

ASSEMBLY BILL NO. 570—COMMITTEE ON ELECTIONS,
PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS

(ON BEHALF OF THE CITY OF RENO)

MARCH 26, 2007

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

SUMMARY—Revises certain provisions relating to elections.
(BDR 24-429)

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.

AN ACT relating to elections; revising the date upon which the governing body of a county or city is required to conduct a canvass of election returns; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the governing body of a county or city to complete a
2 canvass of election returns on or before the fifth working day following an election.
3 (NRS 267.050, 293.387, 293.393, 293C.387, 309.060, 309.335, 318.118, 539.055,
4 539.155, 541.360) **Sections 1-2.7** of this bill amend that requirement to provide that
5 the canvass of the election returns must be completed on or before the sixth
6 working day following an election. **Sections 3-5 and 17** of this bill amend the
7 Charters of the Cities of Caliente, Carlin, Elko and Wells in the same manner.
8 **Sections 18-20** of this bill amend the Airport Authority Acts for Battle Mountain,
9 Carson City and Reno-Tahoe in the same manner.

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

- 1 **Section 1.** NRS 293.387 is hereby amended to read as follows:
2 293.387 1. As soon as the returns from all the precincts and
3 districts in any county have been received by the board of county
4 commissioners, the board shall meet and canvass the returns. The



1 canvass must be completed on or before the ~~fifth~~ *sixth* working
2 day following the election.

3 2. In making its canvass, the board shall:

4 (a) Note separately any clerical errors discovered; and

5 (b) Take account of the changes resulting from the discovery, so
6 that the result declared represents the true vote cast.

7 3. The county clerk shall, as soon as the result is declared,
8 enter upon the records of the board an abstract of the result, which
9 must contain the number of votes cast for each candidate. The
10 board, after making the abstract, shall cause the county clerk to
11 certify the abstract and, by an order made and entered in the minutes
12 of its proceedings, to make:

13 (a) A copy of the certified abstract; and

14 (b) A mechanized report of the abstract in compliance with
15 regulations adopted by the Secretary of State,
16 ➤ and transmit them to the Secretary of State not more than 6
17 working days after the election.

18 4. The Secretary of State shall, immediately after any primary
19 election, compile the returns for all candidates voted for in more
20 than one county. He shall make out and file in his office an abstract
21 thereof, and shall certify to the county clerk of each county the name
22 of each person nominated, and the name of the office for which he is
23 nominated.

24 **Sec. 1.3.** NRS 293.393 is hereby amended to read as follows:

25 293.393 1. On or before the ~~fifth~~ *sixth* working day after
26 any general election or any other election at which votes are cast for
27 any United States Senator, Representative in Congress, member of
28 the Legislature or any state officer who is elected statewide, the
29 board of county commissioners shall open the returns of votes cast
30 and make abstracts of the votes.

31 2. Abstracts of votes must be prepared in the manner
32 prescribed by the Secretary of State by regulation.

33 3. The county clerk shall make out a certificate of election to
34 each of the persons having the highest number of votes for the
35 district, county and township offices.

36 4. Each certificate must be delivered to the person elected upon
37 application at the office of the county clerk.

38 **Sec. 1.7.** NRS 293C.387 is hereby amended to read as follows:

39 293C.387 1. The election returns from a special election,
40 primary city election or general city election must be filed with the
41 city clerk, who shall immediately place the returns in a safe or vault.
42 No person may handle, inspect or in any manner interfere with the
43 returns until they are canvassed by the mayor and the governing
44 body of the city.



2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the ~~fifth~~ *sixth* working day following the election.

3. In completing the canvass of the returns, the governing body of the city and the mayor shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.

6. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

(1) Certify the abstract;

(2) Make a copy of the certified abstract;

(3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;

(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State within ~~6~~ *7* working days after the election; and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which he is nominated.

(b) General city election has been certified, the city clerk shall:

(1) Issue under his hand and official seal to each person elected a certificate of election; and

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first



1 regular meeting of that body next succeeding that in which the
2 canvass of returns was made pursuant to subsection 2.

3 **Sec. 2.** NRS 267.050 is hereby amended to read as follows:

4 267.050 Within ~~[5]~~ **6 working** days after the date of the
5 election the legislative authority of the incorporated city shall:

6 1. Meet and canvass the returns of the election.

7 2. Declare the result thereof.

8 3. Issue certificates of election to the 15 qualified electors
9 having the highest vote therefor.

10 **Sec. 2.2.** NRS 309.060 is hereby amended to read as follows:

11 309.060 The board of county commissioners shall meet on ~~the~~
12 ~~second Monday~~ **or before the sixth working day** succeeding the
13 election provided for in NRS 309.050 and proceed to canvass the
14 votes and, if upon the canvass it appears that a majority of votes cast
15 were for "Local Improvement District—Yes," the board, by an order
16 entered upon its minutes, shall declare the territory organized as an
17 improvement district under the name and style theretofore
18 designated, and declare the persons receiving respectively the
19 highest number of votes for directors to be elected, and cause a copy
20 of the order and a plat of the district, each certified by the clerk of
21 the board of county commissioners, to be recorded immediately in
22 the office of the county recorder of each county in which any
23 portion of the district is situated, and certified copies thereof must
24 also be recorded with the county clerks of those counties. Thereafter
25 the organization of the district is complete.

26 **Sec. 2.3.** NRS 309.335 is hereby amended to read as follows:

27 309.335 At any regular or special meeting of the board held
28 within ~~[5]~~ **6 working** days following the date of such election, the
29 returns thereof shall be canvassed and the results thereof declared.

30 **Sec. 2.4.** NRS 318.118 is hereby amended to read as follows:

31 318.118 1. In the case of a district created wholly or in part
32 for exterminating and abating mosquitoes, flies, other insects, rats,
33 and liver fluke or Fasciola hepatica, the board may:

34 (a) Take all necessary or proper steps for the extermination of
35 mosquitoes, flies, other insects, rats, or liver fluke or Fasciola
36 hepatica in the district or in territory not in the district but so
37 situated with respect to the district that mosquitoes, flies, other
38 insects, rats, or liver fluke or Fasciola hepatica from that territory
39 migrate or are caused to be carried into the district;

40 (b) Subject to the paramount control of any county or city in
41 which the district has jurisdiction, abate as nuisances all stagnant
42 pools of water and other breeding places for mosquitoes, flies, other
43 insects, rats, or liver fluke or Fasciola hepatica in the district or in
44 territory not in the district but so situated with respect to the district
45 that mosquitoes, flies, other insects, rats, or liver fluke or Fasciola



1 hepatica from that territory migrate or are caused to be carried into
2 the district;

3 (c) If necessary or proper, in the furtherance of the objects of
4 this chapter, build, construct, repair and maintain necessary dikes,
5 levees, cuts, canals or ditches upon any land, and acquire by
6 purchase, condemnation or by other lawful means, in the name of
7 the district, any lands, rights-of-way, easements, property or
8 material necessary for any of those purposes;

9 (d) Make contracts to indemnify or compensate any owner of
10 land or other property for any injury or damage necessarily caused
11 by the use or taking of property for dikes, levees, cuts, canals or
12 ditches;

13 (e) Enter upon without hindrance any lands, within or without
14 the district, for the purpose of inspection to ascertain whether
15 breeding places of mosquitoes, flies, other insects, rats, or liver
16 fluke or Fasciola hepatica exist upon those lands;

17 (f) Abate public nuisances in accordance with this chapter;

18 (g) Ascertain if there has been a compliance with notices to
19 abate the breeding of mosquitoes, flies, other insects, rats, or liver
20 fluke or Fasciola hepatica upon those lands;

21 (h) Treat with oil, other larvicidal material, or other chemicals or
22 other material any breeding places of mosquitoes, flies, other
23 insects, rats, or liver fluke or Fasciola hepatica upon those lands;

24 (i) Sell or lease any land, rights-of-way, easements, property or
25 material acquired by the district; and

26 (j) Sell real property pursuant to this subsection to the highest
27 bidder at public auction after 5 days' notice given by publication.

28 2. In connection with the basic power stated in this section, the
29 district may:

30 (a) Levy annually a general ad valorem property tax of not
31 exceeding:

32 (1) Fifteen cents on each \$100 of assessed valuation of
33 taxable property; or

34 (2) Twenty cents on each \$100 of assessed valuation of
35 taxable property if the board of county commissioners of each
36 county in which the district is located approves such a tax in excess
37 of 15 cents on each \$100 of assessed valuation of taxable property.

38 (b) Levy a tax in addition to a tax authorized in paragraph (a), if
39 the additional tax is authorized by the qualified electors of the
40 district, as provided in subsections 4 to 7, inclusive.

41 3. The proceeds of any tax levied pursuant to the provisions of
42 this section must be used for purposes pertaining to the basic
43 purpose stated in this section, including, without limitation, the
44 establishment and maintenance of:



(a) A cash-basis fund of not exceeding in any fiscal year 60 percent of the estimated expenditures for the fiscal year to defray expenses between the beginning of the fiscal year and the respective times tax proceeds are received in the fiscal year; and

(b) An emergency fund of not exceeding in any fiscal year 25 percent of the estimated expenditures for the fiscal year to defray unusual and unanticipated expenses incurred during epidemics or threatened epidemics from diseases from sources which the district may exterminate or abate.

4. Whenever it appears to the board of a district authorized to exercise the basic power stated in subsection 1 that the amount of money required during an ensuing fiscal year will exceed the amount that can be raised by a levy permitted by paragraph (a) of subsection 2, the board may:

(a) At a special election or the next primary or general election submit to the qualified electors of the district a question of whether a tax shall be voted for raising the additional money;

(b) Provide the form of the ballot for the election, which must contain the words "Shall the district vote a tax to raise the additional sum of?" or words equivalent thereto;

(c) Provide the form of the notice of the election and provide for the notice to be given by publication; and

(d) Arrange other details in connection with the election.

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

6. Except as otherwise provided in this chapter:

(a) The secretary of the district shall give notice of the election by publication and shall arrange such other details in connection with the election as the board may direct;

(b) The election board officers shall conduct the election in the manner prescribed by law for the holding of general elections and shall make their returns to the secretary of the district; and

(c) The board shall canvass the returns of the election at any regular or special meeting held within ~~5~~ **6 working** days following the date of the election, or at such later time as the returns are available for canvass, and shall declare the results of the election.



7. If a majority of the qualified electors of the district who voted on any proposition authorizing the additional tax voted in favor of the proposition, and the board so declares the result of the election:

(a) The district board shall report the result to the board of county commissioners of the county in which the district is situated, stating the additional amount of money required to be raised. If the district is in more than one county the additional amount must be prorated for each county by the district board in the same way that the district's original total estimate of money is prorated, and the district board shall furnish the board of county commissioners and auditor of each county a written statement of the apportionment for that county; and

(b) The board of county commissioners of each county receiving the written statement shall, at the time of levying county taxes, levy an additional tax upon all the taxable property of the district in the county sufficient to raise the amount apportioned to that county for the district.

8. The district shall not:

(a) Borrow money except for medium-term obligations pursuant to chapter 350 of NRS;

(b) Levy special assessments; or

(c) Fix any rates, fees or other charges except as otherwise provided in this section.

9. The district may determine to cause an owner of any real property to abate any nuisance pertaining to the basic power stated in this section, after a hearing on a proposal for such an abatement and notice thereof by mail addressed to the last known owner or owners of record at his or their last known address or addresses, as ascertained from any source the board deems reliable, or in the absence of the abatement within a reasonable period fixed by the board, to cause the district to abate the nuisance, as follows:

(a) At the hearing the district board shall redetermine whether the owner must abate the nuisance and prevent its recurrence, and shall specify a time within which the work must be completed;

(b) If the nuisance is not abated within the time specified in the notice or at the hearing, the district board shall abate the nuisance by destroying the larvae or pupae, or otherwise, by taking appropriate measures to prevent the recurrence of further breeding;

(c) The cost of abatement must be repaid to the district by the owner;

(d) The money expended by the district in abating a nuisance or preventing its recurrence is a lien upon the property on which the nuisance is abated or its recurrence prevented;



(e) Notice of the lien must be filed and recorded by the district board in the office of the county recorder of the county in which the property is situated within 6 months after the first item of expenditure by the board;

(f) An action to foreclose the lien must be commenced within 6 months after the filing and recording of the notice of lien;

(g) The action must be brought by the district board in the name of the district;

(h) When the property is sold, enough of the proceeds to satisfy the lien and the costs of foreclosure must be paid to the district and the surplus, if any, must be paid to the owner of the property if known, and if not known, must be paid into the court in which the lien was foreclosed for the use of the owner if ascertained; and

(i) The lien provisions of this section do not apply to the property of any county, city, district or other public corporation, except that the governing body of the county, city, district or other public corporation shall repay to any district exercising the basic power stated in subsection 1 the amount expended by the district upon any of its property pursuant to this chapter upon presentation by the district board of a verified claim or bill.

Sec. 2.5. NRS 539.055 is hereby amended to read as follows:

539.055 1. The board of county commissioners shall meet on ~~the second Monday~~ *or before the sixth working day* succeeding such election and proceed to canvass the votes cast thereat.

2. If upon such canvass it appears that a majority of the electors voted "Irrigation District—Yes," the board, by an order entered upon its minutes, shall:

(a) Declare such territory duly organized as an irrigation district under the name and style theretofore designated.

(b) Declare the persons receiving respectively the highest number of votes for directors to be duly elected.

(c) Cause a copy of such order and a plat of the district, each duly certified by the clerk of the board of county commissioners, to be immediately filed for record in the office of the county recorder of each county in which any portion of such lands is situated. Certified copies thereof shall also be filed with the county clerks of such counties.

3. Thereafter, the organization of the district shall be complete.

Sec. 2.6. NRS 539.155 is hereby amended to read as follows:

539.155 1. The returns shall be delivered to the secretary of the district. No list, tally paper or returns from any election shall be set aside or rejected for want of form if they can be satisfactorily understood.

2. The board of directors shall meet at its usual place of meeting on ~~the second Monday~~ *or before the sixth working day*



1 after an election to canvass the returns, and it shall proceed in the
2 same manner and with like effect, as near as may be, as the board of
3 county commissioners in canvassing the returns of general elections.

4 3. When the board of directors shall have declared the result,
5 the secretary shall make full entries in his record in like manner as is
6 required of the county clerk in general elections.

7 **Sec. 2.7.** NRS 541.360 is hereby amended to read as follows:

8 541.360 The respective election boards shall conduct the
9 election in their respective precincts in the manner prescribed by
10 law for the holding of general elections, and shall make their returns
11 to the secretary of the district. At any regular or special meeting of
12 the board held not earlier than ~~5~~ 6 working days following the date
13 of the election, the returns thereof must be canvassed and the results
14 thereof declared. If any election held pursuant to NRS 541.340 is
15 consolidated with any primary or general election, the returns
16 thereof must be made and canvassed at the time and in the manner
17 provided by law for the canvass of the returns of such a primary or
18 general election. The canvassing body shall promptly certify and
19 transmit to the board a statement of the result of the vote upon the
20 proposition submitted pursuant to NRS 541.340. Upon receipt of
21 the statement, the board shall tabulate and declare the results of the
22 proposition voted on at the election.

23 **Sec. 3.** Section 5.100 of the Charter of the City of Caliente,
24 being chapter 31, Statutes of Nevada 1971, at page 67, is hereby
25 amended to read as follows:

26 Sec. 5.100 Election returns; canvass; certificates of
27 election; entry of officers upon duties; tie vote procedure.

28 1. The election returns from any municipal election shall
29 be filed with the City Clerk, who shall immediately place
30 such returns in a safe or vault, and no person shall be
31 permitted to handle, inspect or in any manner interfere with
32 such returns until canvassed by the City Council.

33 2. The City Council shall meet within ~~5~~ 6 working
34 days after any election and canvass the returns and declare the
35 result. The election returns shall then be sealed and kept by
36 the City Clerk for 6 months, and no person shall have access
37 thereto except on order of a court of competent jurisdiction or
38 by order of the City Council.

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

44 4. If any election should result in a tie, the City Council
45 shall summon the candidates who received the tie vote and



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

Sec. 4. Section 5.090 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 616, is hereby amended to read as follows:

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

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

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

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

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

Sec. 5. Section 5.090 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 464, is hereby amended to read as follows:

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

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

2. The City Council shall meet within ~~15~~ *6 working* days after an election and canvass the returns and declare the result. The election returns must be sealed and kept by the City Clerk for 2 years, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.



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

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

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. Section 5.090 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 470, is hereby amended to read as follows:

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

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

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

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

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



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

Sec. 18. Section 22 of the Airport Authority Act for Battle Mountain, being chapter 458, Statutes of Nevada 1983, at page 1214, is hereby amended to read as follows:

Sec. 22. Election: Conduct; canvass of returns; declaration of results.

1. The Election Board shall conduct the election in the manner prescribed by law for the holding of general elections, and shall make their returns to the Secretary of the Authority.

2. At any regular or special meeting of the Board of County Commissioners of Lander County held within ~~{5}~~ 6 working days following the date of the election, the returns thereof must be canvassed and the results thereof declared.

Sec. 19. Section 16 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, at page 2028, is hereby amended to read as follows:

Sec. 16. Election: Conduct; canvas of returns; declaration of results.

1. The Election Board shall conduct the election in the manner prescribed by law for the holding of general elections, and shall make its returns to the Secretary of the Board.

2. The Board of Supervisors shall, within ~~{5}~~ 6 working days after the election, canvass the returns and declare the results of the election.

Sec. 20. Section 22 of the Reno-Tahoe Airport Authority Act, being chapter 474, Statutes of Nevada 1977, at page 974, is hereby amended to read as follows:

Sec. 22. Election: Conduct; canvass of returns; declaration of results.

1. The Election Board or boards shall conduct the election in the manner prescribed by law for the holding of general elections, and shall make their returns to the Secretary of the Authority.

2. At any regular or special meeting of the Board held within ~~{5}~~ 6 working days following the date of the election, the returns thereof shall be canvassed and the results thereof declared.

