

ASSEMBLY BILL NO. 458—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 23, 2015

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to certain city elections.
(BDR S-1080)

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

~

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

AN ACT relating to elections; requiring that the candidates for Supervisor in Carson City and for Council Member in the City of Henderson, the City of Reno and the City of Sparks be voted upon in a primary or general election only by the registered voters of the ward that a candidate seeks to represent; creating a sixth ward for the City of Reno; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 The existing Charters of Carson City and the City of Henderson provide that
- 2 these cities are divided into wards but the candidates for Supervisor and Council
- 3 Member, respectively, must be voted on by the registered voters of the City at large
- 4 in both a primary and a general election. (Carson City Charter §§ 1.060, 2.010,
- 5 5.010, 5.020; Henderson City Charter §§ 1.040, 2.010, 5.010, 5.020) **Sections 1-3**
- 6 of this bill amend the Charter of Carson City and **sections 4-6** of this bill amend the
- 7 Charter of the City of Henderson to provide that all candidates for Supervisor and
- 8 Council Member, respectively, must be voted on in a primary or general election
- 9 only by the registered voters of the ward that a candidate seeks to represent.
- 10 The existing Charter of the City of Reno divides the City into five wards, each
- 11 of which is represented on the City Council by a Council Member. A sixth Council
- 12 Member represents the City at large. (Reno City Charter §§ 1.050, 2.010) **Section 7**
- 13 of this bill increases the number of wards in the City of Reno to six, and **sections**
- 14 **8-10** of this bill replace the office of Council Member at large with the office of
- 15 Council Member to represent the newly created sixth ward. (Reno City Charter §§
- 16 1.050, 2.010, 5.010, 5.020) **Section 13** of this bill requires the Reno City Council to
- 17 establish the boundaries of the newly created sixth ward, and alter the boundaries of
- 18 the first through fifth wards accordingly, not later than January 1, 2016. **Section 14**
- 19 of this bill provides that Council Members representing wards one through five



* A B 4 5 8 *

who are in office on January 1, 2016, will continue to represent those wards notwithstanding the altered boundaries and that the Council Member representing the city at large, who was last elected at the 2012 general election, will be deemed to represent the sixth ward for the remainder of his or her term, which expires after the 2016 General Election.

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

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

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

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

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

2. The Mayor must be:

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

(b) A qualified elector within Carson City.

3. Each Supervisor *other than the Mayor* must be:

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

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

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

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



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

5 Sec. 5.010 Primary election.

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

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

13 3. *In a primary election:*

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

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

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

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

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

37 Sec. 5.020 General election.

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

43 2. *In a general election:*

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



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

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

Sec. 4. Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 955, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members and the Mayor.

2. The Mayor must be:

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

(b) A qualified elector within the City.

3. Each Council Member must be:

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

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

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

4. All Council Members, including the Mayor, ~~must be voted upon by the registered voters of the City at large and,~~ except as otherwise provided in section 5.020, shall serve for terms of 4 years.

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



1 **Sec. 5.** Section 5.010 of the Charter of the City of Henderson,
2 being chapter 266, Statutes of Nevada 1971, as last amended by
3 chapter 266, Statutes of Nevada 2013, at page 1214, is hereby
4 amended to read as follows:

5 Sec. 5.010 Primary municipal election.

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

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

14 3. *In a primary municipal election:*

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

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

21 4. If in the primary municipal election no candidate
22 receives a majority of votes cast in that election for the office
23 for which he or she is a candidate, the names of the two
24 candidates receiving the highest number of votes must be
25 placed on the ballot for the general municipal election. If in
26 the primary municipal election, regardless of the number of
27 candidates for an office, one candidate receives a majority of
28 votes cast in that election for the office for which he or she is
29 a candidate, he or she must be declared elected and no general
30 municipal election need be held for that office. Such
31 candidate shall enter upon his or her respective duties at the
32 second regular meeting of the City Council held in June of
33 the year of the general municipal election.

34 **Sec. 6.** Section 5.020 of the Charter of the City of Henderson,
35 being chapter 266, Statutes of Nevada 1971, as last amended by
36 chapter 266, Statutes of Nevada 2013, at page 1215, is hereby
37 amended to read as follows:

38 Sec. 5.020 General municipal election.

39 1. Except as otherwise provided in subsection 2:

40 (a) A general municipal election must be held in the City
41 on the first Tuesday after the first Monday in June of each
42 odd-numbered year, at which time the registered voters of the
43 City shall elect city officers to fill the available elective
44 positions.

45 (b) *In a general municipal election:*



(1) All candidates for the ~~office~~ *offices* of Mayor ~~the Council Member~~ and Municipal Judge must be voted upon by the registered voters of the City at large.

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

(c) The term of office for ~~members of the City~~ Council *Members* and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.

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

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

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

2. 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. If the City Council adopts an ordinance pursuant to subsection 2, 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. If the City Council adopts an ordinance pursuant to subsection 2, 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.



1 **Sec. 7.** Section 1.050 of the Charter of the City of Reno, being
2 chapter 662, Statutes of Nevada 1971, as last amended by chapter
3 327, Statutes of Nevada 1999, at page 1365, is hereby amended to
4 read as follows:

5 Sec. 1.050 Wards: Creation; boundaries.

6 1. The City must be divided into ~~five~~ **six** wards, which
7 must be as nearly equal in population as can be conveniently
8 provided. The territory comprising each ward must be
9 contiguous, except that if any territory of the City which is
10 not contiguous to the remainder of the City does not contain
11 sufficient population to constitute a separate ward, it may be
12 placed in any ward of the City.

13 2. The boundaries of the wards must be established and
14 changed by ordinance, passed by a vote of at least five-
15 sevenths of the City Council. The boundaries of the wards:

16 (a) Must be changed whenever the population, as
17 determined by the last preceding national census of the
18 Bureau of the Census of the United States Department of
19 Commerce, in any ward exceeds the population in any other
20 ward by more than 5 percent.

21 (b) May be changed to include territory that has been
22 annexed, or whenever the population in any ward exceeds the
23 population in another ward by more than 5 percent by any
24 measure that is found to be reliable by the City Council.

25 **Sec. 8.** Section 2.010 of the Charter of the City of Reno, being
26 chapter 662, Statutes of Nevada 1971, as last amended by chapter
27 327, Statutes of Nevada 1999, at page 1366, is hereby amended to
28 read as follows:

29 Sec. 2.010 Mayor and City Council: Qualifications;
30 election; term of office; salary.

31 1. The legislative power of the City is vested in a City
32 Council consisting of six Council Members and a Mayor.

33 2. The Mayor and Council Members must be qualified
34 electors within the City. Each Council Member **must be a**
35 **resident of the ward from which he or she is** elected ~~from a~~
36 ~~ward~~ **and** must continue to live in that ward for as long as he
37 or she represents the ward.

38 3. The Mayor ~~and one Council Member represent~~
39 **represents** the City at large and one Council Member
40 represents each ward. The Mayor and Council Members serve
41 for terms of 4 years.

42 4. The Mayor and Council Members are entitled to
43 receive a salary in an amount fixed by the City Council.



1 **Sec. 9.** Section 5.010 of the Charter of the City of Reno, being
2 chapter 662, Statutes of Nevada 1971, as last amended by chapter
3 349, Statutes of Nevada 2013, at page 1828, is hereby amended to
4 read as follows:

5 Sec. 5.010 General elections.

6 1. On the date fixed by the election laws of the State for
7 the statewide general election in November 2002, and at each
8 successive interval of 6 years, there must be elected ~~by the~~
9 ~~qualified voters of the City,~~ at the general election ~~by~~ a
10 Municipal Judge, who holds office for a term of 6 years and
11 until his or her successor has been elected and qualified.

12 2. On the date fixed by the election laws of the State for
13 the statewide general election in November 2002, and at each
14 successive interval of 4 years, there must be elected ~~by the~~
15 ~~qualified voters of the City,~~ at the general election ~~by~~ a
16 Mayor, Council Members from the second and fourth wards,
17 and a City Attorney, all of whom hold office for a term of 4
18 years and until their successors have been elected and
19 qualified.

20 3. On the date fixed by the election laws of the State for
21 the statewide general election in November 2004, and at each
22 successive interval of 6 years, there must be elected ~~by the~~
23 ~~qualified voters of the City,~~ at the general election ~~by~~ one or
24 more Municipal Judges, other than the Municipal Judge
25 referred to in subsection 1, all of whom hold office for a term
26 of 6 years and until their successors have been elected and
27 qualified.

28 4. On the date fixed by the election laws of the State for
29 the statewide general election in November ~~2004,~~ 2016, and
30 at each successive interval of 4 years, there must be elected
31 ~~by the qualified voters of the City,~~ at the general election ~~by~~
32 Council Members from the first, third, ~~and~~ fifth ~~and sixth~~
33 wards, ~~and one Council Member at large,~~ all of whom hold
34 office for a term of 4 years and until their successors have
35 been elected and qualified.

36 5. *In a general election:*

37 (a) *A candidate for the office of Council Member must*
38 *be voted upon only by the registered voters of the ward that*
39 *the candidate seeks to represent.*

40 (b) *Candidates for the offices of Mayor, Municipal*
41 *Judge and City Attorney must be voted upon by all*
42 *registered voters of the City.*



1 **Sec. 10.** Section 5.020 of the Charter of the City of Reno,
2 being chapter 662, Statutes of Nevada 1971, as last amended by
3 chapter 349, Statutes of Nevada 2013, at page 1829, is hereby
4 amended to read as follows:

5 Sec. 5.020 Primary elections; declaration of candidacy.

6 1. A candidate for any office to be voted for at an
7 election must file a declaration of candidacy with the City
8 Clerk. All filing fees collected by the City Clerk must be
9 deposited to the credit of the General Fund of the City.

10 2. If for any general election, there are three or more
11 candidates for any office to be filled at that election, a
12 primary election for any such office must be held on the date
13 fixed by the election laws of the State for statewide elections,
14 at which time there must be nominated candidates for the
15 office to be voted for at the next general election. If for any
16 general election there are two or fewer candidates for any
17 office to be filled at that election, their names must not be
18 placed on the ballot for the primary election but must be
19 placed on the ballot for the general election. The general
20 election must be held on the date fixed by the election laws of
21 the State for the statewide general election.

22 3. In the primary election:

23 (a) The names of the two candidates for Municipal Judge,
24 City Attorney or a particular City Council seat, as the case
25 may be, who receive the highest number of votes must be
26 placed on the ballot for the general election.

27 (b) ~~{Candidates}~~ *A candidate for the office of* Council
28 Member ~~{who represent a specific ward}~~ must be voted upon
29 only by the registered voters of ~~{that}~~ *the* ward ~~{-}~~ *that the*
30 *candidate seeks to represent.*

31 (c) Candidates for *the offices of* Mayor ~~{and Council~~
32 ~~Member at large}~~ *, Municipal Judge and City Attorney* must
33 be voted upon by all registered voters of the City.

34 ~~{4. The Mayor and all Council Members must be voted~~
35 ~~upon by all registered voters of the City at the general~~
36 ~~election.}~~

37 **Sec. 11.** Section 5.010 of the Charter of the City of Sparks,
38 being chapter 470, Statutes of Nevada 1975, as last amended by
39 chapter 52, Statutes of Nevada 2005, at page 104, is hereby
40 amended to read as follows:

41 Sec. 5.010 General elections.

42 1. ~~{On the Tuesday after the first Monday in June 2001,~~
43 ~~there must be elected by the registered voters of the City, at a~~
44 ~~general municipal election, Council Members to represent~~
45 ~~the first, third and fifth wards, a Municipal Judge for~~



1 ~~Department 1 and a City Attorney, all of whom hold office~~
2 ~~until their successors have been elected and qualified,~~
3 ~~pursuant to subsection 3 or 4.~~

4 ~~—2. On the Tuesday after the first Monday in June 2003,~~
5 ~~there must be elected by the registered voters of the City, at a~~
6 ~~general municipal election, Council Members to represent the~~
7 ~~second and fourth wards, a Mayor and a Municipal Judge for~~
8 ~~Department 2, all of whom hold office until their successors~~
9 ~~have been elected and qualified, pursuant to subsection 5 or 6.~~

10 ~~—3.} On the Tuesday after the first Monday in November~~
11 ~~2004, and at each successive interval of 4 years, there must be~~
12 ~~elected {by the registered voters of the City,} at the general~~
13 ~~election { } Council Members to represent the first, third and~~
14 ~~fifth wards and a City Attorney, all of whom hold office for a~~
15 ~~term of 4 years and until their successors have been elected~~
16 ~~and qualified.~~

17 ~~{4. On the Tuesday after the first Monday in November~~
18 ~~2004, and at each successive interval of 4 years, there must be~~
19 ~~elected by the registered voters of the City, at the general~~
20 ~~election, a Municipal Judge for Department 1, who holds~~
21 ~~office for a term of 4 years and until his or her successor has~~
22 ~~been elected and qualified, pursuant to subsection 7.~~

23 ~~—5.} 2. On the Tuesday after the first Monday in~~
24 ~~November 2006, and at each successive interval of 4 years,~~
25 ~~there must be elected {by the registered voters of the City,} at~~
26 ~~the general election { } Council Members to represent the~~
27 ~~second and fourth wards and a Mayor, all of whom hold~~
28 ~~office for a term of 4 years and until their successors have~~
29 ~~been elected and qualified.~~

30 ~~{6.} 3. On the Tuesday after the first Monday in~~
31 ~~November 2006, and at each successive interval of 6 years,~~
32 ~~there must be elected {by the registered voters of the City,} at~~
33 ~~the general election { } a Municipal Judge for Department 2,~~
34 ~~who holds office for a term of 6 years and until his or her~~
35 ~~successor has been elected and qualified.~~

36 ~~{7.} 4. On the Tuesday after the first Monday in~~
37 ~~November 2008, and at each successive interval of 6 years,~~
38 ~~there must be elected {by the registered voters of the City,} at~~
39 ~~the general election { } a Municipal Judge for Department 1,~~
40 ~~who holds office for a term of 6 years and until his or her~~
41 ~~successor has been elected and qualified.~~

42 ~~{8. All candidates at an election that is held pursuant to~~
43 ~~this section}~~

44 **5. In a general election:**



* A B 4 5 8 *

1 ***(a) Candidates for the offices of Mayor, City Attorney***
2 ***and Municipal Judge*** must be voted upon by the registered
3 voters of the City at large.

4 ***(b) A candidate for the office of Council Member must***
5 ***be voted upon only by the registered voters of the ward that***
6 ***the candidate seeks to represent.***

7 **Sec. 12.** Section 5.020 of the Charter of the City of Sparks,
8 being chapter 470, Statutes of Nevada 1975, as last amended by
9 chapter 41, Statutes of Nevada 2001, at page 398, is hereby
10 amended to read as follows:

11 Sec. 5.020 Primary elections.

12 1. ***In a primary election:***

13 ***(a)*** Candidates for the offices of Mayor, City Attorney
14 and Municipal Judge must be voted upon by the registered
15 voters of the City at large. ~~Candidates to represent a ward as~~
16 ~~a member of the City Council~~

17 ***(b)*** ***A candidate for the office of Council Member*** must
18 be voted upon ***only*** by the registered voters of the ward ~~to be~~
19 ~~represented by them.~~ ***that the candidate seeks to represent.***

20 2. The names of the two candidates for Mayor, City
21 Attorney and Municipal Judge and the names of the two
22 candidates to represent the ward as a member of the City
23 Council from each ward who receive the highest number of
24 votes at the primary election must be placed on the ballot for
25 the general election.

26 **Sec. 13.** The Reno City Council shall, not later than January 1,
27 2016, establish the boundaries of the additional ward created by the
28 provisions of section 1.050 of the Charter of the City of Reno, as
29 amended by section 7 of this act, which must be designated the sixth
30 ward, and change the boundaries of the first through fifth wards to
31 comply with the provisions of section 1.050 of the Charter of the
32 City of Reno, as amended by section 7 of this act.

33 **Sec. 14.** Notwithstanding the provisions of sections 2.010 and
34 5.010 of the Charter of the City of Reno, as amended by sections 8
35 and 9 of this act, a Council Member of the City of Reno who holds
36 office on January 1, 2016:

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

39 2. If elected or appointed to represent the City at large, shall be
40 deemed to represent only the additional ward created by the
41 provisions of section 1.050 of the Charter of the City of Reno, as
42 amended by section 7 of this act for the remainder of his or her term
43 of office.

44 **Sec. 15.** 1. This section and sections 1 to 6, inclusive, 11 and
45 12 of this act become effective:



1 (a) Upon passage and approval for the purpose of passing
2 ordinances and performing any other preparatory administrative
3 tasks that are necessary to carry out the provisions of this act; and

4 (b) On July 1, 2015, for all other purposes.

5 2. Sections 7 to 10, inclusive, 13 and 14 of this act become
6 effective:

7 (a) Upon passage and approval for the purpose of passing
8 ordinances, establishing the boundaries of the additional ward
9 created by the provisions of section 1.050 of the Charter of the City
10 of Reno, as amended by section 7 of this act and performing any
11 other preparatory administrative tasks that are necessary to carry out
12 the provisions of this act; and

13 (b) On January 1, 2016, for all other purposes.

