

ASSEMBLY BILL NO. 61—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE NEVADA LEAGUE OF
CITIES AND MUNICIPALITIES)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing the canvass of city elections. (BDR 24-371)

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 city elections; revising, under certain circumstances, the deadline for the governing body of a city to canvass and transmit the election returns from a city election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the governing body of a city to meet with the mayor to complete the canvass of the returns of a city election after the governing body receives the city election returns from all the precincts and districts in the city. The canvass of the returns of a city election must be completed and a certified abstract and mechanized report of the abstract of the election returns must be transmitted to the Secretary of State on or before the 10th day following the city election. (NRS 293C.387) This bill provides instead that if the county clerk prepares the returns for a city election and the governing body of the city does not receive the returns from all precincts and districts in the city in time to canvass the returns on or before the 10th day following the city election: (1) the governing body and mayor must meet as soon as practicable to canvass the returns; and (2) the city clerk must transmit the certified abstract and mechanized report as soon as practicable.



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

Section 1. NRS 293C.387 is hereby amended to read as follows:

293C.387 1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault designated by the city clerk. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.

2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. ~~[The]~~ *Except as otherwise provided in subsection 3, the* canvass must be completed on or before the 10th day following the election.

3. *If the county clerk prepares the returns for a city election and the governing body of the city does not receive the returns from all precincts and districts in the city in time to canvass the returns on or before the 10th day following the city election, the governing body and mayor must meet as soon as practicable to canvass the returns.*

4. In completing the canvass of the returns, the governing body of the city and the mayor shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

~~[4.]~~ 5. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

~~[5.]~~ 6. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.

~~[6.]~~ 7. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

(1) Certify the abstract;

(2) Make a copy of the certified abstract;

(3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;



(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State ~~and~~ :

(I) On or before the 10th day following the election ~~and~~ if the canvass is completed on or before the 10th day following the election pursuant to subsection 3; or

(II) As soon as practicable if the canvass is completed after the 10th day following the election pursuant to subsection 3; and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

~~7.1~~ **8.** After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which the person is nominated.

(b) General city election has been certified, the city clerk shall:

(1) Issue under his or her hand and official seal to each person elected a certificate of election; and

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

~~8.1~~ **9.** The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.

