

ASSEMBLY BILL NO. 443—ASSEMBLYWOMAN LESLIE

MARCH 16, 2009

Referred to Concurrent Committees on Government Affairs and  
Elections, Procedures, Ethics, and Constitutional Amendments

SUMMARY—Revises provisions concerning the election of  
Councilmen in the cities of Reno and Sparks  
contingent upon voter approval. (BDR S-811)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 local government; creating, contingent upon  
voter approval, a sixth ward for the City of Reno;  
requiring, contingent upon voter approval, that the  
candidates for Councilman in the City of Reno and in the  
City of Sparks be elected in a general election only by the  
registered voters of the ward that a candidate seeks to  
represent; and providing other matters properly relating  
thereto.

**Legislative Counsel's Digest:**

The existing Charter of the City of Reno divides the City into five wards, each  
of which is represented on the City Council by a Councilman. A sixth Councilman  
represents the City at large. (Reno City Charter §§ 1.050, 2.010) **Section 1** of this  
bill increases the number of wards in Reno to six, and **sections 2-4** of this bill  
replace the office of Councilman at large with the office of Councilman to represent  
the newly created sixth ward. (Reno City Charter §§ 1.050, 2.010, 5.010, 5.020)

The existing charters of the Cities of Reno and Sparks provide that the  
candidates for Councilman to represent a particular ward must be voted on in a  
primary election only by the registered voters of that ward, but in a general  
election, must be elected by the registered voters of the City at large. (Reno City  
Charter, §§ 5.010, 5.020; Sparks City Charter, §§ 5.010, 5.020) **Sections 3 and 4** of  
this bill amend the Charter of the City of Reno, and **sections 5 and 6** of this bill  
amend the Charter of the City of Sparks, to provide that all candidates for  
Councilman must be elected in a general election by only the registered voters of  
the ward that a candidate seeks to represent.

**Section 9** of this bill requires the City of Reno, and **section 10** of this bill  
requires the City of Sparks, to place on the ballot for the 2010 general election the  
question of whether to amend their respective charters to provide that all candidates



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for Councilman must be elected in a general election by only the registered voters of the ward that a candidate seeks to represent. **Section 11** of this bill provides that **sections 1-4, 7 and 8** of this bill become effective only if the voters in the City of Reno approve the ballot question that is required by **section 9** and that **sections 5 and 6** of this bill become effective only if the voters in the City of Sparks approve the ballot question that is required by **section 10**.

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

**Section 1.** Section 1.050 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1365, is hereby amended to read as follows:

Sec. 1.050 Wards: Creation; boundaries.

1. The City must be divided into ~~five~~ *six* wards, which must be as nearly equal in population as can be conveniently provided. The territory comprising each ward must be contiguous, except that if any territory of the City which is not contiguous to the remainder of the City does not contain sufficient population to constitute a separate ward, it may be placed in any ward of the City.

2. The boundaries of the wards must be established and changed by ordinance, passed by a vote of at least five-sevenths of the City Council. The boundaries of the wards:

(a) Must be changed whenever the population, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, in any ward exceeds the population in any other ward by more than 5 percent.

(b) May be changed to include territory that has been annexed, or whenever the population in any ward exceeds the population in another ward by more than 5 percent by any measure that is found to be reliable by the City Council.

**Sec. 2.** Section 2.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

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

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

2. The Mayor and Councilmen must be qualified electors within the City. Each Councilman *must be a resident of the ward from which he is* elected ~~from a ward~~ *and* must



continue to live in that ward for as long as he represents the ward.

3. The Mayor ~~[and one Councilman represent]~~ **represents** the City at large and one Councilman represents each ward. The Mayor and Councilmen serve for terms of 4 years.

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

**Sec. 3.** Section 5.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 87, Statutes of Nevada 2001, at page 557, is hereby amended to read as follows:

Sec. 5.010 General elections.

1. ~~[On the Tuesday after the first Monday in November 1998, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, a Mayor, Councilmen from the second and fourth wards, a Municipal Judge and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified pursuant to subsection 3 or 4.~~

~~—2. On the Tuesday after the first Monday in November 2000, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, Councilmen from the first, third and fifth wards, one Councilman at large and two Municipal Judges, all of whom hold office for a term of 4 years and until their successors have been elected and qualified pursuant to subsection 5 or 6.~~

~~—3.]~~ On the Tuesday after the first Monday in November 2002, and at each successive interval of 6 years, there must be elected , ~~[by the qualified voters of the City,]~~ at the general election, a Municipal Judge, who holds office for a term of 6 years and until his successor has been elected and qualified.

~~{4.}~~ 2. On the Tuesday after the first Monday in November 2002, and at each successive interval of 4 years, there must be elected , ~~[by the qualified voters of the City,]~~ at the general election, a Mayor, Councilmen from the second and fourth wards, and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

~~{5.}~~ 3. On the Tuesday after the first Monday in November 2004, and at each successive interval of 6 years, there must be elected , ~~[by the qualified voters of the City,]~~ at the general election, three Municipal Judges, all of whom hold office for a term of 6 years and until their successors have been elected and qualified.



~~[6.]~~ 4. On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected, ~~[by the qualified voters of the City,]~~ at the general election, Councilmen from the first, third and fifth wards and one Councilman at large, all of whom hold office for a term of 4 years and until their successors have been elected and qualified ~~[.]~~ *pursuant to subsection 5.*

*5. On the Tuesday after the first Monday in November 2012, and at each successive interval of 4 years, there must be elected, at the general election, Councilmen from the first, third, fifth and sixth wards, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.*

*6. In an election held pursuant to this section:*

*(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 Mayor, Municipal Judge and City Attorney must be elected by the registered voters of the City at large.*

**Sec. 4.** Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 376, Statutes of Nevada 2005, at page 1438, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be deposited to the credit of the General Fund of the City.

2. If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the date fixed by the election laws of this State for statewide elections, at which time there must be nominated candidates for the office to be voted for at the next general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election.

3. In the primary election:

(a) The names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.



(b) ~~[Candidates]~~ *A candidate* for *the office of City Councilman* ~~[who represent a specific ward]~~ must be voted upon only by the registered voters of ~~[that ward.]~~ *the ward that he seeks to represent.*

(c) Candidates for Mayor ~~[and Councilman at large]~~ , *Municipal Judge and City Attorney* must be voted upon by ~~[all]~~ *the* registered voters of the City ~~[-~~

~~—4. The Mayor and all Councilmen must be voted upon by all registered voters of the City at the general election.] at large.~~

**Sec. 5.** Section 5.010 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 52, Statutes of Nevada 2005, at page 104, is hereby amended to read as follows:

Sec. 5.010 General elections.

1. ~~[On the Tuesday after the first Monday in June 2001, there must be elected by the registered voters of the City, at a general municipal election, Council members to represent the first, third and fifth wards, a Municipal Judge for Department 1 and a City Attorney, all of whom hold office until their successors have been elected and qualified, pursuant to subsection 3 or 4.~~

~~—2. On the Tuesday after the first Monday in June 2003, there must be elected by the registered voters of the City, at a general municipal election, Council members to represent the second and fourth wards, a Mayor and a Municipal Judge for Department 2, all of whom hold office until their successors have been elected and qualified, pursuant to subsection 5 or 6.~~

~~—3.]~~ On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected , ~~[by the registered voters of the City,]~~ at the general election, Council members to represent the first, third and fifth wards and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

~~[4. On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected by the registered voters of the City, at the general election, a Municipal Judge for Department 1, who holds office for a term of 4 years and until his successor has been elected and qualified, pursuant to subsection 7.~~

~~—5.]~~ 2. On the Tuesday after the first Monday in November 2006, and at each successive interval of 4 years, there must be elected , ~~[by the registered voters of the City,]~~ at the general election, Council members to represent the



second and fourth wards and a Mayor, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

~~[6.]~~ 3. On the Tuesday after the first Monday in November 2006, and at each successive interval of 6 years, there must be elected, ~~[by the registered voters of the City,]~~ at the general election, a Municipal Judge for Department 2, who holds office for a term of 6 years and until his successor has been elected and qualified.

~~[7.]~~ 4. On the Tuesday after the first Monday in November 2008, and at each successive interval of 6 years, there must be elected, ~~[by the registered voters of the City,]~~ at the general election, a Municipal Judge for Department 1, who holds office for a term of 6 years and until his successor has been elected and qualified.

~~[8.—All candidates at]~~

5. In an election that is held pursuant to this section:

(a) *Candidates for the offices of Mayor, City Attorney and Municipal Judge* must be voted upon by the registered voters of the City at large.

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

**Sec. 6.** Section 5.020 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 398, is hereby amended to read as follows:

Sec. 5.020 Primary elections.

1. *At an election that is held pursuant to this section:*

(a) Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large. ~~[Candidates to represent a ward as a member of the City Council]~~

(b) *A candidate for the office of City Councilman* must be voted upon *only* by the registered voters of the ward ~~[to be represented by them.]~~ *that he seeks to represent.*

2. The names of the two candidates for Mayor, City Attorney and Municipal Judge and the names of the two candidates to represent the ward as a member of the City Council from each ward who receive the highest number of votes at the primary election must be placed on the ballot for the general election.

**Sec. 7.** The City Council of the City of Reno shall, not later than July 1, 2011, establish the boundaries of the ward created by the amendatory provisions of section 1 of this act, which must be



1 designated the sixth ward, and change the boundaries of the first  
2 through fifth wards to comply with the provisions of section 1.050  
3 of the Charter of the City of Reno, as amended by section 1 of this  
4 act.

5 **Sec. 8.** Notwithstanding the amendatory provisions of section  
6 2 of this act, a Councilman of the City of Reno who holds office on  
7 July 1, 2011, shall:

8 1. If elected or appointed to represent a ward, continue to  
9 represent that ward for the remainder of his term of office.

10 2. If elected or appointed to represent the City at large, be  
11 deemed to represent only the ward created by the amendatory  
12 provisions of section 1 of this act for the remainder of his term of  
13 office.

14 **Sec. 9.** The City Council of the City of Reno shall place on the  
15 ballot for the general election to be held on November 2, 2010, a  
16 question in substantially the following form:

17 Shall the Charter of the City of Reno be amended to  
18 provide for a ward system for the election of Councilmen,  
19 providing that each Councilman must be elected in a general  
20 election by only the registered voters of the ward that he  
21 seeks to represent?

22 **Sec. 10.** The City Council of the City of Sparks shall place on  
23 the ballot for the general election to be held on November 2, 2010, a  
24 question in substantially the following form:

25 Shall the Charter of the City of Sparks be amended to  
26 provide for a ward system for the election of Councilmen,  
27 providing that each Councilman must be elected in a general  
28 election by only the registered voters of the ward that he  
29 seeks to represent?

30 **Sec. 11.** 1. This section and sections 9 and 10 of this act  
31 become effective upon passage and approval.

32 2. Sections 1 to 4, inclusive, 7 and 8 of this act become  
33 effective on July 1, 2011, only if a majority of the voters voting on  
34 the question placed on the ballot pursuant to section 9 of this act  
35 vote affirmatively on the question.

36 3. Sections 5 and 6 of this act become effective on July 1,  
37 2011, only if a majority of the voters voting on the question placed  
38 on the ballot pursuant to section 10 of this act vote affirmatively on  
39 the question.

