

SENATE BILL NO. 304—SENATOR LESLIE

MARCH 21, 2011

Referred to Committee on Legislative Operations and Elections

SUMMARY—Provides for redistricting of election districts in Carson City and the Cities of Henderson, Reno and Sparks, contingent upon voter approval. (BDR S-731)

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 redistricting; creating, contingent upon voter approval, a sixth ward for the City of Reno; requiring, contingent upon voter approval, that the candidates for Supervisor in Carson City and for Council Member in the City of Henderson, the City of Reno and the City of Sparks be voted upon in a primary or 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:

1 The existing Charter of the City of Reno divides the City into five wards, each
2 of which is represented on the City Council by a Council Member. A sixth Council
3 Member represents the City at large. (Reno City Charter §§ 1.050, 2.010) **Section 7**
4 of this bill increases the number of wards in Reno to six, and **sections 8-10** of this
5 bill replace the office of Council Member at large with the office of Council
6 Member to represent the newly created sixth ward.

7 The existing Charters of the Cities of Reno and Sparks provide that the
8 candidates for Council Member to represent a particular ward must be voted on in a
9 primary election only by the registered voters of that ward but in a general election,
10 must be elected by the registered voters of the City at large. (Reno City Charter §§
11 5.010, 5.020; Sparks City Charter §§ 5.010, 5.020) **Sections 9 and 10** of this bill
12 amend the Charter of the City of Reno, and **sections 11 and 12** of this bill amend
13 the Charter of the City of Sparks, to provide that all candidates for Council Member
14 must be elected in a general election by only the registered voters of the ward that a
15 candidate seeks to represent. The existing Charters of Carson City and the City of
16 Henderson provide that the candidates for Supervisor and Council Member,



respectively, must be elected by the registered voters of the City at large in both a primary and a general election. (Carson City Charter §§ 2.010, 5.010, 5.020; Henderson City Charter §§ 2.010, 5.010, 5.020) **Sections 1-3** of this bill amend the Charter of Carson City, and **sections 4-6** of this bill amend the Charter of the City of Henderson, to provide that all candidates for Supervisor and Council Member, respectively, must be elected in a primary or general election only by the registered voters of the ward that a candidate seeks to represent.

Sections 15-18 of this bill require Carson City and the Cities of Henderson, Reno and Sparks to place on the ballot for the 2012 general election the question of whether to amend their respective charters to provide that all candidates for Supervisor or Council Member, as appropriate, must be elected in a primary or general election by only the registered voters of the ward that a candidate seeks to represent.

Section 19 of this bill provides that the sections of this bill relating to each City become effective only if the voters of that City approve the ballot question required by this bill.

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

Section 1. Section 2.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 118, Statutes of Nevada 1985, at page 474, is hereby amended to read as follows:

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

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

2. The Mayor must be:

(a) An actual and bona fide resident of Carson City for at least 6 months immediately preceding his election.

(b) A qualified elector within Carson City.

3. Each Supervisor must be:

(a) An actual and bona fide resident of Carson City for at least 6 months immediately preceding his election.

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

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

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



1 **Sec. 2.** Section 5.010 of the Charter of Carson City, being
2 chapter 213, Statutes of Nevada 1969, as last amended by chapter
3 100, Statutes of Nevada 1999, at page 271, is hereby amended to
4 read as follows:

5 Sec. 5.010 Primary election.

6 1. A primary election must be held on the date fixed by
7 the election laws of this state for statewide elections, at which
8 time there must be nominated candidates for offices to be
9 voted for at the next general election.

10 2. A candidate for any office to be voted for at any
11 primary election must file a declaration of candidacy as
12 provided by the election laws of this state.

13 3. *In an election that is held pursuant to this section:*

14 (a) All candidates for the office of Mayor , ~~and~~
15 ~~Supervisor,~~ and candidates for the office of Municipal Judge
16 if a third department of the Municipal Court has been
17 established, must be voted upon by the registered voters of
18 Carson City at large.

19 (b) *A candidate for the office of Supervisor must be*
20 *elected only by the registered voters of the ward that the*
21 *candidate seeks to represent.*

22 4. If only two persons file for a particular office, their
23 names must not appear on the primary ballot but their names
24 must be placed on the ballot for the general election.

25 5. If in the primary election one candidate receives more
26 than a majority of votes cast in that election for the office for
27 which he is a candidate, his name alone must be placed on the
28 ballot for the general election. If in the primary election no
29 candidate receives a majority of votes cast in that election for
30 the office for which he is a candidate, the names of the two
31 candidates receiving the highest numbers of votes must be
32 placed on the ballot for the general election.

33 **Sec. 3.** Section 5.020 of the Charter of Carson City, being
34 chapter 213, Statutes of Nevada 1969, as last amended by chapter
35 96, Statutes of Nevada 1997, at page 183, is hereby amended to read
36 as follows:

37 Sec. 5.020 General election.

38 1. A general election must be held in Carson City on the
39 first Tuesday after the first Monday in November 1970, and
40 on the same day every 2 years thereafter, at which time there
41 must be elected such officers, the offices of which are
42 required next to be filled by election.

43 2. *In an election that is held pursuant to this section:*

44 (a) All candidates for the office of Mayor , ~~and~~
45 ~~Supervisor,~~ and all candidates for the office of Municipal



Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.

(b) A candidate for the office of Supervisor must be voted upon only by the registered voters of the ward that the candidate seeks to represent.

Sec. 4. Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2206, 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 the Mayor.

2. The Mayor must be:

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

(b) A qualified elector within the City.

3. Each Councilman must be:

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

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

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

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

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



1 **Sec. 5.** Section 5.010 of the Charter of the City of Henderson,
2 being chapter 266, Statutes of Nevada 1971, as last amended by
3 chapter 637, Statutes of Nevada 1999, at page 3565, is hereby
4 amended to read as follows:

5 Sec. 5.010 Primary election.

6 1. A primary election must be held on the Tuesday after
7 the first Monday in April of each odd-numbered year, at
8 which time there must be nominated candidates for offices to
9 be voted for at the next general municipal election.

10 2. A candidate for any office to be voted for at any
11 primary municipal election must file a declaration of
12 candidacy as provided by the election laws of this State.

13 3. *In an election that is held pursuant to this section:*

14 (a) All candidates for ~~elective office~~ *the offices of*
15 *Mayor and Municipal Judge* must be voted upon by the
16 registered voters of the City at large.

17 (b) *A candidate for the office of City Council Member*
18 *must be elected only by the registered voters of the ward that*
19 *the candidate seeks to represent.*

20 4. If in the primary election no candidate receives a
21 majority of votes cast in that election for the office for which
22 he is a candidate, the names of the two candidates receiving
23 the highest number of votes must be placed on the ballot
24 for the general election. If in the primary election, regardless
25 of the number of candidates for an office, one candidate
26 receives a majority of votes cast in that election for the office
27 for which he is a candidate, he must be declared elected and
28 no general election need be held for that office.

29 **Sec. 6.** Section 5.020 of the Charter of the City of Henderson,
30 being chapter 266, Statutes of Nevada 1971, as last amended by
31 chapter 209, Statutes of Nevada 2001, at page 971, is hereby
32 amended to read as follows:

33 Sec. 5.020 General municipal election.

34 1. A general election must be held in the City on the first
35 Tuesday after the first Monday in June of each odd-numbered
36 year and on the same day every 2 years thereafter, at which
37 time the registered voters of the City shall elect city officers
38 to fill the available elective positions.

39 2. *In an election that is held pursuant to this section:*

40 (a) All candidates for the office of Mayor ~~Councilman~~
41 and Municipal Judge must be voted upon by the registered
42 voters of the City at large.

43 (b) *A candidate for the office of City Council Member*
44 *must be voted upon only by the registered voters of the ward*
45 *that the candidate seeks to represent.*



3. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015 of this Charter, the term of office for a Municipal Judge is 6 years.

~~3.4~~ 4. On the Tuesday after the first Monday in June 2001 and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his successor has been elected and qualified.

~~4.4~~ 5. On the Tuesday after the first Monday in June 2003 and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his successor has been elected and qualified.

~~5.4~~ 6. On the Tuesday after the first Monday in June 2005 and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his successor has been elected and qualified.

Sec. 7. 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. 8. 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 or she 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. 9. 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.] pursuant to subsection 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.

5. On the Tuesday after the first Monday in November 2014, and at each successive interval of 4 years, there must be elected, at the general election, a Mayor, Council Members from the second, fourth and sixth 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.

6. In an election held pursuant to this section:

(a) A candidate for the office of City Council Member must be elected only by the registered voters of the ward that the candidate 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. 10. 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 the candidate 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. 11. 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 Council Member must be voted upon only by the registered voters of the ward that the candidate seeks to represent.

Sec. 12. 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 Council Member must be voted upon **only** by the registered voters of the ward ~~{to be represented by them.}~~ **that the candidate 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. 13. The City Council of the City of Reno shall, not later than July 1, 2013, establish the boundaries of the ward created by the amendatory provisions of section 7 of this act, which must be designated the sixth ward, and change the boundaries of the first through fifth wards to comply with the provisions of section 1.050 of the Charter of the City of Reno, as amended by section 7 of this act.

Sec. 14. Notwithstanding the amendatory provisions of sections 8 and 9 of this act, a Council Member of the City of Reno who holds office on July 1, 2013, shall:

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

2. If elected or appointed to represent the City at large, be deemed to represent only the ward created by the amendatory provisions of section 7 of this act for the remainder of his or her term of office.

Sec. 15. The Board of Supervisors of Carson City shall place on the ballot for the general election to be held on November 6, 2012, a question in substantially the following form:

Shall the Charter of Carson City be amended to provide for a ward system for the election of Supervisors, providing that each Supervisor must be elected in a primary or general election by only the registered voters of the ward that he or she seeks to represent?

Sec. 16. The City Council of the City of Henderson shall place on the ballot for the general election to be held on November 6, 2012, a question in substantially the following form:

Shall the Charter of the City of Henderson be amended to provide for a ward system for the election of Council Members, providing that each Council Member must be elected in a primary or general election by only the registered voters of the ward that he or she seeks to represent?



1 **Sec. 17.** The City Council of the City of Reno shall place on
2 the ballot for the general election to be held on November 6, 2012, a
3 question in substantially the following form:

4 Shall the Charter of the City of Reno be amended to
5 provide for a ward system for the election of Council
6 Members, providing that each Council Member must be
7 elected in a general election by only the registered voters of
8 the ward that he or she seeks to represent?

9 **Sec. 18.** The City Council of the City of Sparks shall place on
10 the ballot for the general election to be held on November 6, 2012, a
11 question in substantially the following form:

12 Shall the Charter of the City of Sparks be amended to
13 provide for a ward system for the election of Council
14 Members, providing that each Council Member must be
15 elected in a general election by only the registered voters of
16 the ward that he or she seeks to represent?

17 **Sec. 19.** 1. This section and sections 15 to 18, inclusive, of
18 this act become effective upon passage and approval.

19 2. Sections 1, 2 and 3 of this act become effective on
20 July 1, 2013, only if a majority of the voters voting on the question
21 placed on the ballot pursuant to section 15 of this act vote
22 affirmatively on the question.

23 3. Sections 4, 5 and 6 of this act become effective on
24 July 1, 2013, only if a majority of the voters voting on the question
25 placed on the ballot pursuant to section 16 of this act vote
26 affirmatively on the question.

27 4. Sections 7 to 10, inclusive, 13 and 14 of this act become
28 effective on July 1, 2013, only if a majority of the voters voting on
29 the question placed on the ballot pursuant to section 17 of this act
30 vote affirmatively on the question.

31 5. Sections 11 and 12 of this act become effective on
32 July 1, 2013, only if a majority of the voters voting on the question
33 placed on the ballot pursuant to section 18 of this act vote
34 affirmatively on the question.

