

ASSEMBLY BILL NO. 440—ASSEMBLYWOMAN VON TOBEL

MARCH 19, 2001

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing qualifications and election of members of governing board of Moapa Valley Water District. (BDR S-334)

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 the Moapa Valley Water District; revising the provisions governing the qualifications and election of members of the governing board of the district; 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.** Section 5 of chapter 477, Statutes of Nevada 1983, as last
2 amended by chapter 175, Statutes of Nevada 1999, at page 886, is hereby
3 amended to read as follows:
4 Sec. 5. 1. The members of the board must be elected at a
5 general district election held in conjunction with the general election
6 of Clark County. *The office of a member of the board is*
7 *nonpartisan.* Except as otherwise provided in section 6 of this
8 chapter, each member of the board shall serve a term of 4 years.
9 2. Except as otherwise provided in subsection 4, the election areas
10 for the district must be the election precincts of Moapa-Glendale,
11 Logandale and Overton.
12 3. At the general district election next preceding the expiration of
13 the terms of office of members of the board, there must be elected
14 respective members of the board representing the election areas of the
15 district.
16 4. The board shall adjust the number of representatives or election
17 areas, or both, of the district whenever necessary to ensure, as nearly
18 as practicable, equal representation upon the board for all registered
19 voters residing within the service area.



1 **Sec. 2.** Section 6 of chapter 477, Statutes of Nevada 1983, as amended
2 by chapter 175, Statutes of Nevada 1999, at page 887, is hereby amended
3 to read as follows:

4 Sec. 6. 1. Each member of the board must:

5 (a) ~~Reside~~ *Actually, as opposed to constructively, reside* in the
6 election area represented for at least ~~6 months before the election at~~
7 ~~which the member is elected;~~ *30 days immediately preceding the*
8 *date of the close of filing of declarations of candidacy as set forth in*
9 *section 7 of this chapter;*

10 (b) Be a qualified elector of the election area represented; and

11 (c) Take office upon qualification therefor as provided in
12 subsection 2, or on the first Monday in January next following the
13 member's election, whichever is later, and leave office upon the first
14 Monday in January next following the election of the member's
15 successor in office.

16 2. Before taking office, each member of the board must qualify
17 by filing with the clerk of Clark County:

18 (a) An oath of office taken and subscribed in the manner
19 prescribed by the clerk; and

20 (b) A corporate surety bond, at the expense of the district, in an
21 amount determined by the clerk, but no greater than \$10,000, which
22 bond must guarantee the faithful performance of the duties of the
23 member.

24 3. A vacancy on the board must be filled by an appointment made
25 by the remaining members of the board. The person so appointed
26 must be *, for the 6 months immediately preceding the date of*
27 *appointment*, a resident and elector of the election area represented,
28 and, before taking office, qualify in the manner prescribed in
29 subsection 2. The person shall serve until the first Monday in January
30 following the next general district election. If that general district
31 election precedes the expiration of the term of the member whose
32 absence required the appointment, the balance of that term must be
33 filled at that general district election in the same manner as prescribed
34 for the election of other members of the board. If the board fails,
35 neglects or refuses to fill a vacancy within 30 days after a vacancy
36 occurs, the board of county commissioners of Clark County shall fill
37 the vacancy.

38 **Sec. 3.** Section 7 of chapter 477, Statutes of Nevada 1983, as amended
39 by chapter 608, Statutes of Nevada 1987, at page 1458, is hereby amended
40 to read as follows:

41 Sec. 7. 1. Unless otherwise required for purposes of an election
42 to incur an indebtedness, the registrar of voters of Clark County shall
43 conduct, supervise and, by ordinance, regulate all district elections in
44 accordance, as nearly as practicable, with the general election laws of
45 the state, including, but not limited to, laws relating to the time of
46 opening and closing of polls, the manner of conducting the election,
47 the canvassing, announcement and certification of results, and the
48 preparation and disposition of ballots.



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- 1 2. ~~{At least 60 days before the election, a}~~ A candidate for
2 election to the board shall file a declaration of candidacy with the
3 registrar of voters of Clark County. *The declaration of candidacy*
4 *must be filed not earlier than the first Monday in May of the year in*
5 *which the election is to be held and not later than 5 p.m. on the third*
6 *Monday in May of that year.* Timely filing of such a declaration is a
7 prerequisite to election.
8 3. Each member of the board must be elected by a plurality of the
9 registered voters voting in the election area which the member
10 represents. If there are two seats upon the board to be filled at the
11 same election, each of which represents the same election area, the
12 two candidates therefor receiving the highest number of votes,
13 respectively, are elected.
14 4. If a member of the board is unopposed in seeking reelection,
15 the board may declare that member elected without a formal election,
16 but that member must not participate in the declaration.
17 5. If no person files candidacy for election to a particular seat
18 upon the board, the seat must be filled in the manner of filling a
19 vacancy.
20 **Sec. 4.** This act becomes effective on July 1, 2001.

