

SENATE BILL NO. 5—SENATOR SETTELMAYER

PREFILED DECEMBER 19, 2014

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing elections for nonpartisan offices. (BDR 24-90)

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; providing that a candidate for nonpartisan office who receives a majority of the votes cast in a primary election or certain primary city elections must be declared the winner and not be placed on the ballot at a general election; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that if there are more candidates than twice the number to
2 be elected to a nonpartisan office, other than a city office: (1) the names of the
3 candidates must appear on the ballot for a primary election; and (2) those
4 candidates who receive the highest number of votes at that election, not to exceed
5 twice the number to be elected, must be declared nominees for the office. (NRS
6 293.260) **Section 1** of this bill provides that if one candidate receives a majority of
7 the votes cast in the primary election for the office for which he or she is a
8 candidate, the candidate must be declared elected to the office and his or her name
9 must not be placed on the ballot for the general election.

10 For primary city elections conducted in certain general law cities, existing law
11 provides that if one candidate receives “more than a majority” of the votes cast in
12 such an election for the office for which he or she is a candidate, the candidate must
13 be declared to be elected to the office and the candidate’s name must not be placed
14 on the ballot for the general city election. (NRS 293C.175) **Section 2** of this bill
15 amends the statute to clarify that such a candidate need only receive a majority of
16 the votes cast, not some greater number, to be declared to be elected. **Section 3** of
17 this bill makes a similar change to the Charter of Carson City.

18 For most charter cities that hold primary city elections, existing law provides
19 that if one candidate receives a majority of votes cast in the primary city election
20 for the office for which he or she is a candidate, the candidate must be declared
21 elected to the office and the candidate’s name must not be placed on the ballot for
22 the general city election. (Boulder City Charter § 96, Henderson City Charter §
23 5.010, Las Vegas City Charter § 5.010, North Las Vegas City Charter § 5.020)



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24 **Section 3** amends the Charter of Carson City so that this rule applies to Carson City
25 as well.

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

1 **Section 1.** NRS 293.260 is hereby amended to read as follows:
2 293.260 1. Where there is no contest of election for
3 nomination to a particular office, neither the title of the office nor
4 the name of the candidate may appear on the ballot.
5 2. If more than one major political party has candidates for a
6 particular office, the persons who receive the highest number of
7 votes at the primary elections must be declared the nominees of
8 those parties for the office.
9 3. If only one major political party has candidates for a
10 particular office and a minor political party has nominated a
11 candidate for the office or an independent candidate has filed for the
12 office, the candidate who receives the highest number of votes in
13 the primary election of the major political party must be declared the
14 nominee of that party and his or her name must be placed on the
15 general election ballot with the name of the nominee of the minor
16 political party for the office and the name of the independent
17 candidate who has filed for the office.
18 4. If only one major political party has candidates for a
19 particular office and no minor political party has nominated a
20 candidate for the office and no independent candidate has filed for
21 the office:
22 (a) If there are more candidates than twice the number to be
23 elected to the office, the names of the candidates must appear on the
24 ballot for a primary election. Except as otherwise provided in this
25 paragraph, the candidates of that party who receive the highest
26 number of votes in the primary election, not to exceed twice the
27 number to be elected to that office at the general election, must be
28 declared the nominees for the office. If only one candidate is to be
29 elected to the office and a candidate receives a majority of the votes
30 in the primary election for that office, that candidate must be
31 declared the nominee for that office and his or her name must be
32 placed on the ballot for the general election.
33 (b) If there are no more than twice the number of candidates to
34 be elected to the office, the candidates must, without a primary
35 election, be declared the nominees for the office.
36 5. Where no more than the number of candidates to be elected
37 have filed for nomination for:



1 (a) Any partisan office, the office of judge of the Court of
2 Appeals or the office of justice of the Supreme Court, the names of
3 those candidates must be omitted from all ballots for a primary
4 election and placed on all ballots for a general election;

5 (b) Any nonpartisan office, other than the office of justice of the
6 Supreme Court, office of judge of the Court of Appeals or the office
7 of member of a town advisory board, the names of those candidates
8 must appear on the ballot for a primary election unless the
9 candidates were nominated pursuant to subsection 2 of NRS
10 293.165. If a candidate receives one or more votes at the primary
11 election, the candidate must be declared elected to the office and his
12 or her name must not be placed on the ballot for the general
13 election. If a candidate does not receive one or more votes at the
14 primary election, his or her name must be placed on the ballot for
15 the general election; and

16 (c) The office of member of a town advisory board, the
17 candidate must be declared elected to the office and no election
18 must be held for that office.

19 6. If there are more candidates than twice the number to be
20 elected to a nonpartisan office, the names of the candidates must
21 appear on the ballot for a primary election. ~~Those~~ *Except as*
22 *otherwise provided in this subsection, those* candidates who receive
23 the highest number of votes at that election, not to exceed twice the
24 number to be elected, must be declared nominees for the office. *If*
25 *one candidate receives a majority of the votes cast in the primary*
26 *election for that office, the candidate must be declared elected to*
27 *the office and his or her name must not be placed on the ballot for*
28 *the general election.*

29 **Sec. 2.** NRS 293C.175 is hereby amended to read as follows:

30 293C.175 1. Except as otherwise provided in NRS 293C.115,
31 a primary city election must be held in each city of population
32 category one, and in each city of population category two that has so
33 provided by ordinance, on the first Tuesday after the first Monday in
34 April of every year in which a general city election is to be held, at
35 which time there must be nominated candidates for offices to be
36 voted for at the next general city election.

37 2. Except as otherwise provided in NRS 293C.115, a candidate
38 for any office to be voted for at the primary city election must file a
39 declaration of candidacy with the city clerk not less than 60 days or
40 more than 70 days before the date of the primary city election. The
41 city clerk shall charge and collect from the candidate and the
42 candidate must pay to the city clerk, at the time of filing
43 the declaration of candidacy, a filing fee in an amount fixed by the
44 governing body of the city by ordinance or resolution. The filing



1 fees collected by the city clerk must be deposited to the credit of the
2 general fund of the city.

3 3. All candidates, except as otherwise provided in NRS
4 266.220, must be voted upon by the electors of the city at large.

5 4. If, in a primary city election held in a city of population
6 category one or two, one candidate receives ~~more than~~ a majority
7 of votes cast in that election for the office for which he or she is a
8 candidate, the candidate must be declared elected to the office and
9 the candidate's name must not be placed on the ballot for the
10 general city election. If, in the primary city election, no candidate
11 receives a majority of votes cast in that election for the office for
12 which he or she is a candidate, the names of the two candidates
13 receiving the highest number of votes must be placed on the ballot
14 for the general city election.

15 **Sec. 3.** Section 5.010 of the Charter of Carson City, being
16 chapter 213, Statutes of Nevada 1969, as last amended by chapter
17 100, Statutes of Nevada 1999, at page 271, is hereby amended to
18 read as follows:

19 Sec. 5.010 Primary election.

20 1. A primary election must be held on the date fixed by
21 the election laws of this state for statewide elections, at which
22 time there must be nominated candidates for offices to be
23 voted for at the next general election.

24 2. A candidate for any office to be voted for at any
25 primary election must file a declaration of candidacy as
26 provided by the election laws of this state.

27 3. All candidates for the office of Mayor and Supervisor,
28 and candidates for the office of Municipal Judge if a third
29 department of the Municipal Court has been established, must
30 be voted upon by the registered voters of Carson City at large.

31 4. If only two persons file for a particular office, their
32 names must not appear on the primary ballot but their names
33 must be placed on the ballot for the general election.

34 5. If in the primary election one candidate receives
35 ~~more than~~ a majority of votes cast in that election for the
36 office for which he or she is a candidate, ~~this or her name~~
37 ~~alone must be placed on the ballot for the general election.~~
38 *the candidate must be declared elected to the office and his*
39 *or her name must not be placed on the ballot for the general*
40 *election.* If in the primary election no candidate receives a
41 majority of votes cast in that election for the office for which
42 he or she is a candidate, the names of the two candidates
43 receiving the highest numbers of votes must be placed on the
44 ballot for the general election.

45 **Sec. 4.** (Deleted by amendment.)



- 1 **Sec. 5.** (Deleted by amendment.)
- 2 **Sec. 6.** (Deleted by amendment.)
- 3 **Sec. 7.** (Deleted by amendment.)

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