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SENATE BILL NO. 134—SENATOR RHOADS

FEBRUARY 8, 2011

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Referred to Committee on Government Affairs

**SUMMARY**—Amends the Charter of the City of Elko to change the timing of the general municipal election. (BDR S-543)

**FISCAL NOTE:** Effect on Local Government: May have Fiscal Impact.  
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.

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AN ACT relating to the City of Elko; providing for the general municipal election to be held on the date for the state general election; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 The existing Charter of the City of Elko provides that the general municipal  
2 election occurs on the first Tuesday after the first Monday in June of odd-numbered  
3 years. (Elko City Charter § 5.010) This bill amends the Charter to change the date  
4 of the general municipal election to coincide with the date of the state general  
5 election, which is held in November of even-numbered years, starting in November  
6 of 2012.

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

1 **Section 1.** Section 1.060 of the Charter of the City of Elko,  
2 being chapter 276, Statutes of Nevada 1971, as last amended by  
3 chapter 51, Statutes of Nevada 2001, at page 447, is hereby  
4 amended to read as follows:

5 Sec. 1.060 Elective offices: Vacancies. Except as  
6 otherwise provided in NRS 268.325:

7 1. A vacancy in the City Council must be filled by a  
8 majority vote of the members of the City Council within 30  
9 days after the occurrence of the vacancy. A person may be  
10 selected to fill a prospective vacancy in the City Council



1 before the vacancy occurs. In such a case, each member of the  
2 City Council, except any member whose term of office  
3 expires before the occurrence of the vacancy, may participate  
4 in any action taken by the City Council pursuant to this  
5 section. The appointee must have the same qualifications as  
6 are required of the elective official.

7 2. No such appointment extends beyond the first  
8 Monday in :

9 *(a) If the appointee is filling a vacancy occurring in an*  
10 *office for which an election is held pursuant to subsection 2*  
11 *of section 5.010, July after the next municipal election, at*  
12 *which election the office must be filled.*

13 *(b) If the appointee is filling a vacancy occurring in an*  
14 *office for which an election is held pursuant to subsection 1,*  
15 *3 or 4 of section 5.010, January after the next municipal*  
16 *election, at which election the office must be filled.*

17 **Sec. 2.** Section 2.010 of the Charter of the City of Elko, being  
18 chapter 276, Statutes of Nevada 1971, as last amended by chapter  
19 51, Statutes of Nevada 2001, at page 449, is hereby amended to read  
20 as follows:

21 Sec. 2.010 City Council: Qualifications; election; term  
22 of office; salary.

23 1. The legislative power of the City is vested in a City  
24 Council consisting of four members and the Mayor.

25 2. The members of the City Council must be:

26 (a) Bona fide residents of the City for at least 2 years  
27 before their election.

28 (b) Qualified electors within the City.

29 3. All members of the City Council must be voted upon  
30 by the registered voters of the City at large and , *except as*  
31 *otherwise provided in section 5.010*, shall serve for terms of  
32 4 years.

33 4. The members of the City Council must receive a  
34 salary in an amount fixed by the City Council.

35 **Sec. 3.** Section 5.010 of the Charter of the City of Elko, being  
36 chapter 276, Statutes of Nevada 1971, as amended by chapter 51,  
37 Statutes of Nevada 2001, at page 463, is hereby amended to read as  
38 follows:

39 Sec. 5.010 Municipal elections.

40 1. On the first Tuesday after the first Monday in June  
41 ~~[1975, and at each successive interval of 4 years,]~~ 2011, there  
42 must be elected by the qualified voters of the City, at a  
43 general election to be held for that purpose, a Mayor and two  
44 members of the City Council, ~~[who shall]~~ *all of whom* hold



1 office ~~for a period of 4 years and~~ until their successors have  
2 been elected and qualified ~~[ ]~~ pursuant to subsection 4.

3 2. On the first Tuesday after the first Monday in June  
4 ~~[1973, and at each successive interval of 4 years thereafter,]~~  
5 2009, there must be elected by the qualified voters of the  
6 City, at a general election to be held for that purpose, two  
7 members of the City Council, ~~who shall~~ both of whom hold  
8 office ~~for a period of 4 years and~~ until their successors have  
9 been elected and qualified ~~[ ]~~ pursuant to subsection 3.

10 3. On the first Tuesday after the first Monday in  
11 November 2012, and at each successive interval of 4 years  
12 thereafter, there must be elected by the qualified voters of  
13 the City, at a general election to be held for that purpose,  
14 two members of the City Council, both of whom hold office  
15 for a period of 4 years and until their successors have been  
16 elected and qualified.

17 4. On the first Tuesday after the first Monday in  
18 November 2014, and at each successive interval of 4 years  
19 thereafter, there must be elected by the qualified voters of  
20 the City, at a general election to be held for that purpose, a  
21 Mayor and two members of the City Council, all of whom  
22 hold office for a period of 4 years and until their successors  
23 have been elected and qualified.

24 **Sec. 4.** Section 5.090 of the Charter of the City of Elko, being  
25 chapter 276, Statutes of Nevada 1971, as last amended by chapter  
26 185, Statutes of Nevada 2007, at page 628, is hereby amended to  
27 read as follows:

28 Sec. 5.090 Election returns; canvass; certificates of  
29 election; entry of officers upon duties; tie vote procedure.

30 1. The election returns from a municipal election must  
31 be filed with the City Clerk, who shall immediately place the  
32 returns in a safe or vault. No person may handle, inspect or in  
33 any manner interfere with the returns until the returns are  
34 canvassed by the City Council.

35 2. The City Council shall meet within 6 working days  
36 after an election and canvass the returns and declare the  
37 result. The election returns must be sealed and kept by the  
38 City Clerk for 2 years, and no person may have access thereto  
39 except on order of a court of competent jurisdiction or by  
40 order of the City Council.

41 3. The City Clerk, under his hand and official seal, shall  
42 issue to each person declared to be elected a certificate of  
43 election. The officers so elected shall qualify and enter  
44 upon the discharge of their respective duties on the first  
45 Monday in :



- 1            *(a) If the officer is elected pursuant to subsection 1 or 2*
- 2            *of section 5.010, July next following ~~their~~ his or her*
- 3            *election.*
- 4            *(b) If the officer is elected pursuant to subsection 3 or 4*
- 5            *of section 5.010, January next following his or her election.*
- 6            4. If any election should result in a tie, the City Council
- 7            shall summon the candidates who received the tie vote and
- 8            determine the tie by lot. The Clerk shall then issue to the
- 9            winner a certificate of election.
- 10          **Sec. 5.** This act becomes effective upon passage and approval.

