

Amendment No. 1011

Senate Amendment to Assembly Bill No. 443 Second Reprint (BDR S-512)

Proposed by: Committee on Legislative Operations and Elections**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
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Amend the bill as a whole by renumbering sections 1 through 9 as sections 13 through 21 and adding new sections designated sections 1 through 12, following the enacting clause, to read as follows:

“Section 1. NRS 293C.115 is hereby amended to read as follows:

293C.115 1. ~~[The]~~ *Except as otherwise provided in subsection 2, the* governing body of a city incorporated pursuant to general law may by ordinance provide for a primary city election and a general city election on:

(a) The dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS; or

(b) The dates set forth for primary city elections and general city elections pursuant to the provisions of this chapter.

HC/WLK

Date: 5/26/2005

A.B. No. 443—Amends certain city charters to revise timing of municipal elections.



2. *The governing body of a city incorporated pursuant to general law in a county whose population is 400,000 or more shall by ordinance provide for a primary city election and a general city election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.*

3. If a governing body of a city adopts an ordinance pursuant to paragraph (a) of subsection 1 ~~1~~ *or subsection 2*, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165, and in NRS 293.175, 293.177, 293.345 and 293.368 apply for purposes of conducting the primary city elections and general city elections of the city.

~~3.~~ 4. If a governing body of a city adopts an ordinance pursuant to subsection 1 ~~1~~ *or is required to adopt an ordinance pursuant to subsection 2:*

(a) The term of office of any elected city official may not be shortened as a result of the ordinance; and

(b) Each elected city official holds office until the end of his term and until his successor has been elected and qualified.

Sec. 2. NRS 293C.291 is hereby amended to read as follows:

293C.291 If a candidate whose name appears on the ballot at a primary city election or general city election dies after the applicable date set forth in:

1. NRS 293C.370; or
2. NRS 293.368, if the governing body of the city has adopted an ordinance pursuant to paragraph (a) of subsection 1 *of NRS 293C.115 or subsection 2* of NRS 293C.115,

↪ but before the time of the closing of the polls on the day of the election, the city clerk shall post a notice of the candidate's death at each polling place where the candidate's name will appear on the ballot for the primary city election or general city election.

Sec. 3. NRS 267.110 is hereby amended to read as follows:

267.110 1. Any city having adopted a charter pursuant to the provisions of NRS 267.010 to 267.140, inclusive, has pursuant to the charter:

- (a) All of the powers enumerated in the general laws of the State for the incorporation of cities.
- (b) Such other powers necessary and not in conflict with the Constitution and laws of the State of Nevada to carry out the commission form of government.

2. The charter, when submitted, must:

- (a) Fix the number of commissioners, their terms of office and their duties and compensation.
- (b) Provide for all necessary appointive and elective officers for the form of government therein provided, and fix their salaries and emoluments, duties and powers.
- (c) Fix, in accordance with the provisions of NRS 293C.140 and 293C.175 or with the provisions of NRS 293C.145, or with the provisions of paragraph (a) of subsection 1 *of NRS 293C.115 or subsection 2* of NRS 293C.115, the time for the first and subsequent elections for all elective officers. After the first election and the qualification of the officers who were elected, the old officers and all boards or offices and their emoluments must be abolished.

Sec. 4. Section 4 of the Charter of Boulder City is hereby amended to read as follows:

Section 4. Number; selection and term; recall.

- 1. The City Council shall have four Councilmen and a Mayor elected from the City at large in the manner provided in Article IX . ~~for terms of four years and until their successors~~

~~have been elected and have taken office as provided in section 16, subject to recall as provided in section 111.5.]~~ No Councilman shall represent any particular constituency or district of the City, and each Councilman shall represent the entire City. (Amd. 2; 6-4-91; Add. 17; Amd. 1; 11-5-96)

2. (Repealed by Amd. 1; 6-4-91)

3. ***Except as otherwise provided in section 96, all Councilmen and the Mayor shall serve for 4 years, subject to recall as provided in section 111.5.***

Sec. 5. Section 16 of the Charter of Boulder City is hereby amended to read as follows:

Section 16. Induction of Council into office; meetings of Council.

1. The City Council shall meet within ~~ten~~ **10** days after each ~~city~~ primary election and each ~~city~~ general election specified in Article IX, to canvass the returns and to declare the results. All newly elected or re-elected Mayor or Councilmen ~~shall~~ **must** be inducted into office at the next regular Council meeting following certification of the applicable ~~city~~ general election results. Immediately following such induction, both the Mayor and the Mayor pro tem ~~shall~~ **must** be designated as provided in section 7. Thereafter, the Council shall meet regularly at such times as it shall set by resolution from time to time, but not less frequently than once each month. (Add. 13; Amd. 1; 6-2-87; Amd. 2; 6-4-91; Add. 17; Amd. 1; 11-5-96)

A. (Add. 3; Amd. 2; 5-2-67; Repealed by Amd. 1; 6-4-91)

2. It is the intent of this Charter that deliberations and actions of the Council be conducted openly. All meetings of the City Council ~~shall~~ **must** be in accordance with chapter 241 of ~~[the Nevada Revised Statutes.]~~ **NRS.** (Add. 10; Amd. 1; 6-2-81)

3. Any emergency meeting of the City Council, as defined by chapter 241 ~~[, shall]~~ *of NRS, must* be as provided therein, and in addition:

(a) An emergency meeting may be called by the Mayor or upon written notice issued by a majority of the Council.

(b) Prior notice of such an emergency meeting ~~[shall]~~ *must* be given to all members of the City Council. (Add. 10; Amd. 1; 6-2-81)

Sec. 6. Section 92 of the Charter of Boulder City is hereby amended to read as follows:

Section 92. Public parks, recreation areas, parking.

1. All public parks, public recreation areas and publicly owned off-street parking areas in existence at the time of incorporation, unless under private lease, must not be sold, leased or zoned for any other use without approval of the majority of the voters voting at a special election ~~[or primary or general]~~, *a primary municipal and state* election, ~~[or primary]~~ or a general *municipal and* state election.

2. A special election may be held only if the City Council determines, by a unanimous vote, that an emergency exists. The determination made by the City Council is conclusive unless it is shown that the City Council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the City Council must be commenced within 15 days after the City Council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the City Council to prevent or mitigate a substantial financial loss to the City or to enable the City Council to provide an essential service to the residents of the City.

Sec. 7. Section 96 of the Charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of ~~city~~ elections.

1. All city elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. ~~[All]~~ *Except as otherwise provided in subsections 3 and 4, all* full terms of office in the City Council are ~~[four years, and]~~ **4 years**. Councilmen must be elected at large without regard to precinct residency.

3. Two ~~[full-term]~~ Councilmen and the Mayor are to be elected ~~[in each year immediately preceding a federal presidential election, and two full-term]~~ *on the first Tuesday after the first Monday in June 2003, at a general municipal election to be held for that purpose. The two Councilmen and the Mayor shall hold office until their successors have been elected and qualified pursuant to subsection 5.*

4. *Two* Councilmen are to be elected ~~[in each year immediately following a federal presidential election.]~~ *on the first Tuesday after the first Monday in June 2005, at a general municipal election to be held for that purpose. The two Councilmen shall hold office until their successors have been elected and qualified pursuant to subsection 6.*

5. *Two Councilmen and the Mayor are to be elected on the first Tuesday after the first Monday in November 2006, and at each successive interval of 4 years thereafter. The two Councilmen and the Mayor shall hold office for a period of 4 years and until their successors have been elected and qualified.*

6. Two Councilmen are to be elected on the first Tuesday after the first Monday in November 2008, and at each successive interval of 4 years thereafter. The two Councilmen shall hold office for a period of 4 years and until their successors have been elected and qualified.

7. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions. (Add. 17; Amd. 1; 11-5-96)

A. In the event one or more ~~[two-year]~~ **2-year** term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such ~~[position(s).]~~ **positions**. Candidates receiving the greatest respective number of votes must be declared elected to the respective available ~~[two-year]~~ **2-year** positions. (Add. 15; Amd. 2; 6-4-91)

~~[3. —A city]~~

8. A primary election must be held on the first Tuesday ~~[after the first Monday in April]~~ in September of each ~~[odd-numbered]~~ **even-numbered year and a ~~[city]~~ general election must be held on the first Tuesday after the first Monday in ~~[June]~~ **November** of each ~~[odd-numbered]~~ **even-numbered** year.**

A. A primary election must not be held if no more than double the number of Councilmen to be elected file as candidates. A primary election must not be held for the office of Mayor if no more than two candidates file for that position. The primary election must be held for the purpose of eliminating candidates in excess of a figure double the number of Councilmen to be elected. (Add. 17; Amd. 1; 11-5-96)

B. If, in the primary ~~{city}~~ election, a candidate receives votes equal to a majority of voters casting ballots in that election, he shall be considered elected to one of the vacancies and his name ~~{shall}~~ **must** not be placed on the ballot for the general ~~{city}~~ election. (Add. 10; Amd. 7; 6-2-81)

C. In each primary and general election, voters ~~{shall be}~~ **are** entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the city elections. (Add. 11; Amd. 5; 6-7-83)

Sec. 8. Section 100 of the Charter of Boulder City is hereby amended to read as follows:

Section 100. Registered voters' power of initiative and referendum concerning city ordinances.

The registered voters of a city may:

1. Propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without change in substance, ~~{to}~~ **may** adopt or reject it at a primary ~~{or general}~~ municipal **and state** election ~~{or primary}~~ or general **municipal and** state election.

2. Require reconsideration by the Council of any adopted ordinance ~~{,}~~ and, if the Council fails to repeal an ordinance so considered, ~~{to}~~ **may** approve or reject it ~~{as}~~ **at** a primary ~~{or general}~~ municipal **and state** election or ~~{primary or}~~ general **municipal and** state election.

Sec. 9. Section 102 of the Charter of Boulder City is hereby amended to read as follows:

Section 102. Results of election.

1. If a majority of the registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the results of the election and

must be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes prevails to the extent of the conflict.

2. If a majority of the registered voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the results of the election.

3. No initiative ordinance voted upon by the registered voters, or an initiative ordinance in substantially the same form as one voted upon by the people, may again be placed on the ballot until the next primary ~~for general~~ municipal *and state* election or ~~primary or~~ general *municipal and* state election.

Sec. 10. Section 119 of the Charter of Boulder City is hereby amended to read as follows:

Section 119. Amending the Charter.

1. An amendment to this Charter:

A. May be made by the Legislature directly by the use of mandatory specific wording or indirectly by the use of wording allowing flexibility in expressing the required change.

(a) If a statute is enacted which directly amends this Charter, such an amendment is not subject to public approval as provided in subsection B and must be included in the Charter and identified as having been amended by the particular statute involved.

(b) If a statute is enacted which requires that this Charter be amended but does not require the specific wording to be used, the City Council shall propose a suitable amendment to be submitted to the registered voters of the City as provided in subsection B. If such a proposed amendment is not adopted by the voters, it must be redrafted and resubmitted to the

voters at one or more special, primary ~~for general~~ city ***and state*** elections or ~~primary or~~ general ***city and*** state elections until an amendment is adopted.

B. May be proposed by the City Council and submitted to the registered voters of the City at a special election or the next primary ~~for general~~ city ***and state*** election or ~~primary or~~ general ***city and*** state election.

C. May be proposed by a petition signed by registered voters of the City equal in number to 15 percent or more of the voters who voted at the latest preceding general city election and submitted to registered voters of the City at a special election or at the next primary ~~for general~~ city ***and state*** election or ~~primary or~~ general ***city and*** state election.

2. A special election may be held only if the City Council determines, by a unanimous vote, that an emergency exists. The determination made by the City Council is conclusive unless it is shown that the City Council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the City Council must be commenced within 15 days after the City Council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the City Council to prevent or mitigate a substantial financial loss to the City or to enable the City Council to provide an essential service to the residents of the City.

3. The City Attorney shall draft any amendment proposed pursuant to subsections A(b) or B or, if such a proposed amendment has been previously drafted, the City Attorney shall review the previous draft and recommend to the Council any suggested changes or corrections.
(Amd. 3; 6-6-89)

4. The City Attorney shall, upon request, review any amendment intended to be proposed by petition pursuant to subsection C, make only such corrections as are agreed to by the proposers and report to the City Council his analysis of the significance and potential effects of the proposed amendment. (Amd. 3; 6-6-89)

5. A petition for amendment must be in the form specified by state law for city initiative petitions, and must be filed with the City Clerk not later than 6 months before the date of the primary ~~for general~~ city **and state** election or ~~primary or~~ general **city and** state election at which the proposed amendment is to be submitted to the voters of the City. (Amd. 3; 6-6-89)

6. When an amendment is adopted by the registered voters of the City, the City Clerk shall, within 30 days thereafter, transmit a certified copy of the amendment to the Legislative Counsel. (Add. 13; Amd. 3; 6-2-87)

Sec. 11. Section 138 of the Charter of Boulder City is hereby amended to read as follows:

Section 138. Sale of public utilities; proviso.

1. No public utility of any kind, after having been acquired by the City, may thereafter be sold or leased by the City, unless the proposition for the sale or lease has been submitted to the electors of the City at a special election ~~for primary or general~~, **a primary** municipal **and state** election, or ~~primary or~~ **a general municipal and** state election. After a majority vote of those electors in favor of the sale, the sale may not be made except after 30 days' published notice thereof, except that the provisions of this section do not apply to a sale by the Council of parts, equipment, trucks, engines and tools ~~[-]~~ which have become obsolete or worn out, any of which equipment may be sold by the Council in the regular course of business.

2. A special election may be held only if the City Council determines, by a unanimous vote, that an emergency exists. The determination made by the City Council is conclusive unless it is shown that the City Council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the City Council must be commenced within 15 days after the City Council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the City Council to prevent or mitigate a substantial financial loss to the City or to enable the City Council to provide an essential service to the residents of the City. (1959 Charter)

Sec. 12. Section 143 of the Charter of Boulder City is hereby amended to read as follows:

Section 143. Expenditures from Capital Improvement Fund.

1. All expenditures from the Capital Improvement Fund must be approved by a simple majority of the votes cast by the registered voters of the City on a proposition placed before them in a special election ~~[or primary or general]~~, **a primary** municipal **and state** election, or ~~[primary or]~~ **a general municipal and** state election.

2. A special election may be held only if the City Council determines, by a unanimous vote, that an emergency exists. The determination made by the City Council is conclusive unless it is shown that the City Council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the City Council must be commenced within 15 days after the City Council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the City Council to prevent or mitigate a substantial financial loss to the City or to

enable the City Council to provide an essential service to the residents of the City. (Add. 7; Amd. 5; 6-3-75)”.

Amend the bill as a whole by renumbering sections 10 through 14 as sections 36 through 40 and adding new sections designated sections 22 through 35, following sec. 9, to read as follows:

“**Sec. 22.** Section 2.010 of the Charter of the City of Henderson, being Chapter 266, Statutes of Nevada 1971, as last amended by Chapter 596, Statutes of Nevada 1995, at page 2206, 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 the Mayor.

2. The Mayor must be:

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

(b) A qualified elector within the City.

3. Each Councilman must be:

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

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

(c) A resident of the ward which he represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward

boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Councilman to continue in office for the term for which he was elected.

4. All Councilmen, including the Mayor, 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 5.020.***

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

Sec. 23. Section 5.010 of the Charter of the City of Henderson, being Chapter 266, Statutes of Nevada 1971, as last amended by Chapter 637, Statutes of Nevada 1999, at page 3565, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the ***first*** Tuesday ~~[after the first Monday in April of each odd-numbered year,]~~ ***of September 2006, and at each successive interval of 2 years thereafter,*** at which time there must be nominated candidates for offices to be voted for at the next general ~~[municipal]~~ election.

2. A candidate for any office to be voted for at any primary ~~[municipal]~~ election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general election. If in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he is a candidate, he must be declared elected and no general election need be held for that office.

Sec. 24. Section 5.020 of the Charter of the City of Henderson, being Chapter 266, Statutes of Nevada 1971, as last amended by Chapter 209, Statutes of Nevada 2001, at page 971, is hereby amended to read as follows:

Sec. 5.020 General ~~[municipal election.]~~ *elections.*

1. ~~[A general election must be held in the City on]~~ *On* the first Tuesday after the first Monday in June ~~[of each odd-numbered year and on the same day every 2 years thereafter, at which time the registered voters of the City shall elect city officers to fill the available elective positions.]~~

~~—2. All candidates for the office of Mayor, Councilman and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015 of this Charter, the term of office for a Municipal Judge is 6 years.]~~ *2005, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and a Councilman from the third ward, both of whom will hold office until their successors have been elected and qualified pursuant to subsection 7.*

2. *On the first Tuesday after the first Monday in June 2003, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, Councilmen from the first, second and fourth wards, all of whom will hold office until their successors have been elected and qualified pursuant to subsection 6.*

3. On the *first* Tuesday after the first Monday in June 2001 , ~~[and every 6 years thereafter,]~~ there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his successor has been elected and qualified ~~[.]~~ *pursuant to subsection 8.*

4. On the *first* Tuesday after the first Monday in June 2003 , ~~[and every 6 years thereafter,]~~ there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his successor has been elected and qualified ~~[.]~~ *pursuant to subsection 9.*

5. On the *first* Tuesday after the first Monday in June 2005 , ~~[and every 6 years thereafter,]~~ there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his successor has been elected and qualified ~~[.]~~ *pursuant to subsection 10.*

6. *On the first Tuesday after the first Monday in November 2006, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at the general election, Councilmen from the first, second and fourth wards, all of whom will hold office until their successors have been elected and qualified.*

7. *On the first Tuesday after the first Monday in November 2008, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the*

City, at the general election, a Mayor and a Councilman from the third ward, both of whom will hold office until their successors have been elected and qualified.

8. On the first Tuesday after the first Monday in November 2006, and at each successive interval of 6 years thereafter, there must be elected by the qualified voters of the City, at the general election, a Municipal Judge for Department 1 who shall hold office until his successor has been elected and qualified.

9. On the first Tuesday after the first Monday in November 2008, and at each successive interval of 6 years thereafter, there must be elected by the qualified voters of the City, at the general election, a Municipal Judge for Department 2 who will hold office until his successor has been elected and qualified.

10. On the first Tuesday after the first Monday in November 2010, and at each successive interval of 6 years thereafter, there must be elected by the qualified voters of the City, at the general election, a Municipal Judge for Department 3 who will hold office until his successor has been elected and qualified.

11. All candidates for the offices of Mayor, Councilman and Municipal Judge must be voted upon by the registered voters of the City at large. Except as otherwise provided in subsections 1 and 2, the term of office for a member of the City Council and the Mayor is 4 years. Except as otherwise provided in subsections 3, 4 and 5 and in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.

Sec. 25. Section 1.140 of the Charter of the City of Las Vegas, being Chapter 517, Statutes of Nevada 1983, as last amended by Chapter 6, Statutes of Nevada 2001, at page 10, is hereby amended to read as follows:

Sec. 1.140 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) One Councilman from each ward.

(c) Municipal Judges.

2. ~~[The]~~ ***Except as otherwise provided in section 5.010, the*** terms of office of the Mayor and Councilmen are 4 years.

3. Except as otherwise provided in subsection 3 of section 4.010 ~~[of this Charter,]~~ ***or section 5.010,*** the term of office of a Municipal Judge is 6 years.

Sec. 26. Section 2.310 of the Charter of the City of Las Vegas, being Chapter 517, Statutes of Nevada 1983, as last amended by Chapter 416, Statutes of Nevada 2001, at page 2101, is hereby amended to read as follows:

Sec. 2.310 Powers of City Council: Acquisition or establishment of City utility.

1. Except as otherwise provided in subsection 3 of section 2.300 and section 2.315, the City Council, on behalf of the City and in its name, may acquire, establish, hold, manage and operate, alone or with any other government or any instrumentality or subdivision of any government, any public utility in the manner which is provided in this section.

2. The City Council ~~[must]~~ ***shall*** adopt a resolution which sets forth fully and in detail:

(a) The public utility which is proposed to be acquired or established.

(b) The estimated cost of that utility ~~[]~~ as shown in a recent report, which has been approved by the City Council, of an engineer or consulting firm which had previously been appointed by the City Council for that purpose.

(c) The proposed bonded indebtedness which must be incurred to acquire or establish that utility, the terms, amount and rate of interest of that indebtedness and the time within which, and the fund from which, that indebtedness is redeemable.

(d) That a public hearing on the advisability of acquiring the public utility will be held at the first regular meeting of the City Council after the final publication of the resolution.

3. The resolution must be published in full at least once a week for 4 successive weeks.

4. At the first regular meeting of the City Council, or any adjournment of that meeting, after the completion of the publication, the City Council may, without an election, enact an ordinance for that purpose ~~[,]~~ which must conform in all respects to the terms and conditions of the resolution, unless, within 30 days after the final publication of the resolution, a petition is filed with the City Clerk which has been signed by a number of registered voters of the City which is not less than 15 percent of the registered voters of the City, as shown by the last preceding registration list, who own not less than 10 percent in assessed value of the taxable property within the City, as shown by the last preceding tax list or assessment roll, and which prays for the submission of the question of the enactment of the proposed ordinance at a special election or the next primary ~~for general~~ municipal **and state** election or ~~[primary or]~~ general **municipal and** state election. Upon the filing of that petition, the proposed ordinance may not be enacted or be effective for any purpose unless, at a special election ~~for primary or general~~, **primary** municipal **and state** election, or ~~[primary or]~~ general **municipal and** state election, a majority of the votes which are cast in that election are cast in favor of the enactment of the ordinance.

5. A special election may be held only if the City Council determines, by a unanimous vote, that an emergency exists. The determination made by the City Council is conclusive unless it is shown that the City Council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the City Council must be commenced within 15 days after the City Council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the City Council to prevent or mitigate a substantial financial loss to the City or to enable the City Council to provide an essential service to the residents of the City.

6. If the proposed ordinance is adopted, without an election or as a result of an election, the City Council may issue bonds to obtain revenue for acquiring or constructing systems, plants, works, instrumentalities and properties which are needed in connection with that public utility.

Sec. 27. Section 5.010 of the Charter of the City of Las Vegas, being Chapter 517, Statutes of Nevada 1983, as last amended by Chapter 637, Statutes of Nevada 1999, at page 3565, is hereby amended to read as follows:

Sec. 5.010 Primary ~~[municipal]~~ elections.

1. On the Tuesday after the first Monday in April ~~[2001, and at each successive interval of 4 years,]~~ **2005**, a primary municipal election must be held in the City , at which time candidates for ~~[half of the offices of]~~ Councilman ***from the second, fourth and sixth wards,*** and for Municipal Judge ~~[, Department]~~ ***for Departments 2, 3 and 5*** must be nominated.

2. On the Tuesday after the first Monday in April 2003, ~~[and at each successive interval of 4 years,]~~ a primary municipal election must be held in the City , at which time candidates

for Mayor, for ~~[the other half of the offices of]~~ Councilman *from the first, third and fifth wards* and for Municipal Judge ~~[, Department]~~ *for Departments 1, 4 and 6* must be nominated.

3. *On the Tuesday after the first Monday in September 2006, and at each successive interval of 4 years, a primary election must be held in the City, at which time candidates for Mayor and for Councilman from the first, third and fifth wards must be nominated.*

4. *On the Tuesday after the first Monday in September 2008, and at each successive interval of 4 years, a primary election must be held in the City, at which time candidates for Councilman from the second, fourth and sixth wards must be nominated.*

5. *On the Tuesday after the first Monday in September 2008, and at each successive interval of 6 years, a primary election must be held in the City, at which time candidates for Municipal Judge for Departments 1, 4 and 6 must be nominated.*

6. *On the Tuesday after the first Monday in September 2010, and at each successive interval of 6 years, a primary election must be held in the City, at which time candidates for Municipal Judge for Departments 2, 3 and 5 must be nominated.*

7. The candidates for Councilman who are to be nominated as provided in subsections 1 ~~[and 2]~~ *to 4, inclusive*, must be nominated and voted for separately according to the respective wards. ~~[The candidates from each even-numbered ward must be nominated as provided in subsection 1, and the candidates from each odd-numbered ward must be nominated as provided in subsection 2.]~~

~~—4.]~~ 8. If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 ~~[of this Charter,]~~ and, as a result, more than one

office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

~~[5-]~~ **9.** Each candidate for the municipal offices which are provided for in subsections 1 ~~to 2 and 4~~ **to 6, inclusive**, must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

~~[6-]~~ **10.** If, in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he is a candidate, he must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general election need be held for that office. If, in the primary election, no candidate receives a majority of votes which are cast in that election for the office for which he is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.

Sec. 28. Section 5.020 of the Charter of the City of Las Vegas, being Chapter 517, Statutes of Nevada 1983, at page 1415, is hereby amended to read as follows:

Sec. 5.020 General ~~[municipal election.]~~ **elections.**

1. A general ~~[municipal]~~ election must be held in the City on the **first** Tuesday after the ~~[1st]~~ **first** Monday in ~~[June]~~ **November** of each ~~[odd-numbered]~~ **even-numbered** year and on the same day every 2 years thereafter, at which time there must be elected those officers whose offices are required to be filled by election in that year.

2. All candidates for elective office, except the office of Councilman, must be voted upon by the registered voters of the City at large.

Sec. 29. Section 5.110 of the Charter of the City of Las Vegas, being Chapter 517, Statutes of Nevada 1983, at page 1416, is hereby amended to read as follows:

Sec. 5.110 Special elections: Registration of electors.

1. If a question is to be submitted to the registered voters of the City at a ~~[municipal or state]~~ primary ***municipal and state election*** or general ***municipal and state*** election, no notice of registration of electors is required other than that which is required by the election laws of the State for that election. If the question is to be submitted at a special municipal election, the City Clerk shall, at the expense of the City, cause to be published at least once a week for 5 consecutive weeks by five weekly insertions 1 week apart, the first publication to be not more than 60 days nor less than 45 days next preceding the election, a notice which has been signed by ~~[him]~~ ***the City Clerk*** to the effect that registration for the special election will be closed on the date which is designated in the notice, as provided in this section.

2. Except as ***otherwise*** provided in this subsection, the Office of the City Clerk must be open for the special election from 9 a.m. to 12 m. and from 1 p.m. to 5 p.m. on Mondays through Fridays, with legal holidays excepted, for the registration of any qualified elector.

Sec. 30. Section 1.060 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by Chapter 515, Statutes of Nevada 1997, at page 2451, 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 City Council or in the office of Mayor or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City

Council before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council 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 day of ~~July~~ **January** after the next municipal election, at which election the office must be filled for the remaining unexpired term.

Sec. 31. Section 2.010 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by Chapter 344, Statutes of Nevada 1999, at page 1413, is hereby amended to read as follows:

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

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

2. The Mayor must be:

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

(b) A qualified elector within the City.

3. Each Councilman:

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

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

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

5. All Councilmen, including the Mayor, must be voted upon by the registered voters of the City at large . ~~[, and their]~~

6. *Except as otherwise provided in section 5.010, the terms of office of the Mayor and the Councilmen* are 4 years.

~~[6.]~~ 7. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.

Sec. 32. Section 4.005 of the Charter of the City of North Las Vegas, being Chapter 215, Statutes of Nevada 1997, as amended by Chapter 73, Statutes of Nevada 2003, at page 484, is hereby amended to read as follows:

Sec. 4.005 Municipal Court.

1. There is a Municipal Court of the City which consists of at least one department. Each department must be presided over by a Municipal Judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this Charter, governed by the provisions of chapters 5 and 266 of NRS which relate to municipal courts.

2. The City Council may, from time to time, by ordinance, establish additional departments of the Municipal Court and shall appoint an additional Municipal Judge for each additional department.

3. At the first municipal primary or municipal general election that follows the appointment of an additional Municipal Judge to a newly created department of the Municipal Court, the successor to that Municipal Judge must be elected for an initial term of not more than 6 years, as determined by the City Council, ~~in order~~ *so* that, as nearly as practicable, one-third of the number of Municipal Judges ~~be~~ *is* elected every 2 years.

4. Except as otherwise provided by the ordinance establishing an additional department ~~;~~ *or section 5.010*, each Municipal Judge must be voted upon by the registered voters of the City at large and holds office for a period of 6 years and until his successor has been elected and qualified.

5. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic numeral, as additional departments are approved by the City Council. A Municipal Judge must be elected for each department by number.

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

Sec. 5.010 General ~~municipal~~ elections.

1. On the Tuesday after the first Monday in June ~~[1977, and at each successive interval of 4 years thereafter, there shall]~~ *2003, there must* be elected by the qualified voters of the City, at a general *municipal* election to be held for that purpose, a Mayor and two Councilmen, who

shall hold office ~~[for a period of 4 years and]~~ until their successors have been elected and qualified ~~[.]~~ *pursuant to subsection 3.*

2. On the Tuesday after the first Monday in June ~~[1975, and at each successive interval of 4 years thereafter, there shall]~~ **2005, there must** be elected by the qualified voters of the City, at a general *municipal* election to be held for that purpose, two Councilmen ~~[.]~~ who shall hold office ~~[for a period of 4 years and]~~ until their successors have been elected and qualified ~~[.]~~ *pursuant to subsection 4.*

3. *On the Tuesday after the first Monday in November 2006, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and two Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.*

4. *On the Tuesday after the first Monday in November 2008, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, two Councilmen who shall hold office for a period of 4 years and until their successors have been elected and qualified.*

5. *On the Tuesday after the first Monday in November 2006, and at each successive interval of 6 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Municipal Judge for Department 1 who shall hold office for a period of 6 years and until his successor has been elected and qualified.*

Sec. 34. Section 5.020 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by Chapter 637, Statutes of Nevada 1999, at page 3566, is hereby amended to read as follows:

Sec. 5.020 Primary ~~[municipal]~~ elections; declaration of candidacy.

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

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

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

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

Sec. 35. Section 5.080 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by Chapter 465, Statutes of Nevada 1985, at page 1440, is hereby amended to read as follows:

Sec. 5.080 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

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

2. The City Council shall meet at any time within 16 days after any election and shall canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, 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 ~~[1st]~~ **first** day of ~~[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.”.

Amend the bill as a whole by adding a new section designated sec. 41, following sec. 14, to read as follows:

“**Sec. 41.** On or before January 1, 2006, the governing body of a city incorporated pursuant to general law in a county whose population is 400,000 or more shall adopt the ordinance required pursuant to the provisions of subsection 2 of NRS 293C.115, as amended by this act.”.

Amend the title of the bill to read as follows:

“AN ACT relating to elections; providing that the governing body of a city incorporated pursuant to general law in a county whose population is 400,000 or more shall adopt an ordinance to provide for a primary city election and general city election on the dates for state primary elections and state general elections; amending the charters of certain cities to revise the timing of municipal elections; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Amends timing of certain municipal elections. (BDR S-512)”.