

Assembly Bill No. 440--Assemblywoman Von Tobel

CHAPTER.....

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:

**Section 1.** Section 5 of chapter 477, Statutes of Nevada 1983, as last amended by chapter 175, Statutes of Nevada 1999, at page 886, is hereby amended to read as follows:

Sec. 5. 1. The members of the board must be elected at a general district election held in conjunction with the general election of Clark County. *The office of a member of the board is nonpartisan.* Except as otherwise provided in section 6 of this chapter, each member of the board shall serve a term of 4 years.

2. Except as otherwise provided in subsection 4, the election areas for the district must be the election precincts of Moapa-Glendale, Logandale and Overton.

3. At the general district election next preceding the expiration of the terms of office of members of the board, there must be elected respective members of the board representing the election areas of the district.

4. The board shall adjust the number of representatives or election areas, or both, of the district whenever necessary to ensure, as nearly as practicable, equal representation upon the board for all registered voters residing within the service area.

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

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

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

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

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

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

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

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

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

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

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

2. ~~At least 60 days before the election, a~~ *A* candidate for election to the board shall file a declaration of candidacy with the registrar of voters of Clark County. *The declaration of candidacy must be filed not earlier than the first Monday in May of the year in which the election is to be held and not later than 5 p.m. on the third Monday in May of that year.* Timely filing of such a declaration is a prerequisite to election.

3. Each member of the board must be elected by a plurality of the registered voters voting in the election area which the member represents. If there are two seats upon the board to be filled at the same election, each of which represents the same election area, the two candidates therefor receiving the highest number of votes, respectively, are elected.

4. If a member of the board is unopposed in seeking reelection, the board may declare that member elected without a formal election, but that member must not participate in the declaration.

5. If no person files candidacy for election to a particular seat upon the board, the seat must be filled in the manner of filling a vacancy.

**Sec. 4.** This act becomes effective on July 1, 2001.