

Amendment No. 901

Assembly Amendment to Senate Bill No. 125 First Reprint

(BDR 24-153)

Proposed by: Committee on Elections, Procedures, Ethics, and Constitutional Amendments**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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 deleting sections 1 through 22 and adding new sections designated sections 1 through 26, following the enacting clause, to read as follows:

“Section 1. 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~~ **90** days 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.

JCB/KMG

Date: 5/23/2005

S.B. No. 125—Revises period of residency required to qualify as candidate for public office.



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

Sec. 2. 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]~~ **90** days 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 registered as a member of the Party; 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 been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since September 1 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the Party at the ensuing election, I will accept that 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 that I understand that my name will appear on all ballots as designated in this declaration.

.....

(Designation of name)

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

Subscribed and sworn to before me

this day of the month of of the year

.....
Notary Public or other person

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]~~ **90** days 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 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)

Subscribed and sworn to before me

this day of the month of of the year

.....

Notary Public or other person

authorized to administer an oath

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

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

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

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

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

4. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately

send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

5. If the filing officer receives credible evidence indicating 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:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether he has had his civil rights restored by a court of competent 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. 3. 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 ~~if~~ 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~~ **90** days 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 been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a 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)

Subscribed and sworn to before me

this day of the month of of the year

.....
Notary Public or other person

authorized to administer an oath

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

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

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

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

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

4. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at his specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

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

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

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

6. The receipt of information by the city attorney pursuant to subsection 5 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. 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 city clerk 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.200 is hereby amended to read as follows:

293C.200 1. ~~[In addition to any other requirement]~~ *Except as otherwise* provided by law, no person may be a candidate for a city office unless, for at least the ~~[30]~~ **90** days immediately preceding the date of the close of filing of declarations or acceptances of candidacy for the office that he seeks, he has , in accordance with NRS 281.050, actually, as opposed to constructively, resided in the city 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 a declaration of candidacy or an acceptance of candidacy that contains a false statement in this respect is guilty of a gross misdemeanor.

Sec. 5. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, when the Legislature or a member thereof discharges a duty or exercises a power conferred by law to appoint a person to a new term or to fill a vacancy on a board, commission, committee, council, authority or similar body, it or he shall appoint a person who has, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for at least 90 days 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. 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, 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. 6. Chapter 223 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, when the Governor discharges a duty or exercises a power conferred by law to appoint a person to a new term or to fill a vacancy on a board, commission, committee, council, authority or similar body, he shall appoint a person who has, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for at least 90 days 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. 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, 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. 7. 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 90 days 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. 8. 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) Possesses his civil rights.

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. 9. 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) He will have attained the age of 21 years on the date he would take office if so elected; and
- (b) 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. 10. 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) He will have attained the age of 21 years on the date he would take office if so elected or appointed; and
- (b) 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. 11. Section 2.010 of the Charter of Carson City, being Chapter 213, Statutes of Nevada 1969, as last amended by Chapter 118, Statutes of Nevada 1985, at page 474, is hereby amended to read as follows:

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

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

2. The Mayor must be:

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

(b) A qualified elector within Carson City.

3. Each Supervisor must be:

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

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

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

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

Sec. 12. Section 4.030 of the Charter of Carson City, being Chapter 213, Statutes of Nevada 1969, as last amended by Chapter 96, Statutes of Nevada 1997, at page 182, is hereby amended to read as follows:

Sec. 4.030 Municipal Court: Judges.

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

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

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

(b) A qualified elector.

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

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

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

Sec. 13. 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]~~ 90 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.

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. 14. Section 2.020 of the Charter of the City of Las Vegas, being Chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:

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

1. The Mayor must be a qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than ~~{30}~~ **90** days immediately before the last day for filing a declaration of candidacy for that office and be elected by the registered voters of the City at large.

2. Each Councilman must be a qualified elector who has resided within the ward which he represents for a period of not less than ~~{30}~~ **90** days immediately before the last day for filing a declaration of candidacy for his office and be elected by the registered voters of that ward.

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

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

Sec. 15. Section 4.020 of the Charter of the City of Las Vegas, being Chapter 517, Statutes of Nevada 1983, as amended by Chapter 127, Statutes of Nevada 1989, at page 283, is hereby amended to read as follows:

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

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

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

(b) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than ~~[30]~~ **90** days immediately before the last day for filing a declaration of candidacy for the department for which he is a candidate.

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

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

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

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

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

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

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

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

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

(c) Is entitled to such compensation as may be fixed by 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. 16. 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.~~ *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]~~ **90** 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]~~ **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. 17. 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 ~~[his 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. 18. 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 90 days 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 90 days 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. 19. 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 resided* within the City ~~[-.]~~ *for at least 90 days immediately preceding the date of the close of the filing of declarations of candidacy for this office.* Once elected, he shall hold office for a term of 4 years and until his successor is duly elected and qualified.

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

- (a) Perform such duties as may be designated by ordinance;
- (b) Be present at all meetings of the City Council;
- (c) Be counsel for the Civil Service Commission;
- (d) Devote his full time to the duties of the office; and
- (e) Not engage in the private practice of law.

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

4. The City Attorney may appoint and remove such assistants as he may require in the discharge of the duties of his office. Such assistants must not be Civil Service employees. The Council may appropriate such an amount of money as it may deem proper to compensate such

assistants. Such assistants who are attorneys and are employed for more than 20 hours per week by the City Attorney shall not engage in the private practice of law.

Sec. 20. Section 4.020 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. 4.020 Municipal court: Qualifications of Municipal Judge; salary.

1. A Municipal Judge must be:

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

(b) A qualified elector *who has resided* within the City ~~[]~~ *for at least 90 days immediately preceding the date of the close of the filing of declarations of candidacy for this office.*

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

3. The salary of a Municipal Judge must be:

(a) Fixed by resolution of the City Council.

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

Sec. 21. Section 1.060 of the Charter of the City of Sparks, being Chapter 470, Statutes of Nevada 1975, as last amended by Chapter 41, Statutes of Nevada 2001, at page 394, is hereby amended to read as follows:

Sec. 1.060 Elective officers: Qualifications; salaries.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) Five members of the Council.

(c) A City Attorney.

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

2. All elective officers of the City must be:

(a) Bona fide residents of the City for at least ~~[30]~~ 90 days immediately preceding the last day for filing a declaration of candidacy for such an office.

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

(c) Registered voters within the City.

3. No person may be elected or appointed as a member of the Council who was not an actual bona fide resident of the ward to be represented by him for a period of at least ~~[30]~~ 90 days immediately preceding the last day for filing a declaration of candidacy for the office ~~;~~ or, in the case of appointment, 30 days immediately preceding the day the office became vacant.

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

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

Sec. 22. Section 2.010 of the Charter of the City of Yerington, being Chapter 465, Statutes of Nevada 1971, as last amended by Chapter 98, Statutes of Nevada 1977, at page 213, 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.
2. The Councilmen ~~{shall}~~ **must** be:
 - (a) Bona fide residents of the City for at least 6 months immediately preceding ~~{their election.}~~ ***the date of the close of the filing of declarations of candidacy for these offices.***
 - (b) Qualified electors in the City.
3. All Councilmen ~~{shall}~~ **must** be voted upon by the registered voters of the City at large and shall serve for terms of 4 years.
4. The Councilmen shall receive a salary in an amount fixed by the City Council.

Sec. 23. Section 3.010 of the Charter of the City of Yerington, being Chapter 465, Statutes of Nevada 1971, as last amended by Chapter 98, Statutes of Nevada 1977, at page 213, is hereby amended to read as follows:

Sec. 3.010 Mayor: Qualifications; duties.

1. The Mayor ~~{shall}~~ **must** be:
 - (a) A bona fide resident of the City for at least 6 months immediately preceding ~~{his election.}~~ ***the date of the close of the filing of declarations of candidacy for this office.***
 - (b) A qualified elector in the City.
2. The Mayor shall:

- (a) Serve as the Chief Executive and Administrative Officer of the City.
- (b) Preside over the meetings of the City Council. He shall not be entitled to vote on any matter before the Council except in case of a tie.
- (c) Have the right of veto on any matter passed by the City Council. A three-fourths vote of the Council is necessary to override such **a** veto.
- (d) Perform such emergency duties as may be necessary for the general health, welfare and safety of the City.
- (e) Perform such other duties as may be prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized under the provisions of a special charter.

Sec. 24. Section 6 of the Moapa Valley Water District Act, being Chapter 477, Statutes of Nevada 1983, as last amended by Chapter 218, Statutes of Nevada 2001, at page 991, is hereby amended to read as follows:

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

1. Each member of the Board must:

- (a) Actually, as opposed to constructively, reside in the election area represented for at least ~~30~~ **90** days immediately preceding the date of the close of filing of declarations of candidacy as set forth in section 7 of this chapter;
- (b) Be a qualified elector of the election area represented; and
- (c) Take office upon qualification therefor as provided in subsection 2 ~~1~~ or on the first Monday in January next following the member's election, whichever is later, and leave office

upon the first Monday in January next following the election of the member's successor in office.

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

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

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

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

Sec. 25. Section 7 of the Virgin Valley Water District Act, being Chapter 100, Statutes of Nevada 1993, at page 164, is hereby amended to read as follows:

Sec. 7. Governing Board: Members; vacancies.

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

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

(b) Be a qualified elector of the District;

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

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

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

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

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

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

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

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

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

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

4. A vacancy in the office of a member who is elected to the Board must be filled by appointment of the remaining members of the Board. The person so appointed must be a resident and elector of the District ~~[,]~~ or , if the board has established various election areas, the election area represented ~~[,]~~ and, before taking office, qualify in the manner prescribed in subsection 3. The person shall serve the remainder of the term of the member whose absence required his appointment. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.

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

Sec. 26. The amendatory provisions of this act do not abrogate or affect the current term of office of any public officer or member of a board, commission, committee, council, authority or similar body who is serving in that term on October 1, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to public officers; 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 pertains for at least 90 days immediately preceding the date of the close of filing of declarations of candidacy or preceding the appointment; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes to provisions governing eligibility for election and appointment to certain public positions and offices. (BDR 24-153)”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

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

This bill requires, with some exceptions, that a candidate for any public office must be a resident of the district or other area he wishes to represent for at least 90 days before the last day to file a declaration or acceptance of candidacy for the office.

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

This bill requires, with some exceptions, that a person appointed by the Governor or the Legislature to a new term or to fill a vacancy on a board, commission, committee, council, authority or similar body must have resided in Nevada or, if required, in the district or other area he represents for at least 90 days before appointment to the office.