of state officers.

Sec. \_\_\_\_\_. Certificates of nomination of candidates for United States Senator shall be filed with the secretary of state, who shall certify the names of all candidates to the county clerks as required by law in the case of candidates for state offices. The county clerks, in preparing the ballots to be voted at any such general election, shall place thereon the names of all such candidates under the words "U.S. Senator--Vote for one," and there shall be a margin at the right hand side of these names at least one-half inch wide, where the voter may indicate his choice of the candidates by making a cross.

Sec. \_\_\_\_\_. In case of a vacancy in the office of United States Senator caused by death, resignation or otherwise, the governor may appoint some qualified person to fill the vacancy, who shall hold office until the next general election and until his successor shall be elected and seated.

Sec. \_\_\_\_\_. Party candidates for Representative in Congress shall be nominated in the same manner as state officers are nominated.

Sec. \_\_\_\_\_. 1. At the general election in each even numbered year, there shall be elected the number of Representatives in the Congress of the United States to which the State of Nevada is entitled.

2. Representatives in Congress shall be elected by the registered voters of their respective districts.

## RECALL

Sec. \_\_\_\_\_. Title 24 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth in sections \_\_\_\_\_ to \_\_\_\_\_, inclusive, of this act.

Sec. \_\_\_\_\_. Every public officer in the State of Nevada is subject to recall from office by the electors of the state or of the county, district or municipality from which he was elected, as provided in sections \_\_\_\_\_ to \_\_\_\_\_, inclusive, of this act.

Sec. \_\_\_\_\_. 1. For the purpose of recalling any public officer, there may be filed with the office with whom the petition for nomination to such office is required by law to be filed, a petition signed by electors who voted in the state, or in the county district or municipality electing such officer, equal in number to 25 percent of the votes cast in the state, or in the county, district or municipality, for the office of justice of the supreme court at the last preceding election.

2. The petition shall also contain the residence addresses of the signers, and shall set forth in not to exceed 200 words the reason why the recall is demanded.

Sec. \_\_\_\_\_. The petition shall consist of any number of copies thereof, identical in form with the original, except for the signatures and residence addresses of the signers. Every copy shall be verified by at least one of the signers thereof, who shall swear or affirm, before an officer authorized by law to administer oaths, that the statements and signatures contained in the petition are true.

Sec. \_\_\_\_\_. Upon the filing of the petition, the officer with whom the petition is filed shall, not sooner than 10 days nor more than 20 days thereafter, issue a call for a special election to be held within 20 days after the issuance of the call therefor, in the state, or in the county, district or municipality electing such officer, to determine whether the people shall recall such officer.

Sec. \_\_\_\_\_. 1. If the officer offers his resignation prior to the issuance of the call for the special election, the resignation shall be accepted, and the vacancy thereby caused shall be filled in the manner provided by law.

2. If the officer does not resign, he shall continue to perform the duties of his office until the result of the special election is declared.

Sec. \_\_\_\_\_. 1. Upon the ballot for the election there shall be printed verbatim, as set forth in the recall petition, the reason for demanding the recall of the officer, and in not more than 200 words, if furnished by him, the officer's justification of his course in office.

2. Where voting machines are used, the reason for demanding the recall of the officer and the officer's justification shall not be printed on the ballot label, but shall be printed on sample ballots

which may be mailed to all registered voters or presented to registered voters upon their application to vote.

Sec. \_\_\_\_\_. 1. If there are no other candidates nominated to be voted for at the special election, there shall be printed on the ballot and ballot label the name of the officer sought to be recalled, the office which he holds, and the words "For Recall" and "Against Recall."

2. If there are other candidates nominated for the office to be voted for at the special election, there shall be printed upon the ballot and ballot label the name of the officer sought to be recalled, and the office which he holds, and the name or names of such other candidates as may be nominated to be voted for at the special election, and the words "For Recall" and "Against Recall" shall be omitted.

3. In other respects the ballot shall conform with the requirements of the election laws of this state.

Sec. \_\_\_\_\_. 1. If there are other candidates nominated to be voted for at the special election, the candidate who receives the highest number of votes at the special election shall be declared elected for the remainder of the term, whether it be the person against whom the recall petition was filed or another.

2. If any officer is recalled upon a special election and other candidates are not nominated to be voted for at the special election, the vacancy thereby created shall be filled in the manner provided by law.

Sec. \_\_\_\_\_. 1. Except as provided in subsection 2, no petition for the recall of any public officer shall be circulated or filed against any such officer until he has held his office 6 months.

2. A petition may be filed against a state senator or an assemblyman at any time after 10 days from the beginning of the first session of the legislature after his election.

Sec. \_\_\_\_\_. After one recall petition is filed and a special election held, no further recall petition may be filed against the same officer during the term for which he was elected unless the petitioners pay into the public treasury from which the expenses of the special election have been paid the whole amount paid out of the public treasury as expenses for the preceding special election.

Sec. \_\_\_\_\_. 1. Other candidates for the office may be nominated to be voted for at the special election by petition, which petition shall be signed by electors of the state, or of the county, district or municipality holding the election, equal in number to 25 percent of the number of registered voters who voted in the state, or in the county, district or municipality holding the election at the last preceding general election.

2. The nominating petition shall be filed, at least 15 days prior to the date of the special election, with the officer with whom the recall petition is filed.

Sec. \_\_\_\_\_. Any special election shall be conducted as provided herein for primary and general elections.