

Senate Bill No. 262–Senators Flores, Donate, Scheible,  
D. Harris, Neal; Lange, Nguyen, Ohrenschall and Spearman

Joint Sponsors: Assemblymen González, Torres, D’Silva, Nguyen;  
Anderson, Bilbray-Axelrod, Newby, Peters and Watts

CHAPTER.....

AN ACT relating to towns; eliminating the requirement that a member of a citizens’ advisory council of a town or certain town advisory boards be a qualified elector; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides that in a county having a population of less than 100,000 (currently all counties other than Clark and Washoe Counties) which has not elected to accept the provisions of the Unincorporated Town Government Law (NRS 269.500-269.625), the board of county commissioners may, under certain circumstances, by ordinance create a citizens’ advisory council to act in an advisory and liaison capacity with respect to governing the affairs of an unincorporated town. (NRS 269.011, 269.024, 269.0242) Any such citizens’ advisory council must consist of not fewer than three nor more than five members, each of whom must be a resident and qualified elector in the town. (NRS 269.0242) **Section 1** of this bill eliminates the requirement that a member of such a citizens’ advisory council be a qualified elector. **Section 1** further requires that a member of such a citizens’ advisory council be: (1) a resident of the town; and (2) a citizen of the United States or lawfully entitled to reside in the United States.

Existing law provides that the Unincorporated Town Government Law applies in a county having a population of 100,000 or more (currently Clark and Washoe Counties) and in any other county in which the board of county commissioners has adopted by ordinance, the Unincorporated Town Government Law. (NRS 269.530) Pursuant to the Unincorporated Town Government Law, the board of county commissioners must provide for a town advisory board in an ordinance which establishes an unincorporated town. Such a town advisory board must consist of three or five qualified electors who are residents of the unincorporated town. (NRS 269.576, 269.577) Existing law further authorizes the board of county commissioners of any county, by resolution, to designate one or more town services to be within the power of a town advisory board to manage. (NRS 269.580) If the board of county commissioners has not made such a designation, **sections 2 and 3** of this bill eliminate the requirement that a member of such a town advisory board be a qualified elector. Instead, **sections 2 and 3** require that a member of such a town advisory board be: (1) a resident of the unincorporated town; and (2) a citizen of the United States or lawfully entitled to reside in the United States.

**Section 4** of this bill makes a conforming change to revise the declaration of candidacy that must be filed by a candidate for the position of a town advisory board if the members of the town advisory board are not required to be qualified electors pursuant to **sections 2 and 3** because the board of county commissioners has not designated one or more services to be within the power of the town advisory board to manage.



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

**Section 1.** NRS 269.0242 is hereby amended to read as follows:

269.0242 Any ordinance enacted pursuant to NRS 269.024 must include provisions in substance as follows:

1. The citizens' advisory council must consist of not fewer than three nor more than five members.

2. Each member of the advisory council must be ~~fa~~ :

(a) A resident ~~and qualified elector in~~ of the town ~~[-]~~; and

(b) *A citizen of the United States or lawfully entitled to reside in the United States.*

3. The members of the advisory council must be appointed by the board of county commissioners from a list of a number of qualified persons, equal in number to the number of positions on the advisory council which are to be filled, elected at an informal election. Notice of the election must be posted in accordance with NRS 241.020. The election must be held in the town in November of the year of the general election.

4. The list of names of the persons elected must be presented to the board of county commissioners at their first meeting in December of the year of the general election. The persons appointed to the advisory council shall serve their respective terms at the pleasure of the board.

5. The members of the advisory council first appointed by the board of county commissioners shall serve until the 1st Monday in January following the next general election, and thereafter the terms of office of the members of the advisory council are for 2 years and begin on the 1st Monday in January following each general election.

6. The advisory council shall assist the board of county commissioners in governing the town by acting as liaison between the residents of the town and the board. The advisory council and the board shall cooperate to inform each other of all matters of interest to the town and its residents. The advisory council shall not expend or contract any town money for any purpose.

7. The members of the advisory council shall serve without compensation.

**Sec. 2.** NRS 269.576 is hereby amended to read as follows:

269.576 1. Except as appointment may be deferred pursuant to NRS 269.563, the board of county commissioners of any county



whose population is 700,000 or more shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) Except as otherwise provided in subsection ~~[7.]~~ 8, appointment by the board of county commissioners or the election by the registered voters of the unincorporated town of three or five ~~[qualified electors who are residents of the unincorporated town]~~ *persons* to serve as the town advisory board. If the ordinance provides for appointment by the board of county commissioners, in making such appointments, the board of county commissioners shall consider:

(1) The results of any poll conducted by the town advisory board; and

(2) Any application submitted to the board of county commissioners by persons who desire to be appointed to the town advisory board in response to an announcement made by the town advisory board.

(b) A term of 2 years for members of the town advisory board.

(c) Election of a chair from among the members of the town advisory board for a term of 2 years, and, if a vacancy occurs in the office of chair, for the election of a chair from among the members for the remainder of the unexpired term. The ordinance must also provide that a chair is not eligible to succeed himself or herself for a term of office as chair.

2. *Each member of a town advisory board described in subsection 1 must be:*

(a) *If the board of county commissioners has, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:*

(1) *A resident of the unincorporated town; and*

(2) *A qualified elector.*

(b) *If the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:*

(1) *A resident of the unincorporated town; and*

(2) *A citizen of the United States or lawfully entitled to reside in the United States.*

3. Except as otherwise provided in subsection ~~[7.]~~ 8, the members of a town advisory board serve at the pleasure of the board of county commissioners.



~~[3.]~~ 4. If a vacancy occurs on the town advisory board, the board of county commissioners shall appoint a new member to serve out the remainder of the unexpired term of the member.

~~[4.]~~ 5. The board of county commissioners shall provide notice of the expiration of the term of a member of and any vacancy on a town advisory board to the residents of the unincorporated town by mail, newsletter or newspaper at least 30 days before the expiration of the term or filling the vacancy.

~~[5.]~~ 6. The duties of the town advisory board are to:

(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

~~[6.]~~ 7. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

~~[7.]~~ 8. If an unincorporated town is established in a county whose population is 700,000 or more and is located 25 miles or more from an incorporated city whose population is 500,000 or more:

(a) The board of county commissioners shall by ordinance provide for the election by the registered voters of the unincorporated town of three or five ~~[qualified electors who are residents of the unincorporated town]~~ *persons* to serve as the town advisory board. If there are fewer ~~[qualified electors who are]~~ residents of the unincorporated town who file for election to the town advisory board than there are seats on the town advisory board, the board of county commissioners shall appoint as many new members as are necessary to fill the seats left vacant after the election.

(b) The members of the town advisory board of the unincorporated town do not serve at the pleasure of and may not be removed by the board of county commissioners.

*9. Each member of a town advisory board described in subsection 8 must be:*

*(a) If the board of county commissioners has, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:*

- (1) A resident of the unincorporated town; and*
- (2) A qualified elector.*



*(b) If the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:*

*(1) A resident of the unincorporated town; and*

*(2) A citizen of the United States or lawfully entitled to reside in the United States.*

**Sec. 3.** NRS 269.577 is hereby amended to read as follows:

269.577 1. The board of county commissioners of any county whose population is less than 700,000 shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) The appointment by the board of county commissioners or the election by the people of three or five ~~[qualified electors who are residents of the unincorporated town]~~ *persons* to serve as the town advisory board.

(b) The removal of a member of the town advisory board if the board of county commissioners finds that the removal of the member is in the best interest of the residents of the unincorporated town.

(c) The appointment by the board of county commissioners of a member to serve the unexpired term of a member of the town advisory board removed pursuant to the provisions of paragraph (b) or whose position otherwise becomes vacant.

2. *Each member of a town advisory board must be:*

*(a) If the board of county commissioners has, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:*

*(1) A resident of the unincorporated town; and*

*(2) A qualified elector.*

*(b) If the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:*

*(1) A resident of the unincorporated town; and*

*(2) A citizen of the United States or lawfully entitled to reside in the United States.*

3. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

~~[3.]~~ 4. The duties of the town advisory board are to:



(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

**Sec. 4.** NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE  
OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant



to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....  
(Designation of name)

.....  
(Signature of candidate for office)

Subscribed and sworn to before me  
this ..... day of the month of ..... of the year .....

.....  
Notary Public or other person  
authorized to administer an oath

(b) ~~For~~ *Except as otherwise provided in paragraph (c), for nonpartisan office:*



DECLARATION OF CANDIDACY OF ..... FOR THE  
OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....  
(Designation of name)

.....  
(Signature of candidate for office)





Subscribed and sworn to before me  
this ..... day of the month of ..... of the year .....

.....  
Notary Public or other person  
authorized to administer an oath

*(c) For the position of town advisory board if the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:*

**DECLARATION OF CANDIDACY OF ..... FOR THE  
POSITION OF .....**

*State of Nevada*

*County of .....*

*For the purpose of having my name placed on the official ballot as a candidate for the position of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the town to which the position pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this position; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the position if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the position; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a*



*gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the position; and that I understand that my name will appear on all ballots as designated in this declaration.*

.....  
(Designation of name)

.....  
(Signature of candidate for position)

*Subscribed and sworn to before me  
this ..... day of the month of ..... of the year .....*

.....  
*Notary Public or other person  
authorized to administer an oath*

3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate’s address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver’s license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate’s residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate’s name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate’s residence or because the rural or remote location of the candidate’s



residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office *or position, as applicable*, as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the



Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

**Sec. 5.** This act becomes effective upon passage and approval.

