

ASSEMBLY BILL NO. 287—ASSEMBLYMEMBERS  
GONZÁLEZ AND MONROE-MORENO

FEBRUARY 25, 2025

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.  
(BDR 24-202)

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

CONTAINS UNFUNDED MANDATE (§§ 1-3, 5)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to elections; revising the circumstances under which a candidate defeated at certain elections may demand a recount; requiring, under certain circumstances, that a recount for certain elections be conducted; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes, under certain circumstances, a candidate defeated at  
2 certain elections to demand and receive a recount of the vote for the office for  
3 which he or she is a candidate if he or she deposits the estimated costs for the  
4 recount. (NRS 293.403) **Section 1** of this bill instead: (1) authorizes a defeated  
5 candidate to demand a recount in certain elections if the difference between the  
6 highest number of votes cast for a candidate for the office and the number of votes  
7 cast for the defeated candidate who demands the recount is 5 percent or less; and  
8 (2) reorganizes the provisions of existing law that set forth how the estimated costs  
9 of the recount are determined. **Section 1** additionally requires, with certain  
10 exceptions, a recount of the vote for an office to be conducted, at no cost to any  
11 candidate, if the difference between the highest number of votes cast for a  
12 candidate for the office and the next highest number of votes cast for a candidate  
13 for the office is 0.25 percent or less. Such a recount is not required to be conducted  
14 if the format of the ballot allowed a voter to select more than one candidate for the  
15 office, unless the difference between the number of votes cast in the election for the  
16 candidate with the lowest number of votes who won the election and the next  
17 highest number of votes cast for a candidate for the office is 0.25 percent or less.

18 Existing law authorizes a voter at an election to demand and receive a recount  
19 of the vote for a ballot question if the registered voter deposits the estimated costs  
20 of the recount. (NRS 293.403) **Section 1:** (1) eliminates the authority of a voter to



21 demand and receive a recount of the vote for a ballot question; and (2) provides  
22 instead that a recount of the vote for a ballot question must be conducted if the  
23 difference between the results of the ballot question being approved or disapproved  
24 is 0.25 percent or less. **Section 1** further provides that no voter is required to pay  
25 the costs of such a recount.  
26 **Sections 2-5** of this bill make conforming changes to account for the changes to  
27 the recount process made pursuant to **section 1**.

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

1 **Section 1.** NRS 293.403 is hereby amended to read as follows:  
2 293.403 1. Except as otherwise provided in NRS 293.424, a  
3 candidate defeated at any election may demand and receive a  
4 recount of the vote for the office for which he or she is a candidate  
5 to determine the number of votes received for the *defeated*  
6 candidate and the number of votes received for the person who won  
7 the election if ~~[, within]~~ *the difference between the highest number*  
8 *of votes cast for a candidate for the office and the number of votes*  
9 *cast for the defeated candidate who demands the recount is 5*  
10 *percent or less. To demand such a recount, within* 3 working days  
11 after the canvass of the vote and the certification by the county clerk  
12 or city clerk of the abstract of votes, the *defeated* candidate who  
13 demands the recount ~~[:]~~ *must:*  
14 (a) ~~[Files]~~ *File* in writing a demand with the officer with whom  
15 the *defeated* candidate filed his or her declaration of candidacy; and  
16 (b) ~~[Deposits]~~ *Deposit* in advance the estimated costs of the  
17 recount with that officer. *The estimated costs of the recount must*  
18 *be determined by the person with whom the advance is deposited*  
19 *based on regulations adopted by the Secretary of State defining the*  
20 *term "costs."*  
21 2. ~~[Any voter at an election may demand and receive]~~ *Except*  
22 *as otherwise provided in this subsection and NRS 293.424, a*  
23 *recount of the vote for an office must be conducted if, after the*  
24 *canvass of the vote and the certification by the county clerk or city*  
25 *clerk of the abstract of votes, the difference between the highest*  
26 *number of votes cast for a candidate for the office and the next*  
27 *highest number of votes cast for a candidate for the office is 0.25*  
28 *percent or less. A recount of the votes for an office is not required*  
29 *pursuant to this subsection if the format of the ballot allowed a*  
30 *voter to select more than one candidate for the office, unless the*  
31 *difference between the number of votes cast in the election for the*  
32 *candidate with the lowest number of votes who won the election*  
33 *and the next highest number of votes cast for a candidate for the*



1 *office is 0.25 percent or less. No candidate is required to pay the*  
2 *costs of a recount that is required pursuant to this subsection.*

3 3. A recount of the vote for a ballot question *must be*  
4 *conducted* if, ~~[within 3 working days]~~ after the canvass of the vote  
5 and the certification by the county clerk or city clerk of the abstract  
6 of votes, the ~~[voter]:~~

7 ~~—(a) Files in writing a demand with:~~

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

10 ~~—(2) The county or city clerk who will conduct the recount, if~~  
11 ~~the demand is for a recount of a ballot question affecting only one~~  
12 ~~county or city; and~~

13 ~~—(b) Deposits in advance the estimated costs of the recount with~~  
14 ~~the person to whom the demand was made.~~

15 ~~—3. The estimated costs of the recount must be determined by~~  
16 ~~the person with whom the advance is deposited based on regulations~~  
17 ~~adopted by the Secretary of State defining the term “costs.”]~~  
18 *difference between the results of the ballot question being*  
19 *approved or disapproved is 0.25 percent or less. No voter is*  
20 *required to pay the costs of a recount that is required pursuant to*  
21 *this subsection.*

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

23 (a) In any primary election, the canvass by the board of county  
24 commissioners of the returns for a candidate or ballot question voted  
25 for in one county or the canvass by the board of county  
26 commissioners last completing its canvass of the returns for a  
27 candidate or ballot question voted for in more than one county.

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

30 (c) In any general election:

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

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

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

38 **Sec. 2.** NRS 293.404 is hereby amended to read as follows:

39 293.404 1. Where a recount is demanded *or required*  
40 *pursuant to the provisions of NRS 293.403 or demanded pursuant*  
41 *to 293.424, the:*

42 (a) County clerk of each county affected by the recount shall  
43 employ a recount board to conduct the recount in the county, and  
44 shall act as chair of the recount board unless the recount is for the  
45 office of county clerk, in which case the registrar of voters of the



1 county, if a registrar of voters has been appointed for the county,  
2 shall act as chair of the recount board. If a registrar of voters has not  
3 been appointed for the county, the chair of the board of county  
4 commissioners, if the chair is not a candidate on the ballot, shall act  
5 as chair of the recount board. If the recount is for the office of  
6 county clerk, a registrar of voters has not been appointed for the  
7 county and the chair of the board of county commissioners is a  
8 candidate on the ballot, the chair of the board of county  
9 commissioners shall appoint another member of the board of county  
10 commissioners who is not a candidate on the ballot to act as chair of  
11 the recount board. A member of the board of county commissioners  
12 who is a candidate on the ballot may not serve as a member of the  
13 recount board.

14 (b) City clerk shall employ a recount board to conduct the  
15 recount in the city, and shall act as chair of the recount board unless  
16 the recount is for the office of city clerk, in which case the mayor of  
17 the city, if the mayor is not a candidate on the ballot, shall act as  
18 chair of the recount board. If the recount is for the office of city  
19 clerk and the mayor of the city is a candidate on the ballot, the  
20 mayor of the city shall appoint another member of the city council  
21 who is not a candidate on the ballot to act as chair of the recount  
22 board. A member of the city council who is a candidate on the ballot  
23 may not serve as a member of the recount board.

24 2. Each candidate for the office affected by the recount ~~[and~~  
25 ~~the voter who demanded the recount, if any,]~~ may be present in  
26 person or by an authorized representative, but may not be a member  
27 of the recount board.

28 3. The recount must include a count and inspection of all  
29 ballots, including rejected ballots, and must determine whether all  
30 ballots are marked as required by law. All ballots must be recounted  
31 in the same manner in which the ballots were originally tabulated.

32 4. The county or city clerk shall unseal and give to the recount  
33 board all ballots to be counted.

34 5. The Secretary of State may adopt regulations to carry out the  
35 provisions of this section.

36 **Sec. 3.** NRS 293.405 is hereby amended to read as follows:

37 293.405 1. If ~~[the person]~~ *a candidate* who demanded ~~[the]~~ *a*  
38 recount *pursuant to subsection 1 of NRS 293.403 or subsection 1*  
39 *of NRS 293.424* does not prevail, and it is found that the sum  
40 deposited was less than the cost of the recount, the ~~[person]~~  
41 *candidate* shall, upon demand, pay the deficiency to the county  
42 clerk, city clerk or Secretary of State, as the case may be. If the sum  
43 deposited is in excess of the cost, the excess must be refunded to the  
44 ~~[person.]~~ *candidate.*



1 2. If the ~~[person]~~ *candidate* who demanded the recount  
2 prevails, the sum deposited with the Secretary of State, county clerk  
3 or city clerk must be refunded to the ~~[person]~~ *candidate* and the cost  
4 of the recount must be paid as follows:

5 (a) If the recount concerns an office ~~[or ballot question]~~ for  
6 which voting is not statewide, the cost must be borne by the county  
7 or city which conducted the recount.

8 (b) If the recount concerns an office ~~[or ballot question]~~ for  
9 which voting is statewide, the clerk of each county shall submit a  
10 statement of its costs in the recount to the Secretary of State for  
11 review and approval. The Secretary of State shall submit the  
12 statements to the State Board of Examiners, which shall repay the  
13 allowable costs from the Reserve for Statutory Contingency  
14 Account to the respective counties.

15 3. Except as otherwise provided in NRS 293.424, each recount  
16 must be commenced within 5 days after ~~[demand,]~~ *the recount is*  
17 *demand ed or required pursuant to NRS 293.403* and must be  
18 completed within 5 days after it is begun.

19 4. After the recount of a precinct is completed, that precinct  
20 must not be subject to another recount for the same office or ballot  
21 question at the same election.

22 **Sec. 4.** NRS 293.413 is hereby amended to read as follows:

23 293.413 1. Except as otherwise provided in NRS 293.424,  
24 the statement of contest provided for in NRS 293.407 shall be filed  
25 with the clerk of the district court no later than 5 days after a recount  
26 is completed, and no later than 14 days after the election if no  
27 recount is demanded ~~[ ]~~ *or required*. The parties to a contest shall be  
28 denominated contestant and defendant.

29 2. Except as otherwise provided in NRS 293.424, the court  
30 shall set the matter for hearing not less than 5 days nor more than 10  
31 days after the filing of the statement of contest. Election contests  
32 shall take precedence over all regular business of the court in order  
33 that results of elections shall be determined as soon as practicable.

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

38 **Sec. 5.** NRS 293B.400 is hereby amended to read as follows:

39 293B.400 1. Except as otherwise provided in this section, if a  
40 recount is demanded *or required* pursuant to the provisions of NRS  
41 293.403 or *demand ed pursuant to NRS* 293.424 or if an election is  
42 contested pursuant to NRS 293.407 or 293.424, the county or city  
43 clerk shall ensure that each mechanical recording device which  
44 directly recorded votes electronically for the applicable election



1 provides a record printed on paper of each ballot voted on that  
2 device.

3 2. In carrying out the requirements of this section, the county  
4 or city clerk shall:

5 (a) Print only the records required for the recount or contest; and

6 (b) Collect those records and deposit them in the vaults of the  
7 county or city clerk pursuant to NRS 293.391 or 293C.390.

8 **Sec. 6.** The provisions of NRS 354.599 do not apply to any  
9 additional expenses of a local government that are related to the  
10 provisions of this act.





