

Senate Bill No. 292—Senator Lange

CHAPTER.....

AN ACT relating to public office; revising the qualification requirements for a minor political party; revising the deadline to challenge the qualification of a minor political party; revising provisions for filling a vacancy in the office of United States Senator, Representative in Congress or State Legislator; repealing various provisions relating to major political parties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes certain requirements for a minor political party to qualify as a minor political party in this State, which include filing a petition with the Secretary of State not later than the third Friday in June preceding the general election which is signed by a number of registered voters equal to at least 1 percent of the number of voters who cast votes at the last preceding general election for the offices of Representative in Congress. (NRS 293.1715) **Section 2** of this bill revises this requirement to instead provide that to qualify as a minor political party, the minor political party must file a petition by June 1 preceding the general election or, if that date falls on a weekend, the first Monday in June and the number of registered voters required to sign the petition must be equally divided among the petition districts. **Section 3** of this bill makes conforming changes to move the deadline to file a challenge on the qualification of a minor political party to place the names of candidates on the ballot from the fourth Friday in June to the second Monday in June. (NRS 293.174)

Existing law requires the Governor to appoint a person to fill a vacancy in the office of United States Senator. (NRS 304.030) **Section 6** of this bill requires the Governor to appoint a person who is of the same political party as the former Senator.

Existing law requires the Governor to fill a vacancy in the office of Representative in Congress by calling for a special election. Such a special election may be consolidated with a statewide election or local election under certain circumstances. (NRS 304.230, 304.240) **Sections 8 and 9** of this bill require a candidate for a major political party to be nominated at a special primary election before the special general election and require the Governor to specify a date for a special primary election to be held not less than 60 days before the date of the special general election. **Sections 8 and 13.5** of this bill require the cost of a special primary election and special general election to be paid from the Reserve for Statutory Contingency Account unless such elections are consolidated with a statewide election or local election.

Section 8 removes a requirement for a special election to be conducted not more than 90 days after the issuance of a proclamation by the Governor if a vacancy is caused by a catastrophe. **Sections 7, 10 and 15** of this bill make conforming changes by: (1) removing definitions relating to a catastrophe; and (2) revising certain references relating to such provisions.

Under existing law, a vacancy in the office of Legislator is filled by appointment by the board of county commissioners of the county in which the legislative district of the former Legislator is located or, if the legislative district of the former Legislator comprises more than one county, the boards of county commissioners of each county within or partly within the legislative district of the



former Legislator. (Nev. Art. 4, §12; NRS 218A.260, 218A.262) Existing law requires the board or boards of county commissioners, as applicable, to establish an application process by which persons may file applications with the board or boards to fill the vacancy. (NRS 218A.262) **Sections 11 and 12** of this bill: (1) require the Majority or Minority Leader of the House of which the former Legislator was a member who is of the same political party as the former Legislator to submit to the board or boards of county commissioners, as applicable, a list of qualified nominees to fill the vacancy; and (2) require, with certain exceptions, the board or boards of county commissioners to fill the vacancy by appointing a person from the list of qualified nominees. The board or boards of county commissioners may vote to reject all of the qualified nominees on the list and request the Majority or Minority Leader of the House of which the former Legislator was a member who is of the same political party as the former Legislator to submit to the board or boards of county commissioners, as applicable, a new list of qualified nominees to fill the vacancy. In such a circumstance, the board or boards of county commissioners must appoint a qualified nominee to fill the legislative vacancy from the second list of qualified nominees submitted by the applicable Majority or Minority Leader.

If the former Legislator is not of the same political party as the Majority or Minority Leader of the House of which the former Legislator was a member, **sections 11 and 12** require the board or boards of county commissioners, as applicable, to establish an application process by which persons may file applications with the board or boards to fill the vacancy. **Section 13** of this bill makes a conforming change to require a nominee or applicant to fill a vacancy to file a declaration of eligibility with the board or boards of county commissioners.

Existing law sets forth various requirements for the internal organization and procedures of major political parties, including requirements for the election of delegates to county and state conventions, the manner of organization of county conventions and provisions governing state and central committees. (NRS 293.130-293.163) **Section 15** of this bill removes these provisions.

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

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 293.1715 is hereby amended to read as follows:

293.1715 1. The names of the candidates for partisan office of a minor political party must not appear on the ballot for a primary election.

2. The names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election if the minor political party is qualified. To qualify as a minor political party, the minor political party must have filed a certificate of existence and be organized pursuant to NRS 293.171, must have filed a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:



(a) At the last preceding general election, the minor political party must have polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress;

(b) On January 1 preceding a primary election, the minor political party must have been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or

(c) ~~[Not later than the third Friday in]~~ *On June 1* preceding the general election ~~[.]~~ *or if the date falls on a weekend, the first Monday in June,* must file a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress ~~[.]~~ *which must be apportioned equally among the petition districts.*

3. The name of only one candidate of each minor political party for each partisan office may appear on the ballot for a general election.

4. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 with the Secretary of State before the petition may be circulated for signatures.

5. To determine the number of signatures required by paragraph (c) of subsection 2 to be gathered from each petition district, the Secretary of State shall calculate the number that equals 1 percent of the voters who voted in this State at the last preceding general election and apportion that number by the number of petition districts. Fractional numbers must be rounded up to the nearest whole number.

Sec. 3. NRS 293.174 is hereby amended to read as follows:

293.174 If the qualification of a minor political party to place the names of candidates on the ballot pursuant to NRS 293.1715 is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the ~~[fourth Friday]~~ *second Monday* in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the ~~[fourth Friday]~~ *second Monday* in June. A challenge pursuant to this section must be filed with the First Judicial District Court if the petition was filed with the Secretary of State. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

Secs. 4 and 5. (Deleted by amendment.)



Sec. 6. NRS 304.030 is hereby amended to read as follows:

304.030 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 is a member of the same political party as the former Senator for at least 90 days immediately preceding the creation of the vacancy and* who shall hold office until the next general election and until his or her successor shall be elected and seated.

Sec. 7. NRS 304.040 is hereby amended to read as follows:

304.040 Except as otherwise provided in NRS ~~304.200 to 304.250, inclusive,~~ *304.230 and 304.240*, party candidates for Representative in Congress shall be nominated in the same manner as state officers are nominated.

Sec. 8. NRS 304.230 is hereby amended to read as follows:

304.230 1. In the event of a vacancy in the office of Representative in Congress, the Governor shall, within 7 days after the event giving rise to the vacancy, issue an election proclamation calling for ~~it~~:

(a) A special primary election to be held for selecting the nominee of each major political party for the office of Representative in Congress; and

(b) A special general election to fill the vacancy ~~it~~ in the office of Representative in Congress.

2. The Governor shall specify the ~~date~~ *dates* of *the special primary election and* the special *general* election in the proclamation. ~~Except as otherwise provided in subsection 2, the~~ *The special primary election must be held not less than 60 days before the date of the special general election.*

3. *A special primary election and a special general* election must be conducted:

(a) As soon as practicable after the issuance of the proclamation ~~it~~ *but with sufficient time to comply with the provisions of chapter 293D of NRS and the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.;*

(b) On a Tuesday; and

(c) Not more than 180 days after the issuance of the proclamation. ~~If the vacancy is caused by a catastrophe, the election must be conducted not more than 90 days after the issuance of the proclamation.~~

~~2.]~~ *4.* A special *primary* election *or special general election* required pursuant to subsection 1 may be consolidated with a statewide election or local election scheduled to be conducted within 90 days after the issuance of the proclamation. The special *primary*



election *or special general election* may be consolidated with a local election occurring wholly or partially within the same territory in which the vacancy exists only if the voters eligible to vote in the local election comprise at least 50 percent of all voters eligible to vote on the vacancy. *If a special primary election or a special general election is not consolidated with a statewide election or local election, the cost of the special primary election or special general election is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval of the State Board of Examiners.*

Sec. 9. NRS 304.240 is hereby amended to read as follows:

304.240 1. ~~If the Governor issues an election proclamation calling for a special election pursuant to NRS 304.230, no primary election may be held.~~

~~—2.— Except as otherwise provided in this section, a candidate must be nominated in the manner provided in chapter 293 of NRS and] A person who wants to be a candidate at a special primary election called pursuant to NRS 304.230 must file a declaration of candidacy with the appropriate filing officer and pay the filing fee required by NRS 293.193 within the time prescribed by the Secretary of State pursuant to NRS 293.204, which must be established to allow a sufficient amount of time [for the mailing of election ballots.~~

~~—3.] to comply with the provisions of chapter 293D of NRS and the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq.~~

2. A candidate of a major political party is nominated ~~[by filing a declaration of candidacy with the appropriate filing officer and paying the filing fee required by NRS 293.193 within the time prescribed by the Secretary of State pursuant to NRS 293.204.~~

~~—4.] at the special primary election.~~

3. A minor political party that wishes to place its candidates on the ballot *at the special general election* must file a list of its candidates with the Secretary of State not ~~[more than 46 days before the special election and not less than 32 days before]~~ *later than the day following* the special *primary* election.

~~[5.]~~ 4. To have his or her name appear on the ballot ~~[.]~~ *at the special general election*, an independent candidate must file a petition of candidacy with the appropriate filing officer not ~~[more than 46 days before the special election and not less than 32 days before]~~ *later than the day following* the special *primary* election.



~~[6.]~~ **5.** Except as otherwise provided in *this section and* NRS ~~[304.200 to 304.250, inclusive.]~~ **304.230:**

(a) The *special primary election and special general* election must be conducted pursuant to the provisions of chapter 293 of NRS.

(b) The general election laws of this State apply to the *special primary election and the special general* election.

Sec. 10. NRS 304.250 is hereby amended to read as follows:

304.250 The Secretary of State shall adopt such regulations as are necessary for conducting *special* elections pursuant to the provisions of NRS ~~[304.200 to 304.250, inclusive.]~~ **304.230 and 304.240.**

Sec. 11. NRS 218A.260 is hereby amended to read as follows:

218A.260 1. If, for any reason set forth in Section 12 of Article 4 of the Nevada Constitution or for any other reason, a vacancy occurs in the office of a Legislator during a regular or special session or at a time when no biennial election or regular election at which county officers are to be elected will take place between the occurrence of the vacancy and the next regular or special session, the vacancy must be filled in the manner provided in this section.

2. ~~[H]~~ *Except as otherwise provided in subsection 3, if* the former Legislator was elected or appointed from a district wholly within one county, the board of county commissioners of the county in which the district is located shall fill the vacancy by appointing a person who meets the qualifications for the office as required by NRS 218A.200, who *is nominated or* timely files an application to fill the vacancy, *as applicable*, pursuant to NRS 218A.262, ~~[and a declaration of eligibility pursuant to NRS 218A.264.]~~ who is a member of the same political party as the former Legislator and who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district for at least 30 days immediately preceding the date *on which the person is nominated or the date* established pursuant to ~~[subsection 1 of]~~ NRS 218A.262 for the close of filing of applications to fill the vacancy ~~[.]~~, *as applicable.*

3. *If the board of county commissioners votes to reject all of the qualified nominees submitted to the board pursuant to NRS 218A.262, if applicable, the board must request a new list of one or more qualified nominees from the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator. Upon receipt of the new list of qualified nominees, the board of county*



commissioners shall fill the vacancy by appointing a qualified nominee from the new list.

4. *Except as otherwise provided in subsection 5, if the former Legislator was elected or appointed from a district comprising more than one county, the boards of county commissioners of each county within or partly within the district shall fill the vacancy by appointing a person who meets the qualifications for the office as required by NRS 218A.200, who **is nominated or** timely files an application to fill the vacancy , **as applicable**, pursuant to NRS 218A.262 , ~~and a declaration of eligibility pursuant to NRS 218A.264,~~ who is a member of the same political party as the former Legislator and who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district for at least 30 days immediately preceding the date **on which the person is nominated or the date** established pursuant to ~~subsection 2 of~~ NRS 218A.262 for the close of filing of applications to fill the vacancy ~~;~~ , **as applicable**. To fill the vacancy:*

(a) Each board of county commissioners shall first meet separately . ~~and~~ **Each board of county commissioners shall vote to** determine the single candidate it will nominate to fill the vacancy ~~;~~ **or, if a list of qualified nominees was submitted pursuant to NRS 218A.262, to reject all of the qualified nominees.**

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

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

(2) The person who receives a plurality of these votes is appointed to fill the vacancy. **If a list of qualified nominees was not required to be submitted to the boards of county commissioners pursuant to NRS 218A.262 and** no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each select a candidate, and the appointee must be chosen by drawing lots among the candidates so selected.

~~4.~~ **5. If at the joint meeting held pursuant to paragraph (b) of subsection 4 the choice to reject all of the qualified nominees from the list submitted pursuant to NRS 218A.262 receives a**



plurality of the votes, the boards of county commissioners must request a new list of one or more qualified nominees from the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator. Upon receipt of the new list of qualified nominees, the board of county commissioners shall repeat the process set forth in subsection 4 but must fill the vacancy by appointing a qualified nominee from the new list of qualified nominees.

6. The board of county commissioners or the board of the county with the largest population in the district shall issue a certificate of appointment naming the appointee. The county clerk or the clerk of the county with the largest population in the district shall give the certificate to the appointee and send a copy of the certificate to the Secretary of State.

7. *As used in this section, "qualified nominee" means a person:*

(a) *Who meets the qualifications for the office as required by NRS 218A.200;*

(b) *Who is a member of the same political party as the former Legislator; and*

(c) *Who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district of the former Legislator for at least 30 days immediately preceding the date on which the person is nominated by the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator.*

Sec. 12. NRS 218A.262 is hereby amended to read as follows:

218A.262 1. If a vacancy in the office of a Legislator must be filled pursuant to NRS 218A.260 and the former Legislator was elected or appointed from a district wholly within one county, *the Majority or Minority Leader of the House of which the former Legislator was a member who is of the same political party as the former Legislator must submit to the board of county commissioners a list of one or more qualified nominees to fill the vacancy. If the former Legislator is not of the same political party as the Majority or Minority Leader of the House of which the former Legislator was a member,* the board of county commissioners of the county in which the district is located shall establish:

(a) A process by which persons may file applications with the board to fill the vacancy; and



(b) A specific date for the close of filing of applications to fill the vacancy.

2. If a vacancy in the office of a Legislator must be filled pursuant to NRS 218A.260 and the former Legislator was elected or appointed from a district comprising more than one county ~~and~~, *the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator must submit to the board of county commissioners of each county within or partly within the district a list of one or more qualified nominees to fill the vacancy. If the former Legislator is not of the same political party as the Majority or Minority Leader of the House of which the former Legislator was a member:*

(a) The board of county commissioners of each county within or partly within the district shall establish a process by which persons may file applications with that board to fill the vacancy.

(b) The board of county commissioners of the county with the largest population in the district shall, after considering any recommendations made by the other boards within a reasonable time after the vacancy, establish a specific date that is the same for all of the boards for the close of filing of applications to fill the vacancy.

3. *If, pursuant to NRS 218A.260, the board or boards of county commissioners, as applicable, reject all of the qualified nominees on the list submitted by the Majority or Minority Leader of the House of which the former Legislator was a member who is of the same political party as the former Legislator, the same Majority or Minority Leader must submit a new list of one or more qualified nominees to fill the vacancy to the board or boards of county commissioners.*

4. *As used in this section, "qualified nominee" means a person:*

(a) *Who meets the qualifications for the office as required by NRS 218A.200;*

(b) *Who is a member of the same political party as the former Legislator; and*

(c) *Who has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the district of the former Legislator for at least 30 days immediately preceding the date on which the person is nominated by the Majority or Minority Leader of the House of which the former Legislator was a member and who is of the same political party as the former Legislator.*



Sec. 13. NRS 218A.264 is hereby amended to read as follows:
218A.264 1. If a person *is nominated pursuant to NRS 218A.260 or 218A.262, or a person* files an application with any board of county commissioners to fill a vacancy in the office of a Legislator pursuant to NRS 218A.262, the person must execute and file with ~~[his or her application]~~ *the board of county commissioners*, a declaration of eligibility that must be in substantially the following form:

For the purpose of applying to fill the vacancy in the office of a Legislator in the following legislative district, (name of assembly or senatorial district), I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that, as required by NRS 218A.260, my actual, as opposed to constructive, residence in that legislative district began on a date at least 30 days immediately preceding the date *of nomination pursuant to NRS 218A.262 or the date* established pursuant to NRS 218A.262 for the close of filing of applications to fill the vacancy ~~is~~, *as applicable*; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am registered as a member of the Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I will otherwise qualify for the office if appointed thereto, including, but not limited to, complying with any limitation prescribed by the Constitution of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of eligibility which contains a false statement is a crime punishable as a gross misdemeanor; and that, as required by NRS 218A.200, I will have been an actual, as opposed to constructive, citizen resident of this State for 1 year immediately preceding the date of my appointment and that, during such period, I will have resided at the following residence or residences:



.....
Street Address
.....
City or Town
.....
State

From To.....
Dates of Residency

.....
Street Address
.....
City or Town
.....
State

From To.....
Dates of Residency
(Attach additional sheet or sheets of residences as necessary)

.....
Street Address
.....
City or Town
.....
State

From To.....
Dates of Residency

.....
Street Address
.....
City or Town
.....
State

From To.....
Dates of Residency
(Attach additional sheet or sheets of residences as necessary)

.....
(Name of applicant)

.....
(Signature of applicant)

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

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

2. Each address of the applicant that must be included in the declaration of eligibility pursuant to subsection 1 must be the street address of the residence where the applicant actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of eligibility must not be accepted for filing if any of the applicant's addresses are listed as a post office box unless a street address has not been assigned to the residence.



3. *Any person who does not submit a declaration of eligibility pursuant to this section is ineligible to fill the vacancy of the former Legislator.*

4. Any person who knowingly and willfully files a declaration of eligibility that contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 13.5. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, **304.230**, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

↪ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims;

(d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State



Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 14. (Deleted by amendment.)

Sec. 15. NRS 293.130, 293.133, 293.134, 293.135, 293.137, 293.140, 293.143, 293.145, 293.150, 293.153, 293.155, 293.157, 293.160, 293.161, 293.163, 304.200, 304.210 and 304.220 are hereby repealed.

Sec. 16. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 15, inclusive, of this act become effective:

- (a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
- (b) On January 1, 2022, for all other purposes.

