

ARTICLE V – Elections

Sec. 5.005 Omission of Names on Primary Ballot.

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 election may be held for that office.

2. Except as provided in subsection 1, if not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary city election and placed on all ballots for a general city election.

Sec. 5.010 General elections.

1. On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected, 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.

2. On the Tuesday after the first Monday in November 2006, and at each successive interval of 4 years, there must be elected, 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.

3. On the Tuesday after the first Monday in November 2006, and at each successive interval of 6 years, there must be elected, 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.

4. On the Tuesday after the first Monday in November 2008, and at each successive interval of 6 years, there must be elected, 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.

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.

(Ch. 470, [Stats. 1975 p. 736](#); A — Ch. 412, [Stats. 1983 p. 1029](#); Ch. 450, [Stats. 1985 p. 1318](#); Ch. 41, [Stats. 2001 p. 397](#); Ch. 52, [Stats. 2005 p. 104](#); Ch. 113, [Stats. 2017 p. 487](#))

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. If more than twice the number of candidates to be elected have filed for nomination of an office, the names of candidates must appear on the ballot for a primary election, and if in the primary election one candidate receives a majority of votes cast the candidate must be declared elected to the office and the candidate's name must not be on the ballot for the general city election. If, in the primary city election, no candidate receives a majority number of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

~~—2. 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.~~

(Ch. 470, [Stats. 1975 p. 736](#); A — Ch. 450, [Stats. 1985 p. 1318](#); Ch. 24, [Stats. 1987 p. 61](#); Ch. 570, [Stats. 1997 p. 2792, 2797](#); Ch. 686, [Stats. 1997 p. 3482](#); Ch. 637, [Stats. 1999 p. 3567](#); Ch. 41, [Stats. 2001 p. 398](#); Ch. 113, [Stats. 2017 p. 488](#))

Sec. 5.030 Applicability of state election laws: Elections under City Council control. [Effective through December 31, 2019.]

1. All elections held pursuant to this Charter must be governed by the provisions of the election laws of this State so far as such laws can be made applicable and are not inconsistent herewith.

2. The conduct of all elections must be under the control of the City Council. For the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

(Ch. 470, [Stats. 1975 p. 736](#); A — Ch. 41, [Stats. 2001 p. 398](#))

Sec. 5.030 Applicability of state election laws: Elections under City Council control. [Effective January 1, 2020.]

1. All elections held under this Charter must be governed by:

(a) The provisions of [NRS 293.5772 to 293.5887](#), inclusive, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent with the provisions of this Charter.

2. The conduct of all elections must be under the control of the City Council. For the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

(Ch. 470, [Stats. 1975 p. 736](#); A — Ch. 41, [Stats. 2001 p. 398](#); Ch. 619, [Stats. 2019 p. 4140](#), effective January 1, 2020)

Sec. 5.040 Qualifications, registration of voters.

1. Every person who resides within the City at the time of any election, and whose name appears upon the official register of voters in and for the City, is entitled to vote at each election, whether special, primary or general, and for all officers to be voted for and on all questions that may be submitted to the people at any such primary, general or special elections, except as otherwise provided in this article.

2. Nothing in this Charter shall be so construed as to deny or abridge the power of the City Council to provide for supplemental registration.

(Ch. 470, [Stats. 1975 p. 736](#); A — Ch. 41, [Stats. 2001 p. 399](#))

Sec. 5.050 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be printed on the official ballots without party designation or symbol.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:

(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot; or

(b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

(Ch. 470, [Stats. 1975 p. 736](#); A — Ch. 312, [Stats. 2003 p. 1731](#))

Sec. 5.060 Ballots for ordinances and Charter amendments. An ordinance or Charter amendment to be voted on in the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" The ballot or voting machine or device shall be so marked as to indicate clearly in what manner the voter may cast his or her vote, either for or against the ordinance or amendment.

(Ch. 470, [Stats. 1975 p. 737](#))

Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to an election or to candidates or issues involved in an election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in [NRS 293.5002](#) and [293.558](#):

1. Permit the organization, group or person to copy the names and addresses of voters from the official register of voters; or
2. Furnish such a list upon payment of the cost established by state election law.
(Ch. 470, [Stats. 1975 p. 737](#); A — Ch. 41, [Stats. 2001 p. 399](#); Ch. 581, [Stats. 2001 p. 2972](#); Ch. 470, [Stats. 2005 p. 2304](#))

Sec. 5.080 Watchers and challengers. A candidate is entitled upon written application to the election authorities at least 5 days before the election to appoint two persons to represent him or her as watchers and challengers at each polling place where voters may cast their ballots for him or her. A person so appointed has all the rights and privileges prescribed by watchers and challengers under the election laws of this state. The watchers and challengers may exercise their rights throughout the voting and until the ballots have been counted.
(Ch. 470, [Stats. 1975 p. 737](#))

Sec. 5.090 Voting machines. The City Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law or regulations of the Secretary of State.
(Ch. 470, [Stats. 1975 p. 737](#))

Sec. 5.100 Election returns: Canvass; certificates of election; entry of officers upon duties; tie vote procedure. [Effective through December 31, 2019.]

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. 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.
(Ch. 470, [Stats. 1975 p. 737](#); A — Ch. 450, [Stats. 1985 p. 1319](#); Ch. 41, [Stats. 2001 p. 399](#); Ch. 113, [Stats. 2017 p. 488](#))

Sec. 5.100 Election returns: Canvass; certificates of election; entry of officers upon duties; tie vote procedure. [Effective January 1, 2020.]

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 the time set forth in [NRS 293C.387](#) 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. ~~Except as otherwise provided in subsection 3 of section 5.020, T~~The officers elected shall qualify and enter upon the discharge of their 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. 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.

(Ch. 470, [Stats. 1975 p. 737](#); A — Ch. 450, [Stats. 1985 p. 1319](#); Ch. 41, [Stats. 2001 p. 399](#); Ch. 113, [Stats. 2017 p. 488](#); Ch. 619, [Stats. 2019 p. 4141](#), effective January 1, 2020)

Sec. 5.110 Contest of election. A contested election for any municipal office shall be determined according to the law of the State regulating proceedings in contested elections in political subdivisions.
(Ch. 470, [Stats. 1975 p. 738](#))