ASSEMBLY BILL NO. 412–ASSEMBLYMEN MCCLAIN, KOIVISTO, GIUNCHIGLIANI, ANGLE, BEERS, GOICOECHEA, GRIFFIN, HETTRICK, KNECHT, MANENDO AND MCCLEARY

MARCH 17, 2003

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Increases the period of residency required to qualify as candidate for certain offices. (BDR 24-359)

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 candidates for office; increasing the period of residency required to qualify as a candidate for certain offices; 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 293.1755 is hereby amended to read as follows:

293.1755 1. [In addition to any other requirement] Except as otherwise provided by law, no person may be a candidate for any office unless, for at least the [30 days] 6 months immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which he seeks, he has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he will have jurisdiction or which he will represent.

2. Any person who knowingly and willfully files an acceptance of candidacy or declaration of candidacy which contains a false statement in this respect is guilty of a gross misdemeanor.



- 3. The provisions of this section do not apply to candidates for the office of district attorney.
 - Sec. 2. NRS 293.177 is hereby amended to read as follows:
- 293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and paid the fee required by NRS 293.193 not earlier than the first Monday in May of the year in which the election is to be held nor later than 5 p.m. on the third Monday in May.
- 2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:
 - (a) For partisan office:

DECLARATION OF CANDIDACY OF FOR THE OFFICE OF

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State of Nevada

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County of

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For the purpose of having my name placed on the official ballot as a candidate for the Party nomination 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 State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least [30 days] 6 *months* 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 I am registered as a member of the Party; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since September 1 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of 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



1	will qualify for the office if elected thereto, including, but not
2	limited to, complying with any limitation prescribed by the
3	Constitution and laws of this state concerning the number of years
4	or terms for which a person may hold the office; and that I
5	understand that my name will appear on all ballots as designated in
6	this declaration.
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9	(Designation of name)
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12	(Signature of candidate for office)
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14	Subscribed and sworn to before
15	me this day of the month of of the year
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18	Notary Public or other person
19	authorized to administer an oath
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21	(b) For nonpartisan office:
22	(c) I of nonpulsions officer
23	DECLARATION OF CANDIDACY OF FOR THE
24	OFFICE OF
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26	State of Nevada
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28	County of
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30	For the purpose of having my name placed on the official ballot as a
31	candidate for the office of, I, the undersigned,
32	do swear or affirm under penalty of perjury that I actually, as
33	opposed to constructively, reside at, in the City or Town of
34	, County of, State of Nevada; that my actual, as
35	opposed to constructive, residence in the State, district, county,
36	township, city or other area prescribed by law to which the office
37	pertains began on a date at least [30 days] 6 months immediately
38	preceding the date of the close of filing of declarations of candidacy
39	for this office; that my telephone number is, and the address
40	at which I receive mail, if different than my residence, is; that
41	if nominated as a nonpartisan candidate at the ensuing election, I
42	will accept the nomination and not withdraw; that I will not
43	knowingly violate any election law or any law defining and
44	prohibiting corrupt and fraudulent practices in campaigns and
45	elections in this state; that I will qualify for the office if elected
	The state of the 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 regarding the person or principles for which he is voting.
- 4. The address of a candidate which must be included in the declaration of candidacy 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 filing officer for the office as his agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. 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 filing officer duplicate copies of the process. The filing officer 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 filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

Sec. 3. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.190, 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:

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DECLARATION OF CANDIDACY OF	FOR THE
OFFICE OF	

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State of Nevada

City of

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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] 6 months 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



1	may hold the office; and my name will appear on all ballots as
2	designated in this declaration.
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5	(Designation of name)
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8	(Signature of candidate for office)
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10	Subscribed and sworn to before
11	me this day of the month of of the year
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13	
14	Notary Public or other person
15	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. 4. NRS 293C.200 is hereby amended to read as follows: 293C.200 1. [In addition to any other requirement] Except as otherwise provided by law, no person may be a candidate for a city office unless, for at least the [30 days] 6 months immediately preceding the date of the close of filing of declarations or acceptances of candidacy for the office that he seeks, he has in accordance with NRS 281.050, actually, as opposed to constructively, resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he will have jurisdiction or which he will represent.

- 2. Any person who knowingly and willfully files a declaration of candidacy or an acceptance of candidacy that contains a false statement in this respect is guilty of a gross misdemeanor.
- **Sec. 5.** Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2206, is hereby amended to read as follows:
 - Sec. 2.010 City Council: Qualifications; election; term of office; salary.
 - 1. The legislative power of the City is vested in a City Council consisting of four Councilmen and the Mayor.
 - 2. The Mayor must be:

- (a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.
 - (b) A qualified elector within the City.
 - 3. Each Councilman must be:
- (a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.
- (b) A qualified elector within the ward which he represents.
- (c) A resident of the ward which he represents for at least [30 days] 6 months immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Councilman to continue in office for the term for which he was elected.



- 4. All Councilmen, including the Mayor, must be voted upon by the registered voters of the City at large and shall serve for terms of 4 years.
- 5. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Councilmen during the term for which they have been elected or appointed.
- **Sec. 6.** Section 2.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 344, Statutes of Nevada 1999, at page 1413, is hereby amended to read as follows:
 - Sec. 2.010 City Council: Qualifications; election; term of office; salary.
 - 1. The legislative power of the City is vested in a City Council consisting of four Councilmen and a Mayor.
 - 2. The Mayor must be:

- (a) A bona fide resident of the City for at least 6 months immediately preceding his election.
 - (b) A qualified elector within the City.
 - 3. Each Councilman:
- (a) Must be a qualified elector who has resided in the ward which he represents for at least [30 days] 6 months immediately preceding the last day for filing a declaration of candidacy for his office.
- (b) Must continue to live in the ward he represents, except that changes in ward boundaries made pursuant to section 1.045 of this Charter will not affect the right of any elected Councilman to continue in office for the term for which he was elected.
- 4. At the time of filing, if so required by an ordinance duly enacted, candidates for the **[office]** of Mayor and Councilman shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.
- 5. All Councilmen, including the Mayor, must be voted upon by the registered voters of the City at large, and their terms of office are 4 years.
- 6. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.



Sec. 7. Section 1.060 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 394, is hereby amended to read as follows:

Sec. 1.060 Elective officers: Qualifications; salaries. [Effective July 1, 2003.]

- 1. The elective officers of the City consist of:
- (a) A Mayor.

- (b) Five members of the Council.
- (c) A City Attorney.
- (d) Municipal Judges, the number to be determined pursuant to section 4.010.
 - 2. All elective officers of the City must be:
- (a) Bona fide residents of the City for at least [30 days] 6 months immediately preceding the last day for filing a declaration of candidacy for such an office.
- (b) Residents of the City during their term of office, and, in the case of a member of the Council, a resident of the ward the member represents.
 - (c) Registered voters within the City.
- 3. No person may be elected or appointed as a member of the Council who was not an actual bona fide resident of the ward to be represented by him for a period of at least [30 days] 6 months immediately preceding the last day for filing a declaration of candidacy for the office, or, in the case of appointment, 30 days immediately preceding the day the office became vacant.
- 4. The City Attorney must be a licensed member of the State Bar of Nevada.
- 5. Each elective officer is entitled to receive a salary in an amount fixed by the City Council. At any time before January 1 of the year in which a general election is held, the City Council shall enact an ordinance fixing the initial salary for each elective office for the term beginning on the first Monday following that election. This ordinance may not be amended to increase or decrease the salary for the office of Mayor, City Councilman or City Attorney during the term. If the City Council fails to enact such an ordinance before January 1 of the election year, the succeeding elective officers are entitled to receive the same salaries as their respective predecessors.



Sec. 8. Section 6 of the Moapa Valley Water District Act, being chapter 477, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2001, at page 991, is hereby amended to read as follows:

- Sec. 6. 1. Each member of the Board must:
- (a) Actually, as opposed to constructively, reside in the election area represented for at least [30 days] 6 months immediately preceding the date of the close of filing of declarations of candidacy as set forth in section 7 of this chapter;
- (b) Be a qualified elector of the election area represented; and
- (c) Take office upon qualification therefor as provided in subsection 2, or on the first Monday in January next following the member's election, whichever is later, and leave office upon the first Monday in January next following the election of the member's successor in office.
- 2. Before taking office, each member of the Board must qualify by filing with the Clerk of Clark County:
- (a) An oath of office taken and subscribed in the manner prescribed by the Clerk; and
- (b) A corporate surety bond, at the expense of the District, in an amount determined by the Clerk, but no greater than \$10,000, which bond must guarantee the faithful performance of the duties of the member.
- 3. A vacancy on the Board must be filled by an appointment made by the remaining members of the Board. The person so appointed must be, for the [30 days] 6 months immediately preceding the date of appointment, a resident and elector of the election area represented, and, before taking office, qualify in the manner prescribed in subsection 2. The person shall serve until the first Monday in January following the next general district election. If that general district election precedes the expiration of the term of the member whose absence required the appointment, the balance of that term must be filled at that general district election in the same manner as prescribed for the election of other members of the Board. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.
- **Sec. 9.** Section 2.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:
 - Sec. 2.020 Mayor and Councilmen: Qualifications; terms of office; salary.



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- 1. The Mayor must be a qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than [30 days] 6 months immediately before the last day for filing a declaration of candidacy for that office and be elected by the registered voters of the City at large.
- 2. Each Councilman must be a qualified elector who has resided within the ward which he represents for a period of not less than [30 days] 6 months immediately before the last day for filing a declaration of candidacy for his office and be elected by the registered voters of that ward.
- 3. The Mayor or any Councilman automatically forfeits the remainder of his term of office and that office becomes vacant if he ceases to be a resident of the City or of the ward which he represents, as the case may be.
- 4. The respective salaries of the Mayor and Councilmen must be fixed by ordinance.
- **Sec. 10.** Section 4.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 127, Statutes of Nevada 1989, at page 283, is hereby amended to read as follows:
 - Sec. 4.020 Municipal Court: Qualifications of Municipal Judges; salary; Master Judge; departments; alternate judges.
 - 1. Each Municipal Judge shall devote his full time to the duties of his office and must be:
 - (a) A duly licensed member, in good standing, of the State Bar of Nevada, but this qualification does not apply to any Municipal Judge who is an incumbent when this Charter becomes effective as long as he continues to serve as such in uninterrupted terms.
 - (b) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than [30 days] 6 months immediately before the last day for filing a declaration of candidacy for the department for which he is a candidate.
 - (c) Voted upon by the registered voters of the City at large.
 - 2. The salary of the Municipal Judges must be fixed by ordinance and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.
 - 3. The Municipal Judge who holds seniority in years of service in office, either elected or appointed, is the Master Judge. If two or more Judges are equal in seniority, the



1	Master Judge must be chosen from among them by the City
2	Council. The Master Judge:
3	(a) Shall establish and enforce administrative regulations
4	for governing the affairs of the Municipal Court.
5	(b) Is responsible for setting trial dates and other matters
6	which pertain to the court calendar.
7	(c) Shall perform such other court administrative duties as
8	may be required by the City Council.
9	4. Alternate judges in sufficient numbers may be
10	appointed annually by the Mayor, each of whom:
11	(a) Must be a duly licensed member, in good standing, of
12	the State Bar of Nevada and have such other qualifications as
13	are prescribed by ordinance.
14	(b) Has all of the powers and jurisdiction of a Municipal
15	Judge while he is acting as such.
16	(c) Is entitled to such compensation as may be fixed by
17	the City Council.
18	5. Any Municipal Judge, other than an alternate judge,
19	automatically forfeits his office if he ceases to be a resident of
20	the City.
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