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SECOND REPRINT

A.B. 282

ASSEMBLY BILL NO. 282—ASSEMBLYMEN
SPIEGEL; COHEN AND FUMO

MARCH 18, 2019

JOINT SPONSORS: SENATORS PICKARD AND WOODHOUSE

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises the Charter of the City of Henderson.
(BDR 24-939)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 5)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 the City of Henderson; requiring, under certain circumstances, a member of the City Council of the City of Henderson to be elected only by the registered voters of the ward that he or she seeks to represent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the existing Charter of the City of Henderson, the City is divided into four wards, but the candidates for the office of Council Member are voted on by the registered voters of the City at large. (Henderson City Charter §§ 1.040, 2.010, 5.010, 5.020) In addition, under the existing Charter of the City of Henderson, the City holds primary and general city elections in odd-numbered years, but the City may by ordinance provide for its elections to be held in even-numbered years on the statewide election cycle. (Henderson City Charter §§ 5.010, 5.020) Finally, under the Nevada Constitution, the Legislature may amend the existing Charter of the City of Henderson to require the City's elections to be held in even-numbered years on the statewide election cycle. (Nev. Const. Art. 4, § 27, Art. 8, § 1) In sections 26, 29 and 30 of Assembly Bill No. 50 of this session, the Legislature proposes to amend the existing Charter of the City of Henderson to require the City's elections to be held in even-numbered years on the statewide election cycle.

Section 5 of this bill requires the City Council to place a question on the ballot at: (1) the general city election held in June 2021; or (2) if no general city election will be held in June 2021 because the City will be holding its elections in



even-numbered years on the statewide election cycle, the general election held in November 2022. The ballot question will ask the registered voters of the City whether the Charter of the City should be amended to require that the candidates for members of the City Council of the City of Henderson be voted upon only by the registered voters of the ward that the candidate seeks to represent. If the voters of the City approve the ballot question: (1) the applicable sections of this bill become effective; and (2) candidates for the office of Council Member of the City must be voted upon at subsequent elections only by the registered voters of the ward that the candidate seeks to represent. If the voters of the City do not approve the ballot question: (1) the applicable sections of this bill do not become effective; and (2) candidates for the office of Council Member of the City will continue to be voted upon at subsequent elections by the registered voters of the City at large.

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

Section 1. Section 1.060 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 231, Statutes of Nevada 1991, at page 511, is hereby amended to read as follows:

Sec. 1.060 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) ~~Four~~ *One* Council ~~Members~~ *Member from each ward.*

(c) Municipal Judges.

2. Such officers shall be elected as provided by this Charter.

Sec. 2. 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~~ *one* Council ~~Members~~ *Member from each ward* 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.

Sec. 2.5. Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by section 26 of Assembly Bill No. 50 of the 80th Session of the Nevada Legislature, 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]~~ **one** Council ~~[Members]~~ **Member from each ward** 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 sections 5.020 and 5.120, 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.

Sec. 3. 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 , *other than candidates for the office of Council Member*, must be voted upon by the registered voters of the City at large.

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

5. 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. 3.5. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by section 29 of Assembly Bill No. 50 of the 80th Session of the Nevada Legislature, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. A primary municipal election must be held:

(a) On the first Tuesday after the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-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 , *other than candidates for the office of Council Member*, must be voted upon by the registered voters of the City at large.

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

5. 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:

(a) If the primary municipal election was held in 2019, the second regular meeting of the City Council held in June 2019.

(b) If the primary municipal election was held on the second Tuesday of June of an even-numbered year, the first regular meeting of the City Council held in January of the year following the primary municipal election.

Sec. 4. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 336, Statutes of Nevada 2015, at page 1890, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection ~~2~~ 4:



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

~~(b) [All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council 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.~~

~~—(c)]~~ On the second Tuesday after the first Monday in June 2019, 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.

~~[(d)]~~ (c) On the second Tuesday after the first Monday in June 2021, 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)]~~ (d) On the second Tuesday after the first Monday in June 2017, 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. *All candidates for elective office, other than candidates for the office of Council Member, must be voted upon by the registered voters of the City at large.*

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

4. 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-]~~ 5. If the City Council adopts an ordinance pursuant to subsection ~~[2-]~~ 4, 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.]~~ 6. If the City Council adopts an ordinance pursuant to subsection ~~[2.]~~ 4, 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.

Sec. 4.5. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by section 30 of Assembly Bill No. 50 of the 80th Session of the Nevada Legislature, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. ~~[0=]~~ *Notwithstanding the provisions of subsections 7 and 8, on* the second Tuesday after the first Monday in June 2019, there must be elected by the qualified voters of the City ~~[.]~~ *pursuant to the provisions of this Charter in effect at [a]* the general municipal election ~~[to be]~~ held for that purpose:

(a) Three Council Members who shall hold office until their successors have been elected and qualified pursuant to subsection 4; and

(b) A Municipal Judge for Department 1 who shall hold office until his or her successor has been elected and qualified pursuant to subsection 6.

2. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 4 years, there must be elected , ~~[by the qualified voters of the City,]~~ at a general municipal election to be held for that purpose, a Mayor and one Council Member who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 6 years, 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 shall hold office for a period of 6 years and until his or her successor has been elected and qualified.

4. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 4 years, there must be elected , ~~[by the qualified voters of the City,]~~ at a general municipal election to be held for that purpose, three Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

5. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 6 years, 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 shall hold office for a period of 6 years and until his or her successor has been elected and qualified.

6. On the first Tuesday after the first Monday in November 2026, and at each successive interval of 6 years, there must be elected , ~~[by the qualified voters of the City,]~~ at a general municipal election held for that purpose, a Municipal Judge for Department 1 who shall hold office for a period of 6 years and until his or her successor has been elected and qualified.

7. All candidates for elective office, other than candidates for the office of Council Member, must be voted upon by the registered voters of the City at large.

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

Sec. 5. 1. The City Council of the City of Henderson shall submit the question set forth in subsection 2 on the ballot:

(a) Except as otherwise provided in paragraph (b), at the general city election held in June 2021; or

(b) If a general city election is not held in June 2021, at the general election held in November 2022.

2. The question required pursuant to subsection 1 must be in substantially the following form:

Shall the Charter of the City of Henderson be amended to require that a candidate for member of the City Council of the City of Henderson be voted upon only by the registered voters of the ward that the candidate seeks to represent?

Yes ☐ No ☐

The voter shall mark the ballot by placing a cross (x) next to the word “yes” or “no” or by casting his or her vote for or against the question by another method of voting used in the City under the standards adopted pursuant to NRS 293C.369.

3. The provisions of NRS 293.481 and 295.217 apply to the City Council for purposes of submitting the question set forth in subsection 2 to the voters, except that the question must not be withdrawn by the City Council pursuant to subsection 4 of NRS 293.481.

4. If sections 26, 29 and 30 of Assembly Bill No. 50 of the 80th Session of the Nevada Legislature:



(a) Are not enacted into law and the question set forth in subsection 2 is approved by the voters, the provisions of sections 1, 2, 3 and 4 of this act apply to every city election that occurs following the election described in subsection 1.

(b) Are enacted into law and the question set forth in subsection 2 is approved by the voters, the provisions of sections 1, 2.5, 3.5 and 4.5 of this act apply to every city election that occurs following the election described in subsection 1.

Sec. 6. Notwithstanding any other provision of law to the contrary, any person:

1. Elected or appointed to the office of Council Member of the City of Henderson to represent the City at large and who holds office on the effective date of sections 1, 2, 3 and 4 of this act or sections 1, 2.5, 3.5 and 4.5 of this act, as applicable, shall be deemed to hold an office that represents the ward in which the person must be a qualified elector pursuant to section 2.010 of the Charter of the City of Henderson.

2. Appointed to the office of Council Member of the City of Henderson on or after the effective date of sections 1, 2, 3 and 4 of this act or sections 1, 2.5, 3.5 and 4.5 of this act, as applicable, shall be deemed to hold an office that represents the ward in which the person must be a qualified elector pursuant to section 2.010 of the Charter of the City of Henderson.

Sec. 7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 8. 1. This section and sections 5 and 7 of this act become effective upon passage and approval.

2. If sections 26, 29 and 30 of Assembly Bill No. 50 of the 80th Session of the Nevada Legislature:

(a) Are not enacted into law and the question set forth in subsection 2 of section 5 of this act is approved by the voters of the City of Henderson, sections 1, 2, 3, 4 and 6 of this act become effective upon the completion of the canvass of the election described in subsection 1 of section 5 of this act by the City Council pursuant to section 5.100 of the Charter of the City of Henderson.

(b) Are enacted into law and the question set forth in subsection 2 of section 5 of this act is approved by the voters of the City of Henderson, sections 1, 2.5, 3.5, 4.5 and 6 of this act become effective upon the completion of the canvass of the election described in subsection 1 of section 5 of this act by the City Council pursuant to section 5.100 of the Charter of the City of Henderson.

