

Amendment No. 795

Assembly Amendment to Senate Bill No. 5 First Reprint (BDR 24-90)

Proposed by: Assembly Committee on Legislative Operations and Elections

Amends: Summary: No Title: Yes 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.

KCP



Date: 5/16/2015

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; ***revising provisions governing elections for certain judicial offices***; providing that ~~the candidate~~ ***candidates*** for ***certain nonpartisan office offices*** who ~~receives~~ ***receive*** a majority of the votes cast in ~~the primary election or~~ ***certain primary*** ~~city~~ elections must be declared ~~the winner and not be~~ ***elected to office without being*** placed on the ballot at a general election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing ***law designates certain elective offices as nonpartisan offices, which include judicial offices, school offices, the office of county sheriff, the Board of Regents of the University of Nevada, city and town officers, the State Board of Education and members of boards of hospital trustees of public hospitals. (NRS 293.195) Existing law also establishes certain rules for determining whether candidates for nonpartisan offices appear on the ballot for a primary election or the general election. (NRS 293.260) This bill revises some of those rules.***

Under existing law, if there is only one candidate for the nonpartisan office of judge of the Court of Appeals or justice of the Supreme Court, the name of the candidate is omitted from the primary election ballot and placed only on the general election ballot. (NRS 293.260) Section 1 of this bill applies the same rule to a candidate for the nonpartisan office of judge of a district court. Section 1 also provides that if there are not more than twice the number of candidates to be elected to any nonpartisan office, the names of the candidates are omitted from the primary election ballot and placed only on the general election ballot.

Except for nonpartisan offices in certain cities, existing law provides that if there are more candidates than twice the number of candidates to be elected to a nonpartisan office: (1) the names of the candidates must appear on the primary election ballot; (for a primary election) and (2) those candidates who receive the highest number of votes at that the primary election, not to exceed twice the number to be elected, must be declared nominees for the office, and their names must be placed on the general election ballot. (NRS 293.260) Section 1 of this bill modifies this rule for most nonpartisan offices and provides that if one candidate receives a majority of the votes cast in that such a primary election, for the office for which he or she is a candidate, the candidate must be is declared elected to the office and his or her name must is not be placed on the general election ballot. However, if one candidate receives a majority of the votes

27 cast in such a primary election for the nonpartisan office of judge of a district court,
28 judge of the Court of Appeals or justice of the Supreme Court, the candidate is declared
29 the only nominee for the office and his or her name is placed on the general election ~~++~~
30 ballot.

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

39 For most charter cities that hold primary city elections, existing law provides that if one
40 candidate receives a majority of votes cast in the primary city election for the office for which
41 he or she is a candidate, the candidate must be declared elected to the office and the
42 candidate's name must not be placed on the ballot for the general city election. (Boulder City
43 Charter § 96, Henderson City Charter § 5.010, Las Vegas City Charter § 5.010, North Las
44 Vegas City Charter § 5.020) **Section 3** amends the Charter of Carson City so that this rule
45 applies to Carson City as well.

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

1 **Section 1.** NRS 293.260 is hereby amended to read as follows:

2 293.260 1. ~~Where~~ If there is no contest of election for nomination to a
3 particular office, neither the title of the office nor the name of the candidate may
4 appear on the ballot.

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

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

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

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

27 (b) If there are ~~two~~ not more than twice the number of candidates to be elected
28 to the office, the candidates must, without a primary election, be declared the
29 nominees for the office.

5. ~~{Where not}~~ If not more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office, ~~{or}~~ or the office of judge of a district court, 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 ~~{the}~~ the general election;

(b) Any nonpartisan office, other than the office of judge of a district court, judge of the Court of Appeals, 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 not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

7. If there are more ~~{candidates}~~ than twice the number of candidates 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}~~ candidates who receive the highest number of votes at ~~{that}~~ the primary election, not to exceed twice the number to be elected, must be declared nominees for the office ~~{, If one candidate}~~ and the names of those candidates must be placed on the ballot for the general election, except that if one of those candidates receives a majority of the votes cast in the primary election for that office;

(a) The office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only nominee for the office and only his or her name must be placed on the ballot for the general election.

(b) Any other nonpartisan office, 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.

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

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

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

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

4. If, in a primary city election held in a city of population category one or two, one candidate receives ~~more than~~ 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 the candidate's name must not be placed on the ballot for the general city election. If, in the primary city 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 number of votes must be placed on the ballot for the general city election.

Sec. 3. 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, ~~this or her name alone must be placed on the ballot for the general 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 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. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)