

BILL NO. 504
ORDINANCE NO. 504

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, NEVADA, AMENDING TITLE 1 OF THE MESQUITE MUNICIPAL CODE “ADMINISTRATION”; AMENDING CHAPTER 8 “ELECTIONS AND DISTRICTS”; AMENDING SECTION 19 “PRIMARY AND GENERAL ELECTIONS”; AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the City of Mesquite may set its own standards to carry elections into effect pursuant to NRS 293C.110; and

WHEREAS, the City of Mesquite City Council is charged with declaring the results of an election canvass pursuant to NRS 293C.387; and

WHEREAS, the City of Mesquite desires that the will of the electorate be clear; and

WHEREAS, the City of Mesquite desires that the will of the electorate be followed; and

WHEREAS, the City of Mesquite desires to avoid contested election results;

NOW, THEREFORE, the City Council of the City of Mesquite, Nevada, does ordain:

Section 1: Mesquite Municipal Code Title 1, Chapter 8, Section 19, is hereby amended to read as follows:

A. CITY PRIMARY AND GENERAL ELECTIONS: City Primary or General Elections shall comply with the notice requirements of Nevada Revised Statutes section 293C.175(2), as amended from time to time.

1. City primary elections shall be held on the second Tuesday in June before the general election in each even numbered year pursuant to Nevada Revised Statutes section 293.175, as amended from time to time.

2. City general elections shall be held on the first Tuesday after the first Monday of November in each even numbered year pursuant to Nevada Revised Statutes section 293.12755, as amended from time to time.

B. PRIMARY ELECTION RESULTS:

1. If, in a primary city election, a candidate receives votes equal to or greater than a majority of the voters participating in the primary election, that candidate shall be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. This provision shall apply without regard to whether the election is a multi-seat or multi-office, at-large election.
2. Except as otherwise provided in subsection 3, if in a primary city election, a candidate does not receive votes equal to a majority of the voters participating in the primary election, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.
3. In a multi-seat or multi-office, at-large primary city election, candidates not declared elected to the office shall be placed on the ballot for the general city election in the following manner: two candidates per seat or office that is available after those elected pursuant to subsection 1, if any, are accounted for. The candidates shall be advanced to the general election according to the number of votes received. Candidates receiving the highest number of votes, but not declared elected, shall be advanced to the general election until each available seat or office has two candidates to be placed on the general election ballot.

C. DEFINITIONS: The following definitions shall be applied to this section.

1. Multi-seat or multi-office, at-large election: An election where more than one office or seat is available, and all electors within the City of Mesquite cast votes upon all eligible candidates for those offices, without regard to wards, districts or other election boundaries.
2. Candidate: A candidate for any elected seat or office or position of public trust with the City of Mesquite.
3. Majority of Voters: One-half the total voter turnout number as determined by the Statement of Vote released by Clark County following the election, rounded up, plus one.
4. Office: Each and every seat of responsibility or trust that a person may be elected to.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

Section 4: This ordinance shall become effective upon passage, approval and publication.

Section 5: The provisions of this ordinance shall be liberally construed to effectively carry out its purpose in the interest of the public health safety, welfare and convenience.

Section 6: If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

Section 7: The City Council finds that this ordinance is not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, and complies with Nevada Revised Statutes Chapter 237.

PASSED, ADOPTED, AND APPROVED this ___ day of _____, 2016.

By: _____

Allan S. Litman, Mayor

ATTEST:

By: _____

Tracy E. Beck, City Clerk

AYE:

NAY:

ABSTAIN:

PUBLICATION DATE:

EFFECTIVE DATE:

Approved as to Form

By: _____

Robert D. Sweetin, City Attorney