

Amendment No. 900

Assembly Amendment to Senate Bill No. 252 First Reprint

(BDR 24-971)

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 |
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Amend the bill as a whole by renumbering sections 21 and 22 as sections 22 and 23 and adding a new section designated sec. 21, following sec. 20, to read as follows:

“**Sec. 21.** Section 1.050 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as amended by Chapter 215, Statutes of Nevada 1997, at page 747, is hereby amended to read as follows:

Sec. 1.050 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) ~~{Four Councilmen.}~~ *One Councilman from each ward.*

(c) One or more Municipal Judges, as determined pursuant to section 4.005 . ~~{of this~~

~~Charter.}~~

JCB/KMG

Date: 5/23/2005

S.B. No. 252—Revises date for primary city election and general city election in cities in certain larger counties.



2. Such officers must be elected as provided by this Charter.”.

Amend the bill as a whole by renumbering sections 23 and 24 as sections 25 and 26 and adding a new section designated sec. 24, following sec. 22, to read as follows:

“**Sec. 24.** Section 2.010 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by section 23 of this act, 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 will not affect the right of any elected Councilman to continue in office for the term for which he was elected.

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

5. ~~{All Councilmen, including the Mayor,}~~ ***Each Councilman*** must be voted upon ***only*** by the registered voters of the ~~{City at large.~~

~~—6.}~~ ***ward that he seeks to represent.*** Except as otherwise provided in section 5.010, the terms of office of ~~{the Mayor and}~~ the Councilmen are 4 years.

6. The Mayor must be voted upon by the registered voters of the City at large. Except as otherwise provided in section 5.010, the term of office of the Mayor is 4 years.

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

Amend the bill as a whole by renumbering sec. 25 as sec. 28 and adding a new section designated sec. 27, following sec. 24, to read as follows:

“**Sec. 27.** Section 5.010 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by section 26 of this act, is hereby amended to read as follows:

Sec. 5.010 General elections.

1. On the 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, a Mayor and two Councilmen, who shall hold office until their successors have been elected and qualified pursuant to subsection 3.

2. On the Tuesday after the first Monday in June 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 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.

6. *In a general election:*

(a) A candidate for the office of City Councilman must be elected only by the registered voters of the ward that he seeks to represent.

(b) Candidates for all other elective offices must be elected by the registered voters of the City at large.”.

Amend the bill as a whole by renumbering sections 26 and 27 as sections 30 and 31 and adding a new section designated sec. 29, following sec. 25, to read as follows:

“Sec. 29. Section 5.020 of the Charter of the City of North Las Vegas, being Chapter 573, Statutes of Nevada 1971, as last amended by section 28 of this act, is hereby amended to read as follows:

NEW
SECOND
PARALLEL
SECTION
(Proof
against new
§ 28)

Sec. 5.020 Primary 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 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 must be declared elected to office and his name must not appear on the ballot for the general election.

5. *In a primary election:*

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

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

Amend sec. 27, page 22, line 1, before “On” by inserting “1.”.

Amend sec. 27, page 22, after line 5, by inserting:

“2. The City Councilmen for the City of North Las Vegas whose terms of office commenced on July 1, 2005, shall be deemed to represent only Wards 1 and 2, respectively, commencing on December 1, 2006.”.

Amend the bill as a whole by adding a new section designated sec. 32, following sec. 27, to read as follows:

“**Sec. 32.** 1. This section and sections 1 to 20, inclusive, 22, 23, 25, 26, 28, 30 and 31 of this act become effective on October 1, 2005.

2. Sections 23, 26 and 28 of this act expire by limitation on May 1, 2006, for the purposes related to the filing of a declaration of candidacy for a public office in the City of North Las Vegas and on December 1, 2006, for all other purposes.

3. Sections 21, 24, 27 and 29 of this act become effective on May 1, 2006, for the purposes related to the filing of a declaration of candidacy for a public office in the City of North Las Vegas and on December 1, 2006, for all other purposes.”.

Amend the title of the bill, ninth line, after “elections;” by inserting:
“requiring that City Councilmen for the City of North Las Vegas be voted for and elected only by the registered voters of the ward that the Councilman will represent;”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to elections in certain larger counties.

(BDR 24-971)”.

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

Legislative Counsel's Digest:

Existing law provides that city primary and general elections must be held in odd-numbered years while state and other local primary and general elections must be held in even-numbered years. (NRS 293.12755, 293.175, 293C.115, 293C.140, 293C.145)

This bill requires a city incorporated under general law in a county whose population is 400,000 or more (currently Clark County) to adopt an ordinance setting city elections in even-numbered years. This bill also amends the charter of each city created by a charter that is located in a county whose population is 400,000 or more to reflect this change in election dates. Cities affected are Boulder City, Henderson, Las Vegas and North Las Vegas.

Under existing law, the City of North Las Vegas is divided into four wards. (North Las Vegas City Charter, Section 1.045) Existing law requires that a candidate for City Councilman designate the ward that he seeks to represent and further requires that he be a resident of that ward. (North Las Vegas City Charter, Sections 2.010, 5.020) Although a candidate for City Councilman designates a ward that he seeks to represent, he is elected by the registered voters of the entire City. (North Las Vegas City Charter, Section 2.010)

This bill requires that each City Councilman be voted for and elected only by the registered voters of the ward that he represents, commencing with the election to be held on November 7, 2006.

Existing law provides that the term of office of City Councilmen is 4 years. Those terms are staggered so that two Councilmen are elected at the general city election every 2 years. (North Las Vegas City Charter, Sections 2.010, 5.010)

This bill provides that the two City Councilmen who are mid-term on December 1, 2006, are deemed to represent only their respective wards on December 1, 2006, to avoid infringement of the legal principle of “one person, one vote.” *Avery v. Midland County*, 390 U.S. 474 (1968) (applying “one person, one vote” principle to apportionment of local governments, such as counties and cities).