
CHAPTER 17

INDEPENDENT CANDIDATE PETITIONS

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INDEPENDENT CANDIDATE PETITIONS

Qualifications for Independent Candidates

The State of Nevada allows those who wish to run for a partisan office as a candidate with no political affiliation to run as an independent candidate. An independent candidate is a candidate “who has been nominated for a partisan office but who is registered with no political affiliation” [NRS 293.063](#). An independent candidate for partisan office must be nominated in the manner provided in [NRS 293.200](#).

An independent candidate for the partisan office of the United States Presidency may qualify to appear on the general election ballot by completing the petition process and complying with all other candidate filing requirements, such as submitting a Declaration of Candidacy and paying the appropriate filing fee. A person may not file as an independent candidate if he/she is proposing to run as a candidate of a political party or is registered to vote as a member of a political party.

To qualify for any partisan office and appear on the General Election Ballot, an independent candidate must complete the petition process discussed below, file a Declaration of Candidacy, and pay a filing fee (if applicable).

The Independent Candidate Petition – Signatures Required

There are two ways in which an independent candidate can qualify to be placed on the ballot for the General Election. Both involve the circulation of a petition as follows:

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- Submitting a petition to the filing officer containing a number of valid signatures equals to at least 1% of the total number of ballots cast at the last General Election for candidates for the office of Representative of Congress [NRS 298.109](#).
- The Nevada Congressional District Map can be located on the Nevada Legislature’s website at: <https://www.leg.state.nv.us/Division/Research/Districts/Reapp/2021/>

Independent Candidate Statewide, County or District Partisan Offices:

- Submitting a petition to the filing officer containing a number of valid signatures equal to at least 1% of the total number of ballots cast at the last General Election for the office for which the candidate seeks election. The filing officer will determine the number of signatures needed for the petition [NRS 293.200\(1\)\(b\)\(1\)](#); or
- Submitting a petition to the filing officer containing 250 valid signatures of registered voters if the candidate is a candidate for statewide office (signatures may be gathered in one or more counties); or containing 100 valid signatures of registered voters if the candidate is a candidate for any office other than a statewide office (signatures must be gathered in the specific district) [NRS 293.200\(1\)\(b\)\(2\)](#).

The candidate must file a copy of the petition with the appropriate filing officer prior to circulating the document for signatures not earlier than January 2, preceding the date of an election [NRS 293.200\(1\)\(a\)](#).

Who Signs The Petition?

Only registered voters of the county in which the petition is circulated may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the petition [NRS 293.200\(2\)](#).

NOTE: Any registered voter within the appropriate district may sign the petition. The registered voter who signs the petition may be affiliated with any political party and will not lose that party standing or the right to vote in the 2024 Primary or General Election by signing the petition.

Presidential Candidate Petition Format

- The petition must propose the candidates name [NRS 298.109\(1\)](#).
- Must designate a nominee for Vice President.
- The petition may consist of more than one document [NRS 298.109\(2\); NAC 293.182\(1\)](#).
- Each document must bear the name of a county, and only registered voters of that county may sign the document.
- The documents which are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in [NRS 293.1276 to NRS 293.1279](#).
- Each document must contain sequentially numbered spaces for the printed name of each person who signs the document, the signature of the person signing, the resident address of the person signing, the name of the county where the person who signs is registered to vote, and the date of the signature [NRS 298.109\(2\); NAC 293.182\(2\)\(a\)](#).
- Each document must contain an affidavit of the person who circulated the document. The affidavit must be on the last page of each document and be signed before a person authorized by law to administer oaths in the State of Nevada (a notary public) [NRS 298.109; NAC 293.182\(2 & 3\(c\)\)](#).
- The circulator is not required to be a registered voter in Nevada.
- Each signature on the petition must be in ink.
- The County Clerk/Registrar will disregard any signature that is not signed in ink [NRS 293.12758\(4\)](#).
- Each page of the document must be sequentially numbered. The County Clerk/Registrar cannot accept a petition unless each page, including blank pages of the petition, is numbered [NRS 293.12758\(3\)](#).

The Secretary of State does not approve the legality of the petition language or the petition form.

Statewide, County or District Partisan Office Petition Format

- The petition may consist of more than one document [NRS 293.200\(2\)](#).
- Each document of the petition may consist of one or more pages and must be bound together [NRS 293.12758\(5\)](#); [NAC 293.182\(3\)\(b\)](#).
- Each document must bear the name of a county, and only registered voters of that county may sign the document [NRS 293.200\(2\)](#).
- The petition may include a statement of principle, 200 words or less, if any, which the candidate represents [NRS 293.200\(3\)](#).
- The petition may not contain the name of more than one candidate for each office to be filled [NRS 293.200\(5\)](#).
- Each document must contain sequentially numbered spaces for the printed name of each person who signs the document, the signature of the person signing, the resident address of the person signing, the name of the county where the person who signs is registered to vote, and the date of the signature [NRS 293.200\(2\)](#); [NAC 293.182\(2\)\(a\)](#).
- Each document must contain an affidavit of the person who circulated the document. The affidavit must be on the last page of each document and be signed before a person authorized by law to administer oaths in the State of Nevada (a notary public) [NRS 293.200\(2\)](#); [NAC 293.182\(2 & 3\)\(c\)](#).
- The circulator is not required to be a registered voter in Nevada.
- Each signature on the petition must be in ink. The County Clerk/Registrar will disregard any signature that is not signed in ink [NRS 293.12758\(4\)](#).
- Each page of the document must be sequentially numbered. The County Clerk/Registrar cannot accept a petition unless each page, including blank pages of the petition, is numbered [NRS 293.12758\(3\)](#).

The Secretary of State does not approve the legality of the petition language or the petition form.

Submitting Petitions

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After the petition is circulated for signatures, it must be submitted to the County Clerk/Registrar of Voters of the county or counties where it was circulated for signature verification not earlier than January 2, preceding the election and not later than 25 working days before the last day to file the petition of candidacy by 5 p.m., on the second Friday of August. Within four (4) days after submission, excluding Saturdays, Sundays and holidays, the County Clerk/Registrar shall determine the total number of signatures and forward that information to the Secretary of State [NRS 293.1276\(1\)](#) and [NRS 298.109](#).

Statewide, County of District Partisan Offices

After the petition is circulated for signatures, it must be submitted to the County Clerk/Registrar of Voters of the county or counties where it was circulated for signature verification not earlier than the first Monday in March, preceding the election and not later than 10 working days before the last day to file the petition by 5 p.m., on the third Friday of June, pursuant to subsection 4. Within two (2) days after submission, excluding Saturdays, Sundays and holidays, the County Clerk/Registrar shall determine the total number of signatures and forward that information to the Secretary of State [NRS 293.1276\(1\)](#).

Verification Process

All documents must be submitted to the appropriate County Clerk/Registrar at the same time. The County Clerk/Registrar shall issue the person submitting the petition a receipt stating the number of documents submitted, the number of pages of each document, and the number of signatures declared to be on the petition. The County Clerk/Registrar counts every signature on the petition and forwards that number to the Secretary of State; this is the “raw count” [NRS 293.1276\(1\)](#) and [NRS 293.12758](#).

Time frame: The County Clerk/Registrar must complete the raw count within two (2) days of receipt of the petition (excluding Saturdays, Sundays, holidays, and the day the petition is received) [NRS 293.1276\(1\)](#).

Based on the raw count information received from the County Clerk/Registrar, the Secretary of State determines whether the number of signatures is 100% of the number needed. If the raw count indicates that the petition contains less than 100% of the signatures needed, the Secretary of State notifies the person who submitted the petition and the County Clerk/Registrar that no further action will be taken on the petition. If the raw count indicates that the petition contains more than 100% of the signatures needed, the Secretary of State notifies the County Clerk/Registrar [NRS 293.1276\(2\)](#) and [NRS 293.1277\(1\)](#).

Time frame: Immediately after the Secretary of State receives the raw count from all counties in which the petition was circulated [NRS 293.1277\(1\)](#).

If the Secretary of State notifies the County Clerk/Registrar that the petition contains the number of signatures needed for it to be sufficient, the County Clerk/Registrar begins actually examining the signatures. The clerk will verify either 500 of the signatures or randomly sample 5% of the total signatures submitted (whichever is greater). When verifying the signatures on a petition, the county clerk may check the signature of the person who signed the petition against all signatures of the person available in the records of the county clerk. The Secretary of State is notified of the result by the filing of a Certificate of Results of the signature verification [NRS 293.1277\(2\)\(4\)](#).

Time frame: Signature verification must be completed within three (3) days (excluding Saturdays, Sundays, holidays and the day the Secretary of State's notification is received) after the County Clerk/Registrar receives notification from the Secretary of State to begin signature verification [NRS 293.1277\(1\)](#).

Determination Of Sufficiency

The Secretary of State determines whether or not the petition is sufficient based on the County Clerks/Registrars' certified results of the signature verification.

If the Secretary of State finds that the number of valid signatures is less than 100% of the number of registered voters required to declare the petition sufficient (or less than 90% if the verification was conducted pursuant to a random sampling):

Result: The petition fails to qualify, and the Secretary of State shall immediately notify the petitioners and the County Clerks/Registrars. No further action is taken [NRS 293.1278\(1\)](#).

If the Secretary of State finds that the number of valid signatures, not including those who requested their signature to be removed before verification, is equal to or greater than 100% of the number of registered voters required to declare the petition sufficient:

Result: The petition is deemed qualified as of the date the Secretary of State receives the final certificates of results. The Secretary of State immediately notifies the County Clerks/Registrars and the petitioners. The name of the independent candidate must be placed on the general election ballot and the independent candidate must file the appropriate filing fee and declaration with the filing officer during the prescribed period [NRS 293.1278\(2\)](#); [293.200](#).

If the signature verification was conducted pursuant to a random sampling of the greater of 500 signatures or 5% of the total contained on the petition, and the Secretary of State finds the number of valid signatures, not including those who requested their signature to be removed before verification, is 90% or greater, but less than 100%, of the required number of registered voters needed to declare the petition sufficient:

Result: The Secretary of State directs the County Clerks/Registrars to reexamine the signatures for verification. The County Clerks/Registrars will reexamine the signatures for verification until: (a) Determining that the number of valid signatures is 100% of the number needed to declare the petition sufficient; or (b) Examining all the signatures on the petition. If the candidate petition is for a statewide or multi-county office and the number of valid signatures in a particular county fall below a certain threshold, the Secretary of State may require the Clerk/Registrar of that County to examine every signature.

The County Clerks/Registrars must complete this process within five (5) working days after receiving the order from the Secretary of State.

After completing the reexamination of signatures for verification, the County Clerks/Registrars will forward an amended certificate of results to the Secretary of State [NRS 293.1279; 293.1278\(2\)](#).

If the petition is found to be insufficient and no challenge is filed, or the Court finds it insufficient, the filing officer must return the filing fee to the candidate within ten (10) days after the date on which a final determination is made [NRS 293.194](#).

Petition Signature Disposition

All signatures gathered for any statewide or multicounty petition identified in [NRS 293.1277](#) must be transmitted to the Secretary of State upon completion and disposition of the petition.

For any petition containing signatures which are required to be verified pursuant to the provisions of [NRS 293.200](#) or [NRS 306.110](#) for any county, district or municipal office within one county, the county clerk shall not transmit the documents containing the signatures of the registered voters to the Secretary of State.

Filing an Appeal

If an independent candidate petition fails for lack of signatures, the person who submitted the petition may challenge the signature verification by filing an appeal with the Secretary of State. The appeal must:

- Be filed within five (5) working days after receipt of the Secretary of State's notification of the determination of sufficiency;
- Include the reasons for the appeal; and
- Include a statement of the number of signatures, if any, that the County Clerk/Registrar determined were invalid.

If the appeal is based on the results of the signature verification, the Secretary of State shall:

- If the Secretary of State agrees with the person who filed the appeal, order the County Clerk/Registrar to re-certify the petition to include all contested signatures, which the Secretary of State determines are valid as verified signatures; or
- If the Secretary of State does not agree with the person who filed the appeal, notify that person and the County Clerk/Registrar that the petition remains insufficient.

If the Secretary of State is unable to make a decision on the appeal based upon the documents submitted, he may order the County Clerk/Registrar to re-verify the signatures. The decision of the Secretary of State is a final decision for the purposes of judicial review. The decision of the Secretary of State may be appealed, but only in the First Judicial District Court in Carson City, Nevada [NRS 293.12793](#); [293.12795](#).

Declaration of Candidacy

An independent candidate for partisan office must file a Declaration of Candidacy and pay the statutory filing fee with the proper filing officer at any time from the first Monday in March, through 5:00 p.m. on the second Friday in March [NRS 293.177\(b\)](#).

"Filing officer" means the Secretary of State, County or City Clerk or any other officer authorized by law to receive designations and declarations of candidacy, certificates and acceptances of nomination or any other nomination papers [NRS 293.057](#).

For United States Senators, Representatives in Congress, statewide offices, State Senators and Assemblymen to be elected from districts comprising more than one county, and all other offices whose districts comprise more than one county, the filing officer shall be the Secretary of State [NRS 293.185\(1\)](#).

For Representatives in Congress and district offices voted for wholly within one county, State Senators and Assemblymen to be elected from districts comprising but one or part of one county, county and township officers, the filing officer shall be the county clerk [NRS 293.185\(2\)](#).

Challenging the Candidacy of an Independent Candidate

Any person may challenge the candidacy of an independent candidate. All affidavits, documents, and other related material in support of the challenge must be filed by 5 p.m. on the fourth Friday in June [NRS 293.200\(8\)](#).

Any judicial proceedings resulting from the challenge must be set for hearing not more than five (5) days after the fourth Friday in June.

The challenge of candidacy must be filed with:

- The First Judicial District Court in Carson City, Nevada, if the candidate's filing officer is the Secretary of State [NRS 293.200\(9\)\(a\)](#); or
- The District Court within the candidate's county if the candidate's filing officer is the County Clerk/Registrar [NRS 293.200\(9\)\(b\)](#).

The district Court in which the challenge was filed shall give priority to the filing matter with the court, except for criminal matters.