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FIRST REPRINT

A.B. 259

ASSEMBLY BILL NO. 259—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 13, 2019

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.
(BDR 24-951)

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 the circumstances under which candidates of major political parties appear on or are omitted from the ballot at primary elections; revising provisions governing primary elections for candidates for nonpartisan offices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if a major political party has only one candidate for a particular office, the name of the candidate does not appear on the ballot at the primary election but appears on the ballot at the general election. If a major political party has two or more candidates for a particular office, there must be a primary election where the person who receives the highest number of votes is declared the nominee of that party for the office. (NRS 293.260) **Section 1** of this bill revises the circumstances under which candidates of a major political party either appear on the ballot at the primary election or are omitted from the ballot at the primary election and appear on the ballot at the general election when there are multiple candidates for the major political party.

First, **section 1** of this bill provides that if two or more major political parties have candidates for a particular office and at least one of the major political parties has multiple candidates for the office, the candidates of the major political parties with multiple candidates for the office appear on the ballot at the primary election of their respective parties. The candidates who receive the highest number of votes at the primary election of their respective parties are declared the nominees of those parties and appear on the ballot at the general election with any other candidates for the office who are entitled by law to be placed on the ballot at the general election such as: (1) any candidate of a major political party that did not have a primary election because it had only one candidate for the office; (2) any candidate for the office nominated by a minor political party who has filed for the office; and (3) any independent candidate who has filed for the office.



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Second, **section 1** of this bill provides that if only one major political party has multiple candidates for a particular office and no other major political party has any candidates for the office but there is at least one candidate nominated by a minor political party who filed for the office or one independent candidate who has filed for the office, the candidates of the major political party must appear on the ballot at the primary election. The major political party candidate who receives the highest number of votes at the primary election is the nominee of that party and appears on the ballot at the general election along any other candidates for the office who are entitled by law to be placed on the ballot at the general election.

Third, **section 1** of this bill provides that if only one major political party has multiple candidates for a particular office and no other major political party has any candidates for the office, and there are no candidates who were nominated by a minor political party or who filed for the office after being so nominated and no independent candidates filed for the office, the candidates of the major political party are subject to the following rules: (1) if there are not more than twice the number of candidates to be elected to that office, the candidates do not appear on the ballot at the primary election but do appear on the ballot at the general election; or (2) if there are more candidates than twice the number to be elected to that office, the candidates appear on the ballot at the primary election, and the candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected to that office at the general election, are declared the nominees for the office and appear on the ballot at the general election.

Under existing law, the following elected offices are designated as nonpartisan offices: 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 in the Nevada Constitution also provides that candidates for the following judicial offices must be elected by the qualified electors at the general election: judges of a district court, judges of the Court of Appeals and justices of the Supreme Court. (Nev. Const. Art. 6, §§ 3, 3A, 5)

With regard to the election of candidates for any nonpartisan office, existing law provides that if there are more than twice the number of candidates at a primary election for the nonpartisan office, the names of candidates appear on the ballot at the primary election. The candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, are declared the nominees for the nonpartisan office and the names of those candidates are placed on the ballot at the general election. However, existing law also includes an exception which provides that if one of the candidates receives a majority of votes cast in the primary election for: (1) the nonpartisan office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate is declared the only nominee for that office and only his or her name is placed on the ballot at the general election; or (2) any other nonpartisan office, the candidate is declared elected to the office and his or her name is not placed on the ballot at the general election. (NRS 293.260)

Section 1 of this bill removes the exception from existing law so that those candidates who receive the highest number of votes at the primary election for any nonpartisan office, not to exceed twice the number to be elected, are declared the nominees for the office and appear on the ballot at the general election regardless of whether one candidate received a majority of votes cast in the primary election for that nonpartisan office. **Sections 2-24** of this bill make conforming changes to existing statutes and provisions of city charters that apply to municipal elections.



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. If 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 ~~{a major political party has}~~ two or more *major political parties have* candidates for a particular office ~~{, the person who receives}~~ *and at least one of the major political parties has multiple candidates for the office, the names of the candidates of the major political parties with multiple candidates for the office must appear on the ballot at the primary election of their respective parties. The candidates who receive* the highest number of votes at the primary election *of their respective parties* must be declared the ~~{nominee}~~ *nominees* of ~~{that major political party}~~ *those parties* for the office ~~{,}~~, *and their names must be placed on the ballot at the general election with the names of any other candidates for the office who are entitled by law to be placed on the ballot at the general election.*

3. *If only one major political party has multiple candidates for a particular office and no other major political party has any candidates for the office but at least one minor political party has nominated a candidate who has filed a declaration of candidacy for the office pursuant to NRS 293.1725, or at least one independent candidate has filed a declaration of candidacy for the office pursuant to NRS 293.200, the names of the candidates of the major political party must appear on the ballot at the primary election of the major political party. The candidate who receives the highest number of votes at 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 ballot at the general election with the name of each other candidate for the office who is entitled by law to be placed on the ballot at the general election.*

4. *If only one major political party has multiple candidates for a particular office and no other major political party has any candidates for the office, and no minor political party has nominated a candidate who has filed a declaration of candidacy for the office pursuant to NRS 293.1725, and no independent candidate has filed a declaration of candidacy for the office pursuant to NRS 293.200, then:*

(a) If there are not 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, and their names must be omitted from the ballot at the primary election of the



major political party and placed on the ballot at the general election.

(b) 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 at the primary election of the major political party. The candidates of that party who receive the highest number of votes at 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, and their names must be placed on the ballot at the general election.

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

(a) Any partisan office or the office of judge of a district court, judge of the Court of Appeals or 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 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 or 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.

~~{4-}~~ 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}~~ *the* primary election and placed on all ballots for the general election.

~~{5-}~~ 7. If there are more 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 candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, must be declared nominees for the office , 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:~~

~~—(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 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. NRS 293C.180 is hereby amended to read as follows:

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



2. Except as otherwise provided in subsection 1, if ~~not~~ *a city is required by NRS 293C.175 or any other law or by any city charter or ordinance to hold a primary city election and there are:*

(a) *Not* more than twice the number of candidates to be elected ~~have filed for nomination for~~ *to* an office, *the candidates must, without a primary city election, be declared the nominees for the office,* and the names of ~~those~~ *the* candidates must be omitted from all ballots for ~~a~~ *the* primary city election and placed on all ballots for ~~a~~ *the* general city election.

~~{3.—If more}~~

(b) *More* than twice the number of candidates to be elected ~~have filed for nomination for~~ *to* an office, the names of the candidates must appear on the ballot for ~~a~~ *the* primary city election. ~~Except as otherwise provided in subsection 4 of NRS 293C.175, those~~ *Those* candidates who receive the highest number of votes at ~~that~~ *the primary city* election, not to exceed twice the number to be elected, must be declared nominees for the office ~~{ }~~, *and the names of those candidates must be placed on all ballots for the general city election.*

3. *The provisions of this section supersede and preempt any conflicting provisions of a city charter regarding the omission or the placement of the names of candidates on ballots for any required primary city election or general city election, regardless of the date of the enactment or amendment of the conflicting provisions of the city charter.*

Sec. 4. 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~~ :

(a) *The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter;*

(b) *All other* provisions of the general election laws of ~~the~~ *this* State ~~of Nevada~~, *so far as those laws can be made applicable and are not inconsistent with the provisions of this Charter;* and ~~any~~

(c) *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,}~~ *7*, 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.]~~ 7, 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 second 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)

~~6. 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. (Add. 10; Amd. 7; 6-2-1981)~~

~~—7.]~~ 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.]~~ 7. 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.]~~ 8. If the City Council adopts an ordinance pursuant to subsection ~~[8.]~~ 7, 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.



~~{H0}~~ 9. If the City Council adopts an ordinance pursuant to subsection ~~{8}~~ 7, 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.

~~{H1}~~ 10. 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. 5. Section 5.020 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 66, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~{shall}~~ *must* be governed by ~~{the}~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~{such}~~ *those* laws can be made applicable and are not inconsistent with the provisions of this Charter.

2. The conduct of all municipal elections shall be under the control of the City Council. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 6. Section 5.020 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 615, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under Board of Council Members' control; voting precincts.

1. All elections held under this Charter ~~{shall}~~ *must* be governed by ~~{the}~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as ~~{such}~~ *those* laws can be made applicable and are not inconsistent ~~{herewith}~~ *with the provisions of this Charter.*



2. The conduct of all municipal elections shall be under the control of the Board of Council Members. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the Board of Council Members shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

3. There shall be but one voting precinct in the City. All elective officers shall be elected by the voters of the City at large.

Sec. 7. Section 5.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 295, Statutes of Nevada 2015, at page 1481, 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 ~~the statewide elections, at which time there must be nominated candidates for offices to be voted for at the next general~~ **primary** election.

2. A candidate for any office to be voted for at ~~any~~ **the** 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 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. 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. 8. Section 5.030 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 118, Statutes of Nevada 1985, at page 478, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under control of Clerk; Board regulations.



1. All elections ~~[which are]~~ held under this Charter ~~[are]~~ *must be* governed by ~~[the]~~ :

(a) *The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and*

(b) *All other* provisions of the election laws of this State, ~~[as]~~ *so* far as those laws can be made applicable and are not inconsistent with *the provisions of* this Charter.

2. The conduct of all municipal elections is under the control of the Clerk. For the conduct of municipal elections, for the prevention of fraud in those elections and for the recount of ballots in cases of doubt or fraud, the Board shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 9. Section 5.020 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 463, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under control of City Council.

1. All elections held under this Charter ~~[are]~~ *must be* governed by ~~[the]~~ :

(a) *The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and*

(b) *All other* provisions of the election laws of this State, so far as ~~[such]~~ *those* laws can be made applicable and are not inconsistent ~~[herewith.]~~ *with the provisions of this Charter.*

2. The conduct of all municipal elections is under the control of the City Council. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 10. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1214, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. Except as otherwise provided in section 5.020, 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. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.



3. All candidates for elective office must be voted upon by the registered voters of the City at large.

~~[4. If in the primary municipal 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 municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the 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 office. Such candidate shall enter upon his or her respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.]~~

Sec. 11. Section 5.030 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2215, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~are~~ *must be* governed by ~~the~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent ~~herewith.~~ with the provisions of this Charter.

2. The conduct of all municipal elections is under the control of the City Council. The City Council shall by ordinance provide for the holding of the election, appoint the necessary officers thereof and do all the things required to carry the election into effect as it considers desirable and consistent with law and this Charter.

Sec. 12. 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 office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general municipal election need be held for that office. If, in the primary municipal election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.]~~

Sec. 13. Section 5.030 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1415, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council's control.

1. All elections ~~[which are]~~ held under this Charter ~~[are]~~ *must be* governed by ~~[the]~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and



(b) *All other provisions of the* election laws of ~~[the]~~ *this* State, ~~as~~ *so* far as those laws can be made applicable and are not inconsistent with *the provisions of* this Charter.

2. The conduct of all municipal elections is under the control of the City Council. The City Council shall prescribe by ordinance all of the regulations which it considers are desirable and consistent with law and this Charter for the conduct of municipal elections, for the prevention of fraud in those elections and for the recount of ballots in cases of doubt or fraud.

Sec. 14. Section 5.020 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1885, is hereby amended to read as follows:

Sec. 5.020 Primary municipal election.

~~[1.]~~ A primary municipal election must be held on the second Tuesday in June in each even-numbered year pursuant to NRS 293.175, as amended from time to time.

~~[2. In a primary municipal election, if the number of votes a candidate receives is:~~

~~—(a) Equal to or greater than a majority of the number of voters participating in the primary election for that seat, that candidate must be declared elected and the name of the candidate must not be placed on the ballot for the general municipal election.~~

~~—(b) Less than a majority of the number of voters participating in the primary election for that seat, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election.~~

~~—3. For the purposes of this section, a majority of the number of voters participating in a primary municipal election for a seat is determined as follows:~~

~~—(a) If there is an even number of voters participating in the primary election for a seat, a majority of those voters is determined by dividing the number of voters in half and adding one.~~

~~—(b) If there is an odd number of voters participating in the primary election for a seat, a majority of those voters is determined by dividing the number of voters in half and rounding up to the nearest whole number.]~~

Sec. 15. Section 5.040 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1886, is hereby amended to read as follows:

Sec. 5.040 Applicability of state election laws; elections under City Council control.



1. All elections held under this Charter ~~[are]~~ *must be* governed by ~~[the]~~ :

(a) *The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and*

(b) *All other* provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent ~~[herewith.]~~ *with the provisions of this Charter.*

2. The conduct of all municipal elections is under the control of the City Council.

3. The City Council shall by ordinance provide for the holding of a municipal election, appoint the necessary officers thereof and do all the things required to carry the election into effect as it considers desirable and consistent with law and this Charter.

4. Notwithstanding any other provision of this Charter, the City Council may enter into an interlocal agreement with another public entity to conduct municipal elections or any portion thereof.

Sec. 16. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 963, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

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

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

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



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

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

~~— 4. If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election need be held for that office.]~~

Sec. 17. Section 5.030 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1224, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter ~~[shall]~~ *must* be governed by ~~[the]~~ :

(a) *The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and*

(b) *All other* provisions of the election laws of this State, so far as ~~[such]~~ *those* laws can be made applicable and are not inconsistent ~~[herewith.]~~ *with the provisions of this Charter.*

2. The conduct of all municipal elections shall be prescribed by ordinance. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 18. Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 584, Statutes of Nevada 2017, at page 4202, 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,]~~ *When required by the provisions of NRS 293C.180, a primary election for any [such] office must be held on the date fixed by the election laws of the State for the 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~~ **primary** 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 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.

~~[(e)]~~ (b) Candidates for Mayor, Municipal Judge, City Attorney and Council Member at large must be voted upon by all registered voters of the City.

Sec. 19. Section 5.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 9, Statutes of Nevada 1993, at page 23, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held ~~[pursuant to]~~ **under** this Charter must be governed by ~~[the]~~ :

(a) ***The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and***

(b) ***All other*** provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent ~~[herewith.]~~ ***with the provisions of this Charter.***

2. The conduct of all elections must be under the control of the City Council. For the conduct of elections, for the prevention of fraud in those elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 20. Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 113, Statutes of Nevada 2017, at page 488, is hereby amended to read as follows:

Sec. 5.020 Primary elections.

~~[(1)]~~ At the primary election:

~~[(a)]~~ **I.** Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large.



~~[(b)]~~ 2. 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. 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 at the primary election, regardless of the number of candidates for an office, one candidate receives the majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected to the office and no general election need be held for that office. Such candidate shall enter upon his or her respective duties at the first regular City Council meeting next succeeding the meeting at which the canvass of the returns of the general election is made.]~~

Sec. 21. Section 5.030 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 41, Statutes of Nevada 2001, at page 398, is hereby amended to read as follows:

Sec. 5.030 Applicability of state election laws: Elections under City Council control.

1. All elections held ~~[pursuant to]~~ *under* this Charter must be governed by ~~[the]~~ :

(a) The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State , so far as ~~[such]~~ *those* laws can be made applicable and are not inconsistent ~~[herewith.]~~ *with the provisions of this Charter.*

2. The conduct of all elections must be under the control of the City Council. For the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 22. Section 5.100 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 113, Statutes of Nevada 2017, at page 488, 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 1. The election returns from any election must be filed
2 with the City Clerk, who shall immediately place the returns
3 in a safe or vault. No person may handle, inspect or in any
4 manner interfere with the returns until canvassed by the City
5 Council.

6 2. The City Council shall meet within 10 days after any
7 election and canvass the returns and declare the result. The
8 election returns must then be sealed and kept by the City
9 Clerk for 22 months, and no person may have access to them
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 a certificate of election to each person
14 elected. ~~[Except as otherwise provided in subsection 3 of~~
15 ~~section 5.020, the]~~ *The* officers elected shall qualify and enter
16 upon the discharge of their respective duties at the first
17 regular City Council meeting following their election.

18 4. If any election results in a tie, the City Council shall
19 summon the candidates who received the tie vote and
20 determine the tie by lot. The City Clerk shall then issue to the
21 winner a certificate of election.

22 **Sec. 23.** Section 5.020 of the Charter of the City of Wells,
23 being chapter 275, Statutes of Nevada 1971, at page 469, is hereby
24 amended to read as follows:

25 Sec. 5.020 Applicability of state election laws; elections
26 under Board of Council Members' control; voting precincts.

27 1. All elections held under this Charter ~~[shall]~~ *must* be
28 governed by ~~[the]~~ :

29 (a) *The provisions of NRS 293C.180, which supersede*
30 *and preempt any conflicting provisions of this Charter; and*

31 (b) *All other* provisions of the election laws of this State,
32 so far as ~~[such]~~ *those* laws can be made applicable and are not
33 inconsistent ~~[herewith.]~~ *with the provisions of this Charter.*

34 2. The conduct of all municipal elections shall be under
35 the control of the Board of Council Members. For the conduct
36 of municipal elections, for the prevention of fraud in such
37 elections, and for the recount of ballots in cases of doubt or
38 fraud, the Board of Council Members shall adopt by
39 ordinance all regulations which it considers desirable and
40 consistent with law and this Charter.

41 3. There shall be but one voting precinct in the City. All
42 elective officers shall be elected by the voters of the City at
43 large.



Sec. 24. Section 5.020 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 912, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws, elections under City Council control.

1. All elections held under this Charter ~~[shall]~~ *must* be governed by ~~[the]~~ :

(a) *The provisions of NRS 293C.180, which supersede and preempt any conflicting provisions of this Charter; and*

(b) *All other* provisions of the election laws of this State, so far as ~~[such]~~ *those* laws can be made applicable and are not inconsistent ~~[herewith.]~~ *with the provisions of this Charter.*

2. The conduct of all municipal elections shall be under the control of the City Council. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

Sec. 25. The amendatory provisions of this act do not apply to or abrogate, alter or affect the results of any election conducted before January 1, 2020.

Sec. 26. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations, passing any ordinances and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2020, for all other purposes.

