

ASSEMBLY BILL NO. 197—ASSEMBLYMEN ATKINSON, KIRKPATRICK, MCCLEARY, GIUNCHIGLIANI, DENIS, ALLEN, ANDERSON, ANGLE, ARBERRY JR., BUCKLEY, CARPENTER, CHRISTENSEN, CLABORN, CONKLIN, GANSERT, GERHARDT, GOICOECHEA, GRADY, HETTRICK, HOGAN, HOLCOMB, HORNE, KOIVISTO, LESLIE, MABEY, MANENDO, MARVEL, MCCLAIN, MORTENSON, MUNFORD, OCEGUERA, OHRENSCHALL, PARKS, PARNELL, PERKINS, PIERCE, SEALE, SHERER, SIBLEY, SMITH AND WEBER

MARCH 10, 2005

JOINT SPONSORS: SENATORS HORSFORD, CARLTON, AMODEI, BEERS, CARE, COFFIN, HARDY, HECK, LEE, NOLAN, RHOADS, SCHNEIDER, TITUS, WASHINGTON AND WIENER

Referred to Committee on Government Affairs

SUMMARY—Revises Charter of City of North Las Vegas concerning election of City Councilmen. (BDR S-278)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 Charter of the City of North Las Vegas; requiring that City Councilmen be voted for and elected only by the registered voters of the ward that the Councilman will represent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, the City of North Las Vegas is divided into four wards.
- 2 (North Las Vegas City Charter, Section 1.045) Existing law requires that a
- 3 candidate for City Councilman designate the ward that he seeks to represent and
- 4 further requires that he be a resident of that ward. (North Las Vegas City Charter,
- 5 Sections 2.010, 5.020) Although a candidate for City Councilman designates a



ward that he seeks to represent, he is elected by the registered voters of the entire city. (North Las Vegas City Charter, Section 2.010)

This bill requires that each City Councilman be voted for and elected only by the registered voters of the ward that he represents.

Existing law provides that the term of office of City Councilmen is 4 years. Those terms are staggered so that two Councilmen are elected at the general city election every 2 years. (North Las Vegas City Charter, Sections 2.010, 5.010)

This bill expires the terms of the two City Councilmen who are mid-term on June 30, 2005, to avoid infringement of the legal principle of "one person, one vote." This principle provides that a person's right to vote for a representative is unconstitutionally impaired when the vote is substantially diluted as compared with the votes of citizens living in other represented areas. *Wesberry v. Sanders*, 376 U.S. 1 (1964) (applying "one person, one vote" principle to apportionment of Congress); *Reynolds v. Sims*, 377 U.S. 533 (1964) (applying "one person, one vote" principle to apportionment of state legislatures); *Avery v. Midland County*, 390 U.S. 474 (1968) (applying "one person, one vote" principle to apportionment of local governments, such as counties and cities). Because this bill provides for the election of a City Councilman only by the registered voters in the ward that he represents, a voter within the ward of a City Councilman who was elected by the voters of the entire city could assert that his vote was substantially diluted. Thus, this bill requires that all four City Councilmen for the City of North Las Vegas will be elected at the general election to be held on June 7, 2005, by the registered voters of the ward which each represents and will each take office on July 1, 2005. To provide for staggering of the terms, two Councilmen will be elected for terms of 4 years and two Councilmen will be elected for terms of 2 years. Thereafter, the terms of office of all Councilmen will be 4 years.

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

Section 1. Section 1.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 215, Statutes of Nevada 1997, at page 747, is hereby amended to read as follows:

Sec. 1.050 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) ~~Four Councilmen.~~ **One Councilman from each ward.**

(c) One or more Municipal Judges, as determined pursuant to section 4.005 of this Charter.

2. Such officers must be elected as provided by this Charter.

Sec. 2. Section 2.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 344, Statutes of Nevada 1999, at page 1413, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.



1 1. The legislative power of the City is vested in a City
2 Council consisting of four Councilmen and a Mayor.

3 2. The Mayor must be:

4 (a) A bona fide resident of the City for at least 6 months
5 immediately preceding his election.

6 (b) A qualified elector within the City.

7 3. Each Councilman:

8 (a) Must be a qualified elector who has resided in the
9 ward which he represents for at least 30 days immediately
10 preceding the last day for filing a declaration of candidacy for
11 his office.

12 (b) Must continue to live in the ward he represents, except
13 that changes in ward boundaries made pursuant to section
14 1.045 of this Charter will not affect the right of any elected
15 Councilman to continue in office for the term for which he
16 was elected.

17 4. At the time of filing, if so required by an ordinance
18 duly enacted, candidates for the office of Mayor and
19 Councilman shall produce evidence in satisfaction of any or
20 all of the qualifications provided in subsection 2 or 3,
21 whichever is applicable.

22 5. ~~{All Councilmen, including the Mayor,}~~ *Each*
23 *Councilman* must be voted upon *only* by the registered voters
24 of the ~~{City at large, and their terms}~~ *ward that he seeks to*
25 *represent, and his term* of office ~~{are}~~ *is* 4 years.

26 6. *The Mayor must be voted upon by the registered*
27 *voters of the City at large, and his term of office is 4 years.*

28 7. The Mayor and Councilmen are entitled to receive a
29 salary in an amount fixed by the City Council.

30 **Sec. 3.** Section 5.010 of the Charter of the City of North Las
31 Vegas, being chapter 573, Statutes of Nevada 1971, as last amended
32 by chapter 73, Statutes of Nevada 2003, at page 485, is hereby
33 amended to read as follows:

34 Sec. 5.010 General municipal elections.

35 1. On the Tuesday after the first Monday in June 1977,
36 and at each successive interval of 4 years thereafter, there
37 ~~{shall}~~ *must* be elected , ~~{by the qualified voters of the City,}~~
38 at a general election to be held for that purpose, a Mayor and
39 two Councilmen, who shall hold office for a period of 4 years
40 and until their successors have been elected and qualified.

41 2. On the Tuesday after the first Monday in June 1975,
42 and at each successive interval of 4 years thereafter, there
43 ~~{shall}~~ *must* be elected , ~~{by the qualified voters of the City,}~~
44 at a general election to be held for that purpose, two



Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. In such a general election:

(a) A candidate for the office of City Councilman must be elected only by the registered voters of the ward that he seeks to represent.

(b) Candidates for all other elective offices must be elected by the registered voters of the City at large.

Sec. 4. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 637, Statutes of Nevada 1999, at page 3566, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Councilmen must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Councilmen will seek to represent. A candidate for the office of City Councilman shall include in his declaration of candidacy the number of the ward which he seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he seeks to represent.

2. If for any general municipal election there are three or more candidates for the offices of Mayor or Municipal Judge, or for a particular City Council seat, a primary election for any such office must be held on the Tuesday following the first Monday in April preceding the general election. **In the primary election:**

(a) A candidate for the office of City Councilman must be voted upon only by the registered voters of the ward that he seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

3. Except as otherwise provided in subsection 4, after the primary election, the names of the two candidates for Mayor, Municipal Judge and each City Council seat who receive the highest number of votes must be placed on the ballot for the general election.

4. If one of the candidates for Mayor, Municipal Judge or a City Council seat receives a majority of the total votes cast for that office in the primary election, he shall be



1 declared elected to office and his name must not appear on
2 the ballot for the general election.

3 **Sec. 5.** 1. The terms of offices of the two City Councilmen
4 elected from Wards 2 and 4 that commenced on July 1, 2003, expire
5 by limitation on June 30, 2005.

6 2. At the general election to be held on June 7, 2005:

7 (a) A City Councilman must be elected from Ward 2 and from
8 Ward 4, for terms of office beginning on July 1, 2005, and ending
9 on June 30, 2009.

10 (b) Notwithstanding the provisions of subsection 5 of section
11 2.010 and section 5.010 of the Charter of the City of North Las
12 Vegas, as amended by this act, a City Councilman must be elected
13 from Ward 1 and from Ward 3 for terms of office beginning on
14 July 1, 2005, and ending on June 30, 2007. The successors to the
15 offices of Councilmen from Ward 1 and Ward 3 who are elected at
16 the general city election in 2007 and each subsequent successor to
17 those offices serve for terms of 4 years.



