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FIRST REPRINT

S.B. 262

SENATE BILL NO. 262—SENATORS FLORES, DONATE, SCHEIBLE,
D. HARRIS, NEAL; LANGE, NGUYEN, OHRENSCHALL AND
SPEARMAN

MARCH 13, 2023

JOINT SPONSORS: ASSEMBLYMEN GONZÁLEZ, TORRES, D’SILVA,
NGUYEN; ANDERSON, BILBRAY-AXELROD, NEWBY,
PETERS AND WATTS

Referred to Committee on Government Affairs

SUMMARY—Revises the qualifications for membership on certain
town advisory councils and boards. (BDR 21-857)

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 towns; eliminating the requirement that a
member of a citizens’ advisory council of a town or
certain town advisory boards be a qualified elector; and
providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that in a county having a population of less than 100,000
2 (currently all counties other than Clark and Washoe Counties) which has not
3 elected to accept the provisions of the Unincorporated Town Government Law
4 (NRS 269.500-269.625), the board of county commissioners may, under certain
5 circumstances, by ordinance create a citizens’ advisory council to act in an advisory
6 and liaison capacity with respect to governing the affairs of an unincorporated
7 town. (NRS 269.011, 269.024, 269.0242) Any such citizens’ advisory council must
8 consist of not fewer than three nor more than five members, each of whom must be
9 a resident and qualified elector in the town. (NRS 269.0242) **Section 1** of this bill
10 eliminates the requirement that a member of such a citizens’ advisory council be a
11 qualified elector. **Section 1** further requires that a member of such a citizens’
12 advisory council be: (1) a resident of the town; and (2) a citizen of the United States
13 or lawfully entitled to reside in the United States.

14 Existing law provides that the Unincorporated Town Government Law applies
15 in a county having a population of 100,000 or more (currently Clark and Washoe
16 Counties) and in any other county in which the board of county commissioners has
17 adopted by ordinance, the Unincorporated Town Government Law. (NRS 269.530)



* S B 2 6 2 R 1 *

18 Pursuant to the Unincorporated Town Government Law, the board of county
19 commissioners must provide for a town advisory board in an ordinance which
20 establishes an unincorporated town. Such a town advisory board must consist of
21 three or five qualified electors who are residents of the unincorporated town. (NRS
22 269.576, 269.577) Existing law further authorizes the board of county
23 commissioners of any county, by resolution, to designate one or more town services
24 to be within the power of a town advisory board to manage. (NRS 269.580) If the
25 board of county commissioners has not made such a designation, **sections 2 and 3**
26 of this bill eliminate the requirement that a member of such a town advisory board
27 be a qualified elector. Instead, **sections 2 and 3** require that a member of such a
28 town advisory board be: (1) a resident of the unincorporated town; and (2) a citizen
29 of the United States or lawfully entitled to reside in the United States.

30 **Section 4** of this bill makes a conforming change to revise the declaration of
31 candidacy that must be filed by a candidate for the position of a town advisory
32 board if the members of the town advisory board are not required to be qualified
33 electors pursuant to **sections 2 and 3** because the board of county commissioners
34 has not designated one or more services to be within the power of the town
35 advisory board to manage.

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

1 **Section 1.** NRS 269.0242 is hereby amended to read as
2 follows:

3 269.0242 Any ordinance enacted pursuant to NRS 269.024
4 must include provisions in substance as follows:

5 1. The citizens' advisory council must consist of not fewer than
6 three nor more than five members.

7 2. Each member of the advisory council must be **[a]** :

8 **(a)** A resident ~~[and qualified elector in]~~ of the town ~~[]~~; and

9 **(b)** A citizen of the United States or lawfully entitled to reside
10 in the United States.

11 3. The members of the advisory council must be appointed by
12 the board of county commissioners from a list of a number of
13 qualified persons, equal in number to the number of positions on the
14 advisory council which are to be filled, elected at an informal
15 election. Notice of the election must be posted in accordance with
16 NRS 241.020. The election must be held in the town in November
17 of the year of the general election.

18 4. The list of names of the persons elected must be presented to
19 the board of county commissioners at their first meeting in
20 December of the year of the general election. The persons appointed
21 to the advisory council shall serve their respective terms at the
22 pleasure of the board.

23 5. The members of the advisory council first appointed by the
24 board of county commissioners shall serve until the 1st Monday in
25 January following the next general election, and thereafter the terms



1 of office of the members of the advisory council are for 2 years and
2 begin on the 1st Monday in January following each general election.

3 6. The advisory council shall assist the board of county
4 commissioners in governing the town by acting as liaison between
5 the residents of the town and the board. The advisory council and
6 the board shall cooperate to inform each other of all matters of
7 interest to the town and its residents. The advisory council shall not
8 expend or contract any town money for any purpose.

9 7. The members of the advisory council shall serve without
10 compensation.

11 **Sec. 2.** NRS 269.576 is hereby amended to read as follows:

12 269.576 1. Except as appointment may be deferred pursuant
13 to NRS 269.563, the board of county commissioners of any county
14 whose population is 700,000 or more shall, in each ordinance which
15 establishes an unincorporated town pursuant to NRS 269.500 to
16 269.625, inclusive, provide for:

17 (a) Except as otherwise provided in subsection ~~[7.]~~ 8,
18 appointment by the board of county commissioners or the election
19 by the registered voters of the unincorporated town of three or five
20 ~~[qualified electors who are residents of the unincorporated town]~~
21 *persons* to serve as the town advisory board. If the ordinance
22 provides for appointment by the board of county commissioners, in
23 making such appointments, the board of county commissioners shall
24 consider:

25 (1) The results of any poll conducted by the town advisory
26 board; and

27 (2) Any application submitted to the board of county
28 commissioners by persons who desire to be appointed to the town
29 advisory board in response to an announcement made by the town
30 advisory board.

31 (b) A term of 2 years for members of the town advisory board.

32 (c) Election of a chair from among the members of the town
33 advisory board for a term of 2 years, and, if a vacancy occurs in the
34 office of chair, for the election of a chair from among the members
35 for the remainder of the unexpired term. The ordinance must also
36 provide that a chair is not eligible to succeed himself or herself for a
37 term of office as chair.

38 2. *Each member of a town advisory board described in*
39 *subsection 1 must be:*

40 (a) *If the board of county commissioners has, pursuant to NRS*
41 *269.580, designated one or more of the services enumerated in*
42 *NRS 269.575 as properly within the power of the town advisory*
43 *board to manage:*

44 (1) *A resident of the unincorporated town; and*

45 (2) *A qualified elector.*



1 *(b) If the board of county commissioners has not, pursuant to*
2 *NRS 269.580, designated one or more of the services enumerated*
3 *in NRS 269.575 as properly within the power of the town advisory*
4 *board to manage:*

5 *(1) A resident of the unincorporated town; and*

6 *(2) A citizen of the United States or lawfully entitled to*
7 *reside in the United States.*

8 3. Except as otherwise provided in subsection ~~[7.]~~ 8, the
9 members of a town advisory board serve at the pleasure of the board
10 of county commissioners.

11 ~~[3.]~~ 4. If a vacancy occurs on the town advisory board, the
12 board of county commissioners shall appoint a new member to serve
13 out the remainder of the unexpired term of the member.

14 ~~[4.]~~ 5. The board of county commissioners shall provide notice
15 of the expiration of the term of a member of and any vacancy on a
16 town advisory board to the residents of the unincorporated town by
17 mail, newsletter or newspaper at least 30 days before the expiration
18 of the term or filling the vacancy.

19 ~~[5.]~~ 6. The duties of the town advisory board are to:

20 (a) Assist the board of county commissioners in governing the
21 unincorporated town by acting as liaison between the residents of
22 the town and the board of county commissioners; and

23 (b) Advise the board of county commissioners on matters of
24 importance to the unincorporated town and its residents.

25 ~~[6.]~~ 7. The board of county commissioners may provide by
26 ordinance for compensation for the members of the town advisory
27 board.

28 ~~[7.]~~ 8. If an unincorporated town is established in a county
29 whose population is 700,000 or more and is located 25 miles or
30 more from an incorporated city whose population is 500,000 or
31 more:

32 (a) The board of county commissioners shall by ordinance
33 provide for the election by the registered voters of the
34 unincorporated town of three or five ~~[qualified electors who are~~
35 ~~residents of the unincorporated town]~~ *persons* to serve as the town
36 advisory board. If there are fewer ~~[qualified electors who are]~~
37 residents of the unincorporated town who file for election to the
38 town advisory board than there are seats on the town advisory
39 board, the board of county commissioners shall appoint as many
40 new members as are necessary to fill the seats left vacant after the
41 election.

42 (b) The members of the town advisory board of the
43 unincorporated town do not serve at the pleasure of and may not be
44 removed by the board of county commissioners.



1 *9. Each member of a town advisory board described in*
2 *subsection 8 must be:*

3 *(a) If the board of county commissioners has, pursuant to NRS*
4 *269.580, designated one or more of the services enumerated in*
5 *NRS 269.575 as properly within the power of the town advisory*
6 *board to manage:*

7 *(1) A resident of the unincorporated town; and*

8 *(2) A qualified elector.*

9 *(b) If the board of county commissioners has not, pursuant to*
10 *NRS 269.580, designated one or more of the services enumerated*
11 *in NRS 269.575 as properly within the power of the town advisory*
12 *board to manage:*

13 *(1) A resident of the unincorporated town; and*

14 *(2) A citizen of the United States or lawfully entitled to*
15 *reside in the United States.*

16 **Sec. 3.** NRS 269.577 is hereby amended to read as follows:

17 269.577 1. The board of county commissioners of any county
18 whose population is less than 700,000 shall, in each ordinance
19 which establishes an unincorporated town pursuant to NRS 269.500
20 to 269.625, inclusive, provide for:

21 (a) The appointment by the board of county commissioners or
22 the election by the people of three or five ~~qualified electors who are~~
23 ~~residents of the unincorporated town] persons~~ to serve as the town
24 advisory board.

25 (b) The removal of a member of the town advisory board if the
26 board of county commissioners finds that the removal of the
27 member is in the best interest of the residents of the unincorporated
28 town.

29 (c) The appointment by the board of county commissioners of a
30 member to serve the unexpired term of a member of the town
31 advisory board removed pursuant to the provisions of paragraph (b)
32 or whose position otherwise becomes vacant.

33 2. *Each member of a town advisory board must be:*

34 *(a) If the board of county commissioners has, pursuant to NRS*
35 *269.580, designated one or more of the services enumerated in*
36 *NRS 269.575 as properly within the power of the town advisory*
37 *board to manage:*

38 *(1) A resident of the unincorporated town; and*

39 *(2) A qualified elector.*

40 *(b) If the board of county commissioners has not, pursuant to*
41 *NRS 269.580, designated one or more of the services enumerated*
42 *in NRS 269.575 as properly within the power of the town advisory*
43 *board to manage:*

44 *(1) A resident of the unincorporated town; and*



1 (2) *A citizen of the United States or lawfully entitled to*
2 *reside in the United States.*

3 3. The board of county commissioners may provide by
4 ordinance for compensation for the members of the town advisory
5 board.

6 ~~3.1~~ 4. The duties of the town advisory board are to:

7 (a) Assist the board of county commissioners in governing the
8 unincorporated town by acting as liaison between the residents of
9 the town and the board of county commissioners; and

10 (b) Advise the board of county commissioners on matters of
11 importance to the unincorporated town and its residents.

12 **Sec. 4.** NRS 293.177 is hereby amended to read as follows:

13 293.177 1. Except as otherwise provided in NRS 293.165
14 and 293.166, a name may not be printed on a ballot to be used at a
15 primary election unless the person named has filed a declaration of
16 candidacy with the appropriate filing officer and paid the filing fee
17 required by NRS 293.193 not earlier than:

18 (a) For a candidate for judicial office, the first Monday in
19 January of the year in which the election is to be held and not later
20 than 5 p.m. on the second Friday after the first Monday in January;
21 and

22 (b) For all other candidates, the first Monday in March of the
23 year in which the election is to be held and not later than 5 p.m. on
24 the second Friday after the first Monday in March.

25 2. A declaration of candidacy required to be filed pursuant to
26 this chapter must be in substantially the following form:

27 (a) For partisan office:

28
29 DECLARATION OF CANDIDACY OF FOR THE
30 OFFICE OF

31
32 State of Nevada

33
34 County of

35
36 For the purpose of having my name placed on the official
37 ballot as a candidate for the Party nomination for
38 the office of, I, the undersigned, do swear or
39 affirm under penalty of perjury that I actually, as opposed to
40 constructively, reside at, in the City or Town of,
41 County of, State of Nevada; that my actual, as opposed
42 to constructive, residence in the State, district, county,
43 township, city or other area prescribed by law to which the
44 office pertains began on a date at least 30 days immediately
45 preceding the date of the close of filing of declarations of



1 candidacy for this office; that my telephone number is
 2, and the address at which I receive mail, if different
 3 than my residence, is; that I am registered as a member
 4 of the Party; that I am a qualified elector pursuant
 5 to Section 1 of Article 2 of the Constitution of the State of
 6 Nevada; that if I have ever been convicted of treason or a
 7 felony, my civil rights have been restored; that I have not, in
 8 violation of the provisions of NRS 293.176, changed the
 9 designation of my political party or political party affiliation
 10 on an official application to register to vote in any state since
 11 December 31 before the closing filing date for this election;
 12 that I generally believe in and intend to support the concepts
 13 found in the principles and policies of that political party in
 14 the coming election; that if nominated as a candidate of the
 15 Party at the ensuing election, I will accept that
 16 nomination and not withdraw; that I will not knowingly
 17 violate any election law or any law defining and prohibiting
 18 corrupt and fraudulent practices in campaigns and elections in
 19 this State; that I will qualify for the office if elected thereto,
 20 including, but not limited to, complying with any limitation
 21 prescribed by the Constitution and laws of this State
 22 concerning the number of years or terms for which a person
 23 may hold the office; that I understand that knowingly and
 24 willfully filing a declaration of candidacy which contains a
 25 false statement is a crime punishable as a gross misdemeanor
 26 and also subjects me to a civil action disqualifying me from
 27 entering upon the duties of the office; and that I understand
 28 that my name will appear on all ballots as designated in this
 29 declaration.

30
 31
 32 (Designation of name)

33
 34
 35 (Signature of candidate for office)

36
 37 Subscribed and sworn to before me
 38 this day of the month of of the year

39
 40
 41 Notary Public or other person
 42 authorized to administer an oath

43
 44 (b) ~~For~~ *Except as otherwise provided in paragraph (c), for*
 45 nonpartisan office:



DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County 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 State, district, county, township, city 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 I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan 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; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that 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

(c) For the position of town advisory board if the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

**DECLARATION OF CANDIDACY OF FOR THE
POSITION OF**

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the position of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the town to which the position pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this position; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that if nominated as a nonpartisan 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 position 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 position; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the



position; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for position)

*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. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:



1 (a) A valid driver's license or identification card issued by a
2 governmental agency that contains a photograph of the candidate;
3 and

4 (b) Alternative proof of the candidate's residential address that
5 the filing officer determines is sufficient to verify where the
6 candidate actually, as opposed to constructively, resides in
7 accordance with NRS 281.050. The Secretary of State may adopt
8 regulations establishing the forms of alternative proof of the
9 candidate's residential address that the filing officer may accept to
10 verify where the candidate actually, as opposed to constructively,
11 resides in accordance with NRS 281.050.

12 5. The filing officer shall retain a copy of the proof of identity
13 and residency provided by the candidate pursuant to subsection 3 or
14 4. Such a copy:

15 (a) May not be withheld from the public; and

16 (b) Must not contain the social security number, driver's license
17 or identification card number or account number of the candidate.

18 6. By filing the declaration of candidacy, the candidate shall be
19 deemed to have appointed the filing officer for the office *or*
20 *position, as applicable*, as his or her agent for service of process for
21 the purposes of a proceeding pursuant to NRS 293.182. Service of
22 such process must first be attempted at the appropriate address as
23 specified by the candidate in the declaration of candidacy. If the
24 candidate cannot be served at that address, service must be made by
25 personally delivering to and leaving with the filing officer duplicate
26 copies of the process. The filing officer shall immediately send, by
27 registered or certified mail, one of the copies to the candidate at the
28 specified address, unless the candidate has designated in writing to
29 the filing officer a different address for that purpose, in which case
30 the filing officer shall mail the copy to the last address so
31 designated.

32 7. If the filing officer receives credible evidence indicating that
33 a candidate has been convicted of a felony and has not had his or her
34 civil rights restored, the filing officer:

35 (a) May conduct an investigation to determine whether the
36 candidate has been convicted of a felony and, if so, whether the
37 candidate has had his or her civil rights restored; and

38 (b) Shall transmit the credible evidence and the findings from
39 such investigation to the Attorney General, if the filing officer is the
40 Secretary of State, or to the district attorney, if the filing officer is a
41 person other than the Secretary of State.

42 8. The receipt of information by the Attorney General or
43 district attorney pursuant to subsection 7 must be treated as a
44 challenge of a candidate pursuant to subsections 4 and 5 of NRS
45 293.182 to which the provisions of NRS 293.2045 apply.



1 9. Any person who knowingly and willfully files a declaration
2 of candidacy which contains a false statement in violation of this
3 section is guilty of a gross misdemeanor.
4 **Sec. 5.** This act becomes effective upon passage and approval.

