

Assembly Bill No. 444—Committee on Elections,

Procedures, and Ethics

CHAPTER.....

AN ACT relating to city elections; clarifying the application of certain provisions of Title 24 of NRS to city elections; requiring city clerks to publish a notice of the primary city election and general city election; authorizing the governing body of a city to establish the filing fee for candidates for city offices by resolution; eliminating the requirement that the special polling place must be maintained in the office of the city clerk; changing the date by which the city clerk must provide a voting booth for voting absent ballots in the office of the city clerk; prohibiting electioneering around or inside the office of the city clerk during the period for voting absent ballots in the office of the city clerk; changing the requirements for the appointment of members to the ballot board for early voting for a city election; providing a penalty; 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. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *“City of the second class” means a city:*

- 1. Organized pursuant to the provisions of chapter 266 of NRS; or*
- 2. Incorporated pursuant to a special charter,*
whose population is more than 5,000 and less than 20,000.

Sec. 3. *“City of the third class” means a city:*

- 1. Organized pursuant to the provisions of chapter 266 of NRS; or*
- 2. Incorporated pursuant to a special charter,*
whose population is 5,000 or less.

Sec. 4. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this Title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, **and sections 2 and 3 of this act**, have the meanings ascribed to them in those sections.

Sec. 5. NRS 293.038 is hereby amended to read as follows:

293.038 “City of the first class ” ~~["city of the second class" or "city of the third class"]~~ means a city:

1. Organized pursuant to the provisions of chapter 266 of NRS; or
 2. Incorporated pursuant to a special charter,
- ~~having a population described in subsections 1, 2 and 3 of NRS 266.055, respectively.]~~ **whose population is 20,000 or more.**

Sec. 6. NRS 293.214 is hereby amended to read as follows:

293.214 The county ~~for city~~ clerk shall establish at least one polling place for a precinct in any residential development exclusively for elderly persons if:

1. More than 100 of the residents of the development are registered to vote;
2. There is a common area which is adequate and available; an

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3. The owner of the development consents to the establishment of the polling place on his property.

Sec. 7. NRS 293.2175 is hereby amended to read as follows:

293.2175 1. The county ~~for city~~ clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

- (a) A United States citizen, a resident of Nevada and a resident of the county in which he serves;
- (b) Enrolled as a senior in high school;
- (c) At the time of service, enrolled in or have completed a high school course in American government in accordance with NRS 389.020; and
- (d) Performing at an academic level deemed acceptable by the principal of the pupil's high school.

2. The county ~~for city~~ clerk may only appoint a pupil as a trainee if:

- (a) The pupil is appointed without party affiliation;
- (b) The county ~~for city~~ clerk sends the pupil a certificate stating the date and hours the pupil, upon approval, will act as trainee;
- (c) At least 20 days before the election in which the pupil will act as trainee, the principal of his high school receives the county ~~for city~~ clerk's certificate and a written request signed by his parent or guardian to be excused from school for the time specified in the certificate;
- (d) The principal of the high school approves the pupil's request; and
- (e) The pupil attends the training class required by NRS 293B.260.

3. The county ~~for city~~ clerk may assign a trainee such duties as the county ~~for city~~ clerk deems appropriate. The county ~~for city~~ clerk shall not require the trainee to perform those duties later than 10 p.m. or any applicable curfew, whichever is earlier.

4. The county ~~for city~~ clerk may compensate a trainee for his service at the same rate fixed for election board officers generally.

Sec. 8. NRS 293.220 is hereby amended to read as follows:

293.220 Upon the selection of persons to act as election board officers *pursuant to NRS 293.217* or as trainees pursuant to NRS 293.2175, the county ~~for city~~ clerk shall deliver, by mail or other means, notifications of the appointments to those persons.

Sec. 9. NRS 293.223 is hereby amended to read as follows:

293.223 If any person appointed to serve as an election board officer *pursuant to NRS 293.217* or as a trainee pursuant to NRS 293.2175 is unwilling to serve as appointed, he shall notify the county ~~for city~~ clerk within 5 days after receipt of the notification that he is unwilling to serve, whereupon the county ~~for city~~ clerk shall appoint some other registered voter to serve at the election.

Sec. 10. NRS 293.227 is hereby amended to read as follows:

293.227 1. Each election board consists of at least three members, one of whom must be designated chairman by the county or city clerk. The boards shall make the records of election required by this chapter.

2. The appointment of a trainee as set forth in NRS 293.2175 *and section 16 of this act* may be used to determine the number of members on the election board, but under no circumstances may trainees comprise more than one-third of the election board of any precinct or serve as chairman of the election board.

3. The county or city clerk shall conduct or cause to be conducted, at least 5 days before the date of the election for which the boards are appointed, a school to acquaint the chairmen with the election laws, duties of election boards, regulations of the secretary of state and with the procedure for making the records of election and using the register for election boards. If the person appointed chairman is unable for any reason to attend the school, he shall appoint some other member of his election board to attend the school in his stead.

4. The board of county commissioners of any county or the city council of any city may reimburse the chairmen or their ~~{designates}~~ *designees* who attend the school for their travel expenses at a rate not exceeding 10 cents per mile.

5. Each chairman shall instruct his board before election day.

Sec. 11. NRS 293.274 is hereby amended to read as follows:

293.274 1. The county ~~{or city}~~ clerk shall allow members of the general public to observe the conduct of voting at a polling place.

2. A member of the general public shall not photograph the conduct of voting at a polling place or record the conduct of voting on audiotape or any other means of sound or video reproduction.

3. For the purposes of this section, a member of the general public does not include any person who:

(a) Gathers information for communication to the public;

(b) Is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station; and

(c) Is acting solely within his professional capacity.

Sec. 12. NRS 293.465 is hereby amended to read as follows:

293.465 If an election is prevented in any precinct or district by reason of the loss or destruction of the ballots intended for that precinct, or any other cause, the election officers for that precinct or district shall make an affidavit setting forth that fact and transmit it to the appropriate board of county commissioners . ~~{or city council.}~~ Upon receipt of the affidavit and upon the application of any candidate for any office to be voted for by the registered voters of that precinct or district, the board of county commissioners ~~{or city council}~~ shall order a new election in that precinct or district.

Sec. 13. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 26, inclusive, of this act.

Sec. 14. *Not later than 30 days before the primary city election and the general city election, the city clerk shall cause to be published a notice of the election in a newspaper of general circulation in the city once a week for 2 successive weeks. If a newspaper of general circulation*

is not published in the city, the publication may be made in a newspaper of general circulation published within the county in which the city is located. If a newspaper of general circulation is not published in that county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The names of the candidates.
5. A list of the offices to which the candidates seek nomination or election.

Sec. 15. The city clerk shall establish at least one polling place for a precinct in any residential development exclusively for elderly persons if:

1. More than 100 of the residents of the development are registered to vote;
2. There is a common area in the development which is adequate and available; and
3. The owner of the development consents to the establishment of the polling place on his property.

Sec. 16. 1. The city clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:

(a) A United States citizen, a resident of Nevada and a resident of the city in which he serves;

(b) Enrolled as a senior in high school;

(c) At the time of service, enrolled in or have completed a high school course in American government in accordance with NRS 389.020; and

(d) Performing at an academic level deemed acceptable by the principal of the pupil's high school.

2. The city clerk may only appoint a pupil as a trainee if:

(a) The pupil is appointed without party affiliation;

(b) The city clerk sends the pupil a certificate stating the date and hours the pupil, upon approval, will act as a trainee;

(c) At least 20 days before the election in which the pupil will act as a trainee, the principal of his high school receives the city clerk's certificate and a written request signed by his parent or guardian to be excused from school for the time specified in the certificate;

(d) The principal of the high school approves the pupil's request; and

(e) The pupil attends the training class required by NRS 293B.260.

3. The city clerk may assign a trainee such duties as the city clerk deems appropriate. The city clerk shall not require the trainee to perform those duties later than 10 p.m., or any applicable curfew, whichever is earlier.

4. The city clerk may compensate a trainee for his service at the same rate fixed for election board officers generally.

Sec. 17. Upon the selection of persons to act as election board officers pursuant to NRS 293C.220 or as trainees pursuant to section 16 of this act, the city clerk shall deliver, by mail or other means, notifications of the appointments to those persons.

Sec. 18. If any person appointed to serve as an election board officer pursuant to NRS 293C.220 or as a trainee pursuant to section 16 of this act is unwilling to serve as appointed, he shall notify the city clerk within 5 days after receipt of the notification that he is unwilling to serve, whereupon the city clerk shall appoint some other registered voter to serve at the election.

Sec. 19. An absent ballot for a city election or a ballot for a city election voted by a voter who resides in a mailing precinct must be voted on a paper ballot or a ballot which is voted by punching a card.

Sec. 20. 1. A ballot prepared for use in a city election must be dated and marked in such a manner as to indicate clearly at which city election the ballot will be used.

2. If a ballot includes a detachable stub, both the ballot and the stub must include the date of the city election and indicate clearly at which city election the ballot will be used.

3. If a ballot includes a voting receipt which has two parts, each part of the voting receipt must include the date of the city election and indicate clearly at which city election the ballot will be used.

Sec. 21. 1. The city clerk shall allow members of the general public to observe the conduct of voting at a polling place for a city election.

2. A member of the general public shall not photograph the conduct of voting at a polling place for a city election or record the conduct of voting on audiotape or any other means of sound or video reproduction.

3. For the purposes of this section, a member of the general public does not include any person who:

- (a) Gathers information for communication to the public;
- (b) Is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station; and
- (c) Is acting solely within his professional capacity.

Sec. 22. 1. During the period specified in subsection 2 of NRS 293C.327 when the city clerk's office is maintained with suitable equipment for voting an absent ballot in person:

(a) A person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the city clerk's office.

(b) The city clerk shall keep continuously posted:

- (1) At each entrance to the city clerk's office, a sign on which is printed in large letters "Polling Place for Voting Absent Ballots"; and
- (2) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker:

No electioneering between this point and any entrance to the city clerk's office."

2. Ropes or other suitable objects may be used at the city clerk's office to ensure compliance with this section.

3. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 23. A certificate of election or commission must not be withheld from the person having the highest number of votes for the city office because of any contest of election filed in the city election or any defect or informality in the returns of any city election, if it can be ascertained with reasonable certainty from the returns what city office is intended and who is entitled to the certificate or commission.

Sec. 24. Each container used to transport official ballots to a central counting place pursuant to NRS 293C.3602, 293C.630 and 293C.635 must:

1. Be constructed of metal or any other rigid material; and

2. Contain a seal which is placed on the container to ensure detection of any opening of the container.

The container and seal must be separately numbered for identification.

Sec. 25. If a city election is prevented in any precinct or district by reason of the loss or destruction of the ballots intended for that precinct or district, or any other cause, the election officers for that precinct or district shall make an affidavit setting forth that fact and transmit it to the governing body of the appropriate city. Upon receipt of the affidavit and upon the application of any candidate for any city office to be voted for by the registered voters of that precinct or district, the governing body of the city shall order a new election in that precinct or district.

Sec. 26. The provisions of NRS 293C.356 to 293C.361, inclusive, apply to a city only if the governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110.

Sec. 27. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. ~~{The}~~ Except as otherwise provided in subsection 2, conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards, and do all other things required to carry the election into effect.

2. The governing body of the city shall provide for:

(a) Absent ballots to be voted in a city election pursuant to NRS 293C.305 to 293C.325, inclusive, and 293C.330 to 293C.340, inclusive; and

(b) The conduct of:

(1) Early voting by personal appearance in a city election ~~{may be conducted}~~ pursuant to ~~{the provisions of}~~ NRS 293C.356 to 293C.361, inclusive ~~{,}~~, and section 26 of this act;

(2) Voting by absent ballot in person in a city election pursuant to NRS 293C.327; or

(3) Both early voting by personal appearance as described in subparagraph (1) and voting by absent ballot in person as described in subparagraph (2).

Sec. 28. NRS 293C.145 is hereby amended to read as follows:

293C.145 1. A general city election must be held in each city of the third class 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 the third class. 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. If a city council thereafter increases the number of councilmen, it shall, by lot, stagger the initial terms of the additional members.

3. 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. 29. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. A primary city election must be held in each city of the first class, and in each city of the second class that has so provided by ordinance, on the first Tuesday after the first Monday in May 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 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 ~~council~~ 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 the first or second class, 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. 30. 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 ~~40~~ 70 days before the primary city election and not later than 5 p.m. on the ~~30th~~ 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 reside at, in the City or Town of, County of, State of Nevada; that my actual residence in the city, township or other area prescribed by law to which the office pertains began on a date 30 days or more before the date of the close of filing of declarations of candidacy for this office; 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, 19...

.....
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 resides, 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.

Sec. 31. NRS 293C.220 is hereby amended to read as follows:

293C.220 **1.** The city clerk shall appoint and notify registered voters to act as election board officers for the various precincts and districts in the city as provided in NRS ~~293.220 to 293.227, inclusive,~~ **293.225, 293.227, 293C.230 to 293C.250, inclusive, and sections 17 and 18 of this act** and **NRS** 293C.382, and shall conclude those duties not later than 31 days before the election. No candidate for nomination or election or his relative within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

~~1-1~~ **(a)** Appoint an officer for each polling place in the city and for the central election board or the absent ballot central counting board; or

~~1-2~~ **(b)** Deputize, as an officer for the election, an election board officer for each polling place and for the central election board or the absent ballot central counting board. The deputized officer may not receive any additional compensation for the services he provides as an officer during the election for which he is deputized.

Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in section 16 of this act.

Sec. 32. NRS 293C.295 is hereby amended to read as follows:

293C.295 1. If a person is successfully challenged on the ground set forth in paragraph (a) of subsection 2 of NRS 293C.292 or if a person refuses to provide an affirmation pursuant to NRS 293C.525, the election board shall instruct the voter that he may vote only at the special polling place in the manner set forth in this section.

2. The city clerk shall maintain ~~{a}~~ **at least one** special polling place ~~in his office and~~ at such ~~{other}~~ locations as he deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided an affirmation pursuant to NRS 293C.525 in:

(a) A special ballot box if the ballots are paper ballots or ballots that are voted by punching a card; or

(b) A special sealed container if the ballots are ballots that are voted on a mechanical recording device which directly records the votes electronically.

3. A person who votes at a special polling place may place his vote only for the following offices and questions:

(a) All officers for whom all voters in the city may vote; and

(b) Questions that have been submitted to all voters of the city.

4. The ballots voted at the special polling place must be counted when other ballots are counted and:

(a) If the ballots are paper ballots or ballots that are voted by punching a card, maintained in a separate ballot box; or

(b) If the ballots are ballots that are voted on a mechanical recording device that directly records the votes electronically, maintained in a separate sealed container, until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.

Sec. 33. NRS 293C.327 is hereby amended to read as follows:

293C.327 1. If ~~{a}~~ :

(a) A request for an absent ballot is made by a registered voter in person ~~{a}~~ ; and

(b) The governing body of the city, pursuant to paragraph (b) of subsection 2 of NRS 293C.110, has provided for voting by absent ballot in person,

the city clerk shall issue an absent ballot to the registered voter, and the ballot must be voted on the premises of the city clerk's office and returned to the city clerk. The city clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. ~~{At least 25}~~ **If the governing body of the city has provided for voting by absent ballot in person pursuant to paragraph (b) of subsection 2 of NRS 293C.110, at least 20** days before a primary city election or general city election until 5:00 p.m. on:

(a) The Friday before the election; o

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(b) If the office of a city clerk is not scheduled to be open on the Friday before the election, the Thursday before the election, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued absent ballots in accordance with this section.

Sec. 34. NRS 293C.3598 is hereby amended to read as follows:

293C.3598 1. A ballot board for early voting must be appointed by the city clerk to handle early voting ballots for that city.

2. The board must consist of ~~two co-chairmen who must be of different political parties and at least two other members who may be of the same political party as one of the co-chairmen but must not be of the same political party as any other member.~~ **three members. No candidate or his relative within the second degree of consanguinity or affinity may be appointed as an election board member.**

Sec. 35. Section 5.010 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 686, Statutes of Nevada 1997, at page 3478, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the date fixed by the election laws of this state ~~for~~ **for statewide elections**, at which time there must be nominated candidates for offices to be voted for at the next general election.

2. A candidate for any office to be voted for at any primary election must file a declaration of candidacy as provided by the election laws of this state.

3. ~~A candidate for mayor, supervisor, municipal judge or any other office not otherwise provided for by law must pay to the clerk, at the time of filing the declaration of candidacy, the filing fee in the amount fixed by chapter 293 of NRS for county offices.~~

~~4.~~ All candidates for the office of mayor and supervisor, and candidates for the office of municipal judge if a third department of the municipal court has been established, must be voted upon by the registered voters of Carson City at large.

~~5.~~ **4.** If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.

~~6.~~ **5.** If in the primary election 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 election. If in the primary 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 numbers of votes must be placed on the ballot for the general election.

Sec. 36. Section 5.010 of the charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 686, Statutes of Nevada 1997, at page 3480, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the Tuesday after the first Monday in May of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this state.

3. ~~[A candidate for mayor, councilman, municipal judge or any other office not otherwise provided for by law must pay to the city clerk, at the time of filing the declaration of candidacy, the filing fee in the amount fixed by the city council.]~~

~~—4.]~~ All candidates for elective office must be voted upon by the registered voters of the city at large.

~~[5.]~~ 4. If in the primary 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 election. If in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he is a candidate, he must be declared elected and no general election need be held for that office.

~~[6.— If at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate for nomination for any office, that candidate must be declared elected and no election may be held for that office.]~~

Sec. 37. Section 5.010 of the charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 570, Statutes of Nevada 1997, at page 2790, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections.

1. On the Tuesday after the ~~[1st]~~ **first** Monday in May 1985, and at each successive interval of 4 years, a primary municipal election must be held in the city at which time candidates for two offices of councilman and for municipal judge, department 2, must be nominated.

2. On the Tuesday after the ~~[1st]~~ **first** Monday in May 1987, and at each successive interval of 4 years, a primary municipal election must be held in the city at which time candidates for mayor, for two offices of councilman and for municipal judge, department 1, must be nominated.

3. The candidates for councilman who are to be nominated as provided in subsections 1 and 2 must be nominated and voted for separately according to the respective wards. The candidates from wards 2 and 4 must be nominated as provided in subsection 1, and the candidates from wards 1 and 3 must be nominated as provided in subsection 2.

4. If the city council has established an additional department or departments of the municipal court pursuant to section 4.010 of this charter, and, as a result, more than one office of municipal judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

5. Each candidate for the municipal offices which are provided for in subsections 1, 2 and 4 must file a declaration of candidacy with the city clerk. ~~【The city clerk shall collect from each candidate, at the time of filing that candidate's declaration of candidacy, the filing fee which is prescribed by ordinance for that office. All of the】~~ All filing fees ~~【which are】~~ collected by the city clerk must be paid into the city treasury.

6. ~~【If, at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate for nomination for any office, that candidate must be declared elected for the term which commences on the day of the first regular meeting of the city council next succeeding the meeting at which the canvass of the returns is made, and no primary or general election need be held for that office.~~

~~—7.】~~ If, in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he is a candidate, he must be declared elected for the term which commences on the day of the first regular meeting of the city council next succeeding the meeting at which the canvass of the returns is made, and no general election need be held for that office. If, in the primary election, no candidate receives a majority of votes which are cast in that election for the office for which he is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.

Sec. 38. Section 5.020 of the charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 686, Statutes of Nevada 1997, at page 3481, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the city clerk. ~~【The city clerk shall charge and collect from the candidate and the candidate must~~

~~pay to the city clerk, at the time of filing his declaration of candidacy, a filing fee of \$25.]~~ All filing fees ~~[so]~~ collected by the city clerk must be deposited to the credit of the general fund of the city.

2. If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the first Tuesday in September preceding the general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election.

3. In the primary election:

(a) The names of the two candidates for municipal judge, city attorney, or a particular city council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.

(b) Candidates for councilman who represent a specific ward must be voted upon only by the registered voters of that ward.

(c) Candidates for mayor and councilman at large must be voted upon by all registered voters of the city.

4. The mayor and all councilmen must be voted upon by all registered voters of the city at the general election.

Sec. 39. The amendatory provisions of this act do not apply to offenses that were committed before the effective date of this act.

Sec. 40. This act becomes effective upon passage and approval.