

SENATE BILL NO. 125—SENATORS SCHNEIDER,  
HORSFORD AND MATHEWS

FEBRUARY 24, 2005

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JOINT SPONSORS: ASSEMBLYMEN MCCLAIN,  
CONKLIN AND MUNFORD

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Referred to Committee on Legislative Operations and Elections

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

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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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.

**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.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT 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.

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 .....



1 For the purpose of having my name placed on the official ballot as a  
2 candidate for the ..... Party nomination for the office of  
3 ....., I, the undersigned ....., do swear or affirm under penalty  
4 of perjury that I actually, as opposed to constructively, reside at  
5 ....., in the City or Town of ....., County of ....., State of  
6 Nevada; that my actual, as opposed to constructive, residence in the  
7 State, district, county, township, city or other area prescribed by law  
8 to which the office pertains began on a date at least ~~30~~ 90 days  
9 immediately preceding the date of the close of filing of declarations  
10 of candidacy for this office; that my telephone number is .....,  
11 and the address at which I receive mail, if different than my  
12 residence, is .....; that I am registered as a member of the  
13 ..... Party; that I am a qualified elector pursuant to Section 1  
14 of Article 2 of the Constitution of the State of Nevada; that if I have  
15 ever been convicted of treason or a felony, my civil rights have been  
16 restored by a court of competent jurisdiction; that I have not, in  
17 violation of the provisions of NRS 293.176, changed the designation  
18 of my political party or political party affiliation on an official  
19 application to register to vote in any state since September 1 before  
20 the closing filing date for this election; that I generally believe in  
21 and intend to support the concepts found in the principles and  
22 policies of that political party in the coming election; that if  
23 nominated as a candidate of the ..... Party at the ensuing  
24 election, I will accept that nomination and not withdraw; that I will  
25 not knowingly violate any election law or any law defining and  
26 prohibiting corrupt and fraudulent practices in campaigns and  
27 elections in this State; that I will qualify for the office if elected  
28 thereto, including, but not limited to, complying with any limitation  
29 prescribed by the Constitution and laws of this State concerning the  
30 number of years or terms for which a person may hold the office;  
31 and that I understand that my name will appear on all ballots as  
32 designated in this declaration.

33  
34 .....  
35 (Designation of name)

36  
37 .....  
38 (Signature of candidate for office)

39  
40 Subscribed and sworn to before me  
41 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)



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

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4 .....  
5 Notary Public or other person  
6 authorized to administer an oath  
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8 3. The address of a candidate which must be included in the  
9 declaration of candidacy or acceptance of candidacy pursuant to  
10 subsection 2 must be the street address of the residence where he  
11 actually, as opposed to constructively, resides in accordance with  
12 NRS 281.050, if one has been assigned. The declaration or  
13 acceptance of candidacy must not be accepted for filing if:

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

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

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

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

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

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

42 (a) May conduct an investigation to determine whether the  
43 candidate has been convicted of a felony and, if so, whether he has  
44 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 ~~§~~ 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



1 elector pursuant to Section 1 of Article 2 of the Constitution of the  
2 State of Nevada; that if I have ever been convicted of treason or a  
3 felony, my civil rights have been restored by a court of competent  
4 jurisdiction; that if nominated as a candidate at the ensuing election ,  
5 I will accept the nomination and not withdraw; that I will not  
6 knowingly violate any election law or any law defining and  
7 prohibiting corrupt and fraudulent practices in campaigns and  
8 elections in this State; that I will qualify for the office if elected  
9 thereto, including, but not limited to, complying with any limitation  
10 prescribed by the Constitution and laws of this State concerning the  
11 number of years or terms for which a person may hold the office;  
12 and my name will appear on all ballots as designated in this  
13 declaration.

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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.



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

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

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

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

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

33       **Sec. 4.** NRS 293C.200 is hereby amended to read as follows:

34       293C.200 1. ~~[In addition to any other requirement]~~ *Except as*  
35 *otherwise* provided by law, no person may be a candidate for a city  
36 office unless, for at least the ~~[30]~~ 90 days immediately preceding the  
37 date of the close of filing of declarations or acceptances of  
38 candidacy for the office that he seeks, he has , in accordance with  
39 NRS 281.050, actually, as opposed to constructively, resided in the  
40 city or other area prescribed by law to which the office pertains and,  
41 if elected, over which he will have jurisdiction or which he will  
42 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:*



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

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

9     **Sec. 7.** NRS 232A.020 is hereby amended to read as follows:

10     232A.020 1. *Except as otherwise provided in this section, a*  
11 *person appointed to a new term or to fill a vacancy on a board,*  
12 *commission or similar body by the Governor must have, in*  
13 *accordance with the provisions of NRS 281.050, actually, as*  
14 *opposed to constructively, resided, for the 90 days immediately*  
15 *preceding the date of the appointment:*

16     (a) *In this State; and*

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

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

25     ~~[2-]~~ 3. A vacancy on a board, commission or similar body  
26 occurs when a member dies, resigns, becomes ineligible to hold  
27 office or is absent from the State for a period of 6 consecutive  
28 months.

29     ~~[3-]~~ 4. Any vacancy ~~[shall]~~ *must* be filled by the Governor for  
30 the remainder of the unexpired term.

31     ~~[4-]~~ 5. A member appointed to a board, commission or similar  
32 body as a representative of the general public ~~[shall]~~ *must* be a  
33 person who:

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

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

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

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

43     (b) *The membership of the particular board, commission or*  
44 *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



1 appointed to the office of sheriff regardless of whether he has been  
2 restored to his civil rights.

3 **Sec. 10.** NRS 258.005 is hereby amended to read as follows:

4 258.005 1. ~~[No]~~ *In addition to any other requirement or*  
5 *restriction provided by law, no* person is eligible to the office of  
6 constable unless:

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

9 (b) He is a qualified elector.

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

14 **Sec. 11.** Section 2.010 of the Charter of Carson City, being  
15 Chapter 213, Statutes of Nevada 1969, as last amended by Chapter  
16 118, Statutes of Nevada 1985, at page 474, is hereby amended to  
17 read as follows:

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

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

23 2. The Mayor must be:

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

28 (b) A qualified elector within Carson City.

29 3. Each Supervisor must be:

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

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

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

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



1     **Sec. 12.** Section 4.030 of the Charter of Carson City, being  
2 Chapter 213, Statutes of Nevada 1969, as last amended by Chapter  
3 96, Statutes of Nevada 1997, at page 182, is hereby amended to read  
4 as follows:

5         Sec. 4.030 Municipal Court: Judges.

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

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

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

16         (b) A qualified elector.

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

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

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

26     **Sec. 13.** Section 2.010 of the Charter of the City of Henderson,  
27 being Chapter 266, Statutes of Nevada 1971, as last amended by  
28 Chapter 596, Statutes of Nevada 1995, at page 2206, is hereby  
29 amended to read as follows:

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

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

34         2. The Mayor must be:

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

39         (b) A qualified elector within the City.

40         3. Each Councilman must be:

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



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

3 (c) A resident of the ward which he represents for at least  
4 ~~{30}~~ 90 days immediately preceding the last day for filing a  
5 declaration of candidacy for the office, except that changes in  
6 ward boundaries pursuant to the provisions of section 1.040  
7 do not affect the right of any elected Councilman to continue  
8 in office for the term for which he was elected.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

(b) A qualified elector within the City.

3. Each Councilman:

(a) Must be a qualified elector who has resided in the ward which he represents for at least ~~30~~ 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           1. A Municipal Judge must have been a resident of the  
2 City for a continuous period of at least 6 months immediately  
3 preceding ~~this election.~~ *the date of the close of the filing of*  
4 *declarations of candidacy for this office.*

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

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

13       **Sec. 18.** Section 2.010 of the Charter of the City of Reno,  
14 being Chapter 662, Statutes of Nevada 1971, as last amended by  
15 Chapter 327, Statutes of Nevada 1999, at page 1366, is hereby  
16 amended to read as follows:

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

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

21           2. The Mayor and ~~Councilmen~~ *one Councilman*  
22 *represent the City at large. The Mayor and that Councilman*  
23 *must be qualified electors who have resided within the City* ~~[-~~  
24 ~~Each Councilman elected from a]~~ *for at least 90 days*  
25 *immediately preceding the date of the close of the filing of*  
26 *declarations of candidacy for this office.*

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

29           (a) *Be a qualified elector who has resided in the ward he*  
30 *represents for at least 90 days immediately preceding the*  
31 *date of the close of the filing of declarations of candidacy*  
32 *for this office.*

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

35           ~~[3.—The Mayor and one Councilman represent the City at~~  
36 ~~large and one Councilman represents each ward.]~~

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

39           ~~[4.]~~ 5. The Mayor and Councilmen are entitled to  
40 receive a salary in an amount fixed by the City Council.



1     **Sec. 19.** Section 3.060 of the Charter of the City of Reno,  
2 being Chapter 662, Statutes of Nevada 1971, as last amended by  
3 Chapter 327, Statutes of Nevada 1999, at page 1369, is hereby  
4 amended to read as follows:

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

6         1. The City Attorney must be a duly licensed member of  
7 the State Bar of Nevada and a qualified elector *who has*  
8 *resided* within the City ~~[-]~~ *for at least 90 days immediately*  
9 *preceding the date of the close of the filing of declarations*  
10 *of candidacy for this office.* Once elected, he shall hold  
11 office for a term of 4 years and until his successor is duly  
12 elected and qualified.

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

15         (a) Perform such duties as may be designated by  
16 ordinance;

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

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

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

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

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

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

31     **Sec. 20.** Section 4.020 of the Charter of the City of Reno,  
32 being Chapter 662, Statutes of Nevada 1971, as last amended by  
33 Chapter 327, Statutes of Nevada 1999, at page 1369, is hereby  
34 amended to read as follows:

35         Sec. 4.020 Municipal court: Qualifications of Municipal  
36 Judge; salary.

37         1. A Municipal Judge must be:

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

40         (b) A qualified elector *who has resided* within the City ~~[-]~~  
41 *for at least 90 days immediately preceding the date of the*  
42 *close of the filing of declarations of candidacy for this*  
43 *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]~~ or 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 ~~this 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



1 which apply to a mayor of a city organized under the  
2 provisions of a special charter.

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

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

8 1. Each member of the Board must:

9 (a) Actually, as opposed to constructively, reside in the  
10 election area represented for at least ~~30~~ 90 days  
11 immediately preceding the date of the close of filing of  
12 declarations of candidacy as set forth in section 7 of this  
13 chapter;

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 his appointment. If the Board fails, neglects or refuses to fill a  
2 vacancy within 30 days after a vacancy occurs, the Board of  
3 County Commissioners of Clark County shall fill the  
4 vacancy.

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

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



