

ASSEMBLY BILL NO. 613—COMMITTEE ON ELECTIONS,
PROCEDURES, AND ETHICS

(ON BEHALF OF CLARK COUNTY)

MARCH 18, 1999

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Makes various changes relating to elections. (BDR 24-575)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to elections; clarifying when a registered voter may sign certain petitions; revising the prohibition against a person being a candidate if he makes certain changes in his political party affiliation; changing the date by which candidates of minor political parties and independent candidates must file their petitions of candidacy with the county clerks for verification; clarifying that an elector who has moved from one congressional district to another may vote on election day under certain circumstances; shortening the time within which a registered voter may file a written challenge to a person's right to vote; changing the date of the primary city election for certain cities; making various revisions concerning campaign disclosure reports; revising provisions concerning county initiatives and referendums; specifying the time within which a public officer who is subject to recall may resign without a special election being conducted; specifying the time within which a person who has signed a petition to recall a public officer may request that his name be stricken; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 293 of NRS is hereby amended by adding thereto
- 2 a new section to read as follows:
- 3 *A person who is deemed to be a registered voter pursuant to the*
- 4 *provisions of NRS 293.501, 293.517, 293.5235 or 293.524 may, on or*
- 5 *after the date on which he is deemed to be a registered voter, sign any*
- 6 *petition that, pursuant to a provision of Title 24 of NRS, may only be*
- 7 *signed by a registered voter.*

1 **Sec. 2.** NRS 293.172 is hereby amended to read as follows:

2 293.172 1. A petition filed pursuant to paragraph (c) of subsection 2
3 of NRS 293.1715 may consist of more than one document. Each document
4 of the petition must:

5 (a) Bear the name of the county in which it was circulated;

6 (b) Include the affidavit of the person who circulated the document
7 verifying that the signers are registered voters in the state according to his
8 best information and belief and that the signatures are genuine and were
9 signed in his presence; and

10 (c) Be submitted to the county clerk in the county in which it is
11 circulated for verification in the manner prescribed in NRS 293.1276 to
12 293.1279, inclusive, not later than ~~40~~ 25 days before the third Tuesday in
13 August. A challenge to the form of a petition filed pursuant to paragraph
14 (c) of subsection 2 of NRS 293.1715 must be made in a district court in the
15 county in which the petition was circulated.

16 2. A document which bears the name of a county may be signed only
17 by registered voters of that county.

18 3. Each person who signs a document shall also provide the address of
19 the place where he resides, the date that he signs and the name of the
20 county in which he is registered to vote.

21 4. The county clerk shall not disqualify the signature of a voter who
22 failed to provide all of the information required by this section if the voter
23 is registered in the county named on the document.

24 **Sec. 3.** NRS 293.176 is hereby amended to read as follows:

25 293.176 1. Except as otherwise provided in subsection 2, no person
26 may be a candidate *for a partisan office* in any election if he has changed:

27 (a) The designation of his political party affiliation; or

28 (b) His designation of political party from nonpartisan to a designation
29 of a political party affiliation,
30 on an application to register to vote in the State of Nevada or in any other
31 state since the September 1 next preceding the closing filing date for the
32 election, whether or not his previous registration was still effective at the
33 time of the change in party designation.

34 2. The provisions of subsection 1 do not apply to any person who is a
35 candidate of a political party that was not qualified pursuant to NRS
36 293.171 on the September 1 next preceding the closing filing date for the
37 election.

38 **Sec. 4.** NRS 293.200 is hereby amended to read as follows:

39 293.200 1. An independent candidate for partisan office must file
40 with the proper filing officer:

41 (a) A copy of the petition of candidacy that he intends to circulate for
42 signatures. The copy must be filed before the petition may be circulated.

1 (b) A petition of candidacy signed by a number of registered voters
2 equal to at least 1 percent of the total number of ballots cast in the state or
3 in the county or district electing that officer at the last preceding general
4 election in which a person was elected to that office.

5 2. The petition may consist of more than one document. Each
6 document must bear the name of the county in which it was circulated and
7 only registered voters of that county may sign the document. The person
8 who circulates the document must be a registered voter of that county. If
9 the office is a district office, only the registered voters of that district may
10 sign the document. The documents which are circulated for signature in a
11 county must be submitted to that county clerk for verification in the
12 manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than
13 ~~140~~ 25 days before filing the petition of candidacy with the proper filing
14 officer. Each signer shall add to his signature the address of the place at
15 which he actually resides, the date that he signs the petition and the name
16 of the county where he is registered to vote for the purpose of determining
17 whether he is a registered voter. The person who circulates each document
18 of the petition shall sign an affidavit attesting that the signatures on the
19 document are genuine to the best of his knowledge and belief and were
20 signed in his presence by persons registered to vote in that county.

21 3. The petition of candidacy may state the principle, if any, which the
22 person qualified represents.

23 4. Petitions of candidacy must be filed not earlier than the first
24 Monday in May preceding the general election and not later than 5 p.m. on
25 the third Tuesday in August.

26 5. No petition of candidacy may contain the name of more than one
27 candidate for each office to be filled.

28 6. A person may not file as an independent candidate if he is
29 proposing to run as the candidate of a political party.

30 7. The names of independent candidates must be placed on the general
31 election ballot and must not appear on the primary election ballot.

32 8. If the candidacy of any person seeking to qualify pursuant to this
33 section is challenged, all affidavits and documents in support of the
34 challenge must be filed not later than 5 p.m. on the fourth Tuesday in
35 August. Any judicial proceeding resulting from the challenge must be set
36 for hearing not more than 5 days after the fourth Tuesday in August.

37 9. Any challenge pursuant to subsection 8 must be filed with:

38 (a) The first judicial district court if the petition of candidacy was filed
39 with the secretary of state.

40 (b) The district court for the county where the petition of candidacy was
41 filed if the petition was filed with a county clerk.

42 10. An independent candidate for partisan office must file a
43 declaration of candidacy with the proper filing officer and pay the fee

1 required by NRS 293.193 not earlier than the first Monday in May of the
2 year in which the election is held nor later than 5 p.m. of the first
3 Wednesday in July.

4 **Sec. 5.** NRS 293.202 is hereby amended to read as follows:

5 293.202 A withdrawal of candidacy for office must be in writing and
6 must be presented by the candidate in person, within 7 days , *excluding*
7 *Saturdays, Sundays and holidays*, after the last day for filing, to the
8 officer whose duty it is to receive filings for candidacy for that office.

9 **Sec. 6.** NRS 293.525 is hereby amended to read as follows:

10 293.525 1. Any elector who is presently registered and has changed
11 his residence after the last preceding general election and who fails to
12 return or never receives a postcard mailed pursuant to NRS 293.5235,
13 293.530, or 293.535 who moved:

14 (a) From one precinct to another *or from one congressional district to*
15 *another* within the same county must be allowed to vote in the precinct
16 where he previously resided after he provides an oral or written affirmation
17 before an election board officer attesting to his new address.

18 (b) Within the same precinct must be allowed to vote after he provides
19 an oral or written affirmation before an election board officer attesting to
20 his new address.

21 2. If an elector alleges that the records in the registrar of voters'
22 register or the election board register incorrectly indicate that he has
23 changed his residence, he must be permitted to vote after he provides an
24 oral or written affirmation before an election board officer attesting that he
25 continues to reside at the same address.

26 3. If an elector refuses to provide an oral or written affirmation
27 attesting to his address as required by this section, he may only vote at the
28 special polling place in the county in the manner set forth in NRS 293.304.

29 4. The county clerk shall use any information regarding the current
30 address of an elector obtained pursuant to this section to correct
31 information in the registrar of voters' register and the election board
32 register.

33 **Sec. 7.** NRS 293.547 is hereby amended to read as follows:

34 293.547 1. After the 30th day but not later than the ~~15th~~ *25th* day
35 before any election, a written challenge may be filed with the county clerk.

36 2. A registered voter may file a written challenge if:

37 (a) He is registered to vote in the same precinct or district as the person
38 whose right to vote is challenged; or

39 (b) The challenge is based on the personal knowledge of the registered
40 voter.

41 3. The challenge must be signed and verified by the registered voter
42 and name the person whose right to vote is challenged and the ground of
43 the

challenge.

1 4. A challenge filed pursuant to this section must not contain the name
2 of more than one person whose right to vote is challenged. The county
3 clerk shall not accept for filing any challenge which contains more than
4 one such name.

5 5. The county clerk shall file the challenge in the registrar of voters'
6 register and:

7 (a) In counties where records of registration are not kept by computer,
8 he shall attach a copy of the challenge to the challenged registration in the
9 election board register.

10 (b) In counties where records of registration are kept by computer, he
11 shall have the challenge printed on the computer entry for the challenged
12 registration and add a copy of it to the election board register.

13 6. The county clerk shall, within 5 days after a challenge is filed, mail
14 a notice to the person whose right to vote has been challenged pursuant to
15 this section informing him of the challenge. A copy of the challenge must
16 accompany the notice.

17 **Sec. 8.** NRS 293C.175 is hereby amended to read as follows:

18 293C.175 1. A primary city election must be held in each city of the
19 first class, and in each city of the second class that has so provided by
20 ordinance, on the first Tuesday after the first Monday in ~~May~~ April of
21 every year in which a general city election is to be held, at which time
22 there must be nominated candidates for offices to be voted for at the next
23 general city election.

24 2. A candidate for any office to be voted for at the primary city
25 election must file a declaration of candidacy with the city clerk not less
26 than 60 days nor more than 70 days before the date of the primary city
27 election. The city clerk shall charge and collect from the candidate and the
28 candidate must pay to the city clerk, at the time of filing the declaration of
29 candidacy, a filing fee in an amount fixed by the city council by ordinance.
30 The filing fees collected by the city clerk must be deposited to the credit of
31 the general fund of the city.

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

34 4. If, in a primary city election held in a city of the first or second
35 class, one candidate receives more than a majority of votes cast in that
36 election for the office for which he is a candidate, his name alone must be
37 placed on the ballot for the general city election. If, in the primary city
38 election, no candidate receives a majority of votes cast in that election for
39 the office for which he is a candidate, the names of the two candidates
40 receiving the highest number of votes must be placed on the ballot for the
41 general city election.

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

2 293C.190 1. A vacancy occurring in a nomination for a city office
3 after the close of filing and before the first Tuesday after the first Monday
4 in ~~May~~ April in a year in which a general city election is held must be
5 filled by filing a nominating petition that is signed by at least 1 percent of
6 the persons who are registered to vote and who voted for that office at the
7 last preceding general city election. The petition must be filed not earlier
8 than 30 days before the date of the primary city election and not later than
9 the third Tuesday after the third Monday in ~~May~~ April. A candidate
10 nominated pursuant to the provisions of this subsection may be elected
11 only at a general city election and his name must not appear on the ballot
12 for a primary city election.

13 2. A vacancy occurring in a nomination for a city office after a
14 primary city election and before the second Tuesday after the second
15 Monday in ~~May~~ April must be filled by the person who received the next
16 highest vote for the nomination in the primary city election.

17 3. Except to place a candidate nominated pursuant to subsection 1 on
18 the ballot, no change may be made on the ballot after the second Tuesday
19 after the second Monday in ~~May~~ April of the year in which the general
20 city election is held. If a nominee dies after that date, his name must
21 remain on the ballot and, if elected, a vacancy exists.

22 4. All designations provided for in this section must be filed before 5
23 p.m. on the second Tuesday after the second Monday in ~~May~~ April of the
24 year in which the general city election is held. The filing fee must be paid
25 and an acceptance of the designation must be filed before 5 p.m. on that
26 date.

27 **Sec. 10.** NRS 293C.195 is hereby amended to read as follows:

28 293C.195 A withdrawal of candidacy for a city office must be in
29 writing and presented to the city clerk by the candidate in person within 2
30 days, *excluding Saturdays, Sundays and holidays*, after the last day for
31 filing a declaration of candidacy or an acceptance of candidacy.

32 **Sec. 11.** NRS 293C.345 is hereby amended to read as follows:

33 293C.345 The city clerk shall mail to each registered voter in each
34 mailing precinct and in each absent ballot mailing precinct, before 5 p.m.
35 on the third Thursday in ~~April~~ March and before 5 p.m. on the fourth
36 Tuesday in May of any year in which a general city election is held, an
37 official mailing ballot to be voted by him at the election.

38 **Sec. 12.** NRS 293C.370 is hereby amended to read as follows:

39 293C.370 1. Whenever a candidate whose name appears upon the
40 ballot at a general city election dies after 5 p.m. of the third Tuesday *after*
41 *the third Monday* in ~~May~~ April and before the time of the closing of the
42 polls on the day of the election, the votes cast for the deceased candidate

1 must be counted in determining the results of the election for the office for
2 which the decedent was a candidate.

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

8 **Sec. 13.** Chapter 294A of NRS is hereby amended by adding thereto a
9 new section to read as follows:

10 *For any report required to be filed pursuant to a provision of this*
11 *chapter, an amendment to that report may be filed with the same officer*
12 *with whom the original report is required to be filed within 5 days after*
13 *the date by which the original report is required to be filed. The*
14 *amendatory information must be:*

15 1. *Reported on a form provided by the secretary of state that must*
16 *include the phrase "Amended" on the top of the form; and*

17 2. *Signed, under penalty of perjury, by the candidate, person or*
18 *representative of the group that is required to file the original report.*
19 *If filed within 5 days after the date by which the original report was*
20 *required to be filed, the date of filing the amendment to the report shall*
21 *be deemed to be the date the original report was filed.*

22 **Sec. 14.** NRS 294A.120 is hereby amended to read as follows:

23 294A.120 1. Every candidate for state, district, county or township
24 office at a primary or general election shall, not later than:

25 (a) Seven days before the primary election, for the period from 30 days
26 before the regular session of the legislature after the last election for that
27 office up to 12 days before the primary election;

28 (b) Seven days before the general election, whether or not the candidate
29 won the primary election, for the period from 12 days before the primary
30 election up to 12 days before the general election; and

31 (c) The 15th day of the second month after the general election, for the
32 remaining period up to 30 days before the next regular session of the
33 legislature,

34 report the total amount of his campaign contributions on forms designed
35 and provided by the secretary of state and signed by the candidate under
36 penalty of perjury.

37 2. Except as otherwise provided in subsection 3, every candidate for a
38 district office at a special election shall, not later than:

39 (a) Seven days before the special election, for the period from his
40 nomination up to 12 days before the special election; and

41 (b) Thirty days after the special election, for the remaining period up to
42 the special election,

1 report the total amount of his campaign contributions on forms designed
2 and provided by the secretary of state and signed by the candidate under
3 penalty of perjury.

4 3. Every candidate for state, district, county, municipal or township
5 office at a special election to determine whether a public officer will be
6 recalled shall report the total amount of his campaign contributions on
7 forms designed and provided by the secretary of state and signed by the
8 candidate under penalty of perjury, 30 days after ~~the~~ :

9 (a) *The* special election, for the period from the filing of the notice of
10 intent to circulate the petition for recall up to the special election ~~+~~ ; or

11 (b) *A district court determines that the petition for recall is legally*
12 *insufficient pursuant to subsection 4 of NRS 306.040, for the period from*
13 *the filing of the notice of intent to circulate the petition for recall up to*
14 *the date of the district court's decision.*

15 4. Reports of campaign contributions must be filed with the officer
16 with whom the candidate filed the declaration of candidacy or acceptance
17 of candidacy. A candidate may mail the report to that officer by certified
18 mail. If certified mail is used, the date of mailing shall be deemed the date
19 of filing.

20 5. Every county clerk who receives from candidates for legislative or
21 judicial office, except the office of justice of the peace or municipal judge,
22 reports of campaign contributions pursuant to subsection 4 shall file a copy
23 of each report with the secretary of state within 10 working days after he
24 receives the report.

25 6. Each contribution in excess of \$100 and contributions which a
26 contributor has made cumulatively in excess of that amount since the
27 beginning of the first reporting period must be separately identified with
28 the name and address of the contributor and the date of the contribution,
29 tabulated and reported on the form provided by the secretary of state.

30 **Sec. 15.** NRS 294A.200 is hereby amended to read as follows:

31 294A.200 1. Every candidate for state, district, county or township
32 office at a primary or general election shall, not later than:

33 (a) Seven days before the primary election, for the period from 30 days
34 before the regular session of the legislature after the last election for that
35 office up to 12 days before the primary election;

36 (b) Seven days before the general election, whether or not the candidate
37 won the primary election, for the period from 12 days before the primary
38 election up to 12 days before the general election; and

39 (c) The 15th day of the second month after the general election, for the
40 remaining period up to 30 days before the next regular session of the
41 legislature,

42 report his campaign expenses on forms designed and provided by the
43 secretary of state and signed by the candidate under penalty of perjury.

2. Except as otherwise provided in subsection 3, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination up to 12 days before the special election; and

(b) Sixty days after the special election, for the remaining period up to 30 days after the special election,

report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury, 60 days after ~~the~~:

(a) *The* special election, for the period from the filing of the notice of intent to circulate the petition for recall up to 30 days after the special election ~~+~~; or

(b) *A district court determines that the petition for recall is legally insufficient pursuant to subsection 4 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall up to the date of the district court's decision.*

4. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. County clerks who receive from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to subsection 4 shall file a copy of each report with the secretary of state within 10 working days after he receives the report.

Sec. 16. NRS 295.095 is hereby amended to read as follows:

295.095 1. Any five registered voters of the county may commence initiative or referendum proceedings by filing with the county clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the county equal to 15 percent or more of the number of voters who voted at the last preceding general election in the county.

1 3. Referendum petitions must be signed by a number of registered
2 voters of the county equal to 10 percent or more of the number of voters
3 who voted at the last preceding general election in the county.

4 4. A petition must be filed not later than:

5 (a) One hundred and eighty days after the date that the affidavit
6 required by subsection 1 is filed with the county clerk; or

7 (b) ~~{One hundred days before}~~ *To be placed on the ballot for the*
8 *primary election, the first Monday in March of the year in which a*
9 *primary election will be held or, to be placed on the ballot for the general*
10 *election, the first Monday in May of the year in which a general election*
11 *will held,*

12 whichever is earlier.

13 5. A petition may consist of more than one document, but all
14 documents of a petition must be uniform in size and style, numbered and
15 assembled as one instrument for filing. Each signature must be executed in
16 ink or indelible pencil and followed by the address of the person signing
17 and the date on which he signed the petition. All signatures on a petition
18 must be obtained within the period specified in paragraph (a) of subsection
19 4. Each document must contain or have attached thereto throughout its
20 circulation the full text of the ordinance proposed or sought to be
21 reconsidered.

22 6. Each document of a petition must have attached to it when filed an
23 affidavit executed by the circulator thereof stating:

24 (a) That he personally circulated the document;

25 (b) The number of signatures thereon;

26 (c) That all the signatures were affixed in his presence;

27 (d) That he believes them to be genuine signatures of the persons whose
28 names they purport to be; and

29 (e) That each signer had an opportunity before signing to read the full
30 text of the ordinance proposed or sought to be reconsidered.

31 7. The county clerk shall issue a receipt to any person who submits a
32 petition pursuant to this section. The receipt must set forth the number of:

33 (a) Documents included in the petition;

34 (b) Pages in each document; and

35 (c) Signatures that the person declares are included in the petition.

36 **Sec. 17.** NRS 295.115 is hereby amended to read as follows:

37 295.115 1. When an initiative or referendum petition has been
38 finally determined sufficient, the board shall promptly consider the
39 proposed initiative ordinance in the manner provided by law for the
40 consideration of ordinances generally or reconsider the referred ordinance
41 by voting its repeal. If the board fails to adopt a proposed initiative
42 ordinance without any change in substance within 60 days or fails to repeal
43 the referred ordinance within 30 days after the date the petition was finally

1 determined sufficient, it shall submit the proposed or referred ordinance to
2 the registered voters of the county.

3 2. The vote of the county on a proposed or referred ordinance must be
4 held at the next primary or general election. Copies of the proposed or
5 referred ordinance must be made available at the polls. *If the proposed or*
6 *referred ordinance will be submitted to the voters of the county:*

7 (a) *At a primary election, the board shall provide a copy of the*
8 *question as to whether the ordinance should be adopted, including an*
9 *explanation of and arguments for and against the question, to the county*
10 *clerk on or before the third Monday in July preceding the election.*

11 (b) *At a general election, the board shall provide a copy of the*
12 *question as to whether the ordinance should be adopted, including an*
13 *explanation of and arguments for and against the question, to the county*
14 *clerk on or before the third Monday in May preceding the election.*

15 3. An initiative or referendum petition may be withdrawn at any time
16 before the 30th day preceding the day scheduled for a vote of the county or
17 the deadline for placing questions on the ballot, whichever is earlier, by
18 filing with the county clerk a request for withdrawal signed by at least four
19 members of the petitioners' original committee. Upon the filing of that
20 request, the petition has no further effect and all proceedings thereon must
21 be terminated.

22 **Sec. 18.** Chapter 306 of NRS is hereby amended by adding thereto a
23 new section to read as follows:

24 *If a public officer who is subject to a recall petition resigns his office:*

25 *1. Before the call for a special election is issued:*

26 (a) *The official with whom the petition to recall is filed shall cease any*
27 *further proceedings regarding the petition;*

28 (b) *A vacancy occurs in that office; and*

29 (c) *The vacancy thereby created must be filled in the manner provided*
30 *by law.*

31 *2. After the call for a special election is issued, the special election*
32 *must be conducted.*

33 **Sec. 19.** NRS 306.040 is hereby amended to read as follows:

34 306.040 1. Upon determining that the number of signatures on a
35 petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279,
36 inclusive, the secretary of state shall notify the county clerk, the officer
37 with whom the petition is to be filed pursuant to subsection 4 of NRS
38 306.015 and the public officer who is the subject of the petition.

39 2. Any person who signs a petition to recall may request the secretary
40 of state to strike his name from the petition after the verification of
41 signatures is complete and before ~~the date the~~ :

1 (a) *The* call for a special election is issued ~~[. If the person demonstrates~~
2 ~~good cause therefor, the]~~ ; or

3 (b) *If a complaint is filed pursuant to subsection 4 challenging the*
4 *legal sufficiency of the petition, the date the complaint was filed.*

5 The secretary of state shall strike ~~[his]~~ *the name of a person who makes a*
6 *timely request and demonstrates good cause therefor* from the petition.

7 3. Not sooner than 10 days nor more than 20 days after the secretary of
8 state completes the notification required by subsection 1, the officer with
9 whom the petition is filed shall issue a call for a special election in the
10 jurisdiction in which the public officer was elected to determine whether
11 the people will recall him. The call must include, without limitation:

12 (a) The last day on which a person may register to vote to qualify to
13 vote in the special election; and

14 (b) The last day on which a petition to nominate other candidates for the
15 office may be filed.

16 4. The legal sufficiency of the petition may be challenged by filing a
17 complaint in district court not later than 5 days, Saturdays, ~~[and]~~ Sundays
18 *and holidays* excluded, after the secretary of state completes the
19 notification required by subsection 1. All affidavits and documents in
20 support of the challenge must be filed with the complaint. The court shall
21 set the matter for hearing not later than 30 days after the complaint is filed
22 and shall give priority to such a complaint over all other matters pending
23 with the court, except for criminal proceedings.

24 5. Upon the conclusion of the hearing, if the court determines that the
25 petition is sufficient, it shall order the officer with whom the petition is
26 filed to issue a call for a special election to determine whether the people
27 will recall the public officer who is the subject of the petition. If the court
28 determines that the petition is not sufficient, it shall order the officer with
29 whom the petition is filed to cease any further proceedings regarding the
30 petition.

31 **Sec. 20.** Section 96 of the charter of Boulder City is hereby amended
32 to read as follows:

33 Section 96. Conduct of city elections.

34 1. All City elections ~~[shall]~~ *must* be nonpartisan in character
35 and ~~[shall]~~ *must* be conducted in accordance with the provisions of
36 the general election laws of the State of Nevada and any ordinance
37 regulations as adopted by the City Council which are consistent
38 with law and this Charter. (1959 Charter)

39 2. All full terms of office in the City Council ~~[shall be]~~ *are*
40 four years, and Councilmen ~~[shall]~~ *must* be elected at large without
41 regard to precinct residency. Two full-term Councilmen and the
42 Mayor are to be elected in each year immediately preceding a
43 Federal presidential election, and two full-term Councilmen are to

1 be elected in each year immediately following a Federal
2 presidential election. In each election, the candidates receiving the
3 greatest number of votes ~~{shall}~~ **must** be declared elected to the
4 vacant full-term positions. (Add. 17; Amd. 1; 11-5-96)

5 A. In the event one or more two-year term positions on the
6 Council will be available at the time of a municipal election as
7 provided in Section 12, candidates ~~{shall}~~ **must** file specifically for
8 such position(s). Candidates receiving the greatest respective
9 number of votes ~~{shall}~~ **must** be declared elected to the respective
10 available two-year positions. (Add. 15; Amd. 2; 6-4-91)

11 3. A city primary election ~~{shall}~~ **must** be held on the ~~{1st}~~ **first**
12 Tuesday after the ~~{1st}~~ **first** Monday in ~~{May}~~ **April** of each odd-
13 numbered year and a City general election ~~{shall}~~ **must** be held on
14 the ~~{1st}~~ **first** Tuesday after the ~~{1st}~~ **first** Monday in June of each
15 odd-numbered year.

16 A. ~~{No primary shall}~~ **A primary election must not** be held if
17 no more than double the number of Councilmen to be elected file
18 as candidates. ~~{No primary shall}~~ **A primary election must not** be
19 held for the office of Mayor if no more than two candidates file for
20 that position. The primary election ~~{shall}~~ **must** be held for the
21 purpose of eliminating candidates in excess of a figure double the
22 number of Councilmen to be elected. (Add. 17; Amd. 1; 11-5-96)

23 B. If, in the primary City election, a candidate receives votes
24 equal to a majority of voters casting ballots in that election, he shall
25 be considered elected to one of the vacancies and his name shall
26 not be placed on the ballot for the general City election. (Add. 10;
27 Amd. 7; 6-2-81)

28 C. In each primary and general election, voters shall be entitled
29 to cast ballots for candidates in a number equal to the number of
30 seats to be filled in the City elections. (Add. 11, Amd. 5; 6-7-83)

31 **Sec. 21.** Section 5.010 of the charter of the city of Henderson, being
32 chapter 266, Statutes of Nevada 1971, as last amended by chapter 686,
33 Statutes of Nevada 1997, at page 3480, is hereby amended to read as
34 follows:

35 Sec. 5.010 Primary election.

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

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

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

5 4. All candidates for elective office must be voted upon by the
6 registered voters of the city at large.

7 5. If in the primary election no candidate receives a majority of
8 votes cast in that election for the office for which he is a candidate,
9 the names of the two candidates receiving the highest number of
10 votes must be placed on the ballot for the general election. If in the
11 primary election, regardless of the number of candidates for an
12 office, one candidate receives a majority of votes cast in that
13 election for the office for which he is a candidate, he must be
14 declared elected and no general election need be held for that
15 office.

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

20 **Sec. 22.** Section 5.010 of the charter of the city of Las Vegas, being
21 chapter 517, Statutes of Nevada 1983, as last amended by chapter 570,
22 Statutes of Nevada 1997, at page 2790, is hereby amended to read as
23 follows:

24 Sec. 5.010 Primary municipal elections.

25 1. On the Tuesday after the ~~1st~~ first Monday in ~~May~~ April
26 1985, and at each successive interval of 4 years, a primary
27 municipal election must be held in the city at which time candidates
28 for two offices of councilman and for municipal judge, department
29 2, must be nominated.

30 2. On the Tuesday after the ~~1st~~ first Monday in ~~May~~ April
31 1987, and at each successive interval of 4 years, a primary
32 municipal election must be held in the city at which time candidates
33 for mayor, for two offices of councilman and for municipal judge,
34 department 1, must be nominated.

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

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

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

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

21 7. If, in the primary election, regardless of the number of
22 candidates for an office, one candidate receives a majority of votes
23 which are cast in that election for the office for which he is a
24 candidate, he must be declared elected for the term which
25 commences on the day of the first regular meeting of the city
26 council next succeeding the meeting at which the canvass of the
27 returns is made, and no general election need be held for that
28 office. If, in the primary election, no candidate receives a majority
29 of votes which are cast in that election for the office for which he is
30 a candidate, the names of the two candidates who receive the
31 highest number of votes must be placed on the ballot for the
32 general election.

33 **Sec. 23.** Section 5.020 of the charter of the city of North Las Vegas,
34 being chapter 573, Statutes of Nevada 1971, as last amended by chapter
35 215, Statutes of Nevada 1997, at page 748, is hereby amended to read as
36 follows:

37 Sec. 5.020 Primary municipal elections; declaration of
38 candidacy.

39 1. The city council shall provide by ordinance for candidates
40 for elective office to declare their candidacy and file the necessary
41 documents.

42 2. If for any general municipal election there are three or more
43 candidates for the offices of mayor or municipal judge, or five or

1 more candidates for the office of councilman, a primary election
2 for any such office must be held on the Tuesday following the first
3 Monday in ~~May~~ April preceding the general election.

4 3. Except as otherwise provided in subsections 4 and 5, after
5 the primary election, the names of the two candidates for mayor
6 and municipal judge and the names of the four candidates for city
7 councilman who receive the highest number of votes must be
8 placed on the ballot for the general election.

9 4. If one of the candidates for mayor or municipal judge
10 receives a majority of the total votes cast for that office in the
11 primary election, he shall be declared elected to office and his
12 name must not appear on the ballot for the general election.

13 5. If a candidate for city council receives votes equal to a
14 majority of voters casting ballots in the primary election:

15 (a) He shall be declared elected to one of the open seats on the
16 city council and his name must not appear on the ballot for the
17 general election.

18 (b) Unless all the open seats were filled pursuant to paragraph
19 (a), the names of those candidates who received the highest number
20 of votes but did not receive a number of votes equal to a majority
21 of the voters casting ballots in the primary election, not to exceed
22 twice the number of candidates remaining to be elected, must be
23 placed on the ballot for the general election.

24 **Sec. 24.** Section 5.020 of the charter of the city of Sparks, being
25 chapter 470, Statutes of Nevada 1975, as last amended by chapter 686,
26 Statutes of Nevada 1997, at page 3482, is hereby amended to read as
27 follows:

28 Sec. 5.020 Primary municipal elections: Declaration of
29 candidacy.

30 1. If for any general municipal election there are three or more
31 candidates for the offices of mayor, city attorney or municipal
32 judge or three or more candidates from each ward to represent the
33 ward as a member of the city council, a primary election for that
34 office must be held on the first Tuesday after the first Monday in
35 ~~May~~ April preceding the general election.

36 2. Candidates for the offices of mayor, city attorney and
37 municipal judge must be voted upon by the registered voters of the
38 city at large. Candidates to represent a ward as a member of the city
39 council must be voted upon by the registered voters of the ward to
40 be represented by them.

1 3. The names of the two candidates for mayor, city attorney
2 and municipal judge and the names of the two candidates to
3 represent the ward as a member of the city council from each ward
4 who receive the highest number of votes at the primary election
5 must be placed on the ballot for the general election.

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