

Amendment No. 310

Senate Amendment to Senate Bill No. 5	(BDR 24-90)
Proposed by: Senate Committee on Legislative Operations and Elections	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>
Receded	<input type="checkbox"/>	Not <input type="checkbox"/>	Receded	<input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

HAC/JWP



Date: 4/19/2015

S.B. No. 5—Revises provisions governing elections for nonpartisan offices.
(BDR 24-90)



SENATE BILL NO. 5—SENATOR SETTELMAYER

PREFILED DECEMBER 19, 2014

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing elections for nonpartisan offices.
(BDR 24-90)

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; providing that a candidate for nonpartisan office who receives a majority of the votes cast in a primary election or certain primary city elections must be declared the winner and not be placed on the ballot at a general election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if there are more candidates than twice the number to be elected to a nonpartisan office, other than a city office: (1) the names of the candidates must appear on the ballot for a primary election; and (2) 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. (NRS 293.260) **Section 1** of this bill provides that if one candidate receives a majority of the votes cast in the primary election for the office for which he or she is a candidate, 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.

For primary city elections conducted in certain general law cities, existing law provides that if one candidate receives “more than a majority” of the votes cast in such an election for the office for which he or she is a candidate, the candidate must be declared to be elected to the office and the candidate's name must not be placed on the ballot for the general city election. (NRS 293C.175) **Section 2** of this bill amends the statute to clarify that such a candidate need only receive a majority of the votes cast, not some greater number, to be declared to be elected. **Section 3** of this bill makes a similar change to the Charter of Carson City.

For most charter cities that hold primary city elections, existing law provides that if one candidate receives a majority of votes cast in the primary city election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. (Boulder City Charter § 96, Henderson City Charter § 5.010, Las Vegas City Charter § 5.010, North Las Vegas City Charter § 5.020) ~~(Sections 3, 4 and 6 of this bill amend)~~ **amends** the ~~Charter~~ **Charter** of Carson City ~~and the Cities of Reno and Sparks~~ so that this rule applies to ~~all charter cities that hold primary city elections.~~ **Carson City as well.**

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

Section 1. 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.

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, the office of judge of the Court of Appeals 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, office of judge of the Court of Appeals or the office of member of a town advisory board, the names of those candidates must appear on the ballot for a 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~~ *Except as otherwise provided in this subsection, those*

1 candidates who receive the highest number of votes at that election, not to exceed
2 twice the number to be elected, must be declared nominees for the office. *If one*
3 *candidate receives a majority of the votes cast in the primary election for that*
4 *office, the candidate must be declared elected to the office and his or her name*
5 *must not be placed on the ballot for the general election.*

6 **Sec. 2.** NRS 293C.175 is hereby amended to read as follows:

7 293C.175 1. Except as otherwise provided in NRS 293C.115, a primary city
8 election must be held in each city of population category one, and in each city of
9 population category two that has so provided by ordinance, on the first Tuesday
10 after the first Monday in April of every year in which a general city election is to be
11 held, at which time there must be nominated candidates for offices to be voted for
12 at the next general city election.

13 2. Except as otherwise provided in NRS 293C.115, a candidate for any office
14 to be voted for at the primary city election must file a declaration of candidacy with
15 the city clerk not less than 60 days or more than 70 days before the date of the
16 primary city election. The city clerk shall charge and collect from the candidate and
17 the candidate must pay to the city clerk, at the time of filing the declaration of
18 candidacy, a filing fee in an amount fixed by the governing body of the city by
19 ordinance or resolution. The filing fees collected by the city clerk must be deposited
20 to the credit of the general fund of the city.

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

23 4. If, in a primary city election held in a city of population category one or
24 two, one candidate receives ~~more than~~ a majority of votes cast in that election for
25 the office for which he or she is a candidate, the candidate must be declared elected
26 to the office and the candidate's name must not be placed on the ballot for the
27 general city election. If, in the primary city election, no candidate receives a
28 majority of votes cast in that election for the office for which he or she is a
29 candidate, the names of the two candidates receiving the highest number of votes
30 must be placed on the ballot for the general city election.

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

34 Sec. 5.010 Primary election.

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

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

41 3. All candidates for the office of Mayor and Supervisor, and
42 candidates for the office of Municipal Judge if a third department of the
43 Municipal Court has been established, must be voted upon by the registered
44 voters of Carson City at large.

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

48 5. If in the primary election one candidate receives ~~more than~~ a
49 majority of votes cast in that election for the office for which he or she is a
50 candidate, ~~this or her name alone must be placed on the ballot for the~~
51 ~~general election.~~ *the candidate must be declared elected to the office and*
52 *his or her name must not be placed on the ballot for the general election.*

53 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.

Sec. 4. ~~[Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2012, at page 1829, is hereby amended to read as follows:~~

~~Sec. 5.020 Primary elections; declaration of candidacy.~~

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

~~2. If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the date fixed by the election laws of the State for statewide elections, at which time there must be nominated candidates for the office to be voted for at the next general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election. The general election must be held on the date fixed by the election laws of the State for the statewide general election.~~

~~3. In the primary election:~~

~~(a) [The] Except as otherwise provided in paragraph (d), the names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.~~

~~(b) Candidates 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 must be voted upon by all registered voters of the City.~~

~~(d) If one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, 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. A candidate declared elected pursuant to this paragraph does not enter upon the discharge of his or her duties until after the general election.~~

~~4. The Mayor and all Council Members must be voted upon by all registered voters of the City at the general election.~~ (Deleted by amendment.)

Sec. 5. ~~[Section 5.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 349, Statutes of Nevada 2012, at page 1830, is hereby amended to read as follows:~~

~~Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.~~

~~1. The election returns from any special, primary or general election must be filed with the City Clerk, who shall immediately place those returns in a safe or vault, and no person may handle, inspect or in any manner interfere with those returns until canvassed by the City Council.~~

~~2. The City Council and City Manager shall meet within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.~~

~~2. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. [The] Except as otherwise provided in paragraph (d) of subsection 3 of section 5.020 of this Charter, the officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.~~

~~4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie as provided in this subsection. The City Clerk shall provide and open in the presence of the candidates who received the tie vote an unused 52-card deck of playing cards, removing any jokers and blank cards. The City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose. One of the candidates who received the tie vote shall then draw one card from the deck, and the City Clerk shall record the suit and number of the card. The card then must be returned to the deck, and the City Clerk shall shuffle the cards thoroughly and present the shuffled deck to the City Manager, or to the person designated by the City Manager for this purpose, and another of the candidates who received the tie vote shall draw one card from the deck. This process must be repeated until each of the candidates who received the tie vote has drawn one card from the deck and the result of each draw has been recorded. The candidate who draws the high card shall be deemed the winner of the election. For the purposes of this subsection, aces are high and twos are low. If the candidates draw cards of otherwise equal value, the card of the higher suit is the high card. Spades are highest, followed in descending order by hearts, clubs and diamonds. The City Clerk shall issue to the winner a certificate of election.] (Deleted by amendment.)~~

Sec. 6. ~~[Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 298, is hereby amended to read as follows:~~

~~Sec. 5.020 Primary elections:~~

~~1. Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large. Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.~~

~~2. [The] Except as otherwise provided in subsection 3, the names of the two candidates for Mayor, City Attorney and Municipal Judge and the names of the two candidates to represent the ward as a member of the City Council from each ward who receive the highest number of votes at the primary election must be placed on the ballot for the general election.~~

~~3. If one candidate receives a majority of the votes cast in the primary election for the office for which he or she is a candidate, 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. A candidate declared elected pursuant to this subsection does not enter upon the discharge of his or her duties until after the general election.] (Deleted by amendment.)~~

Sec. 7. ~~[Section 5.100 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 299, is hereby amended to read as follows:~~

~~Sec. 5.100 Election returns; Canvass; certificates of election; entry of officers upon duties; tie vote procedure.~~

~~1. The election returns from any election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.~~

~~2. The City Council shall meet within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 22 months, and no person may have access to them except on order of a court of competent jurisdiction or by order of the City Council.~~

~~3. The City Clerk, under his or her hand and official seal, shall issue a certificate of election to each person elected. [The] *Except as otherwise provided in subsection 3 of section 5.020 of this Charter, the officers* elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.~~

~~4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.] (Deleted by amendment.)~~