

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, commencing with the election to be held on June 5, 2007.

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 provides that the two City Councilmen who are mid-term on July 1, 2007, are deemed to represent only their respective wards on July 1, 2007, to avoid infringement of the legal principle of "one person, one vote." *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).

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

2. The Mayor must be:

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

(b) A qualified elector within the City.

3. Each Councilman:

(a) Must be a qualified elector who has resided in the ward which he represents for at least 30 days immediately



preceding the last day for filing a declaration of candidacy for his office.

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

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

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

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

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

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

Sec. 5.010 General municipal elections.

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

2. On the Tuesday after the first Monday in June 1975, and at each successive interval of 4 years thereafter, there ~~{shall}~~ *must* be elected, ~~{by the qualified voters of the City,}~~ 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.*



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

5 Sec. 5.020 Primary municipal elections; declaration of
6 candidacy.

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

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

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

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

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

34 4. If one of the candidates for Mayor, Municipal Judge
35 or a City Council seat receives a majority of the total votes
36 cast for that office in the primary election, he shall be
37 declared elected to office and his name must not appear on
38 the ballot for the general election.

39 **Sec. 5.** The two City Councilmen elected from Wards 1 and 3
40 whose terms of office commenced on July 1, 2005, shall be deemed
41 to represent only Wards 1 and 3, respectively, commencing on
42 July 1, 2007.



1 **Sec. 6.** This act becomes effective on January 23, 2007, for
2 purposes related to the filing of a declaration of candidacy for the
3 Office of City Councilman and on July 1, 2007, for all other
4 purposes.



