

SENATE BILL NO. 5—SENATOR SETTELMEYER

PREFILED DECEMBER 19, 2014

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing elections for nonpartisan offices. (BDR 24-90)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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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 provisions governing elections for certain judicial offices; providing that candidates for certain nonpartisan offices who receive a majority of the votes cast in certain primary elections must be declared elected to office without being placed on the ballot at a general election; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law designates certain elective offices as nonpartisan offices, which include judicial offices, school offices, the office of county sheriff, the Board of Regents of the University of Nevada, city and town officers, the State Board of Education and members of boards of hospital trustees of public hospitals. (NRS 293.195) Existing law also establishes certain rules for determining whether candidates for nonpartisan offices appear on the ballot for a primary election or the general election. (NRS 293.260) This bill revises some of those rules.

Under existing law, if there is only one candidate for the nonpartisan office of judge of the Court of Appeals or justice of the Supreme Court, the name of the candidate is omitted from the primary election ballot and placed only on the general election ballot. (NRS 293.260) **Section 1** of this bill applies the same rule to a candidate for the nonpartisan office of judge of a district court. **Section 1** also provides that if there are not more than twice the number of candidates to be elected to any nonpartisan office, the names of the candidates are omitted from the primary election ballot and placed only on the general election ballot.

Except for nonpartisan offices in certain cities, existing law provides that if there are more than twice the number of candidates to be elected to a nonpartisan office: (1) the names of the candidates must appear on the primary election ballot; and (2) those candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, must be declared nominees for the office and their names must be placed on the general election ballot. (NRS 293.260) **Section 1** modifies this rule for most nonpartisan offices and provides that



23 if one candidate receives a majority of the votes cast in such a primary election, the  
24 candidate is declared elected to the office and his or her name is not placed on the  
25 general election ballot. However, if one candidate receives a majority of the votes  
26 cast in such a primary election for the nonpartisan office of judge of a district court,  
27 judge of the Court of Appeals or justice of the Supreme Court, the candidate is  
28 declared the only nominee for the office and his or her name is placed on the  
29 general election ballot.

30 For primary city elections conducted in certain general law cities, existing law  
31 provides that if one candidate receives "more than a majority" of the votes cast in  
32 such an election for the office for which he or she is a candidate, the candidate must  
33 be declared to be elected to the office and the candidate's name must not be placed  
34 on the ballot for the general city election. (NRS 293C.175) **Section 2** of this bill  
35 amends the statute to clarify that such a candidate need only receive a majority of  
36 the votes cast, not some greater number, to be declared to be elected. **Section 3** of  
37 this bill makes a similar change to the Charter of Carson City.

38 For most charter cities that hold primary city elections, existing law provides  
39 that if one candidate receives a majority of votes cast in the primary city election  
40 for the office for which he or she is a candidate, the candidate must be declared  
41 elected to the office and the candidate's name must not be placed on the ballot for  
42 the general city election. (Boulder City Charter § 96, Henderson City Charter §  
43 5.010, Las Vegas City Charter § 5.010, North Las Vegas City Charter § 5.020)  
44 **Section 3** amends the Charter of Carson City so that this rule applies to Carson City  
45 as well.

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

1 **Section 1.** NRS 293.260 is hereby amended to read as follows:

2 293.260 1. ~~[Where]~~ *If* there is no contest of election for  
3 nomination to a particular office, neither the title of the office nor  
4 the name of the candidate may appear on the ballot.

5 2. If more than one major political party has candidates for a  
6 particular office, the persons who receive the highest number of  
7 votes at the primary elections must be declared the nominees of  
8 those parties for the office.

9 3. If only one major political party has candidates for a  
10 particular office and a minor political party has nominated a  
11 candidate for the office or an independent candidate has filed for the  
12 office, the candidate who receives the highest number of votes in  
13 the primary election of the major political party must be declared the  
14 nominee of that party and his or her name must be placed on the  
15 general election ballot with the name of the nominee of the minor  
16 political party for the office and the name of the independent  
17 candidate who has filed for the office.

18 4. If only one major political party has candidates for a  
19 particular office and no minor political party has nominated a  
20 candidate for the office and no independent candidate has filed for  
21 the office:



1 (a) If there are more candidates than twice the number to be  
2 elected to the office, the names of the candidates must appear on the  
3 ballot for a primary election. Except as otherwise provided in this  
4 paragraph, the candidates of that party who receive the highest  
5 number of votes in the primary election, not to exceed twice the  
6 number to be elected to that office at the general election, must be  
7 declared the nominees for the office. If only one candidate is to be  
8 elected to the office and a candidate receives a majority of the votes  
9 in the primary election for that office, that candidate must be  
10 declared the nominee for that office and his or her name must be  
11 placed on the ballot for the general election.

12 (b) If there are ~~no~~ *not* more than twice the number of  
13 candidates to be elected to the office, the candidates must, without a  
14 primary election, be declared the nominees for the office.

15 5. ~~Where no~~ *If not* more than the number of candidates to be  
16 elected have filed for nomination for:

17 (a) Any partisan office ~~;~~ *or* the office of *judge of a district*  
18 *court, judge of the Court of Appeals* or ~~the office of~~ justice of the  
19 Supreme Court, the names of those candidates must be omitted from  
20 all ballots for a primary election and placed on all ballots for ~~a~~ *the*  
21 general election;

22 (b) Any nonpartisan office, other than the office of *judge of a*  
23 *district court, judge of the Court of Appeals*, justice of the Supreme  
24 Court ~~;~~ ~~office of judge of the Court of Appeals~~ or ~~the office of~~  
25 member of a town advisory board, the names of those candidates  
26 must appear on the ballot for a primary election unless the  
27 candidates were nominated pursuant to subsection 2 of NRS  
28 293.165. If a candidate receives one or more votes at the primary  
29 election, the candidate must be declared elected to the office and his  
30 or her name must not be placed on the ballot for the general  
31 election. If a candidate does not receive one or more votes at the  
32 primary election, his or her name must be placed on the ballot for  
33 the general election; and

34 (c) The office of member of a town advisory board, the  
35 candidate must be declared elected to the office and no election  
36 must be held for that office.

37 6. *If there are not more than twice the number of candidates*  
38 *to be elected to a nonpartisan office, the candidates must, without*  
39 *a primary election, be declared the nominees for the office, and*  
40 *the names of the candidates must be omitted from all ballots for a*  
41 *primary election and placed on all ballots for the general election.*

42 7. If there are more ~~candidates~~ than twice the number of  
43 *candidates* to be elected to a nonpartisan office, the names of the  
44 candidates must appear on the ballot for a primary election. Those  
45 candidates who receive the highest number of votes at ~~that~~ *the*



1 *primary* election, not to exceed twice the number to be elected, must  
2 be declared nominees for the office ~~[ ]~~ *and the names of those*  
3 *candidates must be placed on the ballot for the general election,*  
4 *except that if one of those candidates receives a majority of the*  
5 *votes cast in the primary election for:*

6 (a) *The office of judge of a district court, judge of the Court of*  
7 *Appeals or justice of the Supreme Court, the candidate must be*  
8 *declared the only nominee for the office and only his or her name*  
9 *must be placed on the ballot for the general election.*

10 (b) *Any other nonpartisan office, the candidate must be*  
11 *declared elected to the office and his or her name must not be*  
12 *placed on the ballot for the general election.*

13 **Sec. 2.** NRS 293C.175 is hereby amended to read as follows:

14 293C.175 1. Except as otherwise provided in NRS 293C.115,  
15 a primary city election must be held in each city of population  
16 category one, and in each city of population category two that has so  
17 provided by ordinance, on the first Tuesday after the first Monday in  
18 April of every year in which a general city election is to be held, at  
19 which time there must be nominated candidates for offices to be  
20 voted for at the next general city election.

21 2. Except as otherwise provided in NRS 293C.115, a candidate  
22 for any office to be voted for at the primary city election must file a  
23 declaration of candidacy with the city clerk not less than 60 days or  
24 more than 70 days before the date of the primary city election. The  
25 city clerk shall charge and collect from the candidate and the  
26 candidate must pay to the city clerk, at the time of filing  
27 the declaration of candidacy, a filing fee in an amount fixed by the  
28 governing body of the city by ordinance or resolution. The filing  
29 fees collected by the city clerk must be deposited to the credit of the  
30 general fund of the city.

31 3. All candidates, except as otherwise provided in NRS  
32 266.220, must be voted upon by the electors of the city at large.

33 4. If, in a primary city election held in a city of population  
34 category one or two, one candidate receives ~~[more than]~~ a majority  
35 of votes cast in that election for the office for which he or she is a  
36 candidate, the candidate must be declared elected to the office and  
37 the candidate's name must not be placed on the ballot for the  
38 general city election. If, in the primary city election, no candidate  
39 receives a majority of votes cast in that election for the office for  
40 which he or she is a candidate, the names of the two candidates  
41 receiving the highest number of votes must be placed on the ballot  
42 for the general city election.

43 **Sec. 3.** Section 5.010 of the Charter of Carson City, being  
44 chapter 213, Statutes of Nevada 1969, as last amended by chapter



1 100, Statutes of Nevada 1999, at page 271, is hereby amended to  
2 read as follows:

3 Sec. 5.010 Primary election.

4 1. A primary election must be held on the date fixed by  
5 the election laws of this state for statewide elections, at which  
6 time there must be nominated candidates for offices to be  
7 voted for at the next general election.

8 2. A candidate for any office to be voted for at any  
9 primary election must file a declaration of candidacy as  
10 provided by the election laws of this state.

11 3. All candidates for the office of Mayor and Supervisor,  
12 and candidates for the office of Municipal Judge if a third  
13 department of the Municipal Court has been established, must  
14 be voted upon by the registered voters of Carson City at large.

15 4. If only two persons file for a particular office, their  
16 names must not appear on the primary ballot but their names  
17 must be placed on the ballot for the general election.

18 5. If in the primary election one candidate receives  
19 ~~{more than}~~ a majority of votes cast in that election for the  
20 office for which he or she is a candidate, ~~{his or her name~~  
21 ~~alone must be placed on the ballot for the general election.}~~  
22 *the candidate must be declared elected to the office and his*  
23 *or her name must not be placed on the ballot for the general*  
24 *election.* If in the primary election no candidate receives a  
25 majority of votes cast in that election for the office for which  
26 he or she is a candidate, the names of the two candidates  
27 receiving the highest numbers of votes must be placed on the  
28 ballot for the general election.

29 **Sec. 4.** (Deleted by amendment.)

30 **Sec. 5.** (Deleted by amendment.)

31 **Sec. 6.** (Deleted by amendment.)

32 **Sec. 7.** (Deleted by amendment.)

