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# CHAPTER 18

## MINOR PARTY PETITION

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# MINOR PARTY PETITION

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## Procedures to Qualify as a Minor Political Party

To qualify as a minor political party, an organization must file a Certificate of Existence and a copy of the constitution or bylaws of the party with the Secretary of State's office [NRS 293.171](#). In order to obtain ballot access, a qualified minor party must successfully complete one of the three procedures listed in section (2) below [NRS 293.1715](#). Once qualified for ballot access, a minor political party that wishes to place candidates on the ballot for the general election must file a list of its candidates for partisan office with the Secretary of State's office no later than the close of the candidate filing period [NRS 293.1725](#).

### Qualification

To qualify as a minor political party, an organization must file a Certificate of Existence with the Secretary of State's office. The Certificate must include the following information:

- Name of the political party;
- Names of its officers;
- Names of the members of its executive committee;
- Name of the person authorized to file the list of its candidates for partisan office with the Secretary of State; and
- A copy of its constitution or bylaws [NRS 293.171\(1\)\(2\)](#).

The constitution or bylaws of a minor political party must provide a procedure for the nomination of its candidates in such a manner that only one candidate may be nominated for each office [NRS 293.171\(4\)](#).

A minor political party shall file with the Secretary of State an Amended Certificate of Existence within five (5) days after any change in the information contained on the Certificate of Existence [NRS 293.171\(3\)](#).

Any minor political party whose candidates for partisan office do not appear on the ballot for the General Election must file a Notice of Continued Existence with the Secretary of State's office not later than the second Friday in August preceding the general election. If a minor political party that does not have ballot access fails to file a Notice of Continued Existence by the deadline, it ceases to exist as a minor political party in Nevada [NRS 293.171\(5\)\(6\)](#).

## Obtaining Ballot Access

A minor political party will be granted ballot access for the general election, if:

- At the last preceding general election, the minor political party received for any of its candidates 1% or more of the total votes cast for the offices of Representative in Congress [NRS 293.1715\(2\)\(a\)](#);
- On January 1, preceding a primary election, at least 1% of the total number of registered voters in Nevada have designated the minor political party on applications to register to vote [NRS 293.1715\(2\)\(b\)](#); or
- On June 1, preceding the primary election, the minor party has submitted a petition for minor party ballot access containing valid signatures equal to 1% of the total number of votes cast at the last preceding general election for the offices of Representative in Congress with the appropriate County Clerk/Registrar of Voters for signature verification [NRS 293.1715\(2\)\(c\)](#) and [NRS 293.172\(1\)\(c\)](#).
  - If June 1 falls on a weekend, the due date is the first Monday in June.

The names of candidates for partisan office of a minor political party never appear on the primary election ballot. Instead, candidates of a minor political party only appear on the general election ballot [NRS 293.1715\(1\)](#). The name of only one candidate of each minor political party for each partisan office may appear on the ballot for a general election [NRS 293.1715\(3\)](#).

## Filing a List of Candidates for Partisan Office

A minor political party with ballot access, or that is attempting to gain ballot access through the petition process outlined in [NRS 293.1715\(2\)\(c\)](#), must file with the Secretary of State's office a list of its candidate for partisan office not earlier than the first Monday in March, and not later than 5:00 p.m. on the second Friday, after the first Monday in March. The list must be signed by the person authorized to do so in the Certificate of Existence of the minor party before a notary public or other person authorized to take acknowledgments [NRS 293.1725\(1\)](#). Each candidate on the list must file his or her declaration of candidacy with the appropriate filing officer and pay the filing fee not earlier than the date on which the list of candidates for partisan office of the minor political party is filed with the Secretary of State and not later than 5:00 p.m. on the second Friday in March [NRS 293.1725\(3\)](#).

The Secretary of State will forward the minor political party's list of candidates for partisan office to election officials with whom each candidate must file a Declaration of Candidacy. Each candidate on the list must file a Declaration of Candidacy with the appropriate filing officer and pay the appropriate fee, during the candidate filing period [NRS 293.1725\(2\)\(3\)](#).

The names on the list of candidates of a minor political party will not appear on the primary election ballot; however, the names will appear on the general election ballot.

Please note that each minor party may have only one candidate for each office appearing on the general election ballot [NRS 293.1715\(1\)\(2\)](#).

A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election, must file with the Secretary of State a certificate of nomination for these offices not later than the last Tuesday in August [NRS 293.1725\(4\)](#) and [NRS 298.035\(2\)](#).

### Requirements of Petition for Ballot Access

Before a petition for ballot access may be circulated for signatures, the minor political party must first file a copy of the petition with the Secretary of State's office [NRS 293.1715\(4\)](#). If the office to which the candidate is to be nominated is a county office, only the registered voters of that county may sign the petition. If the office to which the candidate is to be nominated is a district office, only the registered voters of that district may sign the petition [NRS 293.172\(2\)](#). The signatures obtained must be verified by the County Clerk/Registrar of Voters in the county where the petition was circulated. After signature verification, the County Clerks/Registrars of Voters notify the Secretary of State's office of the results. The Secretary of State then notifies the petitioners whether the petition qualified or failed.

### Filling a Vacancy

A vacancy occurring in a minor political party's nomination for a partisan office may be filled by a candidate designated by the minor party's executive committee, except for a vacancy occurring in a party nomination for the office of State Senator or Assemblyperson from a multi-county legislative district. The designation must be filed before 5:00 p.m. on the fourth Friday in July. The nominated candidate must file a declaration of candidacy and pay the filing fee by 5:00 p.m. on the date the designation is filed pursuant to [NRS 293.165\(1\)\(5\)](#).

For the procedure to fill a vacancy occurring in a minor party nomination for the office of State Senator or Assemblyperson from a multi-county legislative district, please see [NRS 293.166\(1\)](#).

Please note that no change may be made on a general election ballot after the fourth Friday in July. If a nominee dies after that date, or a vacancy in the nomination is otherwise created, the nominee's name must remain on the ballot and if the nominee is elected, a vacancy is created [NRS 293.165\(4\)](#) and [NRS 293.166\(3\)](#).

## Ballot Access Petition Format

Pursuant to [NRS 293.172](#), [NRS 293.12757](#), [NRS 293.12758](#), and [NAC 293.182](#) the following are the requirements of a minor political party ballot access petition:

- The petition may consist of more than one document;
- Each document of the petition may consist of one or more pages and must be bound together;
- Each document must bear the name of the minor political party, and if applicable, the candidate and office to which the candidate is to be nominated;
- Each document must bear the name of a county, and only registered voters of that county may sign the document;
- Each document must contain sequentially numbered spaces for the name of each person who signs the petition, the signature of that person, the residential address of that person, the name of the county where that person is registered to vote, and the date of the signature;
- Each document must contain an affidavit of the person who circulated the document, verifying that the signers, to the best of his or her belief, are registered voters in the State and were signed in his/her presence. 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 Nevada (e.g., a notary public);
- The circulator of the petition must be 18 years of age or older;
  - The petition circulator is not required to be a registered voter of Nevada.
- Each signature on the petition must be in ink. The County Clerk/Registrar of Voters will disregard any signature that is not signed in ink; and
- Each page of the document must be sequentially numbered, beginning with the number one (1) for each document. The County Clerk/Registrar of Voters cannot accept a petition unless each page of the document is numbered.

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

## Petition Verification Process

### Step 1:

All documents of a petition must be submitted to the appropriate County Clerk/Registrar of Voters at the same time. The County Clerk/Registrar of Voters counts each signature on the petition and forwards that number to the Secretary of State. This is known as the “raw count” [NRS 293.12758](#) and [NRS 293.1276](#).

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

### Step 2:

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

**Time frame:** Immediately after the Secretary of State receives the raw count from all the counties, the Secretary of State determines if the petition contains the number of signatures needed to proceed to the signature verification process [NRS 293.1277\(1\)](#).

### Step 3:

If the Secretary of State notifies the County Clerk/Registrar of Voters that the petition contains 100% or more of the number of signatures required, the County Clerk/Registrar of Voters will verify the signatures. The County Clerk/Registrar of Voters must allow the person who submitted the petition or a member of the petitioner’s committee to witness the signature verification. If more than 500 names have been submitted, the County Clerks/Registrar of Voters will randomly sample 500 or 5% of the signatures, 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. Upon completing the examination, each County Clerk/Registrar of Voters will transmit the documents with a certificate showing the results of his or her examination to the Secretary of State. The County Clerk/Registrar of Voters will also notify the Secretary of State of requests to remove a name from the petition [NRS 293.1277\(2\)\(4\)](#).

**Time frame:** Signature verification must be completed within three (3) days after notification from the Secretary of State, excluding Saturdays, Sundays, and holidays [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 of Voters 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 of Voters. No further action is taken regarding the petition [NRS 293.1278\(1\)](#).

If the Secretary of State finds that the number of valid signatures is equal to or greater than 100% of the number of registered voters required to declare the petition sufficient plus the total number of requests to remove a name:

**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 of Voters and the petitioners [NRS 293.1278\(2\)](#).

If the signature verification was conducted pursuant to a random sampling of the greater of 500 signatures or 5% of the total signatures contained on the petition, and the Secretary of State finds the number of valid signatures is 90% or greater, but less than 100% of the required number of registered voters needed to declare the petition sufficient plus the total number of requests to remove a name:

**Result:** The Secretary of State directs the County Clerks/Registrars of Voters to reexamine the signatures. The County Clerks/Registrars of Voters will verify each signature on the petition to determine whether 100% or more of the required number of voters signed the petition [NRS 293.1279\(1\)](#). The County Clerks/Registrars of Voters must complete this process within five (5) working days after receiving the order of the Secretary of State. After completing the reexamination of signatures, the County Clerks/Registrars of Voters will forward an amended certificate of results to the Secretary of State [NRS 293.1279\(1\)](#).

## Filing an Appeal

If a petition for a minor party qualification fails for lack of signatures, the person who submitted the petition may contest 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 determination of insufficiency;
- Include the reason(s) for the appeal; and
- Include a statement of the number of signatures, if any, that the County Clerk/Registrar of Voters determined were invalid.

The Secretary of State will consider the allegations and conduct an investigation, if necessary. If the Secretary of States agrees with the persons who filed the appeal, he/she will order the County Clerk/Registrar of Voters to recertify the petition to include all contested signatures which the Secretary of State determines are valid as verified signatures.

If the Secretary of State does not agree with the persons who filed the appeal, he/she will notify that person and the County Clerk/Registrar of Voters 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/she may order the County Clerk/Registrar of Voters 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](#) and [NRS 293.12795](#).

## Court Challenges

The qualification of a minor political party to place the names of candidates on the ballot may be challenged in court. If such a challenge is filed, all affidavits and supporting documents must be filed by 5 p.m. on the second Monday in June, in the First Judicial District Court in Carson City, Nevada. Any judicial proceeding resulting from the challenge must be set for hearing not more than five (5) days after the second Monday June. The district court must give priority to such proceedings over all other matters pending with the court, except for criminal proceedings. [NRS 293.174](#).

## Procedure for Continued Existence as a Minor Party

Any minor political party whose candidates for partisan office do not appear on the ballot for the General Election must file a Notice of Continued Existence with the Secretary of State's office not later than the second Friday in August preceding the general election. If a minor political party that does not have ballot access fails to file a Notice of Continued Existence by the deadline, it ceases to exist as a minor political party in Nevada [NRS 293.171\(5\)\(6\)](#).

## Maintaining Ballot Access

A minor political party will maintain ballot access for the general election, if:

- At the last preceding general election, the minor political party received for any of its candidates 1% or more of the total votes cast for the offices of Representative in Congress [NRS 293.1715\(2\)\(a\)](#);
- 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/>
- On January 1, preceding a primary election, at least 1% of the total number of registered voters in Nevada have designated the minor political party on applications to register to vote [NRS 293.1715\(2\)\(b\)](#);

If a minor political party meets either of these requirements, it will not have to petition to maintain ballot access for the general election.