

ASSEMBLY BILL NO. 443—COMMITTEE ON ELECTIONS,
PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS

(ON BEHALF OF THE NEVADA LEAGUE OF
CITIES AND MUNICIPALITIES)

MARCH 25, 2005

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

SUMMARY—Amends certain city charters to revise timing of
municipal elections. (BDR S-512)

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 municipal elections; amending certain city
charters to revise the timing of municipal elections; and
providing other matters properly relating thereto.

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

1 **Section 1.** The Charter of the City of Carlin, being Chapter
2 344, Statutes of Nevada 1971, at page 603, is hereby amended by
3 adding thereto a new article to be designated Article X, immediately
4 following Article IX, to read as follows:

5 **ARTICLE X**

6 **TRANSITIONAL PROVISIONS**

7 **Sec. 10.010** *Continuation of certain officers.*

8 1. *The two members of the City Council elected at*
9 *the general municipal election held on the Tuesday after the*
10 *first Monday in June 2001 shall continue in office until the*
11 *election, and qualification thereafter, of their successors*
12 *pursuant to subsection 1 of section 5.010.*

13 2. *The Mayor and two members of the City Council*
14 *elected at the general municipal election held on the*



Tuesday after the first Monday in June 2003 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.

Sec. 2. Section 1.060 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2449, is hereby amended to read as follows:

Sec. 1.060 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the Board of Councilmen or in the office of Mayor must be filled by a majority vote of the members of the Board of Councilmen within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the Board before the vacancy occurs. In such a case, each member of the Board, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Board pursuant to this section. The appointee must have the same qualifications as are required of the elective official.

2. No such appointment extends beyond the first Monday in ~~July~~ *January* after the next municipal election, at which election the office must be filled for the remaining unexpired term.

Sec. 3. Section 2.010 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as amended by chapter 98, Statutes of Nevada 1977, at page 203, is hereby amended to read as follows:

Sec. 2.010 Board of Councilmen: Qualifications; election; term of office; salary.

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

2. The Mayor and Councilmen ~~shall~~ *must* be:

(a) Bona fide residents of the City for at least 2 years prior to their election.

(b) Qualified electors within the City.

3. All Councilmen, including the Mayor, ~~shall~~ *must* be voted upon by the registered voters of the City at large and shall serve for terms of 4 years ~~[-]~~ *except as otherwise provided in section 10.010.*

4. ~~[The Mayor and Councilmen first holding office under this Charter shall each receive a monthly salary of \$35 during the terms for which they were elected, selected or appointed. Thereafter, subject]~~ *Subject* to the provisions of subsection 5 of section 2.090, the Mayor and Councilmen



1 shall receive a salary in an amount fixed by the Board of
2 Councilmen.

3 **Sec. 4.** Section 5.010 of the Charter of the City of Carlin,
4 being chapter 344, Statutes of Nevada 1971, at page 615, is hereby
5 amended to read as follows:

6 Sec. 5.010 General municipal elections.

7 1. On the Tuesday after the ~~[1st]~~ first Monday in ~~[June~~
8 ~~1973,]~~ November 2006, and at each successive interval of 4
9 years thereafter, there shall be elected by the qualified voters
10 of the City, at a general election to be held for that purpose,
11 two Councilmen who shall hold office for a period of 4 years
12 and until their successors have been elected and qualified.

13 2. On the Tuesday after the ~~[1st]~~ first Monday in ~~[June~~
14 ~~1975,]~~ November 2008, and at each successive interval of 4
15 years thereafter, there shall be elected by the qualified voters
16 of the City, at a general election to be held for that purpose, a
17 Mayor and two Councilmen, who shall hold office for a
18 period of 4 years and until their successors have been elected
19 and qualified.

20 **Sec. 5.** Section 5.090 of the Charter of the City of Carlin,
21 being chapter 344, Statutes of Nevada 1971, at page 616, is hereby
22 amended to read as follows:

23 Sec. 5.090 Election returns; canvass; certificates of
24 election; entry of officers upon duties; tie vote procedure.

25 1. The election returns from any municipal election
26 ~~[shall]~~ must be filed with the City Clerk, who shall
27 immediately place such returns in a safe or vault, and no
28 person ~~[shall]~~ may be permitted to handle, inspect or in any
29 manner interfere with such returns until canvassed by the
30 Board of Councilmen.

31 2. The Board of Councilmen shall meet on the first
32 Tuesday after any election and canvass the returns and
33 declare the result. The election returns ~~[shall]~~ must then be
34 sealed and kept by the City Clerk for 6 months, and no person
35 shall have access thereto except on order of a court of
36 competent jurisdiction or by order of the Board of
37 Councilmen.

38 3. The City Clerk, under his hand and official seal, shall
39 issue to each person declared to be elected a certificate of
40 election. The officers so elected shall qualify and enter upon
41 the discharge of their respective duties on the ~~[1st]~~ first
42 Monday in ~~[July]~~ January next following their election.

43 4. If any election should result in a tie, the Board of
44 Councilmen shall summon the candidates who received the



1 tie vote and determine the tie by lot. The Clerk shall then
2 issue to the winner a certificate of election.

3 **Sec. 6.** Section 1.060 of the Charter of the City of Elko, being
4 chapter 276, Statutes of Nevada 1971, as last amended by chapter
5 51, Statutes of Nevada 2001, at page 447, is hereby amended to read
6 as follows:

7 Sec. 1.060 Elective offices: Vacancies. Except as
8 otherwise provided in NRS 268.325:

9 1. A vacancy in the City Council must be filled by a
10 majority vote of the members of the City Council within 30
11 days after the occurrence of the vacancy. A person may be
12 selected to fill a prospective vacancy in the City Council
13 before the vacancy occurs. In such a case, each member of the
14 City Council, except any member whose term of office
15 expires before the occurrence of the vacancy, may participate
16 in any action taken by the City Council pursuant to this
17 section. The appointee must have the same qualifications as
18 are required of the elective official.

19 2. No such appointment extends beyond the first
20 Monday in ~~July~~ *January* after the next municipal election,
21 at which election the office must be filled.

22 **Sec. 7.** Section 2.010 of the Charter of the City of Elko, being
23 chapter 276, Statutes of Nevada 1971, as last amended by chapter
24 51, Statutes of Nevada 2001, at page 449, is hereby amended to read
25 as follows:

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

28 1. The legislative power of the City is vested in a City
29 Council consisting of four members and the Mayor.

30 2. The members of the City Council must be:

31 (a) Bona fide residents of the City for at least 2 years
32 before their election.

33 (b) Qualified electors within the City.

34 3. All members of the City Council must be voted upon
35 by the registered voters of the City at large and shall serve for
36 terms of 4 years ~~[-]~~ *except as otherwise provided in section*
37 *5.010.*

38 4. The members of the City Council must receive a
39 salary in an amount fixed by the City Council.

40 **Sec. 8.** Section 5.010 of the Charter of the City of Elko, being
41 chapter 276, Statutes of Nevada 1971, as amended by chapter 51,
42 Statutes of Nevada 2001, at page 463, is hereby amended to read as
43 follows:

44 Sec. 5.010 Municipal elections.



1 1. On the first Tuesday after the first Monday in June
2 ~~[1975, and at each successive interval of 4 years,]~~ 2007, there
3 must be elected by the qualified voters of the City, at a
4 general election to be held for that purpose, a Mayor and two
5 members of the City Council, who shall hold office ~~[for a~~
6 ~~period of 4 years and]~~ until their successors have been elected
7 and qualified ~~[]~~ *pursuant to subsection 4.*

8 2. On the first Tuesday after the first Monday in June
9 ~~[1973, and at each successive interval of 4 years thereafter,]~~
10 2005, there must be elected by the qualified voters of the
11 City, at a general election to be held for that purpose, two
12 members of the City Council, who shall hold office for a
13 period of 4 years and until their successors have been elected
14 and qualified ~~[]~~ *pursuant to subsection 3.*

15 3. *On the first Tuesday after the first Monday in June*
16 *2009, there must be elected by the qualified voters of the*
17 *City, at a general election to be held for that purpose, two*
18 *members of the City Council, who shall hold office until*
19 *their successors have been elected and qualified pursuant to*
20 *subsection 5.*

21 4. *On the first Tuesday after the first Monday in*
22 *November 2010, and at each successive interval of 4 years,*
23 *there must be elected by the qualified voters of the City, at a*
24 *general election to be held for that purpose, a Mayor and*
25 *two members of the City Council, who shall hold office for a*
26 *period of 4 years and until their successors have been*
27 *elected and qualified.*

28 5. *On the first Tuesday after the first Monday in*
29 *November 2012, and at each successive interval of 4 years,*
30 *there must be elected by the qualified voters of the City, at a*
31 *general election to be held for that purpose, two members of*
32 *the City Council, who shall hold office for a period of 4*
33 *years and until their successors have been elected and*
34 *qualified.*

35 **Sec. 9.** Section 5.090 of the Charter of the City of Elko, being
36 chapter 276, Statutes of Nevada 1971, as amended by chapter 51,
37 Statutes of Nevada 2001, at page 464, is hereby amended to read as
38 follows:

39 Sec. 5.090 Election returns; canvass; certificates of
40 election; entry of officers upon duties; tie vote procedure.

41 1. The election returns from a municipal election must
42 be filed with the City Clerk, who shall immediately place the
43 returns in a safe or vault. No person may handle, inspect or in
44 any manner interfere with the returns until the returns are
45 canvassed by the City Council.



2. The City Council shall meet within 5 days after an election and canvass the returns and declare the result. The election returns must be sealed and kept by the City Clerk for 2 years, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first Monday in ~~July~~ **January** next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 10. Section 1.060 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2453, is hereby amended to read as follows:

Sec. 1.060 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the Board of Councilmen or in the office of Mayor must be filled by a majority vote of the members of the Board of Councilmen within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the Board before the vacancy occurs. In such a case, each member of the Board, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Board pursuant to this section. The appointee must have the same qualifications as are required of the elective official.

2. No such appointment extends beyond the first Monday in ~~July~~ **January** after the next municipal election, at which election the office must be filled for the remaining unexpired term.

Sec. 11. Section 2.010 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 98, Statutes of Nevada 1977, at page 212, is hereby amended to read as follows:

Sec. 2.010 Board of Councilmen: Qualifications; election; term of office; salary.

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

2. The Mayor and Councilmen ~~shall~~ **must** be:



(a) Bona fide residents of the City for at least 2 years prior to their election.

(b) Qualified electors within the City.

3. All Councilmen, including the Mayor, ~~[shall]~~ *must* be voted upon by the registered voters of the City at large and shall serve for terms of 4 years ~~[]~~ *except as otherwise provided in section 10.010.*

4. The Mayor and Councilmen shall receive a salary in an amount fixed by the Board of Councilmen.

Sec. 12. Section 5.010 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 469, is hereby amended to read as follows:

Sec. 5.010 General municipal elections.

1. On the Tuesday after the ~~[1st]~~ *first* Monday in ~~[June 1975,]~~ *November 2008*, and at each successive interval of 4 years thereafter, there shall be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and one Councilman, 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 ~~[1st]~~ *first* Monday in ~~[June 1977,]~~ *November 2010*, and at each successive interval of 4 years thereafter, there shall be elected by the qualified voters of the City, at a general election to be held for that purpose, three Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

Sec. 13. Section 5.090 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 470, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any municipal election ~~[shall]~~ *must* be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person ~~[shall]~~ *may* be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Councilmen.

2. The Board of Councilmen shall meet on the ~~[1st]~~ *first* Tuesday after any election and canvass the returns and declare the result. The election returns ~~[shall]~~ *must* then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Councilmen.



3. The City Clerk, under his hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the ~~{1st}~~ *first* Monday in ~~{July}~~ *January* next following their election.

4. If any election should result in a tie, the Board of Councilmen shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

Sec. 14. Section 10.010 of the Charter of the City of Wells, being Chapter 431, Statutes of Nevada 1973, at page 626, is hereby amended to read as follows:

Sec. 10.010 Continuation of certain officers.

1. The *Mayor and the* Councilman elected ~~{at large to a 4 year term}~~ at the general municipal election held ~~{June 3, 1969,}~~ *on the Tuesday after the first Monday in June 2003* shall continue in office ~~{as a Councilman}~~ until the election, and qualification thereafter, of ~~{his successor at the general municipal election to be held on the first Tuesday after the first Monday of June, 1973. The successor shall serve a 4 year term until the election, and qualification thereafter, in turn, of his successor}~~ *their successors* pursuant to subsection ~~{2}~~ *1* of section 5.010.

2. The ~~{two}~~ *three* Councilmen elected ~~{at large for 2 year terms each}~~ at the general municipal election held ~~{June 8, 1971,}~~ *on the Tuesday after the first Monday in June 2005* shall continue in office ~~{as Councilmen}~~ until the election, and qualification thereafter, of their successors ~~{at the general municipal election to be held on the first Tuesday after the first Monday of June, 1973. The successors shall each serve a 4 year term until the election, and qualification thereafter, in turn, of their successors}~~ pursuant to subsection 2 of section 5.010.

~~{3. The Councilman elected at large to a 4 year term at the general municipal election held June 8, 1971, shall continue in office as a Councilman until the election, and qualification thereafter, of his successor pursuant to subsection 1 of section 5.010.~~

~~—4. The Mayor, elected to a 4 year term at the general municipal election held June 8, 1971, shall continue in the office of Mayor until the election, and qualification thereafter, of his successor pursuant to subsection 1 of section 5.010.~~

