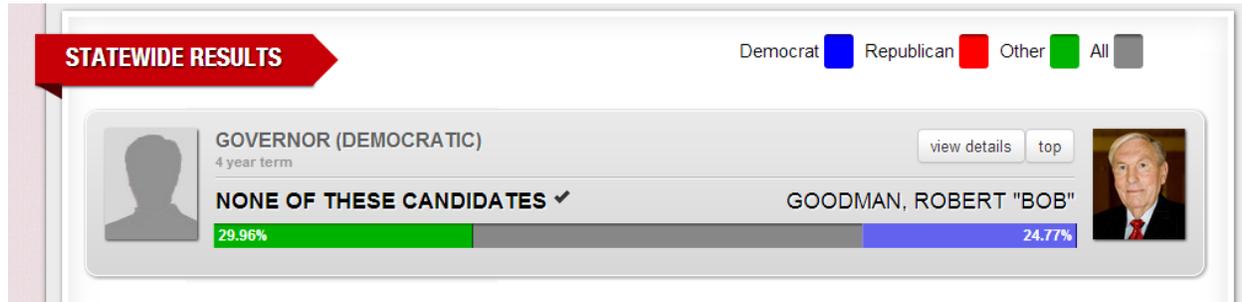


Appendix E

SPECIAL BULLETIN: None of These Candidates

In the 2014 Democratic primary election for the office of Nevada State Governor, voters selected a unique option for their choice. They chose “None of These Candidates”, rather than a candidate. Robert Goodman, who got the second highest number of votes, proceeded to the General Election.



None of These Candidates is a choice that must appear on Nevada’s ballots for statewide offices or President and Vice President of the United States.

Nevada law says, Every ballot upon which appears the names of candidates for any statewide office or for President and Vice President of the United States shall contain for each office an additional line equivalent to the lines on which the candidates’ names appear and placed at the end of the group of lines containing the names of the candidates for that office. Each additional line shall contain a square in which the voter may express a choice of that line in the same manner as the voter would express a choice of a candidate, and the line shall read “None of these candidates.” ([NRS 293.269\(1\)](#))

(Added to NRS by 1975, 475)

More information:

[None of These Candidates – One Online Nevada Encyclopedia](#)

Insert updated “None of These Candidates” from Political History of Nevada, pages 190-191.

Advisory Questions

The Legislature may, by law, submit a nonbinding advisory question to the voters. The procedure only has been used twice since 1950. In 1978, the concept of an Equal Rights Amendment was rejected by a majority of the voters. In 1997, the Legislature referred a ballot question to voters relating to Nevada Day being observed on the last Friday of October instead of October 31. Voters, by advisory vote, supported the change with a vote of 214,653 to 193,875. Therefore, the 1999 Legislature changed the law with an effective date of October 2000.

“NONE OF THESE CANDIDATES”

By ROBERT E. ERICKSON

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The 1975 Nevada Legislature approved a bill that gave voters the option of voting for “none of these candidates” for all public offices elected statewide.

This option appears on both primary and general election ballots for the offices of United States President and Vice President, United States Senator, Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, State Controller, and Justice of the Nevada Supreme Court.

State Assemblyman Don Mello sponsored the 1975 legislation to stimulate voter turnout by providing an alternative to voting for candidates who are either not popular or little known. Another goal of the measure is to allow voters to express dissatisfaction with the quality of candidates or the nature of election campaigns. Its provisions, which are found in *Nevada Revised Statutes* 293.269, require that the actual candidate receiving the most votes is elected or nominated, regardless of the number of votes cast for “none of these candidates.” In 2014, “none” finished first in the Democratic primary for Governor, garnering 29.96 percent of the total vote, while the top actual candidate tallied 24.77 percent.

In general, the “none” line on the ballot has attracted greater support in primary than general elections. It has been suggested that voters may feel freer to cast such ballots in primary elections when candidates are being nominated rather than when offices are actually filled. For example, “none of these candidates” finished first, with 47.3 percent of the vote, against two candidates in the 1976 Republican primary for Representative in Congress, which was a statewide office at that time. In 1986, “none” again finished first, against five candidates, in the Democratic primary for State Treasurer. “None of these candidates” also may influence highly contested statewide races that are decided by only a few votes. For example, in the 1998 contest for U.S. Senator, incumbent Harry Reid (D) was reelected to that office over challenger John Ensign (R) by 428 votes as compared to 8,125 cast votes for “none.”

A June 2012 lawsuit challenged the constitutionality of the Nevada law. The U.S. District Court subsequently agreed with plaintiffs and struck down the law. In September 2012, the Ninth U.S. Circuit Court of Appeals issued an emergency stay preventing implementation of the district court's order, thus allowing the "none" option to remain on the 2012 General Election ballot. In July 2013, the Court of Appeals dismissed the earlier lawsuit, thus retaining "none of these candidates" as a valid provision in Nevada State law.

Although "none of these candidates" has not been the top vote-getter for an office in the general election, it has been a popular option in certain races. In 1994, for example, "none" garnered 89,235 votes (24.1 percent of total) in the election for Supreme Court Justice, Seat C.

Although other states have expressed interest in the alternative of "none of these candidates," Nevada is the only state to have enacted it into law.

RECALL OF PUBLIC OFFICERS

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The purpose of a recall election is to remove an elected official from office before the end of the official's term. The recall process was added to the *Nevada Constitution* in 1912 (Article 2, Section 9). Nationwide, 19 states plus the District of Columbia permit the recall of state officials, while 29 states allow for the recall of local officers (some sources place the number of states that allow for the recall of local officials at 36). In Nevada, State and local elected officials, excluding judges, are permitted to be recalled. Representatives in Congress and United States Senators are not subject to the State's recall laws, and according to the *U.S. Constitution*, must be expelled by their colleagues to be removed from office.

In Nevada, most public officials may not be subject to a notice of intent to recall within the first six months of their term. The lone exception is State legislators, who may have a notice of intent filed against them following the first ten days of their first legislative session. If an unsuccessful recall election is held, the same public official cannot be subject to another recall effort during his or her term of office, unless those seeking a recall pay for the cost of an additional special election (Article 2, Section 9). However, should a recall attempt fail due to a lack of valid petition signatures, another notice of intent may be filed at any time.