

ASSEMBLY BILL NO. 401—ASSEMBLYMEN MUNFORD;
PAUL ANDERSON, PIERCE AND STEWART

MARCH 18, 2013

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing the designation of certain city nonpartisan offices. (BDR 24-58)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§§ 19, 40, 43, 50, 69, 72)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; providing that elective city offices other than municipal judges are partisan offices; requiring certain cities to hold primary elections; making conforming changes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that elective city offices are nonpartisan offices. (NRS 293.195) **Section 5** of this bill provides that elective city offices other than municipal judges are partisan offices. **Sections 1-4 and 6-72** of this bill make conforming changes.

Sections 19, 40, 43, 47, 50, 69 and 72 of this bill provide that certain cities are required to hold primary city elections, at which time there must be nominated candidates for offices to be voted at the next general city election.

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

Section 1. NRS 293.1715 is hereby amended to read as follows:

293.1715 1. The names of the candidates for partisan office of a minor political party must not appear on the ballot for a primary election ~~H~~ *or primary city election.*



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2. The names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election *or general city election, as applicable*, if the minor political party is qualified. To qualify as a minor political party, the minor political party must have filed a certificate of existence and be organized pursuant to NRS 293.171, must have filed a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:

(a) At the last preceding general election, the minor political party must have polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress;

(b) On January 1 preceding a primary election ~~H~~ *or primary city election, as applicable*, the minor political party must have been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or

(c) Not later than the third Friday in May preceding the general election, must file a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

3. The name of only one candidate of each minor political party for each partisan office may appear on the ballot for a general election ~~H~~ *or general city election*.

4. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 with the Secretary of State before the petition may be circulated for signatures.

Sec. 2. NRS 293.1725 is hereby amended to read as follows:

293.1725 1. Except as otherwise provided in ~~subsection 4,~~ *subsections 4 and 5*, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:

(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; or

(b) Files or will file a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715,

↪ must file with the Secretary of State a list of its candidates for partisan office not earlier than the first Monday in March preceding the election nor later than 5 p.m. on the second Friday after the first Monday in March. The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. The list may be amended not later than 5 p.m. on the second Friday after the first Monday in March.



2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his or her declaration of candidacy.

3. Each candidate on the list must file his or her declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the date on which the list of candidates for partisan office of the minor political party is filed with the Secretary of State nor later than 5 p.m. on the second Friday after the first Monday in March.

4. *A minor political party that wishes to place candidates for partisan offices on the ballot at a general city election held pursuant to NRS 293C.140 or 293C.145 and has qualified to place the names of candidates on the ballot for the general city election pursuant to subsection 2 of NRS 293.1715 must file with the city clerk a list of its candidates for partisan office during the time set forth in subsection 2 of NRS 293C.175 for candidates to file declarations of candidacy. Each candidate on the list must file his or her declaration of candidacy with the appropriate filing officer and must pay the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.*

5. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election pursuant to subsection 2 of NRS 293.1715 must file with the Secretary of State a certificate of nomination for these offices not later than the first Tuesday in September.

Sec. 3. NRS 293.175 is hereby amended to read as follows:

293.175 1. The primary election must be held on the second Tuesday in June of each even-numbered year.

2. Candidates for partisan office of a major political party and candidates for nonpartisan office must be nominated at the primary election.

3. Candidates for partisan office of a minor political party must be nominated in the manner prescribed pursuant to NRS 293.171 to 293.174, inclusive.

4. Independent candidates for partisan office must be nominated in the manner provided in NRS 293.200.

5. The provisions of NRS 293.175 to 293.203, inclusive, do not apply to:

(a) Special elections to fill vacancies.



(b) The nomination of the officers of incorporated cities ~~H~~, *to the extent the provisions conflict with the provisions of chapter 293C of NRS or a special charter of an incorporated city.*

(c) The nomination of district officers whose nomination is otherwise provided for by statute.

Sec. 4. NRS 293.180 is hereby amended to read as follows:

293.180 1. Ten or more registered voters may file a certificate of candidacy designating any registered voter as a candidate for:

(a) Their major political party's nomination for any partisan elective office, or as a candidate for nomination for any nonpartisan office other than a judicial office ~~H~~:

(1) Except as otherwise provided in subparagraph (2), not earlier than the first Monday in February of the year in which the election is to be held nor later than 5 p.m. on the first Friday in March; or

(2) If the certificate of candidacy designates a candidate for a primary city election that will be held pursuant to NRS 293C.175, not earlier than 100 days before the date of the primary city election and not later than 70 days before the date of the primary city election; or

(b) Nomination for a judicial office, not earlier than the first Monday in December of the year immediately preceding the year in which the election is to be held nor later than 5 p.m. on the first Friday in January of the year in which the election is to be held.

2. When the certificate has been filed, the officer in whose office it is filed shall notify the person named in the certificate. If the person named in the certificate files an acceptance of candidacy and pays the required fee, as provided by law, he or she is a candidate in the primary election *or primary city election* in like manner as if he or she had filed a declaration of candidacy.

3. If a certificate of candidacy relates to a partisan office, all of the signers must be of the same major political party as the candidate designated.

Sec. 5. NRS 293.195 is hereby amended to read as follows:

293.195 1. Judicial offices, school offices, the office of county sheriff, the Board of Regents of the University of Nevada, ~~city and~~ *municipal judges*, town officers, the State Board of Education and members of boards of hospital trustees of public hospitals are hereby designated nonpartisan offices.

2. No words designating the party affiliation of a candidate for nonpartisan offices may be printed upon the ballot.

Sec. 6. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer:



(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 25 working days before the last day to file the petition pursuant to subsection 4.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; ~~for~~

(III) *The city for that office at the last preceding general city election in which a person was elected to that office, if the office is a city office; or*

(IV) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or ~~municipality~~ city in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed :



1 (a) *Except as otherwise provided in paragraph (b)*, not earlier
2 than the first Monday in March preceding the general election and
3 not later than 5 p.m. on the second Friday after the first Monday in
4 March.

5 (b) *If the petition of candidacy is for a partisan office on the*
6 *ballot at a general city election that is held pursuant to NRS*
7 *293C.140 or 293C.145, not later than 60 days before the date of*
8 *the primary city election and not earlier than 70 days before the*
9 *primary city election.*

10 5. No petition of candidacy may contain the name of more than
11 one candidate for each office to be filled.

12 6. A person may not file as an independent candidate if he or
13 she is proposing to run as the candidate of a political party.

14 7. The names of independent candidates must be placed on the
15 general election ballot *or general city election ballot* and must not
16 appear on the primary election ballot ~~H~~ *or primary city election*
17 *ballot.*

18 8. ~~H~~ *Except as otherwise provided in this subsection, if the*
19 *candidacy of any person seeking to qualify pursuant to this section*
20 *is challenged, all affidavits and documents in support of the*
21 *challenge must be filed not later than 5 p.m. on the fourth Monday*
22 *in March. Any judicial proceeding resulting from the challenge must*
23 *be set for hearing not more than 5 days after the fourth Monday in*
24 *March. If the candidacy of any person seeking to qualify pursuant*
25 *to this section as a candidate at a general city election that is held*
26 *pursuant to NRS 293C.140 or 293C.145 is challenged, the*
27 *provisions of NRS 293C.186 apply to such challenge.*

28 9. ~~Any~~ *Except as otherwise provided in NRS 293C.186, any*
29 *challenge pursuant to subsection 8 must be filed with:*

30 (a) The First Judicial District Court if the petition of candidacy
31 was filed with the Secretary of State.

32 (b) The district court for the county where the petition of
33 candidacy was filed if the petition was filed with a county clerk.

34 10. An independent candidate for partisan office must :

35 (a) *Except as otherwise provided paragraph (b)*, file a
36 declaration of candidacy with the appropriate filing officer and pay
37 the fee required by NRS 293.193 not earlier than the first Monday in
38 March of the year in which the election is held nor later than 5 p.m.
39 on the second Friday after the first Monday in March.

40 (b) *If the independent candidate is a candidate for partisan*
41 *office at a general city election that is held pursuant to NRS*
42 *293C.140 or 293C.145, file the declaration of candidacy with the*
43 *appropriate filing officer and pay the fee established by the*
44 *governing body of the city.*



Sec. 7. NRS 293.260 is hereby amended to read as follows:

293.260 1. Where there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot ~~+~~ *at the primary election.*

2. If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary elections must be declared the nominees of those parties for the office.

3. If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary election of the major political party must be declared the nominee of that party and his or her name must be placed on the general election ballot with the name of the nominee of the minor political party for the office and the name of the independent candidate who has filed for the office.

4. If only one major political party has candidates for a particular office and no minor political party has nominated a candidate for the office and no independent candidate has filed for the office:

(a) If there are more candidates than twice the number to be elected to the office, the names of the candidates must appear on the ballot for a primary election. Except as otherwise provided in this paragraph, the candidates of that party who receive the highest number of votes in the primary election, not to exceed twice the number to be elected to that office at the general election, must be declared the nominees for the office. If only one candidate is to be elected to the office and a candidate receives a majority of the votes in the primary election for that office, that candidate must be declared the nominee for that office and his or her name must be placed on the ballot for the general election.

(b) If there are no more than twice the number of candidates to be elected to the office, the candidates must, without a primary election, be declared the nominees for the office.

5. Where no more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office or the office of justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election;

(b) Any nonpartisan office, other than the office of justice of the Supreme Court or the office of member of a town advisory board, the names of those candidates must appear on the ballot for a



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primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

6. If there are more candidates than twice the number to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. Those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

Sec. 8. NRS 293.268 is hereby amended to read as follows:

293.268 The offices for which there are candidates, the names of the candidates therefor, and the questions to be voted upon must be printed on ballots in the following order:

1. President and Vice President of the United States.

2. United States Senator and Representative in Congress, in that sequence.

3. Governor, Lieutenant Governor, Secretary of State, Treasurer, Controller and Attorney General, in that sequence.

4. State Senators and members of the Assembly.

5. County and township partisan offices.

6. Statewide nonpartisan offices.

7. *City partisan offices in the following order:*

(a) Mayor;

(b) Council members according to ward in numerical order or, if the city is not divided into wards, in alphabetical order; and

(c) City attorney, if the city attorney is elected pursuant to the provisions of a special charter.

8. District nonpartisan offices.

~~8. 9.~~ 9. County nonpartisan offices.

~~9. 10.~~ 10. City *nonpartisan* offices. ~~11.~~

~~(a) Mayor;~~

~~(b) Council members according to ward in numerical order, if no wards, in alphabetical order; and~~

~~(c) Municipal judges.~~

~~10. 11.~~ 11. Township nonpartisan offices.

~~11. 12.~~ 12. Questions presented to the voters of the State with advisory questions listed in consecutive order after any other questions presented to the voters of the State.



~~H2~~ 13. Questions presented only to the voters of a special district or political subdivision of the State with advisory questions listed in consecutive order after any other questions presented only to the voters of a special district or political subdivision of the State.

Sec. 9. NRS 293B.190 is hereby amended to read as follows:

293B.190 When used in primary elections ~~H~~ *or primary city elections*, the list of offices and candidates and the statements of measures to be voted on for each mechanical recording device, except those devices intended solely for nonpartisan voters, must be so arranged that it contains a page or pages setting forth the ballot of one major political party only, followed by a page or pages setting forth the nonpartisan ballot and so that the voter may cast partisan and nonpartisan votes on a single ballot but may not cast partisan votes for a candidate of another major political party.

Sec. 10. NRS 293B.300 is hereby amended to read as follows:

293B.300 1. In a primary election ~~H~~ *or primary city election*, a member of the election board for a precinct shall issue each partisan voter a ballot which contains a distinctive code associated with the major political party of the voter and on which is clearly printed the name of the party.

2. If a mechanical voting system is used in a primary election *or primary city election* whereby votes are directly recorded electronically, a member of the election board shall, if the clerk uses voting receipts, in addition to the ballot described in subsection 1, issue each partisan voter a voting receipt on which is clearly printed the name of the major political party of the voter.

3. The member of the election board shall direct the partisan voter to a mechanical recording device containing the list of offices and candidates arranged for the voter's major political party in the manner provided in NRS 293B.190.

Sec. 11. NRS 293B.305 is hereby amended to read as follows:

293B.305 Unless a major political party allows a nonpartisan voter to vote for its candidates:

1. In a primary election ~~H~~ *or primary city election*, a member of the election board for a precinct shall issue each nonpartisan voter a ballot with a distinctive code and printed designation identifying it as a nonpartisan ballot.

2. If a mechanical voting system is used in a primary election *or primary city election* whereby votes are directly recorded electronically, a member of the election board shall, if the clerk uses voting receipts, in addition to the ballot described in subsection 1, issue the nonpartisan voter a voting receipt with a printed designation identifying it as a nonpartisan ballot.

3. The member of the election board shall:



(a) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates setting forth only the nonpartisan ballot; or

(b) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates arranged for a partisan ballot, instruct the voter to vote only the nonpartisan section of the list and advise the voter that any votes the voter may cast in the partisan section will not be counted.

Sec. 12. NRS 293B.310 is hereby amended to read as follows:

293B.310 In a primary election ~~H~~ *or primary city election*, the county *or city* clerk may require those partisan voters in a precinct or district whose political parties each comprise less than 5 percent of the registered voters for that precinct or district to vote in the manner prescribed for nonpartisan voters in NRS 293B.305.

Sec. 13. Chapter 293C of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 18, inclusive, of this act.

Sec. 14. 1. *There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have designated a major political party in the declaration of candidacy or acceptance of candidacy must appear on the primary ballot of the major political party designated.*

2. *The city clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the city clerk selects must permit all registered voters to vote on them.*

3. *A registered voter may cast a primary ballot for a major political party at a primary city election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.*

Sec. 15. 1. *Where there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot at the primary city election.*

2. *If more than one major political party has candidates for a particular office, the persons who receive the highest number of votes at the primary city elections must be declared the nominees of those parties for the office.*

3. *If only one major political party has candidates for a particular office and a minor political party has nominated a candidate for the office or an independent candidate has filed for the office, the candidate who receives the highest number of votes in the primary city election of the major political party must be declared the nominee of that party and his or her name must be*



1 placed on the general city election ballot with the name of the
2 nominee of the minor political party for the office and the name of
3 the independent candidate who has filed for the office.

4 4. If only one major political party has candidates for a
5 particular office and no minor political party has nominated a
6 candidate for the office and no independent candidate has filed for
7 the office:

8 (a) If there are more candidates than twice the number to be
9 elected to the office, the names of the candidates must appear on
10 the ballot for a primary city election. Except as otherwise provided
11 in this paragraph, the candidates of that party who receive the
12 highest number of votes in the primary city election, not to exceed
13 twice the number to be elected to that office at the general city
14 election, must be declared the nominees for the office. If only one
15 candidate is to be elected to the office and a candidate receives a
16 majority of the votes in the primary city election for that office,
17 that candidate must be declared the nominee for that office and
18 his or her name must be placed on the ballot for the general city
19 election.

20 (b) If there are no more than twice the number of candidates
21 to be elected to the office, the candidates must, without a primary
22 city election, be declared the nominees for the office.

23 5. Where no more than the number of candidates to be
24 elected have filed for nomination for:

25 (a) Any partisan office, the names of those candidates must be
26 omitted from all ballots for a primary city election and placed on
27 all ballots for a general city election; and

28 (b) Any nonpartisan office, the names of those candidates
29 must appear on the ballot for a primary city election unless the
30 candidates were nominated pursuant to subsection 2 of NRS
31 293C.190. If a candidate receives one or more votes at the primary
32 city election, the candidate must be declared elected to the office
33 and his or her name must not be placed on the ballot for the
34 general city election. If a candidate does not receive one or more
35 votes at the primary city election, his or her name must be placed
36 on the ballot for the general city election.

37 6. If there are more candidates than twice the number to be
38 elected to a nonpartisan office, the names of the candidates must
39 appear on the ballot for a primary city election. Those candidates
40 who receive the highest number of votes at that primary city
41 election, not to exceed twice the number to be elected, must be
42 declared nominees for the office.

43 **Sec. 16.** On the primary ballots for a major political party,
44 the name of the major political party must appear at the top of the
45 ballot. Except as otherwise provided in NRS 293.2565, following



1 *this designation must appear the names of candidates grouped*
2 *alphabetically under the title and length of term of the partisan*
3 *office for which those candidates filed.*

4 **Sec. 17.** *On nonpartisan primary ballots, there must appear*
5 *at the top of the ballot the designation "Nonpartisan Offices."*
6 *Except as otherwise provided in NRS 293.2565, following this*
7 *designation must appear the names of candidates grouped*
8 *alphabetically under the title and length of term of the*
9 *nonpartisan office for which those candidates filed.*

10 **Sec. 18.** *1. Ballots for a general city election must contain*
11 *the names of candidates who were nominated at the primary city*
12 *election, the names of the candidates of a minor political party and*
13 *the names of independent candidates.*

14 *2. Except as otherwise provided in NRS 293.2565, names of*
15 *candidates must be grouped alphabetically under the title and*
16 *length of term of the office for which those candidates filed.*

17 *3. Except as otherwise provided in subsection 4:*

18 *(a) Immediately following the name of each candidate for a*
19 *partisan office must appear the name or abbreviation of his or her*
20 *political party, the word "independent" or the abbreviation "IND,"*
21 *as the case may be.*

22 *(b) Immediately following the name of each candidate for a*
23 *nonpartisan office must appear the word "nonpartisan" or the*
24 *abbreviation "NP."*

25 *4. Where a system of voting other than by paper ballot is*
26 *used, the Secretary of State may provide for any placement of the*
27 *name or abbreviation of the political party, the word*
28 *"independent" or "nonpartisan" or the abbreviation "IND" or*
29 *"NP," as appropriate, which clearly relates the designation to the*
30 *name of the candidate to whom it applies.*

31 **Sec. 19.** NRS 293C.175 is hereby amended to read as follows:

32 293C.175 1. Except as otherwise provided in NRS 293C.115,
33 a primary city election must be held in each city of population
34 category one, ~~and in~~ each city of population category two ~~that has~~
35 ~~so provided by ordinance,~~ *and each city of population category*
36 *three* on the first Tuesday after the first Monday in April of every
37 year in which a general city election is to be held . ~~at which time~~
38 ~~there~~

39 *2. Candidates for partisan office of a major political party*
40 *and candidates for nonpartisan office* must be nominated
41 ~~candidates for offices to be voted for~~ at the ~~next general~~ *primary*
42 *city election.*

43 ~~2.~~ *3. Candidates for partisan office of a minor political*
44 *party must be nominated in the manner prescribed pursuant to*
45 *NRS 293.171 to 293.174, inclusive.*



1 **4. Independent candidates for partisan office must be**
2 **nominated in the manner provided in NRS 293.200.**

3 **5.** Except as otherwise provided in NRS 293C.115, a candidate
4 for any office to be voted for at the primary city election must file a
5 declaration **or acceptance** of candidacy with the city clerk ~~not less~~
6 ~~than 60 days or more than 70 days before the date of the primary~~
7 ~~city election.~~ **pursuant to NRS 293C.185.** The city clerk shall
8 charge and collect from the candidate and the candidate must pay to
9 the city clerk, at the time of filing the declaration of candidacy, a
10 filing fee in an amount fixed by the governing body of the city by
11 ordinance or resolution. The filing fees collected by the city clerk
12 must be deposited to the credit of the general fund of the city.

13 ~~3. All candidates, except as otherwise provided in NRS~~
14 ~~266.220, must be voted upon by the electors of the city at large.~~

15 ~~4. If, in a primary city election held in a city of population~~
16 ~~category one or two, one candidate receives more than a majority of~~
17 ~~votes cast in that election for the office for which he or she is a~~
18 ~~candidate, the candidate must be declared elected to the office and~~
19 ~~the candidate's name must not be placed on the ballot for the~~
20 ~~general city election. If, in the primary city election, no candidate~~
21 ~~receives a majority of votes cast in that election for the office for~~
22 ~~which he or she is a candidate, the names of the two candidates~~
23 ~~receiving the highest number of votes must be placed on the ballot~~
24 ~~for the general city election.~~

25 **Sec. 20.** NRS 293C.180 is hereby amended to read as follows:

26 293C.180 1. If at 5 p.m. on the last day for filing a
27 declaration of candidacy, there is only one candidate who has filed
28 for nomination for an office, that candidate must be declared elected
29 and no election may be held for that office.

30 2. Except as otherwise provided in subsection 1, if not more
31 than twice the number of candidates to be elected have filed for
32 nomination for an office, the names of those candidates must be
33 omitted from all ballots for a primary city election and placed on all
34 ballots for a general city election.

35 3. If more than twice the number of candidates to be elected
36 have filed for nomination for an office, the names of the candidates
37 must appear on the ballot for a primary city election. ~~Except as~~
38 ~~otherwise provided in subsection 4 of NRS 293C.175, those~~ **Those**
39 candidates who receive the highest number of votes at that election,
40 not to exceed twice the number to be elected, must be declared
41 nominees for the office.

42 **Sec. 21.** NRS 293C.185 is hereby amended to read as follows:

43 293C.185 1. Except as otherwise provided in NRS 293C.115
44 and 293C.190, a name may not be printed on a ballot to be used at a
45 primary city election unless the person named has filed a declaration



1 of candidacy or an acceptance of candidacy and has paid the fee
2 established by the governing body of the city not earlier than 70
3 days before the primary city election and not later than 5 p.m. on the
4 60th day before the primary city election.

5 2. A declaration of candidacy required to be filed by this
6 section must be in substantially the following form:

7 *(a) For partisan office:*

8
9 *DECLARATION OF CANDIDACY OF FOR THE*
10 *OFFICE OF*

11 *State of Nevada*

12
13
14 *City of*

15
16 *For the purpose of having my name placed on the official ballot as*
17 *a candidate for the Party nomination for the office of*
18 *....., I, the undersigned, do swear or affirm under*
19 *penalty of perjury that I actually, as opposed to constructively,*
20 *reside at, in the City or Town of, County of,*
21 *State of Nevada; that my actual, as opposed to constructive,*
22 *residence in city, township or other area prescribed by law to*
23 *which the office pertains began on a date at least 30 days*
24 *immediately preceding the date of the close of filing of*
25 *declarations of candidacy for this office; that my telephone*
26 *number is, and the address at which I receive mail, if*
27 *different than my residence, is; that I am registered as a*
28 *member of the Party; that I am a qualified elector*
29 *pursuant to Section 1 of Article 2 of the Constitution of the State*
30 *of Nevada; that if I have ever been convicted of treason or a*
31 *felony, my civil rights have been restored by a court of competent*
32 *jurisdiction; that I have not, in violation of the provisions of NRS*
33 *293.176, changed the designation of my political party or political*
34 *party affiliation on an official application to register to vote in any*
35 *state since December 31 before the closing filing date for this*
36 *election; that I generally believe in and intend to support the*
37 *concepts found in the principles and policies of that political party*
38 *in the coming election; that if nominated as a candidate of the*
39 *..... Party at the ensuing election, I will accept that*
40 *nomination and not withdraw; that I will not knowingly violate*
41 *any election law or any law defining and prohibiting corrupt and*
42 *fraudulent practices in campaigns and elections in this State; that*
43 *I will qualify for the office if elected thereto, including, but not*
44 *limited to, complying with any limitation prescribed by the*
45 *Constitution and laws of this State concerning the number of*



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1 *years or terms for which a person may hold the office; and that I*
2 *understand that my name will appear on all ballots as designated*
3 *in this declaration.*

4
5
6 *(Designation of name)*

7
8
9 *(Signature of candidate for office)*

10
11 *Subscribed and sworn to before me*
12 *this day of the month of of the year*

13
14
15 *Notary Public or other person*
16 *authorized to administer an oath*

17
18 *(b) For nonpartisan office:*

19
20 DECLARATION OF CANDIDACY OF FOR THE
21 OFFICE OF

22
23 State of Nevada

24
25 City of

26
27 For the purpose of having my name placed on the official ballot as a
28 candidate for the office of, I,, the
29 undersigned do swear or affirm under penalty of perjury that I
30 actually, as opposed to constructively, reside at, in the
31 City or Town of, County of, State of
32 Nevada; that my actual, as opposed to constructive, residence in the
33 city, township or other area prescribed by law to which the office
34 pertains began on a date at least 30 days immediately preceding the
35 date of the close of filing of declarations of candidacy for this
36 office; that my telephone number is, and the address at
37 which I receive mail, if different than my residence, is;
38 that I am a qualified elector pursuant to Section 1 of Article 2 of the
39 Constitution of the State of Nevada; that if I have ever been
40 convicted of treason or a felony, my civil rights have been restored
41 by a court of competent jurisdiction; that if nominated as a candidate
42 at the ensuing election I will accept the nomination and not
43 withdraw; that I will not knowingly violate any election law or any
44 law defining and prohibiting corrupt and fraudulent practices in
45 campaigns and elections in this State; that I will qualify for the



1 office if elected thereto, including, but not limited to, complying
2 with any limitation prescribed by the Constitution and laws of this
3 State concerning the number of years or terms for which a person
4 may hold the office; and my name will appear on all ballots as
5 designated in this declaration.

6
7
8 (Designation of name)
9

10
11 (Signature of candidate for office)
12

13 Subscribed and sworn to before me
14 this day of the month of of the year

15
16
17 Notary Public or other person
18 authorized to administer an oath
19

20 3. The address of a candidate that must be included in the
21 declaration or acceptance of candidacy pursuant to subsection 2
22 must be the street address of the residence where the candidate
23 actually, as opposed to constructively, resides in accordance with
24 NRS 281.050, if one has been assigned. The declaration or
25 acceptance of candidacy must not be accepted for filing if:

26 (a) The candidate's address is listed as a post office box unless a
27 street address has not been assigned to the residence; or

28 (b) The candidate does not present to the filing officer:

29 (1) A valid driver's license or identification card issued by a
30 governmental agency that contains a photograph of the candidate
31 and the candidate's residential address; or

32 (2) A current utility bill, bank statement, paycheck, or
33 document issued by a governmental entity, including a check which
34 indicates the candidate's name and residential address, but not
35 including a voter registration card issued pursuant to NRS 293.517.

36 4. The filing officer shall retain a copy of the proof of identity
37 and residency provided by the candidate pursuant to paragraph (b)
38 of subsection 3. Such a copy:

39 (a) May not be withheld from the public; and

40 (b) Must not contain the social security number or driver's
41 license or identification card number of the candidate.

42 5. By filing the declaration or acceptance of candidacy, the
43 candidate shall be deemed to have appointed the city clerk as his or
44 her agent for service of process for the purposes of a proceeding
45 pursuant to NRS 293C.186. Service of such process must first be



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1 attempted at the appropriate address as specified by the candidate in
2 the declaration or acceptance of candidacy. If the candidate cannot
3 be served at that address, service must be made by personally
4 delivering to and leaving with the city clerk duplicate copies of the
5 process. The city clerk shall immediately send, by registered or
6 certified mail, one of the copies to the candidate at the specified
7 address, unless the candidate has designated in writing to the city
8 clerk a different address for that purpose, in which case the city
9 clerk shall mail the copy to the last address so designated.

10 6. If the city clerk receives credible evidence indicating that a
11 candidate has been convicted of a felony and has not had his or her
12 civil rights restored by a court of competent jurisdiction, the city
13 clerk:

14 (a) May conduct an investigation to determine whether the
15 candidate has been convicted of a felony and, if so, whether the
16 candidate has had his or her civil rights restored by a court of
17 competent jurisdiction; and

18 (b) Shall transmit the credible evidence and the findings from
19 such investigation to the city attorney.

20 7. The receipt of information by the city attorney pursuant to
21 subsection 6 must be treated as a challenge of a candidate pursuant
22 to subsections 4 and 5 of NRS 293C.186. If the ballots are printed
23 before a court of competent jurisdiction makes a determination that
24 a candidate has been convicted of a felony and has not had his or her
25 civil rights restored by a court of competent jurisdiction, the city
26 clerk must post a notice at each polling place where the candidate's
27 name will appear on the ballot informing the voters that the
28 candidate is disqualified from entering upon the duties of the office
29 for which the candidate filed the declaration of candidacy or
30 acceptance of candidacy.

31 **Sec. 22.** NRS 293C.190 is hereby amended to read as follows:

32 293C.190 1. *A vacancy occurring in a major or minor*
33 *political party nomination for partisan office may be filled by a*
34 *candidate designed by the party central committee of the county of*
35 *the major political party or by the executive committee of the*
36 *minor political party subject to the provisions of subsections 4*
37 *and 5.*

38 2. Except as otherwise provided in NRS 293C.115, a vacancy
39 occurring in a *nonpartisan* nomination for a city office after the
40 close of filing and on or before 5 p.m. of the first Tuesday after the
41 first Monday in March in a year in which a general city election is
42 held must be filled by filing a nominating petition that is signed by
43 at least 1 percent of the persons who are registered to vote and who
44 voted for that office at the last preceding general city election.
45 Except as otherwise provided in NRS 293C.115, the petition must



1 be filed not earlier than the third Tuesday in February and not later
2 than the third Tuesday after the third Monday in March. A candidate
3 nominated pursuant to the provisions of this subsection may be
4 elected only at a general city election, and the candidate's name
5 must not appear on the ballot for a primary city election.

6 ~~{2-}~~ 3. Except as otherwise provided in NRS 293C.115, a
7 vacancy occurring in a *nonpartisan* nomination for a city office
8 after 5 p.m. of the first Tuesday after the first Monday in March and
9 on or before 5 p.m. of the second Tuesday after the second Monday
10 in April must be filled by the person who received the next highest
11 vote for the nomination in the primary city election.

12 ~~{3-}~~ 4. Except to place a candidate nominated pursuant to
13 subsection ~~{4-}~~ 2 on the ballot and except as otherwise provided in
14 NRS 293C.115, no change may be made on the ballot for the
15 general city election after 5 p.m. of the second Tuesday after the
16 second Monday in April of the year in which the general city
17 election is held. If a nominee dies after that time and date, the
18 nominee's name must remain on the ballot for the general city
19 election and, if elected, a vacancy exists.

20 ~~{4-}~~ 5. Except as otherwise provided in NRS 293C.115, all
21 designations provided for in this section must be filed on or before 5
22 p.m. on the second Tuesday after the second Monday in April of the
23 year in which the general city election is held. The filing fee must be
24 paid and an acceptance of the designation must be filed on or before
25 5 p.m. on that date.

26 **Sec. 23.** NRS 293C.257 is hereby amended to read as follows:

27 293C.257 ~~{For a primary city election, there}~~

28 1. *On the primary ballots for a major political party, the*
29 *name of the major political party* must appear at the top of ~~each~~
30 *the* ballot. ~~{the designation "Candidates for city offices."}~~ Except as
31 otherwise provided in NRS 293.2565, following this designation
32 must appear the names of candidates grouped alphabetically under
33 the title and length of term of the *partisan* office for which those
34 candidates filed.

35 2. *On nonpartisan primary ballots, there must appear at the*
36 *top of the ballot the designation "Nonpartisan Offices." Except as*
37 *otherwise provided in NRS 293.2565, following this designation*
38 *must appear the names of candidates grouped alphabetically*
39 *under the title and length of term of the nonpartisan office for*
40 *which those candidates filed.*

41 **Sec. 24.** NRS 293C.260 is hereby amended to read as follows:

42 293C.260 1. ~~{Except as otherwise provided in NRS~~

43 ~~293C.140, ballots}~~ *Ballots* for a general city election must contain
44 the names of candidates who were nominated at the primary city



election ~~H~~, *the names of the candidates of a minor political party and the names of independent candidates.*

2. Except as otherwise provided in NRS 293.2565, the names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

3. *Except as otherwise provided in subsection 4:*

(a) *Immediately following the name of each candidate for a partisan office must appear the name or abbreviation of his or her political party, the word "independent" or the abbreviation "IND," as the case may be.*

(b) *Immediately following the name of each candidate for a nonpartisan office must appear the word "nonpartisan" or the abbreviation "NP."*

4. *Where a system of voting other than by paper ballot is used, the Secretary of State may provide for any placement of the name or abbreviation of the political party, the word "independent" or "nonpartisan" or the abbreviation "IND" or "NP," as appropriate, which clearly relates the designation to the name of the candidate to whom it applies.*

Sec. 25. NRS 293C.262 is hereby amended to read as follows:

293C.262 1. The offices for which there are candidates, the names of the candidates therefor and the questions to be voted upon must be printed on ballots for a city election in the following order:

(a) ~~{City offices:~~

~~(1)} Mayor. {~~

~~(2)} (b) Council members according to ward in numerical order {,} or, if ~~{no}~~ the city is not divided into wards, in alphabetical order. {,} and~~

~~(3)} (c) Municipal judges.~~

~~{(b)} (d) City attorney, if a city attorney is elected in a city incorporated pursuant to a special charter.~~

(e) Questions presented to the voters of a city or a portion of a city with advisory questions listed in consecutive order after any other questions presented to the voters of the city.

2. The city clerk:

(a) May divide paper ballots into two sheets in a manner that provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 26. NRS 293C.277 is hereby amended to read as follows:

293C.277 1. A registered voter ~~{who applies}~~ *applying* to vote at ~~{an}~~ *a primary city* election ~~{must}~~ *shall* give his or her name *and political affiliation, if any,* to the election board officer in charge of the election board register, and the officer shall



1 immediately announce the name of the voter ~~H~~ *and his or her*
2 *political affiliation, if any.*

3 2. Any person's right to vote may be challenged by a registered
4 voter upon ~~any~~ :

5 (a) *Any* of the grounds allowed for a challenge in
6 NRS 293C.292 ~~H~~ ;

7 (b) *The ground that the person applying does not belong to the*
8 *political party designated upon the register; or*

9 (c) *The ground that the register does not show that the person*
10 *designated the political party to which he or she claims to belong.*

11 3. Any such challenge must be disposed of in the manner
12 provided in NRS 293C.292.

13 4. *A registered voter who has designated on his or her*
14 *application to register to vote an affiliation with a minor political*
15 *party may vote a nonpartisan ballot at the primary city election.*

16 **Sec. 27.** NRS 293C.290 is hereby amended to read as follows:

17 293C.290 1. The city clerk shall require an election board
18 officer to post an alphabetical listing of all registered voters for each
19 precinct in a public area of each polling place in the city. Except as
20 otherwise provided in NRS 293.5002 and 293.558, the alphabetical
21 listing must include the name , ~~and~~ address *and political*
22 *affiliation* of each voter. Not less than four times during the hours in
23 which the polling place is open, an election board officer shall
24 identify the name of each voter who voted since the last
25 identification.

26 2. Each page of the alphabetical listing must contain a notice
27 which reads substantially as follows:

28
29 It is unlawful for any person to remove, tear, mark or
30 otherwise deface this alphabetical listing of registered
31 voters except an election board officer acting pursuant to
32 NRS 293C.290.

33
34 3. Any person who removes, tears, marks or otherwise defaces
35 an alphabetical listing posted pursuant to this section with the intent
36 to falsify or prevent others from readily ascertaining the name or
37 address of any voter, or the fact that a voter has or has not voted, is
38 guilty of a misdemeanor.

39 **Sec. 28.** NRS 293C.292 is hereby amended to read as follows:

40 293C.292 1. A person applying to vote may be challenged:

41 (a) Orally by any registered voter of the precinct or district upon
42 the ground that he or she is not the person entitled to vote as claimed
43 or has voted before at the same election; or

44 (b) On any ground set forth in a challenge filed with the county
45 clerk pursuant to the provisions of NRS 293.547.



2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) *If the challenge is on the ground that the challenged person does not belong to the political party designated upon the register, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the register";*

(b) *If the challenge is on the ground that the register does not show that the challenged person designated the political party to which he or she claims to belong, "I swear or affirm under penalty of perjury that I designated on the application to register to vote the political party to which I claim to belong";*

(c) If the challenge is on the ground that the challenged person does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";

~~(b)~~ (d) If the challenge is on the ground that the challenged person previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

~~(e)~~ (e) If the challenge is on the ground that the challenged person is not the person he or she claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."

➔ The oath or affirmation must be set forth on a form prepared by the Secretary of State and signed by the challenged person under penalty of perjury.

3. ~~(f)~~ *Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, he or she must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged" opposite his or her name in the election board register.*

4. *If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue the person a nonpartisan ballot.*

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph ~~(a)~~ (c) of subsection 2, the election board officers shall inform the person that he or she is entitled to vote only in the manner prescribed in NRS 293C.295.

~~(f)~~ 6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph ~~(e)~~ (e) of subsection 2, the election board officers shall issue him or her a *partisan* ballot.



~~16-1~~ 7. If the challenge is based on the ground set forth in paragraph ~~1(a)~~ (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he or she furnishes satisfactory identification that contains proof of the address at which the person actually resides. For the purposes of this subsection, a voter registration card issued pursuant to NRS 293.517 does not provide proof of the address at which a person resides.

~~17-1~~ 8. If the challenge is based on the ground set forth in paragraph ~~1(e)~~ (e) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless the person:

(a) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of the person, such as a driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he or she swears to be.

~~18-1~~ 9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; and

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge.

Sec. 29. NRS 293C.295 is hereby amended to read as follows:

293C.295 1. If a person is successfully challenged on the ground set forth in paragraph ~~1(a)~~ (c) of subsection 2 of NRS 293C.292 or if a person refuses to provide an affirmation pursuant to NRS 293C.525, the election board shall instruct the voter that he or she may vote only at the special polling place in the manner set forth in this section.

2. The city clerk shall maintain at least one special polling place at such locations as the city clerk deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided an affirmation pursuant to NRS 293C.525 in a special sealed container if the ballots are ballots that are voted on a mechanical recording device which directly records the votes electronically.



3. A person who votes at a special polling place may vote only for the following offices and questions:

- (a) All officers for whom all voters in the city may vote; and
- (b) Questions that have been submitted to all voters of the city.

4. The ballots voted at the special polling place must be counted when other ballots are counted and, if the ballots are ballots that are voted on a mechanical recording device that directly records the votes electronically, maintained in a separate sealed container until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.

Sec. 30. NRS 293C.322 is hereby amended to read as follows:

293C.322 1. Except as otherwise provided in subsection 2 and chapter 293D of NRS, if the request for an absent ballot is made by mail or facsimile machine, the city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot:

- (a) An absent ballot;
- (b) A return envelope;
- (c) An envelope or similar device into which the ballot is inserted to ensure its secrecy; and
- (d) Instructions.

2. If the city clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the city clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter may mail the absent ballot to the city clerk or submit the absent ballot by facsimile machine.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2 and chapter 293D of NRS.

5. Before depositing a ballot with the United States Postal Service or sending a ballot by facsimile machine, the city clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, the registered voter's precinct or district, *the registered voter's political affiliation, if any*, the number of the ballot and any remarks the city clerk finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.



Sec. 31. NRS 293C.370 is hereby amended to read as follows:
293C.370 Except as otherwise provided in NRS 293C.115:

1. Whenever a candidate whose name appears upon the ballot at a primary city election dies after 5 p.m. of the first Tuesday after the first Monday in March, the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary city election receives the number of votes required to receive the nomination to the office for which he or she was a candidate, *except as otherwise provided in subsection 4 of NRS 293C.190, the deceased candidate shall be deemed nominated and the vacancy in the nomination must be filled as provided in NRS 293C.190. If the deceased person was a candidate for a nonpartisan office,* the nomination is filled as provided in subsection ~~12~~ 3 of NRS 293C.190.

3. Whenever a candidate whose name appears upon the ballot at a general city election dies after 5 p.m. of the second Tuesday after the second Monday in April, the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.

4. If the deceased candidate on the ballot at the general city election receives the majority of the votes cast for the office, the deceased candidate shall be deemed elected and the office to which he or she was elected shall be deemed vacant at the beginning of the term for which he or she was elected. The vacancy created must be filled in the same manner as if the candidate had died after taking office for that term.

Sec. 32. NRS 293C.532 is hereby amended to read as follows:

293C.532 1. Each person who resides within the boundaries of the city at the time of the holding of any city election, and whose name appears upon the statewide voter registration list as a registered voter of the city, is entitled to vote at each special election, primary city election and general city election ~~11~~ and , *except as otherwise provided in section 14 of this act and chapter 266 of NRS,* for all officers to be voted for and on all questions submitted to the people at those elections . ~~11 except as otherwise provided in chapter 266 of NRS.~~

2. The governing body of a city may provide for a supplemental registration.

Sec. 33. NRS 293C.620 is hereby amended to read as follows:

293C.620 ~~11. At each election.~~

Unless a major political party allows a nonpartisan voter to vote for its candidates:



1 **1. In a primary city election,** a member of the election board
2 for a precinct shall issue each **nonpartisan** voter a ballot ~~H~~ **with a**
3 **distinctive code and printed designation identifying it as a**
4 **nonpartisan ballot.**

5 2. If a mechanical voting system is used in a primary city
6 election whereby votes are directly recorded electronically, a
7 member of the election board shall, if the clerk uses voting receipts,
8 in addition to the ballot described in subsection 1, issue the
9 **nonpartisan** voter a voting receipt ~~H~~ **with a printed designation**
10 **identifying it as a nonpartisan ballot.**

11 3. The member of the election board shall ~~direct~~ :
12 **(a) Direct the nonpartisan** voter to a mechanical recording
13 device containing a list of offices and candidates ~~H~~ **setting forth**
14 **only the nonpartisan ballot; or**

15 **(b) Direct the nonpartisan voter to a mechanical recording**
16 **device containing a list of offices and candidates arranged for a**
17 **partisan ballot, instruct the voter to vote only the nonpartisan**
18 **section of the list and advise the voter that any votes the voter may**
19 **cast in the partisan section will not be counted.**

20 **Sec. 34.** NRS 266.180 is hereby amended to read as follows:

21 266.180 Any vacancy occurring in the office of mayor, by
22 death, resignation, removal or otherwise, shall be filled by the city
23 council at the first regular meeting after such vacancy, when the
24 council shall by a majority vote elect some competent person **who is**
25 **a member of the same political party as the most recent holder of**
26 **the vacant office and** who shall hold the office until the election of
27 a successor at the next general city election, and the successor's
28 qualification.

29 **Sec. 35.** NRS 266.225 is hereby amended to read as follows:

30 266.225 Except as otherwise provided in NRS 268.325, any
31 vacancy occurring in the office of council member by death,
32 resignation, removal or otherwise must be filled by the mayor and
33 city council at the first regular meeting after the vacancy, when the
34 council and the mayor, who has the same voting power thereon as a
35 council member, shall by a majority vote elect some person
36 possessing the requisite qualifications ~~H~~ **who is a member of the**
37 **same political party as the most recent holder of the vacant office,**
38 who shall hold the office until the election and qualification of a
39 successor at the next general city election.

40 **Sec. 36.** Section 12 of the Charter of Boulder City is hereby
41 amended to read as follows:

42 Section 12. Vacancies in Council.

43 Except as otherwise provided in NRS 268.325, a vacancy
44 on the Council must be filled by appointment by a majority of
45 the remaining members of the Council within 30 days or after



three regular or special meetings, whichever is the shorter period of time. *The person appointed must be a member of the same political party as the most recent holder of the vacant office.* In the event of a tie vote among the remaining members of the Council, selection must be made by lot. No such appointment extends beyond the next municipal election. (Add. 19; Amd. 1; 7-16-1997)

(A—Ch. 515, Stats. 1997 p. 2448

Sec. 37. Section 96 of the Charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of municipal elections.

1. All municipal elections ~~must be nonpartisan in character and~~ must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. All full terms of office in the City Council are 4 years, and Council Members must be elected at large without regard to precinct residency. Except as otherwise provided in subsection ~~8.1~~ 10, two full-term Council Members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council Members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions. (Add. 17; Amd. 1; 11-5-1996)

3. In the event one or more 2-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available 2-year positions. (Add. 15; Amd. 2; 6-4-1991)

4. Except as otherwise provided in subsection ~~8.1~~ 10, a primary municipal election must be held on the first Tuesday after the first Monday in April of each odd-numbered year and a general municipal election must be held on the first Tuesday after the first Monday in June of each odd-numbered year.

5. ~~A primary municipal election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary municipal election must not be held for the office of Mayor if no more than two candidates file for that position. The primary municipal~~



~~election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)~~ *There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have designated a major political party in the declaration of candidacy or acceptance of candidacy must appear on the primary ballot of the major political party designated.*

6. ~~¶¶~~ *The city clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the city clerk selects must permit all registered voters to vote on them.*

7. *A registered voter may cast a primary ballot for a major political party at a primary city election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.*

8. *Except as otherwise provided in this subsection, if in the primary municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, he or she shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general municipal election. The provisions of this subsection do not apply if any independent candidate or minor political party candidate has filed a declaration of candidacy for one of the vacancies.* (Add. 10; Amd. 7; 6-2-1981)

~~¶7~~ 9. In each ~~primary and~~ general municipal election, voters are entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the municipal elections. (Add. 11; Amd. 5; 6-7-1983)

~~¶8~~ 10. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

~~¶9~~ 11. If the City Council adopts an ordinance pursuant to subsection ~~¶8~~ 10, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

~~¶10~~ 12. If the City Council adopts an ordinance pursuant to subsection ~~¶8~~ 10, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next



succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

~~11.1~~ **13.** The conduct of all municipal elections must be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 38. The Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 55, 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 Separate primary ballots for major political parties.

1. There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have designated a major political party in the declaration of candidacy or acceptance of candidacy must appear on the primary ballot of the major political party designated.

2. The city clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the city clerk selects must permit all registered voters to vote on them.

3. A registered voter may cast a primary ballot for a major political party at a primary municipal election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.

Sec. 39. Section 1.060 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2449, is hereby amended to read as follows:

Sec. 1.060 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the City Council or in the office of Mayor must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the Council before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy,



1 may participate in any action taken by the Council pursuant to
2 this section. The appointee must have the same qualifications
3 as are required of the elected official ~~H~~ *and be a member of*
4 *the same political party as the most recent holder of the*
5 *vacant office.*

6 2. The appointee shall serve until the next municipal
7 election and his or her successor is elected and qualified. At
8 the time of the election, if a balance remains in the term of
9 office to which the appointee was appointed, the successor
10 may be elected only for the balance of that term.

11 **Sec. 40.** Section 5.010 of the Charter of the City of Caliente,
12 being chapter 31, Statutes of Nevada 1971, as last amended by
13 chapter 218, Statutes of Nevada 2011, at page 954, is hereby
14 amended to read as follows:

15 Sec. 5.010 Municipal elections.

16 1. *Except as otherwise provided in subsection 3, a*
17 *primary municipal election must be held on the first*
18 *Tuesday after the first Monday in April of each odd-*
19 *numbered year, at which time there must be nominated*
20 *candidates for offices to be voted for at the next general*
21 *municipal election.*

22 2. Except as otherwise provided in subsection ~~12~~ 3:

23 (a) On the first Tuesday after the first Monday in June
24 1973, there must be elected by the qualified voters of the
25 City, at a general municipal election to be held for that
26 purpose, a Mayor and one Council Member who shall hold
27 office for a period of 4 years and until their successors have
28 been elected and qualified.

29 (b) On the first Tuesday after the first Monday in June
30 1975, and at each successive interval of 4 years thereafter,
31 there must be elected by the qualified voters of the City, at a
32 general municipal election to be held for that purpose, two
33 Council Members who shall hold office for a period of 4
34 years and until their successors have been elected and
35 qualified.

36 (c) On the first Tuesday after the first Monday in June
37 1975, there shall be elected by the qualified voters of the City
38 at a general municipal election to be held for that purpose one
39 Council Member who shall hold office for a period of 2 years
40 and until his or her successor has been elected and qualified.

41 (d) On the first Tuesday after the first Monday in June
42 1977, and at each successive interval of 4 years, there must be
43 elected by the qualified voters of the City, at a general
44 municipal election to be held for that purpose, a Mayor and
45 two Council Members, who shall hold office for a period of 4



years and until their successors have been elected and qualified.

~~2-1~~ 3. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

~~3-1~~ 4. If the City Council adopts an ordinance pursuant to subsection ~~2-1~~ 3, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

~~4-1~~ 5. If the City Council adopts an ordinance pursuant to subsection ~~2-1~~ 3, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 41. 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 5.012, immediately following section 5.010, to read as follows:

Sec. 5.012 Separate primary ballots for major political parties.

1. There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have designated a major political party in the declaration of candidacy or acceptance of candidacy must appear on the primary ballot of the major political party designated.

2. The city clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the city clerk selects must permit all registered voters to vote on them.

3. A registered voter may cast a primary ballot for a major political party at a primary city election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.

Sec. 42. Section 1.060 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as last amended by chapter 58, Statutes of Nevada 2007, at page 141, is hereby amended to read as follows:

Sec. 1.060 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the Board of Council Members ~~for in~~
~~the office of Mayor~~ must be filled by a majority vote of the



members of the Board of Council Members within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the Board before the vacancy occurs. In such a case, each member of the Board, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Board pursuant to this section. The appointee must have the same qualifications as are required of the elective official ~~and~~ *and be a member of the same political party as the most recent holder of the vacant office.*

2. No such appointment extends beyond the first Monday in January after the next municipal election, at which election the:

(a) Office must be filled for the remaining unexpired term; or

(b) Successor to the previously vacated seat will be selected,

as appropriate.

Sec. 43. Section 5.010 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as amended by chapter 58, Statutes of Nevada 2007, at page 142, is hereby amended to read as follows:

Sec. 5.010 ~~General municipal~~ *Municipal* elections.

1. *A primary election 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 offices to be voted for at the next general election.*

2. On the Tuesday after the first Monday in June 2007, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, two Council Members, both of whom hold office until their successors have been elected and qualified pursuant to subsection ~~3~~ *4*.

~~2~~ *3*. On the Tuesday after the first Monday in June 2007, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and two Council Members, all of whom hold office until their successors have been elected and qualified pursuant to subsection ~~4~~ *5*.

~~3~~ *4*. On the Tuesday after the first Monday in November 2008, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, two Council Members, both of whom hold office for a period of 4 years and until their successors have been elected and qualified.



~~4.1~~ 5. On the Tuesday after the first Monday in November 2010, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and two Council Members, all of whom hold office for a period of 4 years and until their successors have been elected and qualified.

Sec. 44. The Charter of Carson City, being chapter 213, Statutes of Nevada 1969, at page 287, 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 Separate primary ballots for major political parties.

1. There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have designated a major political party in the declaration of candidacy or acceptance of candidacy must appear on the primary ballot of the major political party designated.

2. The city clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the city clerk selects must permit all registered voters to vote on them.

3. A registered voter may cast a primary ballot for a major political party at a primary election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.

Sec. 45. Section 2.030 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 515, Statutes of Nevada 1997, at page 2449, is hereby amended to read as follows:

Sec. 2.030 Board of Supervisors: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the office of Supervisor must be filled by appointment by a majority of the members of the Board within 30 days after the occurrence of the vacancy or after three regular or special meetings, whichever is the shorter period of time. A person may be selected to fill a prospective vacancy in the Board before the vacancy occurs. In such a case, each member of the Board, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Board pursuant to this section. The appointee must have the qualifications



required by section 2.010 ~~H~~ *and be a member of the same political party as the most recent holder of the vacant office.*

2. No such appointment extends beyond the first Monday in January after the next general election, at which election a new Supervisor must be elected to fill the unexpired term.

Sec. 46. Section 5.005 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as added by chapter 690, Statutes of Nevada 1979, at page 1863, is hereby amended to read as follows:

Sec. 5.005 Nonpartisan offices. The ~~offices~~ *Municipal Judges* of Carson City which are required to be filled by election are hereby designated nonpartisan offices.

Sec. 47. Section 5.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 100, Statutes of Nevada 1999, at page 271, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election 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 offices to be voted for at the next general election.

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

3. All ~~candidates for the office of Mayor and Supervisor, and~~ 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.

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

~~—5. If in the primary election one candidate receives more than a majority of votes cast in that election for the office for which he or she is a candidate, his or her name alone must be placed on the ballot for the general election. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election.}~~



1 **Sec. 48.** The Charter of the City of Elko, being chapter 276,
2 Statutes of Nevada 1971, at page 474, 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 Separate primary ballots for major political***
6 ***parties.***

7 1. ***There must be a separate primary ballot for each***
8 ***major political party. The names of candidates for partisan***
9 ***offices who have designated a major political party in the***
10 ***declaration of candidacy or acceptance of candidacy must***
11 ***appear on the primary ballot of the major political party***
12 ***designated.***

13 2. ***The city clerk may choose to place the names of***
14 ***candidates for nonpartisan offices on the ballots for each***
15 ***major political party or on a separate nonpartisan primary***
16 ***ballot, but the arrangement which the city clerk selects must***
17 ***permit all registered voters to vote on them.***

18 3. ***A registered voter may cast a primary ballot for a***
19 ***major political party at a primary city election only if the***
20 ***registered voter designated on his or her application to***
21 ***register to vote an affiliation with that major political party.***

22 **Sec. 49.** Section 1.060 of the Charter of the City of Elko,
23 being chapter 276, Statutes of Nevada 1971, as last amended by
24 chapter 231, Statutes of Nevada 2011, at page 1001, is hereby
25 amended to read as follows:

26 Sec. 1.060 Elective offices: Vacancies. Except as
27 otherwise provided in NRS 268.325:

28 1. A vacancy in the City Council must be filled by a
29 majority vote of the members of the City Council within 30
30 days after the occurrence of the vacancy. A person may be
31 selected to fill a prospective vacancy in the City Council
32 before the vacancy occurs. In such a case, each member of the
33 City Council, except any member whose term of office
34 expires before the occurrence of the vacancy, may participate
35 in any action taken by the City Council pursuant to this
36 section. The appointee must have the same qualifications as
37 are required of the elective official ~~†~~ ***and be a member of***
38 ***the same political party as the most recent holder of the***
39 ***vacant office.***

40 2. No such appointment extends beyond the first
41 Monday in:

42 (a) If the appointee is filling a vacancy occurring in an
43 office for which an election is held pursuant to subsection ~~†~~
44 **3** of section 5.010, July after the next municipal election, at
45 which election the office must be filled.



(b) If the appointee is filling a vacancy occurring in an office for which an election is held pursuant to subsection ~~4~~, ~~3-or~~ 2, 4 or 5 of section 5.010, January after the next municipal election, at which election the office must be filled.

Sec. 50. Section 5.010 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 231, Statutes of Nevada 2011, at page 1002, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. *A primary election 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 offices to be voted for at the next general election.*

2. On the first Tuesday after the first Monday in June 2011, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and two members of the City Council, all of whom hold office until their successors have been elected and qualified pursuant to subsection ~~4~~ 5.

~~2~~ 3. On the first Tuesday after the first Monday in June 2009, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, two members of the City Council, both of whom hold office until their successors have been elected and qualified pursuant to subsection ~~3~~ 4.

~~3~~ 4. On the first Tuesday after the first Monday in November 2012, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, two members of the City Council, both of whom hold office for a period of 4 years and until their successors have been elected and qualified.

~~4~~ 5. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and two members of the City Council, all of whom hold office for a period of 4 years and until their successors have been elected and qualified.

Sec. 51. Section 5.090 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 231, Statutes of Nevada 2011, at page 1003, 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 1. The election returns from a municipal election must
2 be filed with the City Clerk, who shall immediately place the
3 returns in a safe or vault. No person may handle, inspect or in
4 any manner interfere with the returns until the returns are
5 canvassed by the City Council.

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

12 3. The City Clerk, under his or her hand and official
13 seal, shall issue to each person declared to be elected a
14 certificate of election. The officers so elected shall qualify
15 and enter upon the discharge of their respective duties on the
16 first Monday in:

17 (a) If the officer is elected pursuant to subsection ~~11 or~~ 2
18 *or 3* of section 5.010, July next following his or her election.

19 (b) If the officer is elected pursuant to subsection ~~13 or~~ 4
20 *or 5* of section 5.010, January next following his or her
21 election.

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

26 **Sec. 52.** The Charter of the City of Henderson, being chapter
27 266, Statutes of Nevada 1971, at page 402, is hereby amended by
28 adding thereto a new section to be designated as section 5.015,
29 immediately following section 5.010, to read as follows:

30 ***Sec. 5.015 Separate primary ballots for major political***
31 ***parties.***

32 1. ***There must be a separate primary ballot for each***
33 ***major political party. The names of candidates for partisan***
34 ***offices who have designated a major political party in the***
35 ***declaration of candidacy or acceptance of candidacy must***
36 ***appear on the primary ballot of the major political party***
37 ***designated.***

38 2. ***The city clerk may choose to place the names of***
39 ***candidates for nonpartisan offices on the ballots for each***
40 ***major political party or on a separate nonpartisan primary***
41 ***ballot, but the arrangement which the city clerk selects must***
42 ***permit all registered voters to vote on them.***

43 3. ***A registered voter may cast a primary ballot for a***
44 ***major political party at a primary municipal election only if***



1 *the registered voter designated on his or her application to*
2 *register to vote an affiliation with that major political party.*

3 **Sec. 53.** Section 1.070 of the Charter of the City of Henderson,
4 being chapter 266, Statutes of Nevada 1971, as last amended by
5 chapter 515, Statutes of Nevada 1997, at page 2450, is hereby
6 amended to read as follows:

7 Sec. 1.070 Elective offices: Vacancies. Except as
8 otherwise provided in NRS 268.325:

9 1. A vacancy in the City Council or in the office of
10 ~~Mayor or~~ Municipal Judge must be filled by a majority vote
11 of the members of the City Council, or the remaining
12 members in the case of a vacancy in the City Council, within
13 30 days after the occurrence of the vacancy. The appointee
14 must have the same qualifications as are required of the
15 elective official. *In the case of a vacancy in the City*
16 *Council, the appointee must be a member of the same*
17 *political party as the most recent holder of the vacant office.*

18 2. No such appointment extends beyond the first regular
19 meeting of the City Council after the canvass of returns of the
20 election in which the vacancy is to be filled.

21 **Sec. 54.** Section 5.010 of the Charter of the City of Henderson,
22 being chapter 266, Statutes of Nevada 1971, as last amended by
23 chapter 218, Statutes of Nevada 2011, at page 956, is hereby
24 amended to read as follows:

25 Sec. 5.010 Primary municipal election.

26 1. Except as otherwise provided in section 5.020, a
27 primary municipal election must be held on the Tuesday after
28 the first Monday in April of each odd-numbered year, at
29 which time there must be nominated candidates for offices to
30 be voted for at the next general municipal election.

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

34 3. All candidates for *a nonpartisan* elective office must
35 be voted upon by the registered voters of the City at large.

36 4. If in the primary municipal election no candidate *for a*
37 *nonpartisan office* receives a majority of votes cast in that
38 election for the *nonpartisan* office for which he or she is a
39 candidate, the names of the two candidates receiving the
40 highest number of votes must be placed on the ballot for the
41 general municipal election. If in the primary municipal
42 election, regardless of the number of candidates for an office,
43 one candidate receives a majority of votes cast in that election
44 for the *nonpartisan* office for which he or she is a candidate,



he or she must be declared elected and no general municipal election need be held for that *nonpartisan* office.

Sec. 55. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, 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 Separate primary ballots for major political parties.

1. There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have designated a major political party in the declaration of candidacy or acceptance of candidacy must appear on the primary ballot of the major political party designated.

2. The city clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the city clerk selects must permit all registered voters to vote on them.

3. A registered voter may cast a primary ballot for a major political party at a primary municipal election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.

Sec. 56. Section 1.160 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 958, is hereby amended to read as follows:

Sec. 1.160 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the office of ~~Mayor,~~ Council Member or Municipal Judge must be filled by the majority vote of the entire City Council within 30 days after the occurrence of that vacancy. A person may be selected to fill a prospective vacancy before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official, including, without limitation, any applicable residency requirement. *In the case of a vacancy in the City Council, the appointee must be a member of the same political party as the most recent holder of the vacant office.*

2. Except as otherwise provided in section 5.010, no appointment extends beyond the first regular meeting of the



City Council that follows the next general municipal election, at that election the office must be filled for the remainder of the unexpired term, or beyond the first regular meeting of the City Council after the Tuesday after the first Monday in the next succeeding June in an odd-numbered year, if no general municipal election is held in that year.

Sec. 57. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 218, Statutes of Nevada 2011, at page 959, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections. Except as otherwise provided in section 5.020:

1. On the Tuesday after the first Monday in April 2001, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for half of the offices of Council Member and for Municipal Judge, Department 2, must be nominated.

2. On the Tuesday after the first Monday in April 2003, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for Mayor, for the other half of the offices of Council Member and for Municipal Judge, Department 1, must be nominated.

3. The candidates for Council Member who are to be nominated as provided in subsections 1 and 2 must be nominated and voted for separately according to the respective wards. The candidates from each even-numbered ward must be nominated as provided in subsection 1, and the candidates from each odd-numbered ward must be nominated as provided in subsection 2.

4. If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

5. Each candidate for the municipal offices which are provided for in subsections 1, 2 and 4 must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

6. If, in the primary municipal election, regardless of the number of candidates for ~~an~~ a *nonpartisan* office, one candidate receives a majority of votes which are cast in that election for the *nonpartisan* office for which he or she is a candidate, he or she must be declared elected for the term



1 which commences on the day of the first regular meeting of
2 the City Council next succeeding the meeting at which the
3 canvass of the returns is made, and no general municipal
4 election need be held for that *nonpartisan* office. If, in the
5 primary municipal election, no candidate receives a majority
6 of votes which are cast in that election for the *nonpartisan*
7 office for which he or she is a candidate, the names of the two
8 candidates who receive the highest number of votes must be
9 placed on the ballot for the general municipal election.

10 **Sec. 58.** The Charter of the City of North Las Vegas, being
11 chapter 573, Statutes of Nevada 1971, at page 1210, is hereby
12 amended by adding thereto a new section to be designated as section
13 5.022, immediately following section 5.020, to read as follows:

14 ***Sec. 5.022 Separate primary ballots for major political***
15 ***parties.***

16 ***1. There must be a separate primary ballot for each***
17 ***major political party. The names of candidates for partisan***
18 ***offices who have designated a major political party in the***
19 ***declaration of candidacy or acceptance of candidacy must***
20 ***appear on the primary ballot of the major political party***
21 ***designated.***

22 ***2. The city clerk may choose to place the names of***
23 ***candidates for nonpartisan offices on the ballots for each***
24 ***major political party or on a separate nonpartisan primary***
25 ***ballot, but the arrangement which the city clerk selects must***
26 ***permit all registered voters to vote on them.***

27 ***3. A registered voter may cast a primary ballot for a***
28 ***major political party at a primary municipal election only if***
29 ***the registered voter designated on his or her application to***
30 ***register to vote an affiliation with that major political party.***

31 **Sec. 59.** Section 1.060 of the Charter of the City of North Las
32 Vegas, being chapter 573, Statutes of Nevada 1971, as last amended
33 by chapter 515, Statutes of Nevada 1997, at page 2451, is hereby
34 amended to read as follows:

35 Sec. 1.060 Elective offices: Vacancies. Except as
36 otherwise provided in NRS 268.325:

37 1. A vacancy in the City Council or in the office of
38 Mayor or Municipal Judge must be filled by a majority vote
39 of the members of the City Council within 30 days after the
40 occurrence of the vacancy. A person may be selected to fill a
41 prospective vacancy in the City Council before the vacancy
42 occurs. In such a case, each member of the Council, except
43 any member whose term of office expires before the
44 occurrence of the vacancy, may participate in any action
45 taken by the Council pursuant to this section. The appointee



1 must have the same qualifications as are required of the
2 elective official. *In the case of a vacancy in the City Council*
3 *or the office of Mayor, the appointee must be a member of*
4 *the same political party as the most recent holder of the*
5 *vacant office.*

6 2. No such appointment extends beyond the first day of
7 July after the next municipal election, at which election the
8 office must be filled for the remaining unexpired term.

9 **Sec. 60.** Section 5.020 of the Charter of the City of North Las
10 Vegas, being chapter 573, Statutes of Nevada 1971, as last amended
11 by chapter 218, Statutes of Nevada 2011, at page 963, is hereby
12 amended to read as follows:

13 Sec. 5.020 Primary municipal elections; declaration of
14 candidacy.

15 1. The City Council shall provide by ordinance for
16 candidates for elective office to declare their candidacy and
17 file the necessary documents. The seats for City Council
18 Members must be designated by the numbers one through
19 four, which numbers must correspond with the wards the
20 candidates for City Council Members will seek to represent.
21 A candidate for the office of City Council Member shall
22 include in his or her declaration of candidacy the number of
23 the ward which he or she seeks to represent. Each candidate
24 for City Council must be designated as a candidate for the
25 City Council seat that corresponds with the ward that he or
26 she seeks to represent.

27 2. Except as otherwise provided in section 5.025, a
28 primary municipal election must be held on the Tuesday
29 following the first Monday in April preceding the general
30 municipal election, at which time there must be nominated
31 candidates for offices to be voted for at the next general
32 municipal election. In the primary municipal election:

33 (a) A candidate for the office of City Council Member
34 must be voted upon only by the registered voters of the ward
35 that he or she seeks to represent.

36 (b) Candidates for all other elective offices must be voted
37 upon by the registered voters of the City at large.

38 3. Except as otherwise provided in subsection 4, after
39 the primary municipal election, the names of the two
40 candidates who receive the highest number of votes must be
41 placed on the ballot for the general municipal election.

42 4. If, regardless of the number of candidates for ~~that~~ *a*
43 *nonpartisan* office, one candidate receives a majority of the
44 total votes cast for that *nonpartisan* office in the primary
45 municipal election, he or she must be declared elected to that



nonpartisan office and no general municipal election need be held for that *nonpartisan* office.

Sec. 61. The Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto a new section to be designated as section 5.025, immediately following section 5.020, to read as follows:

Sec. 5.025 Separate primary ballots for major political parties.

1. There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have designated a major political party in the declaration of candidacy or acceptance of candidacy must appear on the primary ballot of the major political party designated.

2. The city clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the city clerk selects must permit all registered voters to vote on them.

3. A registered voter may cast a primary ballot for a major political party at a primary election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.

Sec. 62. Section 1.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2452, is hereby amended to read as follows:

Sec. 1.070 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. Except as otherwise provided in this section, a vacancy in the City Council or in the office of City Attorney or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official. *In the case of a vacancy in the City Council or in the office of City Attorney, the appointee must be a member of the same political party as the most recent holder of the vacant office.*



2. The appointee shall serve until the next general municipal election and until his or her successor is elected and qualified. Notwithstanding the provisions of section 5.010 of this Charter to the contrary, the office must be filled by election at the next general municipal election. If that election is other than the election specified in section 5.010 of this Charter for the filing of the office, the election is only for the balance of the unexpired term for that office.

3. If a vacancy occurs in an office of City Council, in lieu of appointment, the City Council may, by resolution, declare a special election to fill the vacancy. The special election must be conducted in accordance with the provisions of the resolution declaring the special election and section 5.030 of this Charter.

Sec. 63. 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 *nonpartisan* 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 *nonpartisan* office to be voted for at the next general election. If for any general election there are two or fewer candidates for any *nonpartisan* 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 ~~the 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 for Council Member who represent a specific ward must be voted upon only by the registered voters of that ward.

(c) Candidates for Mayor , ~~and~~ Council Member at large *and City Attorney* must be voted upon by all registered voters of the City ~~who are of the same political party.~~



4. The Mayor , ~~and~~ all Council Members *and the City Attorney* must be voted upon by all registered voters of the City at the general election.

Sec. 64. The Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 724, is hereby amended by adding thereto a new section to be designated as section 5.025, immediately following section 5.020, to read as follows:

Sec. 5.025 Separate primary ballots for major political parties.

1. There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have designated a major political party in the declaration of candidacy or acceptance of candidacy must appear on the primary ballot of the major political party designated.

2. The city clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the city clerk selects must permit all registered voters to vote on them.

3. A registered voter may cast a primary ballot for a major political party at a primary election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.

Sec. 65. Section 1.070 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 32, Statutes of Nevada 2011, at page 132, is hereby amended to read as follows:

Sec. 1.070 Elective offices; vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the City Council or in the office of City Attorney or Municipal Judge must be filled by appointment of the Mayor, subject to confirmation by the City Council, within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. If the majority of the Council is unable or refuses for any reason to confirm any appointment made by the Mayor within 30 days after the vacancy occurs, the City Council shall present to the Mayor the names of two qualified persons to fill the vacancy. The Mayor shall, within 15 days after the presentation, select one of the two qualified persons to fill the



1 vacancy. The appointee must have the same qualifications
2 required of the elected official. *In the case of a vacancy in*
3 *the City Council or in the office of City Attorney, the*
4 *appointee must be a member of the same political party as*
5 *the most recent holder of the vacant office.*

6 2. A vacancy in the office of the Mayor must be filled by
7 the Mayor pro tempore. The resulting vacancy in the City
8 Council must be filled as provided in subsection 1.

9 3. The appointee or Mayor pro tempore, in the case of a
10 vacancy in the office of Mayor, shall serve until his or her
11 successor is elected and qualified at the next general election
12 to serve the remainder of the unexpired term.

13 **Sec. 66.** Section 5.020 of the Charter of the City of Sparks,
14 being chapter 470, Statutes of Nevada 1975, as last amended by
15 chapter 41, Statutes of Nevada 2001, at page 398, is hereby
16 amended to read as follows:

17 Sec. 5.020 Primary elections.

18 1. Candidates for the ~~to offices of Mayor, City Attorney~~
19 ~~and~~ *office of* Municipal Judge must be voted upon by the
20 registered voters of the City at large.

21 2. Candidates to represent a ward as a member of the
22 City Council must be voted upon by the registered voters of
23 the ward to be represented by them ~~to~~
24 ~~—2—~~ *who are of the same political affiliation as the*
25 *candidates.*

26 3. *Candidates for the office of City Attorney must be*
27 *voted upon by the registered voters of the City who are of*
28 *the same political affiliation as the candidates.*

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

35 **Sec. 67.** The Charter of the City of Wells, being chapter 275,
36 Statutes of Nevada 1971, at page 457, is hereby amended by adding
37 thereto a new section to be designated as section 5.012, immediately
38 following section 5.010, to read as follows:

39 **Sec. 5.012** *Separate primary ballots for major political*
40 *parties.*

41 1. *There must be a separate primary ballot for each*
42 *major political party. The names of candidates for partisan*
43 *offices who have designated a major political party in the*
44 *declaration of candidacy or acceptance of candidacy must*



1 *appear on the primary ballot of the major political party*
2 *designated.*

3 2. *The city clerk may choose to place the names of*
4 *candidates for nonpartisan offices on the ballots for each*
5 *major political party or on a separate nonpartisan primary*
6 *ballot, but the arrangement which the city clerk selects must*
7 *permit all registered voters to vote on them.*

8 3. *A registered voter may cast a primary ballot for a*
9 *major political party at a primary election only if the*
10 *registered voter designated on his or her application to*
11 *register to vote an affiliation with that major political party.*

12 **Sec. 68.** Section 1.060 of the Charter of the City of Wells,
13 being chapter 275, Statutes of Nevada 1971, as last amended by
14 chapter 59, Statutes of Nevada 2007, at page 144, is hereby
15 amended to read as follows:

16 Sec. 1.060 Elective offices: Vacancies. Except as
17 otherwise provided in NRS 268.325:

18 1. A vacancy in the Board of Council Members ~~for in~~
19 ~~the office of Mayor~~ must be filled by a majority vote of the
20 members of the Board of Council Members within 30 days
21 after the occurrence of the vacancy. A person may be selected
22 to fill a prospective vacancy in the Board before the vacancy
23 occurs. In such a case, each member of the Board, except any
24 member whose term of office expires before the occurrence
25 of the vacancy, may participate in any action taken by the
26 Board pursuant to this section. The appointee must have the
27 same qualifications as are required of the elective official ~~+~~
28 *and be a member of the same political party as the most*
29 *recent holder of the vacant office.*

30 2. No such appointment extends beyond the first
31 Monday in:

32 (a) July after the next municipal election, for
33 appointments to offices that were on the ballot in June 2005
34 or 2007; and

35 (b) January after the next municipal election, for
36 appointments to offices that were on the ballot in June 2009,
37 November 2010 or any subsequent even-numbered year,

38 ~~at~~ at which election the office must be filled for the
39 remaining unexpired term or the successor to the previously
40 vacated seat will be selected, as appropriate.

41 **Sec. 69.** Section 5.010 of the Charter of the City of Wells,
42 being chapter 275, Statutes of Nevada 1971, as amended by chapter
43 59, Statutes of Nevada 2007, at page 145, is hereby amended to read
44 as follows:

45 Sec. 5.010 ~~General municipal~~ *Municipal* elections.



1 1. *A primary election must be held on the date fixed by*
2 *the election laws of this State for statewide elections, at*
3 *which time there must be nominated candidates for offices*
4 *to be voted for at the next general election.*

5 2. On the Tuesday after the first Monday in June 2007,
6 there must be elected by the qualified voters of the City, at a
7 general election to be held for that purpose, a Mayor and one
8 Council Member, both of whom hold office until their
9 successors have been elected and qualified pursuant to
10 subsection ~~13.1~~ 4.

11 ~~12.1~~ 3. On the Tuesday after the first Monday in June
12 2009, there must be elected by the qualified voters of the
13 City, at a general election to be held for that purpose, three
14 Council Members, all of whom hold office until their
15 successors have been elected and qualified pursuant to
16 subsection ~~14.1~~ 5.

17 ~~13.1~~ 4. On the Tuesday after the first Monday in
18 November 2010, and at each successive interval of 4 years
19 thereafter, there must be elected by the qualified voters of the
20 City, at a general election to be held for that purpose, a Mayor
21 and one Council Member, both of whom hold office for a
22 period of 4 years and until their successors have been elected
23 and qualified.

24 ~~14.1~~ 5. On the Tuesday after the first Monday in
25 November 2012, and at each successive interval of 4 years
26 thereafter, there must be elected by the qualified voters of the
27 City, at a general election to be held for that purpose, three
28 Council Members, all of whom hold office for a period of 4
29 years and until their successors have been elected and
30 qualified.

31 **Sec. 70.** The Charter of the City of Yerington, being chapter
32 465, Statutes of Nevada 1971, at page 901, is hereby amended by
33 adding thereto a new section to be designated as section 5.025,
34 immediately following section 5.020, to read as follows:

35 *Sec. 5.025 Separate primary ballots for major political*
36 *parties.*

37 1. *There must be a separate primary ballot for each*
38 *major political party. The names of candidates for partisan*
39 *offices who have designated a major political party in the*
40 *declaration of candidacy or acceptance of candidacy must*
41 *appear on the primary ballot of the major political party*
42 *designated.*

43 2. *The city clerk may choose to place the names of*
44 *candidates for nonpartisan offices on the ballots for each*
45 *major political party or on a separate nonpartisan primary*



ballot, but the arrangement which the city clerk selects must permit all registered voters to vote on them.

3. A registered voter may cast a primary ballot for a major political party at a primary city election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.

Sec. 71. Section 1.060 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 515, Statutes of Nevada 1997, at page 2453, is hereby amended to read as follows:

Sec. 1.060 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the City Council or in the office of Mayor must be filled by a majority vote of the members of the City Council, or the remaining members, in the case of a vacancy in the City Council, within 30 days after the occurrence of the vacancy. The appointee must have the same qualifications as are required of the elective official ~~and be~~ *and be a member of the same political party as the most recent holder of the vacant office.*

2. No such appointment extends beyond the first Monday in July after the next municipal election, at which election the office must be filled.

Sec. 72. Section 5.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 218, Statutes of Nevada 2011, at page 964, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. *Except as otherwise provided in subsection 3, a primary municipal election must be held on the Tuesday after the first Monday in April of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.*

2. Except as otherwise provided in subsection ~~12~~ *3*:

(a) On the first Tuesday after the first Monday in June 1975, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

(b) On the first Tuesday after the first Monday in June 1977, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a



1 general municipal election to be held for that purpose, two
2 Council Members, who shall hold office for a period of 4
3 years and until their successors have been elected and
4 qualified.

5 ~~12-1~~ 3. The City Council may by ordinance provide for a
6 primary municipal election and general municipal election on
7 the dates set forth for primary elections and general elections
8 pursuant to the provisions of chapter 293 of NRS.

9 ~~13-1~~ 4. If the City Council adopts an ordinance pursuant
10 to subsection ~~12-1~~ 3, the dates set forth in NRS 293.12755, in
11 subsections 2 to 5, inclusive, of NRS 293.165 and in NRS
12 293.175, 293.177, 293.345 and 293.368 apply for the
13 purposes of conducting the primary municipal elections and
14 general municipal elections.

15 ~~14-1~~ 5. If the City Council adopts an ordinance pursuant
16 to subsection ~~12-1~~ 3, the term of office of any elected official
17 may be shortened but may not be lengthened as a result of the
18 ordinance.

19 **Sec. 73.** The provisions of NRS 354.599 do not apply to any
20 additional expenses of a local government that are related to the
21 provisions of this act.

22 **Sec. 74.** This act becomes effective on January 1, 2014.

