
ASSEMBLY BILL NO. 233—COMMITTEE ON ELECTIONS,
PROCEDURES, AND ETHICS

(ON BEHALF OF THE NEVADA LEAGUE OF
CITIES AND MUNICIPALITIES)

MARCH 4, 2003

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Makes various changes concerning primary city elections and general city elections. (BDR 24-336)

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; authorizing a governing body of a city incorporated pursuant to general law to adopt an ordinance requiring that primary city elections and general city elections be held on the same dates as those established for statewide primary elections and general elections; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 293.059 is hereby amended to read as follows:
2 293.059 “General city election” means an election held
3 pursuant to NRS 293C.140 or 293C.145 ~~or section 3 of this act.~~
4 The term includes a general municipal election held pursuant to the
5 provisions of a special charter of an incorporated city.
6 **Sec. 2.** NRS 293.079 is hereby amended to read as follows:
7 293.079 “Primary city election” means an election held
8 pursuant to NRS 293C.175 ~~or section 3 of this act.~~ The term
9 includes a primary municipal election held pursuant to the
10 provisions of a special charter of an incorporated city.



1 **Sec. 3.** Chapter 293C of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *The governing body of a city incorporated pursuant to*
4 *general law may by ordinance provide for a primary city election*
5 *and a general city election on:*

6 (a) *The dates set forth for primary elections and general*
7 *elections pursuant to the provisions of chapter 293 of NRS; or*

8 (b) *The dates set forth for primary city elections and general*
9 *city elections pursuant to the provisions of this chapter.*

10 2. *If a governing body of a city adopts an ordinance pursuant*
11 *to paragraph (a) of subsection 1, the dates set forth in NRS*
12 *293.12755, in subsections 2 to 5, inclusive, of NRS 293.165, and in*
13 *NRS 293.175, 293.177, 293.345 and 293.368 apply for purposes of*
14 *conducting the primary city elections and general city elections of*
15 *the city.*

16 3. *If a governing body of a city adopts an ordinance pursuant*
17 *to subsection 1:*

18 (a) *The term of office of any elected city official may not be*
19 *shortened as a result of the ordinance; and*

20 (b) *Each elected city official holds office until the end of his*
21 *term and until his successor has been elected and qualified.*

22 **Sec. 4.** NRS 293C.140 is hereby amended to read as follows:

23 293C.140 1. ~~{A}~~ *Except as otherwise provided in section 3*
24 *of this act, a* general city election must be held in each city of
25 population categories one and two on the first Tuesday after the first
26 Monday in June of the first odd-numbered year after incorporation,
27 and on the same day every 2 years thereafter as determined by law,
28 ordinance or resolution, at which time there must be elected the
29 elective city officers, the offices of which are required next to be
30 filled by election. All candidates, except as otherwise provided in
31 NRS 266.220, at the general city election must be voted upon by the
32 electors of the city at large.

33 2. ~~{The}~~ *Unless the terms of office of city councilmen are*
34 *extended by an ordinance adopted pursuant to section 3 of this act,*
35 *the* terms of office of city councilmen are 4 years, which terms must
36 be staggered. The councilmen elected to office immediately after
37 incorporation shall decide, by lot, among themselves which of their
38 offices expire at the next general city election, and thereafter the
39 terms of office must be 4 years ~~{}~~ *unless the terms are extended by*
40 *an ordinance adopted pursuant to section 3 of this act.*

41 **Sec. 5.** NRS 293C.145 is hereby amended to read as follows:

42 293C.145 1. ~~{A}~~ *Except as otherwise provided in section 3*
43 *of this act, a* general city election must be held in each city of
44 population category three on the first Tuesday after the first Monday



1 in June of the first odd-numbered year after incorporation, and on
2 the same day every 2 years thereafter, as determined by ordinance.

3 2. There must be one mayor and three or five councilmen, as
4 the city council shall provide, by ordinance, for each city of
5 population category three. ~~The~~ *Unless the terms of office of the*
6 *mayor and the councilmen are extended by an ordinance adopted*
7 *pursuant to section 3 of this act, the* terms of office of the mayor
8 and the councilmen are 4 years, which terms must be staggered. The
9 mayor and councilmen elected to office immediately after
10 incorporation shall decide, by lot, among themselves which two of
11 their offices expire at the next general city election, and thereafter
12 the terms of office must be 4 years ~~unless the terms are extended~~
13 *by an ordinance adopted pursuant to section 3 of this act.* If a city
14 council thereafter increases the number of councilmen, it shall, by
15 lot, stagger the initial terms of the additional members.

16 3. ~~Except as otherwise provided in section 3 of this act, a~~
17 candidate for any office to be voted for at the general city election
18 must file a declaration of candidacy with the city clerk not less than
19 60 days nor more than 70 days before the day of the general city
20 election. The city clerk shall charge and collect from the candidate
21 and the candidate must pay to the city clerk, at the time of filing the
22 declaration of candidacy, a filing fee in an amount fixed by the city
23 council by ordinance or resolution.

24 4. Candidates for mayor must be voted upon by the electors of
25 the city at large. Candidates for councilmen must be voted upon by
26 the electors of their respective wards to represent the wards in which
27 they reside or by the electors of the city at large in accordance with
28 the provisions of chapter 266 of NRS.

29 **Sec. 6.** NRS 293C.175 is hereby amended to read as follows:

30 293C.175 1. ~~Except as otherwise provided in section 3~~
31 *of this act, a* primary city election must be held in each city of
32 population category one, and in each city of population category two
33 that has so provided by ordinance, on the first Tuesday after the first
34 Monday in April of every year in which a general city election is to
35 be held, at which time there must be nominated candidates for
36 offices to be voted for at the next general city election.

37 2. ~~Except as otherwise provided in section 3 of this act, a~~
38 candidate for any office to be voted for at the primary city election
39 must file a declaration of candidacy with the city clerk not less than
40 60 days nor more than 70 days before the date of the primary city
41 election. The city clerk shall charge and collect from the candidate
42 and the candidate must pay to the city clerk, at the time of filing the
43 declaration of candidacy, a filing fee in an amount fixed by the
44 governing body of the city by ordinance or resolution. The filing



1 fees collected by the city clerk must be deposited to the credit of the
2 general fund of the city.

3 3. All candidates, except as otherwise provided in NRS
4 266.220, must be voted upon by the electors of the city at large.

5 4. If, in a primary city election held in a city of population
6 category one or two, one candidate receives more than a majority of
7 votes cast in that election for the office for which he is a candidate,
8 his name alone must be placed on the ballot for the general city
9 election. If, in the primary city election, no candidate receives a
10 majority of votes cast in that election for the office for which he is a
11 candidate, the names of the two candidates receiving the highest
12 number of votes must be placed on the ballot for the general city
13 election.

14 **Sec. 7.** NRS 293C.185 is hereby amended to read as follows:

15 293C.185 1. Except as otherwise provided in NRS 293C.190
16 ~~§~~ *and section 3 of this act*, a name may not be printed on a ballot
17 to be used at a primary city election, unless the person named has
18 filed a declaration of candidacy or an acceptance of candidacy and
19 paid the fee established by the governing body of the city not earlier
20 than 70 days before the primary city election and not later than 5
21 p.m. on the 60th day before the primary city election.

22 2. A declaration of candidacy required to be filed by this
23 section must be in substantially the following form:

24
25 DECLARATION OF CANDIDACY OF FOR THE
26 OFFICE OF

27
28 State of Nevada

29
30 City of

31
32 For the purpose of having my name placed on the official ballot as a
33 candidate for the office of, I, the undersigned,
34 do swear or affirm under penalty of perjury that I actually, as
35 opposed to constructively, reside at, in the City or
36 Town of, County of, State of Nevada; that my
37 actual, as opposed to constructive, residence in the city, township or
38 other area prescribed by law to which the office pertains began on a
39 date at least 30 days immediately preceding the date of the close of
40 filing of declarations of candidacy for this office; that my telephone
41 number is, and the address at which I receive mail, if
42 different than my residence, is; that if nominated as a
43 candidate at the ensuing election I will accept the nomination and
44 not withdraw; that I will not knowingly violate any election law or
45 any law defining and prohibiting corrupt and fraudulent practices in



1 campaigns and elections in this state; that I will qualify for the
2 office if elected thereto, including, but not limited to, complying
3 with any limitation prescribed by the Constitution and laws of this
4 state concerning the number of years or terms for which a person
5 may hold the office; and my name will appear on all ballots as
6 designated in this declaration.

7
8
9 (Designation of name)

10
11
12 (Signature of candidate for office)

13
14 Subscribed and sworn to before
15 me this day of the month of of the year

16
17
18 Notary Public or other person
19 authorized to administer an oath
20

21 3. A person may be a candidate under his given name and
22 surname, a contraction or familiar form of his given name followed
23 by his surname or the initial of his given name followed by his
24 surname. A nickname of not more than 10 letters may be
25 incorporated into a candidate's name. The nickname must be in
26 quotation marks and appear immediately before the candidate's
27 surname. A nickname must not indicate any political, economic,
28 social or religious view or affiliation and must not be the name of a
29 any person, living or dead, whose reputation is known on a
30 statewide, nationwide or worldwide basis, or in any other manner
31 deceive a voter concerning the person or principles for which he is
32 voting.

33 4. The address of a candidate that must be included in the
34 declaration or acceptance of candidacy pursuant to subsection 2
35 must be the street address of the residence where he actually, as
36 opposed to constructively, resides in accordance with NRS 281.050,
37 if one has been assigned. The declaration or acceptance of
38 candidacy must not be accepted for filing if the candidate's address
39 is listed as a post office box unless a street address has not been
40 assigned to his residence.

41 5. By filing the declaration or acceptance of candidacy, the
42 candidate shall be deemed to have appointed the city clerk as his
43 agent for service of process for the purposes of a proceeding
44 pursuant to NRS 293C.186. Service of such process must first be
45 attempted at the appropriate address as specified by the candidate in



1 the declaration or acceptance of candidacy. If the candidate cannot
2 be served at that address, service must be made by personally
3 delivering to and leaving with the city clerk duplicate copies of the
4 process. The city clerk shall immediately send, by registered or
5 certified mail, one of the copies to the candidate at his specified
6 address, unless the candidate has designated in writing to the city
7 clerk a different address for that purpose, in which case the city
8 clerk shall mail the copy to the last address so designated.

9 **Sec. 8.** NRS 293C.190 is hereby amended to read as follows:

10 293C.190 1. ~~{A}~~ *Except as otherwise provided in section 3*
11 *of this act, a* vacancy occurring in a nomination for a city office
12 after the close of filing and before the first Tuesday after the first
13 Monday in April in a year in which a general city election is held
14 must be filled by filing a nominating petition that is signed by at
15 least 1 percent of the persons who are registered to vote and who
16 voted for that office at the last preceding general city election. ~~{The}~~
17 *Except as otherwise provided in section 3 of this act, the* petition
18 must be filed not earlier than 30 days before the date of the primary
19 city election and not later than the third Tuesday after the third
20 Monday in April. A candidate nominated pursuant to the provisions
21 of this subsection may be elected only at a general city election and
22 his name must not appear on the ballot for a primary city election.

23 2. ~~{A}~~ *Except as otherwise provided in section 3 of this act, a*
24 vacancy occurring in a nomination for a city office after a primary
25 city election and before the second Tuesday after the second
26 Monday in April must be filled by the person who received the next
27 highest vote for the nomination in the primary city election.

28 3. Except to place a candidate nominated pursuant to
29 subsection 1 on the ballot ~~{}~~ *and except as otherwise provided in*
30 *section 3 of this act,* no change may be made on the ballot after the
31 second Tuesday after the second Monday in April of the year in
32 which the general city election is held. If a nominee dies after that
33 date, his name must remain on the ballot and, if elected, a vacancy
34 exists.

35 4. ~~{AH}~~ *Except as otherwise provided in section 3 of this act,*
36 *all* designations provided for in this section must be filed before 5
37 p.m. on the second Tuesday after the second Monday in April of the
38 year in which the general city election is held. The filing fee must be
39 paid and an acceptance of the designation must be filed before 5
40 p.m. on that date.

41 **Sec. 9.** NRS 293C.291 is hereby amended to read as follows:

42 293C.291 If a candidate whose name appears on the ballot at a
43 general city election dies within the periods set forth in :

44 1. NRS 293C.370 ~~{}~~ ; *or*



1 **2. NRS 293.368, if the governing body of the city has adopted**
2 ***an ordinance pursuant to paragraph (a) of subsection 1 of section***
3 ***3 of this act,***

4 the city clerk shall post a notice of the candidate’s death at each
5 polling place where the candidate’s name will appear on the ballot.

6 **Sec. 10.** NRS 293C.345 is hereby amended to read as follows:

7 293C.345 ~~[The]~~ ***Except as otherwise provided in section 3 of***
8 ***this act, the*** city clerk shall mail to each registered voter in each
9 mailing precinct and in each absent ballot mailing precinct, before 5
10 p.m. on the third Thursday in March and before 5 p.m. on the fourth
11 Tuesday in May of any year in which a general city election is held,
12 an official mailing ballot to be voted by him at the election.

13 **Sec. 11.** NRS 293C.370 is hereby amended to read as follows:

14 293C.370 1. ~~[Whenever]~~ ***Except as otherwise provided in***
15 ***section 3 of this act, whenever*** a candidate whose name appears
16 upon the ballot at a general city election dies after 5 p.m. of the third
17 Tuesday after the third Monday in April and before the time of the
18 closing of the polls on the day of the election, the votes cast for
19 the deceased candidate must be counted in determining the results of
20 the election for the office for which the decedent was a candidate.

21 2. If the deceased candidate receives the majority of the votes
22 cast for the office, he shall be deemed elected and the office to
23 which he was elected shall be deemed vacant at the beginning of the
24 term for which he was elected. The vacancy created must be filled in
25 the same manner as if the candidate had died after taking office for
26 that term.

27 **Sec. 12.** NRS 266.405 is hereby amended to read as follows:

28 266.405 1. In addition to the mayor and city council, there
29 must be in each city of population category one or two a city clerk, a
30 city treasurer, or if those offices are combined pursuant to
31 subsection 4, a city clerk and treasurer, a municipal judge and a city
32 attorney. The offices of city clerk, city treasurer, municipal judge
33 and city attorney may be either elective or appointive offices, as
34 provided by city ordinance. ~~[A]~~ ***Except as otherwise provided in***
35 ***this subsection and unless the terms of those elected officers are***
36 ***extended by an ordinance adopted pursuant to section 3 of this act,***
37 ***the*** elected officers shall hold their respective offices for 4 years and
38 until their successors are elected and qualified. ~~[, except that]~~ ***The***
39 ***cities of population category three may by ordinance provide that***
40 ***the mayor and city councilmen must be elected and shall hold office***
41 ***for 2 years*** ~~[]~~ ***unless the terms of office of the mayor and city***
42 ***councilmen are extended by an ordinance adopted pursuant to***
43 ***section 3 of this act.***

44 2. In each city of population category one or two, in which the
45 officers are appointed pursuant to ordinance, the mayor, with the



1 advice and consent of the city council, shall appoint all of the
2 officers.

3 3. In cities of population category three, the mayor, with the
4 advice and consent of the city council, may appoint any officers as
5 may be deemed expedient.

6 4. The city council may provide by ordinance for the office of
7 city clerk and the office of city treasurer to be combined into the
8 office of city clerk and treasurer.

9 **Sec. 13.** NRS 267.110 is hereby amended to read as follows:

10 267.110 1. Any city having adopted a charter pursuant to the
11 provisions of NRS 267.010 to 267.140, inclusive, has pursuant to
12 the charter:

13 (a) All of the powers enumerated in the general laws of the state
14 for the incorporation of cities.

15 (b) Such other powers necessary and not in conflict with the
16 Constitution and laws of the State of Nevada to carry out the
17 commission form of government.

18 2. The charter, when submitted, must:

19 (a) Fix the number of commissioners, their terms of office and
20 their duties and compensation.

21 (b) Provide for all necessary appointive and elective officers for
22 the form of government therein provided, and fix their salaries and
23 emoluments, duties and powers.

24 (c) Fix, in accordance with the provisions of NRS 293C.140 and
25 293C.175 or with the provisions of NRS 293C.145, *or with the*
26 *provisions of paragraph (a) of subsection 1 of section 3 of this act,*
27 the time for the first and subsequent elections for all elective
28 officers. After the first election and the qualification of the officers
29 who were elected, the old officers and all boards or offices and their
30 emoluments must be abolished.

