

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Eighty-first Session
February 18, 2021**

The Senate Committee on Legislative Operations and Elections was called to order by Chair James Ohrenschall at 3:33 p.m. on Thursday, February 18, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator James Ohrenschall, Chair
Senator Roberta Lange, Vice Chair
Senator Nicole J. Cannizzaro
Senator Heidi Seevers Gansert
Senator Carrie A. Buck

GUEST LEGISLATORS PRESENT:

Senator Julia Ratti, Senatorial District No. 13

STAFF MEMBERS PRESENT:

Michael Stewart, Policy Analyst
Bryan Fernley, Counsel
Barbara Young, Committee Secretary

OTHERS PRESENT:

Wes Duncan, Chief Assistant City Attorney, City of Sparks
Bob LaRiviere, Chair, Sparks Charter Committee, City of Sparks
Michael D. Hillerby

CHAIR OHRENSCHALL:

Today we will hear Senate Bill (S.B.) 82 which proposes to amend the Charter of the City of Sparks. Senator Ratti will present S.B. 82.

SENATE BILL 82: Makes changes to various provisions of the Charter of the City of Sparks. (BDR S-489)

SENATOR JULIA RATTI (Senatorial District No. 13):

I will provide some background. I was a Sparks City Council member for eight years before I was elected to the Nevada State Senate. In the State of Nevada, we have some cities which are created and have all of their laws and regulations in *Nevada Revised Statutes* (NRS). We have another group of cities, known as charter cities. The charters act as the constitution for the cities. Some charter cities have charter committees. The committees are comprised of representatives in the community who help to advise the State and the city councils on any changes they might want to make to the charter. Not every charter city has a charter committee, but in the City of Sparks, we do.

The City of Sparks gets one bill draft every session, and if the City Charter Committee wants to present a bill draft, the Committee needs to find a Legislator who will provide that vehicle. I will give the City of Sparks a bill draft so the City can bring forward any changes it may want to make to its Charter. The Charter Committee wanted to bring S.B. 82 forward, and I would ask you to direct your questions to the two Committee representatives who are here today.

Bob LaRiviere is the chair of the Charter Committee and was leading the Charter Committee through the process to decide what changes the Committee might want to make. Mr. LaRiviere is a private citizen, not elected or appointed. This is not a paid position for him; he is a volunteer who leads the Committee. Wes Duncan is the Assistant City Attorney for the City of Sparks and will help present the bill and address any legal questions.

WES DUNCAN (Chief Assistant City Attorney, City of Sparks):

Senate Bill 82 seeks to ensure that Section 5.020 of the City of Sparks Charter's provisions, which deal with the primary, general election and a few other matters, mirror the provisions which are found in NRS 293C.180, NRS 293C.175, subsection 5, and NRS 293C.387, subsection 8. The City of Sparks has been using and operating under NRS 293, which governs city elections in *Nevada Revised Statutes*. The City has been using NRS as its guide, but as laws change, specifically, when we went to ward-only voting within cities in the last couple of legislatures, the charter has not caught up with NRS. The charter needs to mirror the exact language that is already in statute. Mr. LaRiviere will explain to you why the Charter Committee thought this was important. I will walk you through the language of the bill, and address any of your questions.

BOB LARIVIERE (Chair, Sparks Charter Committee, City of Sparks):

In 2016, the Charter Committee voted to amend the charter under Section 5.010. Then we went from citywide elections to ward-only voting. Now we want to amend Section 5.020. What we are looking to do in the election is, if there is only one applicant for office, that candidate is going to be declared the elected winner and will not appear on any ballots. If there are two or more candidates, they will go on the general ballot. This is specific language to move the bill forward.

MR. DUNCAN:

In section 1 of the bill, what is to be amended is Section 5.020 of the primary elections in subsection 2. The sentence that starts, "if at 5 p.m. on the last day for filing," is the exact language of NRS 293C.180, subsections 1 through 3. This is what the charter is seeking to amend. It means in section 1, subsection 3, paragraph (a), if there is only one candidate who files for office, that candidate will be declared the winner. This is consistent with NRS. There will not be an election. In section 1, subsection 2, paragraph (b) of the bill, it states if there are two candidates who have filed for the race, instead of having a primary election, those two candidates will be on the general election ballot. In section 1, subsection 2, paragraph (c) of the bill, if there are three or more candidates in a race, those candidates will go to the primary. That conforms with NRS 293C.180, subsection 3.

Next, in section 1, subsection 3, paragraph (a) of the bill, is a change that states if one candidate receives the majority of the votes cast in the election, that is to conform with NRS 293C.175, subsection 5. Section 1, subsection 3, paragraph (b) of the bill, is the exact language again of NRS 293C.175, subsection 5. It states if there are three or more candidates in the primary election, and no one receives a majority of the votes, the top two vote getters in the primary will go on to the general election.

Finally, is the amendment of section 2 of the bill, at the end in Section 5.100 of the Charter, subsection 3, where the new language starts with, "next succeeding the meeting at which the canvass of the returns of the election is made." That conforms with the requirements of NRS 293C.387, subsection 8. There must be a canvass of the returns within 10 days (without pandemic or emergency), or 13 days, which is consistent with A.B. No. 4 of the 32nd Special Session of last year. It states within ten days after an election, there is going to be the canvass of the certification of the election. At the next

city council meeting, the existing incumbents or the newly elected officials will then take office.

SENATOR SEEVERS GANSERT:

I am wondering about other municipalities. Does anyone else have to change their charters to conform? If you do not change, what would happen because you have State law that basically creates the same scenario?

MR. DUNCAN:

In our Charter, we conform to the State law. The Charter did not have this specific language. We were operating under NRS 293C, which governs all of the city elections. In the City of Sparks, the State law is going to always govern, and we are going to follow that law.

SENATOR SEEVERS GANSERT:

You are governed by State law, and this is just tying them together. I would imagine that we have a number of municipalities which are out of compliance.

SENATOR OHRENSCHALL:

With the primary elections in Sparks, if there are three or more candidates, and one candidate gets 50 percent of the vote plus one vote, is the election over, or do the top two candidates go to the general election? Does this change how those primaries would work, or would that stay the same with this change?

MR. DUNCAN:

Consistent with what this body did in the last Legislative Session, it will still remain the same. The person who received 50 percent of the vote plus one would be declared the winner. There would be no general election. What this Charter clarifies is that if there are only two people who are in the primary, there will not be a primary. It will go straight to a general election.

CHAIR OHRENSCHALL:

Are there any additional questions regarding S.B. 82? We are open to public testimony in support of the bill.

MICHAEL D. HILLERBY:

Thank you to everyone for bringing this bill forward. I support S.B. 82.

Senate Committee on Legislative Operations and Elections
February 18, 2021
Page 5

CHAIR OHRENSCHALL:

Do you have any closing comments, Senator Ratti?

SENATOR RATTI:

My gratitude, Chair Ohrenschall, for allowing us to present the bill.

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Senate Committee on Legislative Operations and Elections
February 18, 2021
Page 6

CHAIR OHRENSCHALL:

I will now close the hearing on S.B. 82. We are going to public comment. Since there are no callers, the meeting is adjourned at 3:55 p.m.

RESPECTFULLY SUBMITTED:

Barbara Young,
Committee Secretary

APPROVED BY:

Senator James Ohrenschall, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda