

SENATE BILL NO. 263—SENATOR RHODS

MARCH 16, 2009

Referred to Committee on Government Affairs

SUMMARY—Amends the Charters of the Cities of Carlin and Wells to revise provisions governing municipal elections. (BDR S-1003)

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 city elections; amending the Charters of the Cities of Carlin and Wells to specify the dates for filing a declaration of candidacy to become a candidate in the general city election; amending the Charters of the Cities of Carlin and Wells to specify the appropriate appearance of names on an election ballot; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 The existing Charters of the Cities of Carlin and Wells provide that a Mayor
2 and the Councilmen of the respective cities are elected at a general city election
3 which occurs on the same day as the statewide general election. **Sections 1 and 3**
4 of this bill amend the Charters of the Cities of Carlin and Wells to specify that a
5 person seeking to appear on the ballot at the general city election in one of those
6 cities must file a declaration of candidacy with the City Clerk not less than 90 days
7 or more than 100 days before the day of the general city election.
8 **Sections 2 and 4** of this bill also amend the Charters of the Cities of Carlin and
9 Wells to specify the appropriate appearance of names on an election ballot,
10 including details on how the names of candidates with similar surnames are to
11 appear.
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 603, is hereby amended by adding thereto a new section to be designated as section 5.015, immediately following section 5.010, to read as follows:

Sec. 5.015 Filing of declarations of candidacy.

1. A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk not less than 90 days or more than 100 days before the day of the general election. The City Clerk shall charge and collect from the candidate and the candidate must pay to the City Clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the City Council by ordinance or resolution.

2. If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.

Sec. 2. The Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 603, is hereby amended by adding thereto a new section to be designated as section 5.040, immediately following section 5.030, to read as follows:

Sec. 5.040 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible before the close of filing and any applicable period for withdrawal of candidacy, must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.



1 **Sec. 3.** The Charter of the City of Wells, being chapter 275,
2 Statutes of Nevada 1971, at page 457, is hereby amended by adding
3 thereto a new section to be designated as section 5.015, immediately
4 following section 5.010, to read as follows:

5 ***Sec. 5.015 Filing of declarations of candidacy.***

6 1. *A candidate to be voted for at the general election*
7 *must file a declaration of candidacy with the City Clerk not*
8 *less than 90 days or more than 100 days before the day of*
9 *the general election. The City Clerk shall charge and collect*
10 *from the candidate and the candidate must pay to the City*
11 *Clerk, at the time of filing the declaration of candidacy, a*
12 *filing fee in an amount fixed by the City Council by*
13 *ordinance or resolution.*

14 2. *If, due to the death or ineligibility of or withdrawal*
15 *by a candidate, a vacancy occurs in a nomination after the*
16 *close of filing and any applicable period for withdrawal of*
17 *candidacy, the candidate's name must remain on the ballot*
18 *for the general election and, if elected, a vacancy exists.*

19 **Sec. 4.** Section 5.040 of the Charter of the City of Wells, being
20 chapter 275, Statutes of Nevada 1971, as amended by chapter 312,
21 Statutes of Nevada 2003, at page 1731, is hereby amended to read as
22 follows:

23 Sec. 5.040 Names on ballots.

24 1. The full names of all candidates, except those who
25 have withdrawn, died or become ineligible **H** *before the*
26 *close of filing and any applicable period for withdrawal of*
27 *candidacy*, must be printed on the official ballots without
28 party designation or symbol.

29 2. If two or more candidates have the same surname or
30 surnames so similar as to be likely to cause confusion and:

31 (a) None of them is an incumbent, their middle names or
32 middle initials, if any, must be included in their names as
33 printed on the ballot; or

34 (b) One of them is an incumbent, the name of the
35 incumbent must be listed first and must be printed in bold
36 type.

37 **Sec. 5.** This act becomes effective upon passage and approval.

