

SENATE BILL NO. 263—SENATOR RHODS

MARCH 16, 2009

Referred to Committee on Government Affairs

SUMMARY—Amends the Charters of the Cities of Carlin, Reno 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; creating a sixth ward for the City of Reno; requiring that the candidates for Councilman in the City of Reno be voted for 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 Charters of the Cities of Carlin and Wells provide that a Mayor and the Councilmen of the respective cities are elected at a general city election which occurs on the same day as the statewide general election. **Sections 1 and 7** of this bill amend the Charters of the Cities of Carlin and Wells to specify that a person seeking to appear on the ballot at the general city election in one of those cities must file a declaration of candidacy with the City Clerk not less than 5 days or more than 15 days before the day of the statewide primary election. (Carlin City Charter § 5.015; Wells City Charter § 5.015)

**Sections 2 and 8** of this bill also amend the Charters of the Cities of Carlin and Wells to specify the appropriate appearance of names on an election ballot, including details on how the names of candidates with similar surnames are to appear. (Carlin City Charter § 5.040; Wells City Charter § 5.040)

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 3** of this bill increases the number of wards in Reno to six, and **sections 4-6** 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 Charter of the City of Reno provides 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 voted on by the registered voters of the City at large. (Reno City Charter, §§ 5.010, 5.020) Sections 5 and 6 of this bill amend the Charter of the City of Reno to provide that all candidates for Councilman must be voted on in a general election by only the registered voters of the ward that a candidate seeks to represent.

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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 5 days or more than 15 days before the day of the primary election held pursuant to the provisions of NRS 293.175. 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.*

**Sec. 3.** 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. 4.** 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. 5.** 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



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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 ~~[H]~~ 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. 6.** 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. 7.** The Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 457, 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 5 days or more than 15 days before the day of the primary election held pursuant to the provisions of NRS 293.175. 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. 8.** Section 5.040 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended 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.

**Sec. 9.** The City Council of the City of Reno shall, not later than July 1, 2009, establish the boundaries of the ward created by



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

6 **Sec. 10.** Notwithstanding the amendatory provisions of section  
7 4 of this act, a Councilman of the City of Reno who holds office on  
8 July 1, 2009, shall:

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

11 2. If elected or appointed to represent the City at large, be  
12 deemed to represent only the ward created by the amendatory  
13 provisions of section 3 of this act for the remainder of his term of  
14 office.

15 **Sec. 11.** 1. This section and sections 1, 2, 7 and 8 of this act  
16 become effective upon passage and approval.

17 2. Sections 3 to 6, inclusive, and 9 and 10 of this act become  
18 effective:

19 (a) Upon passage and approval for the purpose of passing any  
20 ordinances and performing any preparatory administrative tasks that  
21 are necessary to carry out the provisions of those sections; and

22 (b) On July 1, 2009, for all other purposes.

