Amendment No. 461

Assembly Amendment to Assembly Bill No. 282	(BDR 24-939)

Proposed by: Assembly Committee on Legislative Operations and Elections

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: Yes Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 282 (§ 5).

ASSEMBLY ACTION	Initial and Date	**SENATE ACTION**	Initial and Date
Adopted ☐ Lost ☐	_____	Adopted ☐ Lost ☐	_____
Concurred In ☐ Not ☐	_____	Concurred In ☐ Not ☐	_____
Receded ☐ Not ☐	_____	Receded ☐ Not ☐	_____

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) <u>orange double underlining</u> is deleted language in the original bill proposed to be retained in this amendment.

ERS/HAC   Date: 4/20/2019

A.B. No. 282—Revises provisions relating to municipal elections. (BDR 24-939)

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

MARCH 18, 2019
——————

JOINT SPONSORS: SENATORS PICKARD AND WOODHOUSE
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Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises [provisions relating to municipal elections.] **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 (§[§ 4, 10, 14, 15, 19, 20, 24, 25, 30, 31, 35, 36, 41, 42, 46, 51, 54, 55, 58, 60, 64, 65, 71, 76)] **5)**
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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AN ACT relating to [cities; requiring cities to be divided into wards; setting forth certain requirements for dividing a city into wards;] **the City of Henderson;** requiring **, under certain circumstances,** a member of the [governing body] **City Council** of [a city] **the City of Henderson** to be elected only by the registered voters of the ward that he or she seeks to represent; [requiring a vacancy on the governing body of a city to be filled at a special election under certain circumstances;] and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 [Under existing law, a city incorporated pursuant to general law may be divided into a
2 certain number of wards based on the population of the city, with each ward represented on
3 the governing body of the city by a council member. If a city is not divided into wards, all
4 members of a city council are elected by and represent the city at large. (NRS 266.095,
5 266.215, 266.220)
6   Under the existing charters of Boulder City, Caliente, Carlin, Elko, Mesquite, Wells and
7 Yerington, the cities are not divided into wards and candidates for Council Member must be
8 voted on by the registered voters of the City at large in both a primary and a general election.
9 (Charter of Boulder City §§ 4, 96; Caliente City Charter § 2.010; Carlin City Charter §§
10 2.010, 5.020; Elko City Charter § 2.010; Mesquite City Charter §§ 2.010, 5.010; Wells City
11 Charter §§ 2.010, 5.020; Yerington City Charter § 2.010)
12   Under the existing charters of Carson City and the City of Henderson, the cities are
13 divided into wards, but the candidates for Supervisor and Council Member , respectively, are
14 voted on by the registered voters of the City at large. (Carson City Charter §§ 1.060, 2.010,
15 5.010, 5.020; Henderson City Charter §§ 1.040, 2.010, 5.010, 5.020)

16 ~~Under the existing charters of Las Vegas, North Las Vegas and Sparks, the cities are~~
17 ~~divided into wards and the candidates for Council Member are voted upon only by the~~
18 ~~registered voters of the ward that the candidate seeks to represent. (Las Vegas City Charter §§~~
19 ~~1.130, 2.020, 5.010, 5.020; North Las Vegas City Charter §§ 1.045, 2.010, 5.010, 5.020;~~
20 ~~Sparks City Charter §§ 1.040, 1.060, 5.010, 5.020)~~
21 ~~In 2017, the Charter of the City of Reno was amended to increase the number of wards in~~
22 ~~the City of Reno from five to six and replace the Council Member who represents the city at~~
23 ~~large with a Council Member to represent the newly created sixth ward, effective January 1,~~
24 ~~2024. (Assembly Bill No. 36, chapter 584 Statutes of Nevada 2017, p. 4195; Reno City~~
25 ~~Charter §§ 1.050, 2.010, 5.010, 5.020)~~
26 ~~This bill requires each city incorporated pursuant to general law or charter to be divided~~
27 ~~into wards where each ward is represented on the governing body of the city by a member~~
28 ~~who is elected only by the registered voters of the ward. Effective January 1, 2023, and with~~
29 ~~limited exception: (1) each city must be divided into wards such that there is an odd number~~
30 ~~of voting members on the governing body, including the city mayor, if applicable; (2) each~~
31 ~~city may not have more than eight wards if the Mayor is a voting member of the governing~~
32 ~~body or nine wards if the Mayor is not a voting member of the governing body, unless the~~
33 ~~voters of the city approve having more than eight or nine wards, respectively; (3) each ward~~
34 ~~must be, as nearly as practicable, of equal population; and (4) the population of each ward~~
35 ~~must be less than the average population of assembly districts in the State as determined at the~~
36 ~~time of the most recent apportionment of assembly districts. This bill also requires, with~~
37 ~~limited exception, that the number and boundaries of existing wards be changed when the~~
38 ~~population of any ward is more than the average population of assembly districts in the State~~
39 ~~as determined at the time of the most recent apportionment of assembly districts.~~
40 ~~Under existing law, a vacancy on the governing body of a city may be filled by~~
41 ~~appointment or by special election. (NRS 268.325) Section 9 of this bill requires such a~~
42 ~~vacancy to be filled at a special election if appointing a member to fill the vacancy would~~
43 ~~result in a majority of the governing body to have been appointed to the office.]~~
44 **Under the existing Charter of the City of Henderson, the City is divided into four**
45 **wards, but the candidates for the office of Council Member are voted on by the**
46 **registered voters of the City at large. (Henderson City Charter §§ 1.040, 2.010, 5.010,**
47 **5.020) In addition, under the existing Charter of the City of Henderson, the City holds**
48 **primary and general city elections in odd-numbered years, but the City may by**
49 **ordinance provide for its elections to be held in even-numbered years on the statewide**
50 **election cycle. (Henderson City Charter §§ 5.010, 5.020) Finally, under the Nevada**
51 **Constitution, the Legislature may amend the existing Charter of the City of Henderson**
52 **to require the City's elections to be held in even-numbered years on the statewide**
53 **election cycle. (Nev. Const. Art. 4, § 27, Art. 8, § 1)**
54 **Section 5 of the bill requires the City Council to place a question on the ballot at: (1)**
55 **the general city election held in June 2021; or (2) if no general city election will be held in**
56 **June 2021 because the City will be holding its elections in even-numbered years on the**
57 **statewide election cycle, the general election held in November 2022. The ballot question**
58 **will ask the registered voters of the City whether the Charter of the City should be**
59 **amended to require that the candidates for members of the City Council of the City of**
60 **Henderson be voted upon only by the registered voters of the ward that the candidate**
61 **seeks to represent. If the voters of the City approve the ballot question: (1) sections 1-4**
62 **of this bill become effective; and (2) candidates for the office of Council Member of the**
63 **City must be voted upon at subsequent elections only by the registered voters of the**
64 **ward that the candidate seeks to represent. If the voters of the City do not approve the**
65 **ballot question: (1) sections 1-4 do not become effective; and (2) candidates for the office**
66 **of Council Member of the City will continue to be voted upon at subsequent elections by**
67 **the registered voters of the City at large.**

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

1 **Delete existing sections 1 through 80 of this bill and replace with the following**
2 **new sections 1 through 8:**
3
4   ***Section 1.*** <u>**Section 1.060 of the Charter of the City of Henderson, being**</u>
5 <u>**chapter 266, Statutes of Nevada 1971, as amended by chapter 231, Statutes of**</u>
6 <u>**Nevada 1991, at page 511, is hereby amended to read as follows:**</u>
7   Sec. 1.060 Elective offices.
8   1. The elective officers of the City consist of:
9   (a) A Mayor.
10   (b) [Four] *One* Council [Members.] *Member from each ward.*
11   (c) Municipal Judges.
12   2. Such officers shall be elected as provided by this Charter.
13   ***Sec. 2.*** <u>**Section 2.010 of the Charter of the City of Henderson, being**</u>
14 <u>**chapter 266, Statutes of Nevada 1971, as last amended by chapter 218, Statutes**</u>
15 <u>**of Nevada 2011, at page 955, is hereby amended to read as follows:**</u>
16   Sec. 2.010 City Council: Qualifications; election; term of office;
17 salary.
18   1. The legislative power of the City is vested in a City Council
19 consisting of [four] *one* Council [Members] *Member from each ward* and
20 the Mayor.
21   2. The Mayor must be:
22   (a) A bona fide resident of the territory which is established by the
23 boundaries of the City for the 12 months immediately preceding the last
24 day for filing a declaration of candidacy for the office.
25   (b) A qualified elector within the City.
26   3. Each Council Member must be:
27   (a) A bona fide resident of the territory which is established by the
28 boundaries of the City for the 12 months immediately preceding the last
29 day for filing a declaration of candidacy for the office.
30   (b) A qualified elector within the ward which he or she represents.
31   (c) A resident of the ward which he or she represents for at least 30
32 days immediately preceding the last day for filing a declaration of
33 candidacy for the office, except that changes in ward boundaries pursuant
34 to the provisions of section 1.040 do not affect the right of any elected
35 Council Member to continue in office for the term for which he or she was
36 elected.
37   4. All Council Members, including the Mayor, [must be voted upon
38 by the registered voters of the City at large and,] except as otherwise
39 provided in section 5.020, shall serve for terms of 4 years.
40   5. The Mayor and Council Members are entitled to receive a salary in
41 an amount fixed by the City Council. The City Council shall not adopt an
42 ordinance which increases or decreases the salary of the Mayor or the
43 Council Members during the term for which they have been elected or
44 appointed.
45   ***Sec. 3.*** <u>**Section 5.010 of the Charter of the City of Henderson, being**</u>
46 <u>**chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes**</u>
47 <u>**of Nevada 2013, at page 1214, is hereby amended to read as follows:**</u>
48   Sec. 5.010 Primary municipal election.

1   1.   Except as otherwise provided in section 5.020, a primary municipal
2   election must be held on the Tuesday after the first Monday in April of each
3   odd-numbered year, at which time there must be nominated candidates for
4   offices to be voted for at the next general municipal election.
5   2.   A candidate for any office to be voted for at any primary municipal
6   election must file a declaration of candidacy as provided by the election
7   laws of this State.
8   3.   All candidates for elective office *other than candidates for*
9   *Council Member* must be voted upon by the registered voters of the City at
10 large.
11   4.   *A candidate for Council Member must be voted upon only by the*
12 *registered voters of the ward that he or she seeks to represent.*
13   *5.* If in the primary municipal election no candidate receives a
14 majority of votes cast in that election for the office for which he or she is a
15 candidate, the names of the two candidates receiving the highest number of
16 votes must be placed on the ballot for the general municipal election. If in
17 the primary municipal election, regardless of the number of candidates for
18 an office, one candidate receives a majority of votes cast in that election for
19 the office for which he or she is a candidate, he or she must be declared
20 elected and no general municipal election need be held for that office. Such
21 candidate shall enter upon his or her respective duties at the second regular
22 meeting of the City Council held in June of the year of the general
23 municipal election.
24 **Sec. 4.   Section 5.020 of the Charter of the City of Henderson, being**
25 **chapter 266, Statutes of Nevada 1971, as last amended by chapter 336, Statutes**
26 **of Nevada 2015, at page 1890, is hereby amended to read as follows:**
27   Sec. 5.020   General municipal election.
28   1.   Except as otherwise provided in subsection 2:
29   (a) A general municipal election must be held in the City on the second
30 Tuesday after the first Monday in June of each odd-numbered year, at
31 which time the registered voters of the City shall elect city officers to fill
32 the available elective positions.
33   (b) [All candidates for the office of Mayor, Council Member and
34 Municipal Judge must be voted upon by the registered voters of the City at
35 large. The term of office for members of the City Council and the Mayor is
36 4 years. Except as otherwise provided in subsection 3 of section 4.015, the
37 term of office for a Municipal Judge is 6 years.
38   (c)] On the second Tuesday after the first Monday in June 2019, and
39 every 6 years thereafter, there must be elected by the qualified voters of the
40 City, at a general municipal election to be held for that purpose, a
41 Municipal Judge for Department 1 who will hold office until his or her
42 successor has been elected and qualified.
43   [(d)] *(c)* On the second Tuesday after the first Monday in June 2021,
44 and every 6 years thereafter, there must be elected by the qualified voters of
45 the City, at a general municipal election to be held for that purpose, a
46 Municipal Judge for Department 2 who will hold office until his or her
47 successor has been elected and qualified.
48   [(e)] *(d)* On the second Tuesday after the first Monday in June 2017,
49 and every 6 years thereafter, there must be elected by the qualified voters of
50 the City, at a general municipal election to be held for that purpose, a
51 Municipal Judge for Department 3 who will hold office until his or her
52 successor has been elected and qualified.

1   2. *All candidates for the office of Mayor and Municipal Judge must*
2 *be voted upon by the registered voters of the City at large.*
3   *3. A candidate for the office of Council Member must be voted upon*
4 *by the registered voters of the ward that he or she seeks to represent.*
5   *4.* The City Council may by ordinance provide for a primary
6 municipal election and general municipal election on the dates set forth for
7 primary elections and general elections pursuant to the provisions of
8 chapter 293 of NRS.
9 [3.] *5.* If the City Council adopts an ordinance pursuant to subsection
10 [2.] *4,* the dates set forth in NRS 293.12755, in subsections 2 to 5,
11 inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and
12 293.368 apply for the purposes of conducting the primary municipal
13 elections and general municipal elections.
14 [4.] *6.* If the City Council adopts an ordinance pursuant to subsection
15 [2.] *4,* the ordinance must not affect the term of office of any elected
16 official of the City serving in office on the effective date of the ordinance.
17 The next succeeding term for that office may be shortened but may not be
18 lengthened as a result of the ordinance.
19   *Sec. 5.* **1. The City Council shall submit the question set forth in**
20 **subsection 2 on the ballot:**
21 **(a) Except as otherwise provided in paragraph (b), at the general city**
22 **election held in June 2021; or**
23 **(b) If a general city election is not held in June 2021, at the general**
24 **election held in November 2022.**
25 **2. The question required pursuant to subsection 1 must be in**
26 **substantially the following form:**
27
28 **Shall the Charter of the City of Henderson be amended to require that a**
29 **candidate for member of the City Council of the City of Henderson be voted**
30 **upon only by the registered voters of the ward that the candidate seeks to**
31 **represent?**
32
33 **Yes ☐   No ☐**
34
35 **The voter shall mark the ballot by placing a cross (x) next to the word "yes" or**
36 **"no."**
37 **3. The provisions of NRS 293.481 apply to the City Council for purposes**
38 **of submitting the question set forth in subsection 2 to the voters.**
39 **4. If the question is approved by the voters, the provisions of sections 1 to**
40 **4, inclusive, of this act apply to every city election that occurs following the**
41 **election described in subsection 1.**
42   *Sec. 6.* **Notwithstanding any other provision of law to the contrary, any**
43 **person:**
44 **1. Elected or appointed to the office of Council Member of the City of**
45 **Henderson to represent the City at large and who holds office on the effective**
46 **date of sections 1 to 4, inclusive, of this act shall be deemed to hold an office**
47 **that represents the ward in which the person must be a qualified elector**
48 **pursuant to section 2.010 of the Charter of the City of Henderson.**
49 **2. Appointed to the office of Council Member of the City of Henderson**
50 **on or after the effective date of sections 1 to 4 , inclusive, this act shall be**
51 **deemed to hold an office that represents the ward in which the person must be**
52 **a qualified elector pursuant to section 2.010 of the Charter of the City of**
53 **Henderson.**

1   ***Sec. 7.*** **The provisions of NRS 354.599 do not apply to any additional**
2 **expenses of a local government that are related to the provisions of this act.**
3   ***Sec. 8.*** **1. This section and sections 5 and 7 of this act become effective**
4 **upon passage and approval.**
5   **2. Sections 1 to 4, inclusive, and 6 of this act become effective, if the**
6 **question set forth in section 5 of this act is approved by the voters of the City,**
7 **upon the completion of the canvass of the election described in subsection 1 of**
8 **section 5 of this act by the City Council pursuant to Section 5.100 of the**
9 **Charter of the City of Henderson.**