

ASSEMBLY BILL NO. 320—ASSEMBLYMEN SILBERKRAUS,
WOODBURY; GARDNER AND SEAMAN

MARCH 16, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Designates certain elective offices as nonpartisan offices. (BDR 24-923)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to elections; designating certain elective offices as nonpartisan offices; providing that an unopposed candidate who is declared elected at a primary election shall be deemed elected at a general election; authorizing a board of county commissioners to fill a vacancy on the board by special election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, certain offices are designated nonpartisan offices, including
2 judicial offices, school offices, the office of county sheriff, the Board of Regents of
3 the University of Nevada, city and town officers, the State Board of Education and
4 boards of hospital trustees of public hospitals. (NRS 293.195) **Section 1** of this bill
5 also designates as nonpartisan the offices of constable, county assessor, county
6 clerk, county commissioner, county recorder, county treasurer, district attorney and
7 public administrator.

8 Existing law provides that when no more than the number of candidates to be
9 elected have filed for nomination for any nonpartisan office, the names of the
10 candidates must still appear on the primary ballot and a candidate receiving one or
11 more votes must be declared elected. (NRS 293.260) **Section 2** of this bill clarifies
12 that a candidate who is declared elected at a primary election shall be deemed
13 elected at a general election for the purposes of any statute requiring the election of
14 a candidate at a general election.

15 Existing law provides, with limited exception, that the Governor must fill a
16 vacancy on any board of county commissioners by appointment of a person who is
17 a member of the same political party as the most recent holder of the office. (NRS
18 244.040) **Section 3** of this bill: (1) removes the requirement for the person to be a
19 member of the same political party as the most recent office holder, as **section 1** of
20 this bill makes the office of county commissioner a nonpartisan office; and (2)



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21 authorizes a board of county commissioners to fill a vacancy by declaring a special
22 election by resolution, in lieu of appointment by the Governor.

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

1 **Section 1.** NRS 293.195 is hereby amended to read as follows:
2 293.195 1. ~~Judicial offices, school offices, the office of~~
3 ~~county sheriff, the Board of Regents of the University of Nevada,~~
4 ~~city and town officers, the State Board of Education and members of~~
5 ~~boards of hospital trustees of public hospitals} The following offices~~
6 are hereby designated nonpartisan offices ~~††~~ :

- 7 (a) *Judicial offices;*
8 (b) *School offices;*
9 (c) *Constables;*
10 (d) *County assessor;*
11 (e) *County clerk;*
12 (f) *County commissioner;*
13 (g) *County recorder;*
14 (h) *County sheriff;*
15 (i) *County treasurer;*
16 (j) *District attorney;*
17 (k) *Public administrator;*
18 (l) *The Board of Regents of the University of Nevada;*
19 (m) *City and town officers;*
20 (n) *The State Board of Education; and*
21 (o) *Members of boards of hospital trustees of public hospitals.*

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

24 **Sec. 2.** NRS 293.260 is hereby amended to read as follows:

25 293.260 1. Where there is no contest of election for
26 nomination to a particular office, neither the title of the office nor
27 the name of the candidate may appear on the ballot.

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

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



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1 political party for the office and the name of the independent
2 candidate who has filed for the office.

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

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

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

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

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

27 (b) Any nonpartisan office, other than the office of justice of the
28 Supreme Court, office of judge of the Court of Appeals or the office
29 of member of a town advisory board, the names of those candidates
30 must appear on the ballot for a primary election unless the
31 candidates were nominated pursuant to subsection 2 of NRS
32 293.165. If a candidate receives one or more votes at the primary
33 election, the candidate must be declared elected to the office, ~~and~~
34 his or her name must not be placed on the ballot for the general
35 *election and, for the purposes of any specific statute that requires*
36 *the election of the candidate at a general election, the candidate*
37 *shall be deemed to have been elected at the general election.* If a
38 candidate does not receive one or more votes at the primary
39 election, his or her name must be placed on the ballot for the general
40 election; and

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

44 6. If there are more candidates than twice the number to be
45 elected to a nonpartisan office, the names of the candidates must



1 appear on the ballot for a primary election. Those candidates who
2 receive the highest number of votes at that election, not to exceed
3 twice the number to be elected, must be declared nominees for the
4 office.

5 **Sec. 3.** NRS 244.040 is hereby amended to read as follows:

6 244.040 1. ~~Any~~ *Except as otherwise provided in*
7 *subsection 2, any* vacancy occurring in any board of county
8 commissioners must be filled by appointment of the Governor.
9 ~~Except in Carson City, the Governor shall appoint a suitable person~~
10 ~~who is a member of the same political party as the most recent~~
11 ~~holder of the vacant office.~~

12 2. *If a vacancy occurs on a board of county commissioners,*
13 *the board of county commissioners may, in lieu of appointment by*
14 *the Governor pursuant to subsection 1, declare by resolution a*
15 *special election to fill the vacancy.*

16 3. The term of office of a person appointed to the office of
17 county commissioner does not, by virtue of the appointment, extend
18 beyond 12 p.m. of the day preceding the first Monday of January
19 next following the next general election.

