

Assembly Bill No. 233–Committee on Elections,
Procedures, and Ethics

CHAPTER.....

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:

Section 1. NRS 293.059 is hereby amended to read as follows:
293.059 “General city election” means an election held pursuant to NRS 293C.140 or 293C.145 ~~§~~ *or section 3 of this act.* The term includes a general municipal election held pursuant to the provisions of a special charter of an incorporated city.

Sec. 2. NRS 293.079 is hereby amended to read as follows:
293.079 “Primary city election” means an election held pursuant to NRS 293C.175 ~~§~~ *or section 3 of this act.* The term includes a primary municipal election held pursuant to the provisions of a special charter of an incorporated city.

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

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

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

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

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

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

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

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

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

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

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

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

293C.145 1. ~~{A}~~ *Except as otherwise provided in section 3 of this act, a* general city election must be held in each city of population category three on the first Tuesday after the first Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter, as determined by ordinance.

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

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

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

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

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

2. ~~[A]~~ *Except as otherwise provided in section 3 of this act,* a candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not less than 60 days nor more than 70 days before the date of the primary city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

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

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

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

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

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

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

City of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this state; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this state concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

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

.....
Notary Public or other person
authorized to administer an oath

3. A person may be a candidate under his given name and surname, a contraction or familiar form of his given name followed by his surname or the initial of his given name followed by his surname. A nickname of not more than 10 letters may be incorporated into a candidate's name. The nickname must be in

quotation marks and appear immediately before the candidate's surname. A nickname must not indicate any political, economic, social or religious view or affiliation and must not be the name of any person, living or dead, whose reputation is known on a statewide, nationwide or worldwide basis, or in any other manner deceive a voter concerning the person or principles for which he is voting.

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

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

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

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

2. ~~2.~~ *Except as otherwise provided in section 3 of this act,* a vacancy occurring in a nomination for a city office after a primary city election and before the second Tuesday after the second

Monday in April must be filled by the person who received the next highest vote for the nomination in the primary city election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. In each city of population category one or two, in which the officers are appointed pursuant to ordinance, the mayor, with the advice and consent of the city council, shall appoint all of the officers.

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

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

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

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

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

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

2. The charter, when submitted, must:

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

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

(c) Fix, in accordance with the provisions of NRS 293C.140 and 293C.175 or with the provisions of NRS 293C.145, *or with the provisions of paragraph (a) of subsection 1 of section 3 of this act,* the time for the first and subsequent elections for all elective

officers. After the first election and the qualification of the officers who were elected, the old officers and all boards or offices and their emoluments must be abolished.