

Senate Bill No. 202–Senator Ratti

Joint Sponsor: Assemblyman Sprinkle

CHAPTER.....

AN ACT relating to the City of Sparks; requiring newly elected municipal judges to be licensed members of the State Bar of Nevada; requiring that a candidate for City Council Member be voted on in a general election only by the registered voters of the ward that the candidate seeks to represent; providing that a candidate for office who receives a majority of the votes at the primary election must be declared elected and not appear on the ballot at the general election; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The existing Charter of the City of Sparks provides for a Municipal Court consisting of not less than two departments presided over by a Municipal Judge. (Sparks City Charter § 4.010) **Section 1** of this bill provides that each Municipal Judge must be a licensed member of the State Bar of Nevada. This requirement does not apply to any Municipal Judge who holds the office on October 1, 2017, and continues to serve as such in uninterrupted terms.

The existing Charter of the City of Sparks divides the City into five wards, each of which is represented on the City Council by a Council Member. (Sparks City Charter §§ 1.040, 1.060) The existing Charter of the City of Sparks also requires the candidates for Council Member to represent a particular ward be voted on in a primary election only by the registered voters of that ward and, in a general election, be voted on by the registered voters of the City at large. (Sparks City Charter § 5.010) **Section 2** of this bill makes the voting requirements for the primary and general elections the same by requiring that all candidates for Council Member to represent a particular ward be voted on in a general election only by the registered voters of that ward. **Section 2** also deletes obsolete provisions establishing the terms of office for officials of the City of Sparks elected in 2001, 2003 and 2004.

The existing Charter of the City of Sparks provides that, for each elected office in the City, the names of the two candidates who receive the highest number of votes at the primary election must be placed on the ballot for the general election. (Sparks City Charter § 5.020) **Section 3** of this bill creates an exception by requiring that, regardless of the number of candidates for an office at the primary election, if one candidate receives a majority of the votes at the primary election, he or she must be declared elected to the office, and no general election for the office need be held. **Section 3** also provides that such a candidate takes office at the first regular meeting of the City Council following the meeting at which the canvass of the returns of the general election is made. **Section 4** of this bill makes a conforming change.



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

Section 1. Section 1.060 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 394, is hereby amended to read as follows:

Sec. 1.060 Elective officers: Qualifications; salaries.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) Five members of the Council.

(c) A City Attorney.

(d) Municipal Judges, the number to be determined pursuant to section 4.010.

2. All elective officers of the City must be:

(a) Bona fide residents of the City for at least 30 days immediately preceding the last day for filing a declaration of candidacy for such an office.

(b) Residents of the City during their term of office, and, in the case of a member of the Council, a resident of the ward the member represents.

(c) Registered voters within the City.

3. No person may be elected or appointed as a member of the Council who was not an actual bona fide resident of the ward to be represented by him or her for a period of at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, or, in the case of appointment, 30 days immediately preceding the day the office became vacant.

4. The City Attorney must be a licensed member of the State Bar of Nevada.

5. ***Each Municipal Judge must be a licensed member of the State Bar of Nevada, except that this requirement does not apply to any Municipal Judge who holds the office of Municipal Judge on October 1, 2017, as long as he or she continues to serve as such in uninterrupted terms.***

6. Each elective officer is entitled to receive a salary in an amount fixed by the City Council. At any time before January 1 of the year in which a general election is held, the City Council shall enact an ordinance fixing the initial salary for each elective office for the term beginning on the first



Monday following that election. This ordinance may not be amended to increase or decrease the salary for the office of Mayor, City Council Member or City Attorney during the term. If the City Council fails to enact such an ordinance before January 1 of the election year, the succeeding elective officers are entitled to receive the same salaries as their respective predecessors.

Sec. 2. Section 5.010 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 52, Statutes of Nevada 2005, at page 104, is hereby amended to read as follows:

Sec. 5.010 General elections.

~~1. [On the Tuesday after the first Monday in June 2001, there must be elected by the registered voters of the City, at a general municipal election, Council Members to represent the first, third and fifth wards, a Municipal Judge for Department 1 and a City Attorney, all of whom hold office until their successors have been elected and qualified, pursuant to subsection 3 or 4.~~

~~—2. On the Tuesday after the first Monday in June 2003, there must be elected by the registered voters of the City, at a general municipal election, Council Members to represent the second and fourth wards, a Mayor and a Municipal Judge for Department 2, all of whom hold office until their successors have been elected and qualified, pursuant to subsection 5 or 6.~~

~~—3.]~~ On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected , ~~[by the registered voters of the City,]~~ at the general election, Council Members to represent the first, third and fifth wards and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

~~[4. On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected by the registered voters of the City, at the general election, a Municipal Judge for Department 1, who holds office for a term of 4 years and until his or her successor has been elected and qualified, pursuant to subsection 7.~~

~~—5.]~~ 2. On the Tuesday after the first Monday in November 2006, and at each successive interval of 4 years, there must be elected , ~~[by the registered voters of the City,]~~ at the general election, Council Members to represent the second and fourth wards and a Mayor, all of whom hold



office for a term of 4 years and until their successors have been elected and qualified.

~~[6.]~~ **3.** On the Tuesday after the first Monday in November 2006, and at each successive interval of 6 years, there must be elected , ~~[by the registered voters of the City,]~~ at the general election, a Municipal Judge for Department 2, who holds office for a term of 6 years and until his or her successor has been elected and qualified.

~~[7.]~~ **4.** On the Tuesday after the first Monday in November 2008, and at each successive interval of 6 years, there must be elected , ~~[by the registered voters of the City,]~~ at the general election, a Municipal Judge for Department 1, who holds office for a term of 6 years and until his or her successor has been elected and qualified.

~~[8.—All candidates at an election that is held pursuant to this section must be voted upon]~~

5. At the general election:

(a) Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large.

(b) Candidates to represent a ward as a Council Member must be voted upon only by the registered voters of the ward that the candidate seeks to represent.

Sec. 3. Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 398, is hereby amended to read as follows:

Sec. 5.020 Primary elections.

1. At the primary election:

(a) Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large.

(b) Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.

2. ~~[The]~~ Except as otherwise provided in subsection 3, the names of the two candidates for Mayor, City Attorney and Municipal Judge and the names of the two candidates to represent the ward as a member of the City Council from each ward who receive the highest number of votes at the primary election must be placed on the ballot for the general election.



3. If at the primary election, regardless of the number of candidates for an office, one candidate receives the majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected to the office and no general election need be held for that office. Such candidate shall enter upon his or her respective duties at the first regular City Council meeting next succeeding the meeting at which the canvass of the returns of the general election is made.

Sec. 4. Section 5.100 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 399, is hereby amended to read as follows:

Sec. 5.100 Election returns: Canvass; certificates of election; entry of officers upon duties; tie vote procedure.

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

2. The City Council shall meet within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 22 months, and no person may have access to them except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue a certificate of election to each person elected. ~~The~~ *Except as otherwise provided in subsection 3 of section 5.020, the* officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting following their election.

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.



