

ORDINANCE NO. 3071

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORTH LAS VEGAS TO REPEAL AND REPLACE CHAPTER 8 OF TITLE 2 OF THE NORTH LAS VEGAS MUNICIPAL CODE AND REPEAL ORDINANCES NOS. 885, 1472, 2059, 2495, 2573, 2620, 2687, 2739, 2721, 2790, AND 2984; TO UPDATE CHAPTER 8 TO BE CONSISTENT WITH THE CITY CHARTER AS AMENDED BY ASSEMBLY BILL 50 IN THE 2019 NEVADA LEGISLATIVE SESSION; AND OTHER MATTERS RELATED THERETO.

WHEREAS, the City was on an odd-numbered year election cycle until the adoption of Assembly Bill 50 during the 2019 Nevada Legislative Session;

WHEREAS, Assembly Bill 50 amended the City Charter and moved the City to even-numbered year elections; and

WHEREAS, Chapter 8 of Title 2 of the North Las Vegas Municipal Code contains odd-numbered year election requirements that need to be updated to even-numbered year election requirements; and

WHEREAS, other corrections are necessary in 2.08 to conform to City election processes.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS DOES ORDAIN:

SECTION 1: North Las Vegas Municipal Code Title 2, Chapter 8 is hereby repealed and replaced with the following:

2.08 - Elections

2.08.010 - Elective officers - Terms of office.

A. The following shall be the elective officers of the City and their terms of office:

1. Mayor. A mayor shall be elected for a term of four years at the municipal election held in 2022 and at the municipal election held every four years thereafter.
2. City Council Member. There shall be four council members.
 - a. Two council members shall be elected for a term of four years at the municipal election in 2022 and at the municipal election held every four years thereafter.
 - b. Two council members shall be elected for a term of four years at the municipal election in 2024 and at the municipal election held every four years thereafter.

B. Each of the above shall succeed those officers whose term of office ends in the year of the applicable municipal election.

2.08.015 - City Council Wards Designated.

- A. The City is divided into four city council wards, numbered 1 through 4, the boundaries of which are described herein:
1. Ward No. 1 shall include precinct Nos.
2409, 2447, 2464, 2715, 2717, 2721, 2729, 2730, 2931, 4415, 4550, 4555, 4556, 4561, 4573, 4574, 4585, 4590, 4591, 4592, 4593, 4594, 4596, 4598, 4599, 4650, 4651, 4652, 4902, 4903
 2. Ward No. 2 shall include precinct Nos.
2713, 2714, 2716, 4017, 4304, 4305, 4306, 4307, 4309, 4310, 4500, 4502, 4504, 4507, 4508, 4512, 4581, 4582, 4583, 4584, 4586, 4597, 4645
 3. Ward No. 3 shall include precinct Nos.
2008, 2360, 2366, 2371, 2372, 2373, 2382, 2383, 2384, 2385, 2386, 2387, 2390, 2392, 2457, 2479, 2480, 2606, 2607, 2616, 2666, 2738
 4. Ward No. 4 shall include precinct Nos.
2380, 2381, 2391, 2393, 2394, 2399, 2400, 2440, 2446, 2449, 2456, 2463, 2481, 2483, 2484, 2500, 2617, 2736, 2737, 4501, 4505, 4506
- B. The City Council has utilized the most currently available population figures from the Federal Bureau of the Census, together with information obtained from the City's Geographic Information System in the Public Works Department, to determine the boundaries of such wards as nearly equal in population as practicable while providing for each ward to be composed of entirely contiguous territory.
- C. Clark County Election Department periodically revises precinct numbers and descriptions based upon the annexation of property into the City and other logistical considerations. Because of these ongoing revisions by the Election Department, the listing of precinct numbers in this Chapter at any given time may not be entirely current, but the listing will be updated from time to time as is deemed warranted.

2.08.020 - General Elections.

Pursuant to the provisions of the City Charter of the City of North Las Vegas, as amended, the general municipal election shall be held in the City of North Las Vegas on the first Tuesday after the first Monday in November of each even-numbered year. If a municipal primary election is required, it shall be held pursuant to the Charter of the City of North Las Vegas and the provisions of this Chapter set forth below in Section 2.08.030.

2.08.030 - Primary Elections.

If, for any municipal election, there are three or more candidates for the offices of Mayor or Municipal Court Judge, or three or more candidates for each of the offices of City Council Member up for election, a primary election for such office or offices shall be held on the second Tuesday in June of each even-numbered year preceding such general election. After the primary election, unless one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates for Mayor or Municipal Court Judge and the names of the four candidates for Council Member who received the highest number of votes in the primary election shall be placed on the ballot for the general election. If, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in the primary election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the City's general election.

2.08.040 - Posting Tabulated Results of Elections.

The results of any primary, general, special and recall election shall be posted on an internet website maintained by the City and in a conspicuous place on the outside of City Hall not later than the start of business on the day immediately following the day of the election and after the vote has been tabulated.

2.08.050 - Election Noticing.

The City Clerk shall publish in a newspaper of general circulation in North Las Vegas election notices in accordance with NAC 293C.060, including the dates of elections and nomination periods for candidates, and NRS 293C.187.

2.08.060 - Qualifications of Mayor, Municipal Court Judge and Council Member.

- A. The Mayor and Municipal Court Judge must each be:
 - 1. A bona fide resident of the City for at least six months immediately preceding his or her election; and
 - 2. A qualified elector within the City.
- B. Each Council Member:
 - 1. Must be a qualified elector who has resided in the ward which he or she represents for at least thirty (30) days immediately preceding the last day for filing a declaration of candidacy for his or her office; and
 - 2. Must continue to live in the ward he or she represents, except that changes in ward boundaries made pursuant to the City Charter or this Chapter will not affect the right of any elected council member to continue in office for the term for which he or she was elected.

2.08.070 - Filing Declaration of Candidacy.

A. A candidate for elective office in the City shall make a declaration in the following form:

DECLARATION OF CANDIDACY

OF _____ THE OFFICE OF _____
OF THE CITY OF NORTH LAS VEGAS, NEVADA.

STATE OF NEVADA)

) ss.

COUNTY OF CLARK)

For the purpose of having my name placed on the June ____, 20__ official primary municipal election ballot of the City of North Las Vegas, County of Clark, State of Nevada, if a primary election is required pursuant to the Charter of the City of North Las Vegas, or on the November ____, 20__ official general municipal election ballot, if no primary election is required, I, the undersigned, do solemnly swear, or affirm that I reside in the City of North Las Vegas, Nevada, and have for six (6) months immediately preceding this election (thirty (30) days in the particular ward for City Council seats); that I am a qualified elector of the City of North Las Vegas; that if elected to said office, I will accept said office and will not withdraw; that I will not knowingly violate any election law or any law defining or prohibiting corrupt and fraudulent practice in campaigns and elections in this State; and, that I will qualify for such office if elected thereto; and my name shall appear on all ballots as herein designated.

DESIGNATION OF NAME

SIGNATURE OF CANDIDATE FOR OFFICE

SUBSCRIBED AND SWORN TO
before me this ____ day
of ____, 20__.

City Clerk, City of
North Las Vegas, Nevada

B. The seats for City Council member must be designated by the numbers one through four, which number must correspond with the wards the candidates for City Council Member will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent.

- C. All candidates for elective office in the City shall, at the time of filing, produce evidence in satisfaction of their qualifications for such elective office, such qualifications being set out in the City Charter as amended from time to time, and Section 2.08.060 of this chapter.
- D. Any person who knowingly makes a false statement of declaration for the purpose of creating eligibility for candidacy under this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the City Community Corrections Center not to exceed six months or by both such fine and imprisonment.

2.08.080 - Filing fee.

Each candidate shall be charged, and the City Clerk shall collect from each candidate at the time of filing a filing fee in the sum of one hundred dollars (\$100.00), which shall be deposited to the credit of the general fund of the City.

2.08.090 - Territory comprising the City.

- A. The territory embraced in the City is that certain land described in the official plat required by NRS 234.250 to be filed with the county recorder and county assessor of Clark County, as such plat is amended from time to time.
- B. The City Clerk shall advise the Clark County registrar of voters of all territory annexed to the City to assure an up-to-date precinct map coinciding with the North Las Vegas City limits.

2.08.100 - City Clerk—Responsibilities and law governing.

The City Clerk is charged by the City Council with the responsibility for the proper conduct of the primary, general special, and recall municipal elections of the City and shall be governed by the provisions of this Chapter, the Charter of the City, as amended, and the general election laws of the state so far as the same can be made applicable.

2.08.110 - Eligibility of electors.

Every person who resides within the City at the time of holding any municipal election, and whose name appears upon the official register of voters in and for the City, is entitled to vote at each municipal election whether primary, general, special, or recall and for all officers to be voted for and on all questions that may be submitted to the people at any such primary, general, special, or recall City elections. Any person may register to vote in this City when said person will have attained the age of eighteen (18) on election day or over and has continuously resided in this state and in the county thirty (30) days, and in the precinct ten (10) days preceding the day of the next succeeding primary, general, special or recall election.

2.08.120 - Registration of electors.

The Clark County registrar of voters shall be ex officio registry agent for the City and for said services shall be compensated in accordance with the general election laws of the state of Nevada. Registration of voters shall be in accordance with Nevada Revised Statutes and shall close at nine p.m. on the fifth Saturday preceding any primary, general, special, or recall general municipal election.

2.08.130 - Elector lists.

A list of qualified electors shall be provided as needed by the Clark County registrar of voters as set forth in Nevada Revised Statutes.

2.08.140 - Sample ballots and notice of polling places.

The City Clerk shall cause to be mailed or shall coordinate with the Clark County registrar to have mailed to each registered elector in the City a sample ballot for his or her precinct with a notice informing such voter of the location of the polling place at which they are to vote.

2.08.150 - Ballots and supplies.

The City Council shall authorize the City Clerk to provide all necessary books, ballots and supplies for the proper conduct of each primary, general, special, or recall municipal election or to have these services provided by the Clark County Election Department.

2.08.160 - Voting system.

The City Council shall coordinate election services with Clark County Election Department and use Clark County's voting system for all City primary, general, special, and recall municipal elections.

2.08.170 - Election precincts.

The City Clerk shall designate election precincts and polling places or shall coordinate with the Clark County Registrar to select polling locations within the City. The City Clerk shall use the precincts established by the Clark County registrar of voters at the preceding general state election for the City, unless the territorial limits of the City have changed since said election, in which case general election laws of the state of Nevada shall apply.

2.08.180 - Election returns—Canvass—Certification and declaration of results.

- A. The custody of all election returns from any primary, general, special, or recall election shall be vested in either the City Clerk or in the Clark County Election Department, dependent on who conducts the election. Custody of said returns shall be filed in a safe place where no person shall be permitted to handle, inspect or in any manner interfere with said returns. An accuracy certification board designated by the Clark County registrar of

voters, which shall include the City Clerk, shall meet any time within seven days after any election and certify that in their judgment the ballot cards were accurately counted.

- B. The City Clerk shall present the abstract of votes cast of any election within sixteen (16) days after any election to the City Council who shall canvass and certify the abstract of votes cast of any election and declare the results.
- C. The election returns then shall be sealed and maintained in the custody of the City Clerk or the Clark County Election Department for six months and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

2.08.190 - Who shall be declared elected.

- A. The candidate for the office of Mayor and the candidate for each Council seat receiving the highest number of total votes cast for that office at the general municipal election shall be declared elected to that office unless one of the candidates for Mayor or a Council seat received a majority of the total votes cast for that office in the primary election, in which case such candidate shall be declared the winner.
- B. The candidate for Municipal Court Judge receiving the highest number of votes cast for that office at the general municipal election shall be declared elected unless one of the candidates received a majority of the total votes cast for that office in the primary election, in which case such candidate shall be declared the winner.
- C. In accordance with NRS 293C.180 (1), if at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for an office, that candidate must be declared elected and no primary or general election may be held for that office.

2.08.200 - Certificates of Election.

The City Clerk, under his or her hand and seal, shall issue to each person declared to be elected a Certificate of Election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the first day of the month next following their election.

2.08.210 - Tie Vote Procedure.

- A. If any primary election should result in a tie, the City Clerk shall declare the candidates for office and place names on the ballot for election as follows:
 - 1. If the candidates who received the tie votes received the highest number of votes at the primary election, all of those candidates who received tie votes must be declared nominees for the office and placed on the ballot for the general election.
 - 2. If the candidates who received the tie votes did not receive the highest number of votes but received the next highest number of votes, the candidate who received the highest number of votes at the primary election and the candidates who received the tie votes at the primary election must be declared the nominees for the office and placed on the ballot for the general election unless:

- i. The candidate who received the highest number of votes at the primary election received a majority of the votes cast in the primary election; and
 - ii. The provisions of [NRS 293.260](#) or [293C.175](#) or the City Charter or Code require such a candidate to be declared elected to the office at the primary election.
- B. If any general election office should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot with each candidate drawing a card to determine the election outcome. The candidate who draws the highest card shall be declared the winner of the general election for that office.

2.08.220 - Qualification of Officers.

Every person elected by the electors of North Las Vegas shall, before entering in the duties of his or her office, take and subscribe to the official oath provided by the Constitution of this State; and, in addition thereto, he or she is not under any direct or indirect obligation to vote for, appoint or elect any person to any office, position or employment by the government of the City.

2.08.230 - Notice to Elected Mayor and Council Member of Causes of Forfeiture.

The City Clerk shall provide to the Mayor and each Council Member the provisions of the Charter of the City that enumerate the causes for disqualification or for forfeiture of office. Each officer shall sign a statement that he or she has received said provisions and understands the nature of the disqualifications, which statement shall be filed by the City Clerk.

2.08.240 - Elective Officers—Vacancies.

- A. A vacancy in the City Council or in the office of Mayor or Municipal Court Judge shall be filled by appointment ratified by a majority vote of the members of the City Council, or the remaining members in the case of a vacancy in the City Council, within thirty (30) days after occurrence of such vacancy.
- B. The appointee shall have the same qualifications as are required of the elective official.
- C. No such appointment shall extend beyond the first day in December after the first succeeding election and at which election an official must be elected to fill the unexpired term.

SECTION 2: Ordinances 885, 1472, 2059, 2495, 2573, 2620, 2687, 2739, 2721, 2790, and 2984 and any ordinances in conflict herewith are hereby repealed.

SECTION 3: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 4: SEVERABILITY If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 5: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

SECTION 6: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF NORTH LAS VEGAS
this _____ day of _____, 2021 by the following vote:

AYES: COUNCILMEMBERS:

NAYS: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

APPROVED:

John J. Lee, Mayor

ATTEST:

Catherine A. Raynor, MMC

City Clerk