
ASSEMBLY BILL NO. 314—ASSEMBLYMEN MCCLEARY, MCCLAIN,
HOLCOMB, MANENDO, MORTENSON, SEALE AND SIBLEY

MARCH 21, 2005

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Makes various changes to provisions governing
eligibility for election and appointment to certain
public positions and offices. (BDR 24-436)

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 public officers; prohibiting ex-felons from
being elected, appointed or otherwise holding public
office; requiring elected public officers and members of
public boards who are appointed by the Governor, the
Legislature or members of the Legislature to have resided
in the State, district, county, township or other area
prescribed by law to which the office or position pertains
for at least 6 months immediately preceding the date of
the close of filing of declarations of candidacy or
preceding the appointment; eliminating the provisions that
provided for the automatic restoration to certain ex-felons
of the right to hold public office upon specified future
dates; eliminating the right to hold public office of an
ex-felon who had previously received restoration of that
right; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

- 1 Existing law provides that ex-felons who have been pardoned or honorably
- 2 discharged from parole or probation may have their civil rights restored, including
- 3 the right to hold public office, unless those ex-felons have previously been
- 4 convicted of certain crimes. (NRS 176A.850, 179.285, 213.090, 213.155, 213.157)
- 5 This bill prohibits any ex-felon from holding public office, whether or not he
- 6 has been pardoned or honorably discharged from parole or probation, or has



7 previously had his right to hold public office restored. This bill does not
8 affect the current term of an ex-felon who is serving a term in public office on
9 October 1, 2005.

10 Under existing law, including various city charters, the minimum period that a
11 person must have been a resident before becoming a candidate for public office
12 varies depending on the type of public office. (NRS 293.1755, 293C.200)

13 This bill requires a candidate for any public office to be a resident of the district
14 or other area he wishes to represent for at least 6 months before the last day to file a
15 declaration or acceptance of candidacy for the office.

16 Existing law establishes various qualifications for persons appointed to office
17 by the Governor or the Legislature. (Chapters 218 and 223 of NRS,
18 NRS 232A.020)

19 This bill requires, with some exceptions, that a person appointed by the
20 Governor or the Legislature to a new term or to fill a vacancy on a board,
21 commission, committee, council, authority or similar body must have resided in
22 Nevada or, if required, in the district or other area he represents for at least
23 6 months before appointment to the office.

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
2 thereto a new section to read as follows:

3 *1. In addition to any other requirement or restriction*
4 *provided by law, no person may be a candidate for any office if he*
5 *has been convicted of a felony in this State or any other*
6 *jurisdiction, regardless of whether he has:*

7 *(a) Been restored to his civil rights generally;*

8 *(b) Been restored to the right to hold public office specifically;*

9 *or*

10 *(c) Held a public office before or after the conviction of a*
11 *felony.*

12 *2. For purposes of this section:*

13 *(a) A court in "any other jurisdiction" includes, without*
14 *limitation, a tribal court or a court of the United States or the*
15 *Armed Forces of the United States.*

16 *(b) A person shall be deemed to have been convicted of a*
17 *felony when the trial court enters a judgment of conviction. A*
18 *court "enters" a judgment of conviction against a person on the*
19 *date on which guilt is admitted, adjudicated or found, whether or*
20 *not:*

21 *(1) The court has imposed a sentence, a penalty or other*
22 *sanction for the conviction; or*

23 *(2) The person has exercised any right to appeal the*
24 *conviction.*



Sec. 2. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. ~~[In addition to any other requirement]~~ *Except as otherwise* provided by law, no person may be a candidate for any office unless, for at least the ~~[30 days]~~ *6 months* immediately preceding the date of the close of filing of declarations of candidacy or acceptances of candidacy for the office which he seeks, he has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he will have jurisdiction or which he will represent.

2. Any person who knowingly and willfully files an acceptance of candidacy or declaration of candidacy which contains a false statement in this respect is guilty of a gross misdemeanor.

3. The provisions of this section do not apply to candidates for the office of district attorney.

Sec. 3. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than the first Monday in May of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in May.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the Party nomination for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least ~~[30 days]~~



1 **6 months** immediately preceding the date of the close of filing of
2 declarations of candidacy for this office; that my telephone number
3 is, and the address at which I receive mail, if different than
4 my residence, is; that I am registered as a member of the
5 Party; that I am a qualified elector pursuant to Section 1
6 of Article 2 of the Constitution of the State of Nevada; that ~~if~~ I
7 have ~~ever~~ **not** been convicted of treason or a felony ; ~~if my civil~~
8 ~~rights have been restored by a court of competent jurisdiction;~~ that I
9 have not, in violation of the provisions of NRS 293.176, changed
10 the designation of my political party or political party affiliation on
11 an official application to register to vote in any state since
12 September 1 before the closing filing date for this election; that I
13 generally believe in and intend to support the concepts found in the
14 principles and policies of that political party in the coming election;
15 that if nominated as a candidate of the Party at the
16 ensuing election, I will accept that nomination and not withdraw;
17 that I will not knowingly violate any election law or any law
18 defining and prohibiting corrupt and fraudulent practices in
19 campaigns and elections in this State; that I will qualify for the
20 office if elected thereto, including, but not limited to, complying
21 with any limitation prescribed by the Constitution and laws of this
22 State concerning the number of years or terms for which a person
23 may hold the office; and that I understand that my name will appear
24 on all ballots as designated in this declaration.

25
26
27 (Designation of name)
28

29
30 (Signature of candidate for office)
31

32 Subscribed and sworn to before me
33 this day of the month of of the year
34

35
36 Notary Public or other person
37 authorized to administer an oath



(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least ~~[30 days]~~ **6 months** immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that ~~[if]~~ I have ~~[ever]~~ **not** been convicted of treason or a felony ; ~~[- my civil rights have been restored by a court of competent jurisdiction.]~~ that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)



1 Subscribed and sworn to before me
2 this day of the month of of the year

3
4
5 Notary Public or other person
6 authorized to administer an oath
7

8 3. The address of a candidate which must be included in the
9 declaration of candidacy or acceptance of candidacy pursuant to
10 subsection 2 must be the street address of the residence where he
11 actually, as opposed to constructively, resides in accordance with
12 NRS 281.050, if one has been assigned. The declaration or
13 acceptance of candidacy must not be accepted for filing if:

14 (a) The candidate's address is listed as a post office box unless a
15 street address has not been assigned to his residence; or

16 (b) The candidate does not present to the filing officer:

17 (1) A valid driver's license or identification card issued by a
18 governmental agency that contains a photograph of the candidate
19 and the candidate's address; or

20 (2) A current utility bill, bank statement, paycheck, or
21 document issued by a governmental entity, including, without
22 limitation, a check, which indicates the candidate's name and
23 address.

24 4. By filing the declaration or acceptance of candidacy, the
25 candidate shall be deemed to have appointed the filing officer for
26 the office as his agent for service of process for the purposes of a
27 proceeding pursuant to NRS 293.182. Service of such process must
28 first be attempted at the appropriate address as specified by the
29 candidate in the declaration or acceptance of candidacy. If the
30 candidate cannot be served at that address, service must be made by
31 personally delivering to and leaving with the filing officer duplicate
32 copies of the process. The filing officer shall immediately send, by
33 registered or certified mail, one of the copies to the candidate at his
34 specified address, unless the candidate has designated in writing to
35 the filing officer a different address for that purpose, in which case
36 the filing officer shall mail the copy to the last address so
37 designated.

38 5. If the filing officer receives credible evidence indicating that
39 a candidate has been convicted of a felony , ~~[and has not had his~~
40 ~~civil rights restored by a court of competent jurisdiction.]~~ the filing
41 officer:

42 (a) May conduct an investigation to determine whether the
43 candidate has been convicted of a felony ; ~~[and, if so, whether he~~
44 ~~has had his civil rights restored by a court of competent~~
45 ~~jurisdiction;]~~ and



(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

6. The receipt of information by the Attorney General or district attorney pursuant to subsection 5 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony, ~~[and has not had his civil rights restored by a court of competent jurisdiction.]~~ the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 4. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election ~~[]~~ unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada

City of

For the purpose of having my name placed on the official ballot as a candidate for the office of, I, the undersigned, do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at, in the City or Town of, County of, State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least ~~[30 days]~~ **6 months** immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is, and the address at which I receive mail, if different than my residence, is; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the



1 State of Nevada; that ~~if~~ I have ~~never~~ **not** been convicted of treason
2 or a felony ; ~~[- my civil rights have been restored by a court of~~
3 ~~competent jurisdiction:]~~ that if nominated as a candidate at the
4 ensuing election , I will accept the nomination and not withdraw;
5 that I will not knowingly violate any election law or any law
6 defining and prohibiting corrupt and fraudulent practices in
7 campaigns and elections in this State; that I will qualify for the
8 office if elected thereto, including, but not limited to, complying
9 with any limitation prescribed by the Constitution and laws of this
10 State concerning the number of years or terms for which a person
11 may hold the office; and my name will appear on all ballots as
12 designated in this declaration.

13
14
15 (Designation of name)
16

17
18 (Signature of candidate for office)
19

20 Subscribed and sworn to before me
21 this day of the month of of the year
22

23
24 Notary Public or other person
25 authorized to administer an oath
26

27 3. The address of a candidate that must be included in the
28 declaration or acceptance of candidacy pursuant to subsection 2
29 must be the street address of the residence where he actually, as
30 opposed to constructively, resides in accordance with NRS 281.050,
31 if one has been assigned. The declaration or acceptance of
32 candidacy must not be accepted for filing if:

33 (a) The candidate's address is listed as a post office box unless a
34 street address has not been assigned to his residence; or

35 (b) The candidate does not present to the filing officer:

36 (1) A valid driver's license or identification card issued by a
37 governmental agency that contains a photograph of the candidate
38 and the candidate's address; or

39 (2) A current utility bill, bank statement, paycheck, or
40 document issued by a governmental entity, including, without
41 limitation, a check, which indicates the candidate's name and
42 address.

43 4. By filing the declaration or acceptance of candidacy, the
44 candidate shall be deemed to have appointed the city clerk as his
45 agent for service of process for the purposes of a proceeding



1 pursuant to NRS 293C.186. Service of such process must first be
2 attempted at the appropriate address as specified by the candidate in
3 the declaration or acceptance of candidacy. If the candidate cannot
4 be served at that address, service must be made by personally
5 delivering to and leaving with the city clerk duplicate copies of the
6 process. The city clerk shall immediately send, by registered or
7 certified mail, one of the copies to the candidate at his specified
8 address, unless the candidate has designated in writing to the city
9 clerk a different address for that purpose, in which case the city
10 clerk shall mail the copy to the last address so designated.

11 5. If the city clerk receives credible evidence indicating that a
12 candidate has been convicted of a felony , ~~[and has not had his civil~~
13 ~~rights restored by a court of competent jurisdiction;]~~ the city clerk:

14 (a) May conduct an investigation to determine whether the
15 candidate has been convicted of a felony ; ~~[and, if so, whether he~~
16 ~~has had his civil rights restored by a court of competent~~
17 ~~jurisdiction;]~~ and

18 (b) Shall transmit the credible evidence and the findings from
19 such investigation to the city attorney.

20 6. The receipt of information by the city attorney pursuant to
21 subsection 5 must be treated as a challenge of a candidate pursuant
22 to subsections 4 and 5 of NRS 293C.186. If the ballots are printed
23 before a court of competent jurisdiction makes a determination that
24 a candidate has been convicted of a felony , ~~[and has not had his~~
25 ~~civil rights restored by a court of competent jurisdiction;]~~ the city
26 clerk must post a notice at each polling place where the candidate's
27 name will appear on the ballot informing the voters that the
28 candidate is disqualified from entering upon the duties of the office
29 for which the candidate filed the declaration of candidacy or
30 acceptance of candidacy.

31 **Sec. 5.** NRS 293C.200 is hereby amended to read as follows:

32 293C.200 1. ~~[In addition to any other requirement]~~ *Except as*
33 *otherwise* provided by law, no person may be a candidate for a city
34 office unless, for at least the ~~[30 days]~~ *6 months* immediately
35 preceding the date of the close of filing of declarations or
36 acceptances of candidacy for the office that he seeks, he has , in
37 accordance with NRS 281.050, actually, as opposed to
38 constructively, resided in the city or other area prescribed by law to
39 which the office pertains and, if elected, over which he will have
40 jurisdiction or which he will represent.

41 2. Any person who knowingly and willfully files a declaration
42 of candidacy or an acceptance of candidacy that contains a false
43 statement in this respect is guilty of a gross misdemeanor.



Sec. 6. NRS 176A.850 is hereby amended to read as follows:
176A.850 1. A person who:

(a) Has fulfilled the conditions of his probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated his fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court, ➔ may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.

3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:

(a) Is free from the terms and conditions of his probation.

(b) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(c) ~~Four years after the date of his honorable discharge from probation, is restored to the right to hold office.~~

~~—(d)—~~ Six years after the date of his honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.

~~(e)~~ (d) If he meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to his conviction.

~~(f)~~ (e) Must be informed of the provisions of this section and NRS 179.245 in his probation papers.

~~(g)~~ (f) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

~~(h)~~ (g) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

~~(i)~~ (h) Except as otherwise provided in paragraph ~~(h)~~ (g), need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.



(b) Of an offense that would constitute a category A felony if committed as of the date of his honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➔ A person described in this subsection may petition the court in which the person was convicted for an order granting the restoration of his civil rights as set forth in subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Except for a person subject to the limitations set forth in subsection 4, upon his honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That he has received an honorable discharge from probation;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his honorable discharge from probation; *and*

(c) ~~[The date on which his civil right to hold office will be restored to him pursuant to paragraph (c) of subsection 3; and~~

~~—(d)]~~ The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph ~~((d))~~ (c) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of his honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.



8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of his honorable discharge from probation ~~[]~~ if it contains the provisions set forth in subsection 6; or

(b) A court order restoring his civil rights,
 ➤ as proof that he has been restored to the civil rights set forth in subsection 3.

Sec. 7. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 176A.265, 179.245, 179.255, 179.259 or 453.3365:

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if his civil rights previously have not been restored:

(1) The right to vote; *and*

(2) ~~[The right to hold office; and~~

~~(3)]~~ The right to serve on a jury.

2. Upon the sealing of his records, a person who is restored to his civil rights must be given an official document which demonstrates that he has been restored to the civil rights set forth in paragraph (b) of subsection 1.

3. A person who has had his records sealed in this State or any other state and whose official documentation of the restoration of his civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has had his records sealed, the court shall issue an order restoring the person to the civil rights to vote ~~[, to hold office]~~ and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his records sealed in this State or any other state may present official documentation that he has been restored to his civil rights or a court order restoring his civil rights as proof that he has been restored to the right to vote ~~[, to hold office]~~ and to serve as a juror.

Sec. 8. NRS 213.090 is hereby amended to read as follows:

213.090 1. Except as otherwise provided in subsection 2, a person who is granted a pardon for any offense committed:

(a) Is immediately restored to the following civil rights:



1 (1) The right to vote; and

2 (2) The right to serve as a juror in a civil action.

3 (b) ~~Four years after the date that his pardon is granted, is~~
4 ~~restored to the right to hold office.~~

5 ~~(e)}~~ Six years after the date that his pardon is granted, is restored
6 to the right to serve as a juror in a criminal action.

7 2. Except as otherwise provided in this subsection, the civil
8 rights set forth in subsection 1 are not restored to a person who has
9 been granted a pardon if the person has previously been convicted in
10 this State:

11 (a) Of a category A felony.

12 (b) Of an offense that would constitute a category A felony if
13 committed as of the date that his pardon is granted.

14 (c) Of a category B felony involving the use of force or violence
15 that resulted in substantial bodily harm to the victim.

16 (d) Of an offense involving the use of force or violence that
17 resulted in substantial bodily harm to the victim and that would
18 constitute a category B felony if committed as of the date that his
19 pardon is granted.

20 (e) Two or more times of a felony, unless a felony for which the
21 person has been convicted arose out of the same act, transaction or
22 occurrence as another felony, in which case the convictions for
23 those felonies shall be deemed to constitute a single conviction for
24 the purposes of this paragraph.

25 ➤ A person described in this subsection may petition the court in
26 which the person was convicted for an order granting the restoration
27 of his civil rights as set forth in subsection 1.

28 3. Except for a person subject to the limitations set forth in
29 subsection 2, upon receiving a pardon, a person so pardoned must be
30 given an official document which provides:

31 (a) That he has been granted a pardon;

32 (b) That he has been restored to his civil rights to vote and to
33 serve as a juror in a civil action as of the date that his pardon is
34 granted; *and*

35 (c) ~~The date on which his civil right to hold office will be~~
36 ~~restored to him pursuant to paragraph (b) of subsection 1; and~~

37 ~~(d)}~~ The date on which his civil right to serve as a juror in a
38 criminal action will be restored to him pursuant to paragraph ~~(e)}~~
39 *(b)* of subsection 1.

40 4. Subject to the limitations set forth in subsection 2, a person
41 who has been granted a pardon in this State or elsewhere and whose
42 official documentation of his pardon is lost, damaged or destroyed
43 may file a written request with a court of competent jurisdiction to
44 restore his civil rights pursuant to this section. Upon verification that
45 the person has been granted a pardon and is eligible to be restored to



1 the civil rights set forth in subsection 1, the court shall issue an
2 order restoring the person to the civil rights set forth in subsection 1.
3 A person must not be required to pay a fee to receive such an order.

4 5. A person who has been granted a pardon in this State or
5 elsewhere may present:

6 (a) Official documentation of his pardon ~~if~~ if it contains the
7 provisions set forth in subsection 3; or

8 (b) A court order restoring his civil rights,

9 ➔ as proof that he has been restored to the civil rights set forth in
10 subsection 1.

11 **Sec. 9.** NRS 213.155 is hereby amended to read as follows:

12 213.155 1. Except as otherwise provided in subsection 2, a
13 person who receives an honorable discharge from parole pursuant to
14 NRS 213.154:

15 (a) Is immediately restored to the following civil rights:

16 (1) The right to vote; and

17 (2) The right to serve as a juror in a civil action.

18 (b) ~~Four years after the date of his honorable discharge from~~
19 ~~parole, is restored to the right to hold office.~~

20 ~~—(e)—~~ Six years after the date of his honorable discharge from
21 parole, is restored to the right to serve as a juror in a criminal action.

22 2. Except as otherwise provided in this subsection, the civil
23 rights set forth in subsection 1 are not restored to a person who has
24 received an honorable discharge from parole if the person has
25 previously been convicted in this State:

26 (a) Of a category A felony.

27 (b) Of an offense that would constitute a category A felony if
28 committed as of the date of his honorable discharge from parole.

29 (c) Of a category B felony involving the use of force or violence
30 that resulted in substantial bodily harm to the victim.

31 (d) Of an offense involving the use of force or violence that
32 resulted in substantial bodily harm to the victim and that would
33 constitute a category B felony if committed as of the date of his
34 honorable discharge from parole.

35 (e) Two or more times of a felony, unless a felony for which the
36 person has been convicted arose out of the same act, transaction or
37 occurrence as another felony, in which case the convictions for
38 those felonies shall be deemed to constitute a single conviction for
39 the purposes of this paragraph.

40 ➔ A person described in this subsection may petition the court in
41 which the person was convicted for an order granting the restoration
42 of his civil rights as set forth in subsection 1.

43 3. Except for a person subject to the limitations set forth in
44 subsection 2, upon his honorable discharge from parole, a person so
45 discharged must be given an official document which provides:



1 (a) That he has received an honorable discharge from parole;
2 (b) That he has been restored to his civil rights to vote and to
3 serve as a juror in a civil action as of the date of his honorable
4 discharge from parole; *and*

5 (c) ~~[The date on which his civil right to hold office will be~~
6 ~~restored to him pursuant to paragraph (b) of subsection 1; and~~
7 ~~—(d)]~~ The date on which his civil right to serve as a juror in a
8 criminal action will be restored to him pursuant to paragraph ~~[(e)]~~
9 ~~(b)~~ of subsection 1.

10 4. Subject to the limitations set forth in subsection 2, a person
11 who has been honorably discharged from parole in this State or
12 elsewhere and whose official documentation of his honorable
13 discharge from parole is lost, damaged or destroyed may file a
14 written request with a court of competent jurisdiction to restore his
15 civil rights pursuant to this section. Upon verification that the person
16 has been honorably discharged from parole and is eligible to be
17 restored to the civil rights set forth in subsection 1, the court shall
18 issue an order restoring the person to the civil rights set forth in
19 subsection 1. A person must not be required to pay a fee to receive
20 such an order.

21 5. A person who has been honorably discharged from parole in
22 this State or elsewhere may present:

23 (a) Official documentation of his honorable discharge from
24 parole ~~[(c)]~~ if it contains the provisions set forth in subsection 3; or

25 (b) A court order restoring his civil rights,
26 ~~↪~~ as proof that he has been restored to the civil rights set forth in
27 subsection 1.

28 6. The Board may adopt regulations necessary or convenient
29 for the purposes of this section.

30 **Sec. 10.** NRS 213.157 is hereby amended to read as follows:

31 213.157 1. Except as otherwise provided in subsection 2, a
32 person convicted of a felony in the State of Nevada who has served
33 his sentence and has been released from prison:

34 (a) Is immediately restored to the following civil rights:

35 (1) The right to vote; and

36 (2) The right to serve as a juror in a civil action.

37 (b) ~~[(Four years after the date of his release from prison, is~~
38 ~~restored to the right to hold office.~~

39 ~~—(c)]~~ Six years after the date of his release from prison, is restored
40 to the right to serve as a juror in a criminal action.

41 2. Except as otherwise provided in this subsection, the civil
42 rights set forth in subsection 1 are not restored to a person who has
43 been released from prison if the person has previously been
44 convicted in this State:

45 (a) Of a category A felony.



(b) Of an offense that would constitute a category A felony if committed as of the date of his release from prison.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his release from prison.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➤ A person described in this subsection may petition the court in which the person was convicted for an order granting the restoration of his civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his release from prison, a person so released must be given an official document which provides:

(a) That he has been released from prison;

(b) That he has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date of his release from prison; *and*

(c) ~~[The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 1; and~~

~~—(d)]~~ The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph ~~[(e)]~~ (b) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been released from prison in this State or elsewhere and whose official documentation of his release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been released from prison in this State or elsewhere may present:

(a) Official documentation of his release from prison ~~[(c)]~~ if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his civil rights,

➤ as proof that he has been restored to the civil rights set forth in subsection 1.



1 **Sec. 11.** Chapter 218 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in this section, when the*
4 *Legislature or a member thereof discharges a duty or exercises a*
5 *power conferred by law to appoint a person to a new term or to fill*
6 *a vacancy on a board, commission, committee, council, authority*
7 *or similar body, it or he shall appoint a person who has, in*
8 *accordance with the provisions of NRS 281.050, actually, as*
9 *opposed to constructively, resided, for at least 6 months*
10 *immediately preceding the date of the appointment:*

11 (a) *In this State; and*

12 (b) *If current residency in a particular county, district, ward,*
13 *subdistrict or any other unit is prescribed by the provisions of law*
14 *that govern the position, also in that county, district, ward,*
15 *subdistrict or other unit.*

16 2. *The provisions of subsection 1 do not apply if:*

17 (a) *A requirement of law concerning another characteristic or*
18 *status that a member must possess, including, without limitation,*
19 *membership in another organization, would make it impossible to*
20 *fulfill the provisions of subsection 1; or*

21 (b) *The membership of the particular board, commission,*
22 *committee, council, authority or similar body includes residents of*
23 *another state and the provisions of subsection 1 would conflict*
24 *with a requirement that applies to all members of that body.*

25 **Sec. 12.** Chapter 223 of NRS is hereby amended by adding
26 thereto a new section to read as follows:

27 1. *Except as otherwise provided in this section, when the*
28 *Governor discharges a duty or exercises a power conferred by law*
29 *to appoint a person to a new term or to fill a vacancy on a board,*
30 *commission, committee, council, authority or similar body, he*
31 *shall appoint a person who has, in accordance with the provisions*
32 *of NRS 281.050, actually, as opposed to constructively, resided, for*
33 *at least 6 months immediately preceding the date of the*
34 *appointment:*

35 (a) *In this State; and*

36 (b) *If current residency in a particular county, district, ward,*
37 *subdistrict or any other unit is prescribed by the provisions of law*
38 *that govern the position, also in that county, district, ward,*
39 *subdistrict or other unit.*

40 2. *The provisions of subsection 1 do not apply if:*

41 (a) *A requirement of law concerning another characteristic or*
42 *status that a member must possess, including, without limitation,*
43 *membership in another organization, would make it impossible to*
44 *fulfill the provisions of subsection 1; or*



(b) The membership of the particular board, commission, committee, council, authority or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

Sec. 13. NRS 232A.020 is hereby amended to read as follows:

232A.020 1. *Except as otherwise provided in this section, a person appointed to a new term or to fill a vacancy on a board, commission or similar body by the Governor must have, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for the 6 months immediately preceding the date of the appointment:*

(a) In this State; and

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. After the Governor's initial appointments of members to boards, commissions or similar bodies, all such members shall hold office for terms of 3 years or until their successors have been appointed and have qualified.

~~[2-]~~ 3. A vacancy on a board, commission or similar body occurs when a member dies, resigns, becomes ineligible to hold office or is absent from the State for a period of 6 consecutive months.

~~[3-]~~ 4. Any vacancy ~~[shall]~~ *must* be filled by the Governor for the remainder of the unexpired term.

~~[4-]~~ 5. A member appointed to a board, commission or similar body as a representative of the general public ~~[shall]~~ *must* be a person who:

(a) Has an interest in and a knowledge of the subject matter which is regulated by the board, commission or similar body; and

(b) Does not have a pecuniary interest in any matter which is within the jurisdiction of the board, commission or similar body.

6. *The provisions of subsection 1 do not apply if:*

(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or

(b) The membership of the particular board, commission or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

Sec. 14. NRS 240.015 is hereby amended to read as follows:

240.015 1. Except as otherwise provided in this section, a person appointed as a notary public must:



(a) During the period of his appointment, be a citizen of the United States or lawfully admitted for permanent residency in the United States as verified by the *United States Citizenship and Immigration [and Naturalization Service.] Services.*

(b) Be a resident of this State.

(c) Be at least 18 years of age.

(d) Possess his civil rights ~~[-]~~, *including his right to hold public office.*

2. If a person appointed as a notary public ceases to be lawfully admitted for permanent residency in the United States during his appointment, he shall, within 90 days after his lawful admission has expired or is otherwise terminated, submit to the Secretary of State evidence that he is lawfully readmitted for permanent residency as verified by the *United States Citizenship and Immigration [and Naturalization Service.] Services.* If the person fails to submit such evidence within the prescribed time, his appointment expires by operation of law.

3. The Secretary of State may appoint a person who resides in an adjoining state as a notary public if the person:

(a) Maintains a place of business in the State of Nevada; or

(b) Is regularly employed at an office, business or facility located within the State of Nevada by an employer licensed to do business in this State.

➤ If such a person ceases to maintain a place of business in this State or regular employment at an office, business or facility located within this State, the Secretary of State may suspend his appointment. The Secretary of State may reinstate an appointment suspended pursuant to this subsection if the notary public submits to the Secretary of State, before his term of appointment as a notary public expires, an affidavit which contains the information required pursuant to subsection 2 of NRS 240.030.

Sec. 15. NRS 248.005 is hereby amended to read as follows:

248.005 ~~[-1.-No]~~ *In addition to any other requirement or restriction provided by law, no* person is eligible to the office of sheriff unless:

~~[(a)]~~ 1. He will have attained the age of 21 years on the date he would take office if so elected; and

~~[(b)]~~ 2. He is a qualified elector.

~~[-2.-A person who has been convicted of a felony in this State or any other state is not qualified to be a candidate for or elected or appointed to the office of sheriff regardless of whether he has been restored to his civil rights.]~~



Sec. 16. NRS 253.010 is hereby amended to read as follows:

253.010 1. Except as otherwise provided in subsection 4, public administrators must be elected by the qualified electors of their respective counties.

2. Public administrators must be chosen by the electors of their respective counties at the general election in 1922 and at the general election every 4 years thereafter, and shall enter upon the duties of their office on the first Monday of January after their election.

3. The public administrator of a county must:

(a) Be a qualified elector of the county;

(b) Be at least 21 years of age on the date he will take office;

(c) Not have been convicted of a felony ; ~~for which his civil rights have not been restored by a court of competent jurisdiction;~~ and

(d) Not have been found liable in a civil action involving a finding of fraud, misrepresentation, material omission, misappropriation, theft or conversion.

4. The district attorneys of Lander, Lincoln and White Pine Counties are ex officio public administrators of Lander County, Lincoln County and White Pine County, respectively. The Clerk of Carson City shall serve as Public Administrator of Carson City.

Sec. 17. NRS 258.005 is hereby amended to read as follows:

258.005 ~~1. No~~ *In addition to any other requirement or restriction provided by law, no* person is eligible to the office of constable unless:

~~(a)~~ *1.* He will have attained the age of 21 years on the date he would take office if so elected or appointed; and

~~(b)~~ *2.* He is a qualified elector.

~~2. A person who has been convicted of a felony in this State or any other state is not qualified to be a candidate for or elected or appointed to the office of constable regardless of whether he has been restored to his civil rights.]~~

Sec. 18. NRS 281.040 is hereby amended to read as follows:

281.040 *1.* No person who is not a qualified elector ~~shall be~~ *is* eligible to any office of honor, profit or trust in and under the government and laws of this State.

2. No person is eligible to be elected or appointed to any elective office if he has been convicted of a felony in this State or any other jurisdiction, regardless of whether he has:

(a) Been restored to his civil rights generally;

(b) Been restored to the right to hold public office specifically;
or

(c) Held a public office before or after the conviction of a felony.

3. For purposes of this section:



1 (a) A court in "any other jurisdiction" includes, without
2 limitation, a tribal court or a court of the United States or the
3 Armed Forces of the United States.

4 (b) A person shall be deemed to have been convicted of a
5 felony when the trial court enters a judgment of conviction. A
6 court "enters" a judgment of conviction against a person on the
7 date on which guilt is admitted, adjudicated or found, whether or
8 not:

9 (1) The court has imposed a sentence, a penalty or other
10 sanction for the conviction; or

11 (2) The person has exercised any right to appeal the
12 conviction.

13 **Sec. 19.** Section 2.010 of the Charter of Carson City, being
14 chapter 213, Statutes of Nevada 1969, as last amended by chapter
15 118, Statutes of Nevada 1985, at page 474, is hereby amended to
16 read as follows:

17 Sec. 2.010 Board of Supervisors: Qualifications;
18 election; term of office.

19 1. The legislative power of Carson City is vested in a
20 Board of Supervisors consisting of five Supervisors,
21 including the Mayor.

22 2. The Mayor must be:

23 (a) An actual and bona fide resident of Carson City for at
24 least 6 months immediately preceding ~~this election.~~ *the date*
25 *of the close of the filing of declarations of candidacy for this*
26 *office.*

27 (b) A qualified elector within Carson City.

28 3. Each Supervisor must be:

29 (a) An actual and bona fide resident of Carson City for at
30 least 6 months immediately preceding ~~this election.~~ *the date*
31 *of the close of the filing of declarations of candidacy for this*
32 *office.*

33 (b) A qualified elector within the ward which he
34 represents.

35 (c) A resident of the ward which he represents, except
36 that changes effected in the boundaries of a ward pursuant to
37 the provisions of section 1.060 do not affect the right of any
38 elected Supervisor to continue in office for the term for which
39 he was elected.

40 4. All Supervisors, including the Mayor, must be voted
41 upon by the registered voters of Carson City at large and shall
42 serve for terms of 4 years.



1 **Sec. 20.** Section 4.030 of the Charter of Carson City, being
2 chapter 213, Statutes of Nevada 1969, as last amended by chapter
3 96, Statutes of Nevada 1997, at page 182, is hereby amended to read
4 as follows:

5 Sec. 4.030 Municipal Court: Judges.

6 1. The justices of the peace of Carson City are ex officio
7 judges of the Municipal Court of Carson City which consists
8 of at least two departments.

9 2. The Board of Supervisors may by ordinance establish
10 a third department of the Municipal Court. The judge of this
11 department must be:

12 (a) A resident of Carson City for a continuous 6-month
13 period immediately preceding ~~this election~~ *the date of the*
14 *close of the filing of declarations of candidacy for this*
15 *office.*

16 (b) A qualified elector.

17 3. If a third department of the Municipal Court is
18 established, the municipal judge elected for that department
19 serves for a term of 6 years.

20 4. The Board may appoint a municipal judge for a
21 part-time or temporary position. The Board shall establish the
22 hours of service for this position.

23 5. The salary of the judges of the Municipal Court must
24 be fixed by the Board and be paid in the same manner as
25 provided for other elected officers.

26 **Sec. 21.** Section 2.010 of the Charter of the City of Henderson,
27 being chapter 266, Statutes of Nevada 1971, as last amended by
28 chapter 596, Statutes of Nevada 1995, at page 2206, is hereby
29 amended to read as follows:

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

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

34 2. The Mayor must be:

35 (a) A bona fide resident of the territory which is
36 established by the boundaries of the City for the 12 months
37 immediately preceding the last day for filing a declaration of
38 candidacy for the office.

39 (b) A qualified elector within the City.

40 3. Each Councilman must be:

41 (a) A bona fide resident of the territory which is
42 established by the boundaries of the City for the 12 months
43 immediately preceding the last day for filing a declaration of
44 candidacy for the office.



1 (b) A qualified elector within the ward which he
2 represents.

3 (c) A resident of the ward which he represents for at least
4 ~~[30 days]~~ **6 months** immediately preceding the last day for
5 filing a declaration of candidacy for the office, except that
6 changes in ward boundaries pursuant to the provisions of
7 section 1.040 do not affect the right of any elected
8 Councilman to continue in office for the term for which he
9 was elected.

10 4. All Councilmen, including the Mayor, must be voted
11 upon by the registered voters of the City at large and shall
12 serve for terms of 4 years.

13 5. The Mayor and Councilmen are entitled to receive a
14 salary in an amount fixed by the City Council. The City
15 Council shall not adopt an ordinance which increases or
16 decreases the salary of the Mayor or the Councilmen during
17 the term for which they have been elected or appointed.

18 **Sec. 22.** Section 2.020 of the Charter of the City of Las Vegas,
19 being chapter 517, Statutes of Nevada 1983, at page 1394, is hereby
20 amended to read as follows:

21 Sec. 2.020 Mayor and Councilmen: Qualifications;
22 terms of office; salary.

23 1. The Mayor must be a qualified elector who has
24 resided within the territory which is established by the
25 boundaries of the City for a period of not less than ~~[30 days]~~
26 **6 months** immediately before the last day for filing a
27 declaration of candidacy for that office and be elected by the
28 registered voters of the City at large.

29 2. Each Councilman must be a qualified elector who has
30 resided within the ward which he represents for a period of
31 not less than ~~[30 days]~~ **6 months** immediately before the last
32 day for filing a declaration of candidacy for his office and be
33 elected by the registered voters of that ward.

34 3. The Mayor or any Councilman automatically forfeits
35 the remainder of his term of office and that office becomes
36 vacant if he ceases to be a resident of the City or of the ward
37 which he represents, as the case may be.

38 4. The respective salaries of the Mayor and Councilmen
39 must be fixed by ordinance.



1 **Sec. 23.** Section 4.020 of the Charter of the City of Las Vegas,
2 being chapter 517, Statutes of Nevada 1983, as amended by chapter
3 127, Statutes of Nevada 1989, at page 283, is hereby amended to
4 read as follows:

5 Sec. 4.020 Municipal Court: Qualifications of
6 Municipal Judges; salary; Master Judge; departments;
7 Alternate Judges.

8 1. Each Municipal Judge shall devote his full time to the
9 duties of his office and must be:

10 (a) A duly licensed member, in good standing, of the
11 State Bar of Nevada, but this qualification does not apply to
12 any Municipal Judge who is an incumbent when this Charter
13 becomes effective as long as he continues to serve as such in
14 uninterrupted terms.

15 (b) A qualified elector who has resided within the
16 territory which is established by the boundaries of the City for
17 a period of not less than ~~[30 days]~~ **6 months** immediately
18 before the last day for filing a declaration of candidacy for the
19 department for which he is a candidate.

20 (c) Voted upon by the registered voters of the City at
21 large.

22 2. The salary of the Municipal Judges must be fixed by
23 ordinance and be uniform for all departments of the
24 Municipal Court. The salary may be increased during the
25 terms for which the Judges are elected or appointed.

26 3. The Municipal Judge who holds seniority in years of
27 service in office, either elected or appointed, is the Master
28 Judge. If two or more Judges are equal in seniority, the
29 Master Judge must be chosen from among them by the City
30 Council. The Master Judge:

31 (a) Shall establish and enforce administrative regulations
32 for governing the affairs of the Municipal Court.

33 (b) Is responsible for setting trial dates and other matters
34 which pertain to the Court calendar.

35 (c) Shall perform such other Court administrative duties
36 as may be required by the City Council.

37 4. Alternate Judges in sufficient numbers may be
38 appointed annually by the Mayor, each of whom:

39 (a) Must be a duly licensed member, in good standing, of
40 the State Bar of Nevada and have such other qualifications as
41 are prescribed by ordinance.

42 (b) Has all of the powers and jurisdiction of a Municipal
43 Judge while he is acting as such.

44 (c) Is entitled to such compensation as may be fixed by
45 the City Council.



5. Any Municipal Judge, other than an Alternate Judge, automatically forfeits his office if he ceases to be a resident of the City.

Sec. 24. 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 ~~this election.~~ *the date of the close of the filing of declarations of candidacy for this office.*

(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~~ *6 months* 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]~~ *offices* 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, must be voted upon by the registered voters of the City at large, and their terms of office are 4 years.

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

Sec. 25. Section 4.020 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. 4.020 Municipal Court: Residency requirement of Municipal Judge; salary.

1. A Municipal Judge must have been a resident of the City for a continuous period of at least 6 months immediately



preceding ~~this election.~~ *the date of the close of the filing of declarations of candidacy for this office.*

2. If so required by an ordinance duly enacted, candidates for the office of Municipal Judge, at the time of filing, shall produce evidence in satisfaction of any or all of the qualifications for office.

3. The salary of a Municipal Judge must be fixed by the City Council, must be uniform for all departments of the Municipal Court and may be increased during the term for which a Municipal Judge is elected or appointed.

Sec. 26. Section 2.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

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

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

2. The Mayor and ~~Councilmen~~ *one Councilman represent the City at large. The Mayor and that Councilman* must be qualified electors *who have resided* within the City ~~[- Each Councilman elected from a]~~ *for at least 6 months immediately preceding the date of the close of the filing of declarations of candidacy for this office.*

3. *One Councilman represents each ward. Each Councilman elected from a* ward must ~~continue~~ *:*

(a) *Be a qualified elector who has resided in the ward he represents for at least 6 months immediately preceding the date of the close of the filing of declarations of candidacy for this office.*

(b) *Continue* to live in that ward for as long as he represents the ward.

~~{3. The Mayor and one Councilman represent the City at large and one Councilman represents each ward.}~~

4. The Mayor and Councilmen serve for terms of 4 years.

~~{4.}~~ 5. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.

Sec. 27. Section 3.060 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1369, is hereby amended to read as follows:

Sec. 3.060 City Attorney: Qualifications; duties; salary.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada and a qualified elector *who has*



1 *resided* within the City ~~H~~ *for at least 6 months immediately*
2 *preceding the date of the close of the filing of declarations*
3 *of candidacy for this office.* Once elected, he shall hold
4 office for a term of 4 years and until his successor is duly
5 elected and qualified.

6 2. The City Attorney is the Legal Officer of the City and
7 shall:

8 (a) Perform such duties as may be designated by
9 ordinance;

10 (b) Be present at all meetings of the City Council;

11 (c) Be counsel for the Civil Service Commission;

12 (d) Devote his full time to the duties of the office; and

13 (e) Not engage in the private practice of law.

14 3. The City Attorney is entitled to receive a salary as
15 fixed by resolution of the City Council.

16 4. The City Attorney may appoint and remove such
17 assistants as he may require in the discharge of the duties of
18 his office. Such assistants must not be Civil Service
19 employees. The Council may appropriate such an amount of
20 money as it may deem proper to compensate such assistants.
21 Such assistants who are attorneys and are employed for more
22 than 20 hours per week by the City Attorney shall not engage
23 in the private practice of law.

24 **Sec. 28.** Section 4.020 of the Charter of the City of Reno,
25 being chapter 662, Statutes of Nevada 1971, as last amended by
26 chapter 327, Statutes of Nevada 1999, at page 1369, is hereby
27 amended to read as follows:

28 Sec. 4.020 Municipal court: Qualifications of Municipal
29 Judge; salary.

30 1. A Municipal Judge must be:

31 (a) An attorney licensed to practice law in the State of
32 Nevada.

33 (b) A qualified elector *who has resided* within the City ~~H~~
34 *for at least 6 months immediately preceding the date of the*
35 *close of the filing of declarations of candidacy for this*
36 *office.*

37 2. A Municipal Judge shall not engage in the private
38 practice of law.

39 3. The salary of a Municipal Judge must be:

40 (a) Fixed by resolution of the City Council.

41 (b) Uniform for all judges in the Municipal Court.



1 **Sec. 29.** Section 1.060 of the Charter of the City of Sparks,
2 being chapter 470, Statutes of Nevada 1975, as last amended by
3 chapter 41, Statutes of Nevada 2001, at page 394, is hereby
4 amended to read as follows:

5 Sec. 1.060 Elective officers: Qualifications; salaries.

6 1. The elective officers of the City consist of:

7 (a) A Mayor.

8 (b) Five members of the Council.

9 (c) A City Attorney.

10 (d) Municipal Judges, the number to be determined
11 pursuant to section 4.010.

12 2. All elective officers of the City must be:

13 (a) Bona fide residents of the City for at least ~~[30 days]~~
14 **6 months** immediately preceding the last day for filing a
15 declaration of candidacy for such an office.

16 (b) Residents of the City during their term of office, and,
17 in the case of a member of the Council, a resident of the ward
18 the member represents.

19 (c) Registered voters within the City.

20 3. No person may be elected or appointed as a member
21 of the Council who was not an actual bona fide resident of the
22 ward to be represented by him for a period of at least ~~[30~~
23 **days]** **6 months** immediately preceding the last day for filing
24 a declaration of candidacy for the office ~~[, or, in the case of~~
25 ~~appointment, 30 days immediately]~~ **or** preceding the day the
26 office became vacant.

27 4. The City Attorney must be a licensed member of the
28 State Bar of Nevada.

29 5. Each elective officer is entitled to receive a salary in
30 an amount fixed by the City Council. At any time before
31 January 1 of the year in which a general election is held, the
32 City Council shall enact an ordinance fixing the initial salary
33 for each elective office for the term beginning on the first
34 Monday following that election. This ordinance may not be
35 amended to increase or decrease the salary for the office of
36 Mayor, City Councilman or City Attorney during the term. If
37 the City Council fails to enact such an ordinance before
38 January 1 of the election year, the succeeding elective officers
39 are entitled to receive the same salaries as their respective
40 predecessors.



1 **Sec. 30.** Section 2.010 of the Charter of the City of Yerington,
2 being chapter 465, Statutes of Nevada 1971, as last amended by
3 chapter 98, Statutes of Nevada 1977, at page 213, is hereby
4 amended to read as follows:

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

7 1. The legislative power of the City is vested in a City
8 Council consisting of four Councilmen.

9 2. The Councilmen ~~{shall}~~ **must** be:

10 (a) Bona fide residents of the City for at least 6 months
11 immediately preceding ~~{their election.}~~ ***the date of the close***
12 ***of the filing of declarations of candidacy for these offices.***

13 (b) Qualified electors in the City.

14 3. All Councilmen ~~{shall}~~ **must** be voted upon by the
15 registered voters of the City at large and shall serve for terms
16 of 4 years.

17 4. The Councilmen shall receive a salary in an amount
18 fixed by the City Council.

19 **Sec. 31.** Section 3.010 of the Charter of the City of Yerington,
20 being chapter 465, Statutes of Nevada 1971, as last amended by
21 chapter 98, Statutes of Nevada 1977, at page 213, is hereby
22 amended to read as follows:

23 Sec. 3.010 Mayor: Qualifications; duties.

24 1. The Mayor ~~{shall}~~ **must** be:

25 (a) A bona fide resident of the City for at least 6 months
26 immediately preceding ~~{his election.}~~ ***the date of the close of***
27 ***the filing of declarations of candidacy for this office.***

28 (b) A qualified elector in the City.

29 2. The Mayor shall:

30 (a) Serve as the Chief Executive and Administrative
31 Officer of the City.

32 (b) Preside over the meetings of the City Council. He
33 shall not be entitled to vote on any matter before the Council
34 except in case of a tie.

35 (c) Have the right of veto on any matter passed by the
36 City Council. A three-fourths vote of the Council is necessary
37 to override such **a** veto.

38 (d) Perform such emergency duties as may be necessary
39 for the general health, welfare and safety of the City.

40 (e) Perform such other duties as may be prescribed by
41 ordinance or by the provisions of Nevada Revised Statutes
42 which apply to a mayor of a city organized under the
43 provisions of a special charter.



1 **Sec. 32.** Section 6 of the Moapa Valley Water District Act,
2 being chapter 477, Statutes of Nevada 1983, as last amended by
3 chapter 218, Statutes of Nevada 2001, at page 991, is hereby
4 amended to read as follows:

5 Sec. 6. Board: Qualifications of members; vacancy.

6 1. Each member of the Board must:

7 (a) Actually, as opposed to constructively, reside in
8 the election area represented for at least ~~[30 days]~~ **6**
9 **months** immediately preceding the date of the close of
10 filing of declarations of candidacy as set forth in section 7
11 of this chapter;

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

14 (c) Take office upon qualification therefor as provided
15 in subsection 2 ~~[H]~~ or on the first Monday in January next
16 following the member's election, whichever is later, and
17 leave office upon the first Monday in January next
18 following the election of the member's successor in
19 office.

20 2. Before taking office, each member of the Board
21 must qualify by filing with the Clerk of Clark County:

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

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

28 3. A vacancy on the Board must be filled by an
29 appointment made by the remaining members of the
30 Board. The person so appointed must be, for the 30 days
31 immediately preceding the date of appointment, a resident
32 and elector of the election area represented ~~[H]~~ and, before
33 taking office, qualify in the manner prescribed in
34 subsection 2. The person shall serve until the first
35 Monday in January following the next general district
36 election. If that general district election precedes the
37 expiration of the term of the member whose absence
38 required the appointment, the balance of that term must be
39 filled at that general district election in the same manner
40 as prescribed for the election of other members of the
41 Board. If the Board fails, neglects or refuses to fill a
42 vacancy within 30 days after a vacancy occurs, the Board
43 of County Commissioners of Clark County shall fill the
44 vacancy.



1 **Sec. 33.** Section 7 of the Virgin Valley Water District Act,
2 being chapter 100, Statutes of Nevada 1993, at page 164, is hereby
3 amended to read as follows:

4 Sec. 7. Governing Board: Members; vacancies.

5 1. Except as otherwise provided in this section and
6 sections 4 and 5 of this act, each member of the Board must:

7 (a) Reside in the District for at least 6 months before his
8 appointment or the ~~election at which the member is elected;~~
9 *date of the close of the filing of declarations of candidacy*
10 *for this office;*

11 (b) Be a qualified elector of the District;

12 (c) If he is elected to office, be elected by a plurality of
13 the qualified electors of the District; and

14 (d) Take office upon qualification therefor as provided in
15 subsection 3 ~~or~~ or on the first Monday in January next
16 following the member's election or appointment, whichever
17 is later, and leave office upon the first Monday in January
18 next following the election or appointment of the member's
19 successor in office.

20 2. If the Board establishes various election areas within
21 the District, each member who is elected to the Board must:

22 (a) Reside in the election area represented for at least
23 6 months before the election at which the member is elected;

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

25 (c) Be elected by a plurality of the qualified electors of
26 the election area represented; and

27 (d) Take office in the manner prescribed in paragraph (d)
28 of subsection 1.

29 3. Before taking office, each member of the Board must
30 qualify by filing with the Clerk of Clark County:

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

33 (b) A corporate surety bond, at the expense of the District,
34 in an amount determined by the Clerk, but no greater than
35 \$10,000, which bond must guarantee the faithful performance
36 of the duties of the member.

37 4. A vacancy in the office of a member who is elected to
38 the Board must be filled by appointment of the remaining
39 members of the Board. The person so appointed must be a
40 resident and elector of the District ~~or~~ or , if the board has
41 established various election areas, the election area
42 represented ~~or~~ and, before taking office, qualify in the
43 manner prescribed in subsection 3. The person shall serve the
44 remainder of the term of the member whose absence required
45 his appointment. If the Board fails, neglects or refuses to fill a



1 vacancy within 30 days after a vacancy occurs, the Board of
2 County Commissioners of Clark County shall fill the
3 vacancy.

4 5. A vacancy in the office of a member who is appointed
5 to the Board must be filled by appointment of the governing
6 body who made the previous appointment. The person so
7 appointed must be a resident and elector of the District and,
8 before taking office, qualify in the manner prescribed in
9 subsection 3. The person shall serve the remainder of the term
10 of the member whose absence required his appointment.

11 **Sec. 34.** 1. The amendatory provisions of this act do not
12 abrogate or affect the current term of office of any public officer or
13 member of a board, commission, committee, council, authority or
14 similar body who is serving in that term on October 1, 2005.

15 2. Except as otherwise provided in subsection 1, this section
16 and sections 1, 6 to 10, inclusive, and 14 to 18, inclusive, of this act
17 become effective upon passage and approval and apply retroactively
18 to July 1, 2003.

19 3. Sections 2 to 5, inclusive, 11, 12, 13 and 19 to 33, inclusive,
20 of this act become effective on October 1, 2005.

