SENATE BILL NO. 202–SENATOR RATTI

FEBRUARY 22, 2017

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JOINT SPONSOR: ASSEMBLYMAN SPRINKLE

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Referred to Committee on Government Affairs

SUMMARY—Revises various provisions of the Charter of the City of Sparks. (BDR S-503)

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 the City of Sparks; requiring newly elected municipal judges to be licensed members of the State Bar of Nevada; requiring that a candidate for City Council Member be voted on in a general election only by the registered voters of the ward that the candidate seeks to represent; providing that a candidate for office who receives a majority of the votes at the primary election must be declared elected and not appear on the ballot at the general election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1　　The existing Charter of the City of Sparks provides for a Municipal Court
2　consisting of not less than two departments presided over by a Municipal Judge.
3　(Sparks City Charter § 4.010) **Section 1** of this bill provides that each Municipal
4　Judge must be a licensed member of the State Bar of Nevada. This requirement
5　does not apply to any Municipal Judge who holds the office on October 1, 2017,
6　and continues to serve as such in uninterrupted terms.
7　　The existing Charter of the City of Sparks divides the City into five wards, each
8　of which is represented on the City Council by a Council Member. (Sparks City
9　Charter §§ 1.040, 1.060) The existing Charter of the City of Sparks also requires
10　the candidates for Council Member to represent a particular ward be voted on in a
11　primary election only by the registered voters of that ward and, in a general
12　election, be voted on by the registered voters of the City at large. (Sparks City
13　Charter § 5.010) **Section 2** of this bill makes the voting requirements for the
14　primary and general elections the same by requiring that all candidates for Council

15 Member to represent a particular ward be voted on in a general election only by the
16 registered voters of that ward. **Section 2** also deletes obsolete provisions
17 establishing the terms of office for officials of the City of Sparks elected in 2001,
18 2003 and 2004.
19   The existing Charter of the City of Sparks provides that, for each elected office
20 in the City, the names of the two candidates who receive the highest number of
21 votes at the primary election must be placed on the ballot for the general election.
22 (Sparks City Charter § 5.020) **Section 3** of this bill creates an exception by
23 requiring that, regardless of the number of candidates for an office at the primary
24 election, if one candidate receives a majority of the votes at the primary election, he
25 or she must be declared elected to the office, and no general election for the office
26 need be held. **Section 3** also provides that such a candidate takes office at the first
27 regular meeting of the City Council following the meeting at which the canvass of
28 the returns of the general election is made. **Section 4** of this bill makes a
29 conforming change.

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

1   **Section 1.** Section 1.060 of the Charter of the City of Sparks,
2 being chapter 470, Statutes of Nevada 1975, as last amended by
3 chapter 41, Statutes of Nevada 2001, at page 394, is hereby
4 amended to read as follows:
5   Sec. 1.060   Elective officers: Qualifications; salaries.
6   1.   The elective officers of the City consist of:
7   (a) A Mayor.
8   (b) Five members of the Council.
9   (c) A City Attorney.
10   (d) Municipal Judges, the number to be determined
11 pursuant to section 4.010.
12   2.   All elective officers of the City must be:
13   (a) Bona fide residents of the City for at least 30 days
14 immediately preceding the last day for filing a declaration of
15 candidacy for such an office.
16   (b) Residents of the City during their term of office, and,
17 in the case of a member of the Council, a resident of the ward
18 the member represents.
19   (c) Registered voters within the City.
20   3.   No person may be elected or appointed as a member
21 of the Council who was not an actual bona fide resident of the
22 ward to be represented by him or her for a period of at least
23 30 days immediately preceding the last day for filing a
24 declaration of candidacy for the office, or, in the case of
25 appointment, 30 days immediately preceding the day the
26 office became vacant.
27   4.   The City Attorney must be a licensed member of the
28 State Bar of Nevada.

1   5.   **_Each Municipal Judge must be a licensed member_**
2   **_of the State Bar of Nevada, except that this requirement_**
3   **_does not apply to any Municipal Judge who holds the office_**
4   **_of Municipal Judge on October 1, 2017, as long as he or she_**
5   **_continues to serve as such in uninterrupted terms._**
6   **_6._**   Each elective officer is entitled to receive a salary in
7   an amount fixed by the City Council. At any time before
8   January 1 of the year in which a general election is held, the
9   City Council shall enact an ordinance fixing the initial salary
10   for each elective office for the term beginning on the first
11   Monday following that election. This ordinance may not be
12   amended to increase or decrease the salary for the office of
13   Mayor, City Council Member or City Attorney during the
14   term. If the City Council fails to enact such an ordinance
15   before January 1 of the election year, the succeeding elective
16   officers are entitled to receive the same salaries as their
17   respective predecessors.
18   **Sec. 2.**   Section 5.010 of the Charter of the City of Sparks,
19 being chapter 470, Statutes of Nevada 1975, as last amended by
20 chapter 52, Statutes of Nevada 2005, at page 104, is hereby
21 amended to read as follows:
22   Sec. 5.010   General elections.
23   1.   **[**On the Tuesday after the first Monday in June 2001,
24   there must be elected by the registered voters of the City, at a
25   general municipal election, Council Members to represent the
26   first, third and fifth wards, a Municipal Judge for Department
27   1 and a City Attorney, all of whom hold office until their
28   successors have been elected and qualified, pursuant to
29   subsection 3 or 4.
30   2.   On the Tuesday after the first Monday in June 2003,
31   there must be elected by the registered voters of the City, at a
32   general municipal election, Council Members to represent the
33   second and fourth wards, a Mayor and a Municipal Judge for
34   Department 2, all of whom hold office until their successors
35   have been elected and qualified, pursuant to subsection 5 or 6.
36   3.**]**   On the Tuesday after the first Monday in November
37   2004, and at each successive interval of 4 years, there must be
38   elected **,** **[**by the registered voters of the City,**]** at the general
39   election, Council Members to represent the first, third and
40   fifth wards and a City Attorney, all of whom hold office for a
41   term of 4 years and until their successors have been elected
42   and qualified.
43   **[**4.   On the Tuesday after the first Monday in November
44   2004, and at each successive interval of 4 years, there must be
45   elected by the registered voters of the City, at the general

1   election, a Municipal Judge for Department 1, who holds
2   office for a term of 4 years and until his or her successor has
3   been elected and qualified, pursuant to subsection 7.
4   5.] *2.* On the Tuesday after the first Monday in
5   November 2006, and at each successive interval of 4 years,
6   there must be elected *,* [by the registered voters of the City,]
7   at the general election, Council Members to represent the
8   second and fourth wards and a Mayor, all of whom hold
9   office for a term of 4 years and until their successors have
10 been elected and qualified.
11   [6.] *3.* On the Tuesday after the first Monday in
12 November 2006, and at each successive interval of 6 years,
13 there must be elected *,* [by the registered voters of the City,]
14 at the general election, a Municipal Judge for Department 2,
15 who holds office for a term of 6 years and until his or her
16 successor has been elected and qualified.
17   [7.] *4.* On the Tuesday after the first Monday in
18 November 2008, and at each successive interval of 6 years,
19 there must be elected *,* [by the registered voters of the City,]
20 at the general election, a Municipal Judge for Department 1,
21 who holds office for a term of 6 years and until his or her
22 successor has been elected and qualified.
23   [8.   All candidates at an election that is held pursuant to
24 this section must be voted upon]
25   *5.   At the general election:*
26   *(a) Candidates for the offices of Mayor, City Attorney*
27 *and Municipal Judge must be voted upon* by the registered
28 voters of the City at large.
29   *(b) Candidates to represent a ward as a Council Member*
30 *must be voted upon only by the registered voters of the ward*
31 *that the candidate seeks to represent.*
32 **Sec. 3.**   Section 5.020 of the Charter of the City of Sparks,
33 being chapter 470, Statutes of Nevada 1975, as last amended by
34 chapter 41, Statutes of Nevada 2001, at page 398, is hereby
35 amended to read as follows:
36   Sec. 5.020   Primary elections.
37   1.   *At the primary election:*
38   *(a)* Candidates for the offices of Mayor, City Attorney
39 and Municipal Judge must be voted upon by the registered
40 voters of the City at large.
41   *(b)* Candidates to represent a ward as a member of the
42 City Council must be voted upon by the registered voters of
43 the ward to be represented by them.
44   2.   [The] *Except as otherwise provided in subsection 3,*
45 *the* names of the two candidates for Mayor, City Attorney

1   and Municipal Judge and the names of the two candidates to
2   represent the ward as a member of the City Council from
3   each ward who receive the highest number of votes at the
4   primary election must be placed on the ballot for the general
5   election.

6   *3.   If at the primary election, regardless of the number*
7   *of candidates for an office, one candidate receives the*
8   *majority of votes cast in that election for the office for*
9   *which he or she is a candidate, he or she must be declared*
10   *elected to the office and no general election need be held for*
11   *that office. Such candidate shall enter upon his or her*
12   *respective duties at the first regular City Council meeting*
13   *next succeeding the meeting at which the canvass of the*
14   *returns of the general election is made.*

15   **Sec. 4.**   Section 5.100 of the Charter of the City of Sparks,
16   being chapter 470, Statutes of Nevada 1975, as last amended by
17   chapter 41, Statutes of Nevada 2001, at page 399, is hereby
18   amended to read as follows:

19   Sec. 5.100   Election returns: Canvass; certificates of
20   election; entry of officers upon duties; tie vote procedure.

21   1.   The election returns from any election must be filed
22   with the City Clerk, who shall immediately place the returns
23   in a safe or vault. No person may handle, inspect or in any
24   manner interfere with the returns until canvassed by the City
25   Council.

26   2.   The City Council shall meet within 10 days after any
27   election and canvass the returns and declare the result. The
28   election returns must then be sealed and kept by the City
29   Clerk for 22 months, and no person may have access to them
30   except on order of a court of competent jurisdiction or by
31   order of the City Council.

32   3.   The City Clerk, under his or her hand and official
33   seal, shall issue a certificate of election to each person
34   elected. **[The]** *Except as otherwise provided in subsection 3*
35   *of section 5.020, the* officers elected shall qualify and enter
36   upon the discharge of their respective duties at the first
37   regular City Council meeting following their election.

38   4.   If any election results in a tie, the City Council shall
39   summon the candidates who received the tie vote and
40   determine the tie by lot. The City Clerk shall then issue to the
41   winner a certificate of election.

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