

SENATE BILL NO. 262—SENATORS FLORES, DONATE, SCHEIBLE,
D. HARRIS, NEAL; LANGE, NGUYEN, OHRENSCHALL AND
SPEARMAN

MARCH 13, 2023

JOINT SPONSORS: ASSEMBLYMEN GONZÁLEZ, TORRES, D’SILVA,
NGUYEN; ANDERSON, BILBRAY-AXELROD, NEWBY,
PETERS AND WATTS

Referred to Committee on Government Affairs

SUMMARY—Revises the qualifications for membership on certain
advisory councils and boards. (BDR 21-857)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Legislative Counsel’s Digest:

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

12 Existing law provides that the Unincorporated Town Government Law applies
13 in a county having a population of 100,000 or more (currently Clark and Washoe
14 Counties) and in any other county in which the board of county commissioners has
15 adopted by ordinance, the Unincorporated Town Government Law. (NRS 269.530)
16 Pursuant to the Unincorporated Town Government Law, the board of county
17 commissioners must provide for a town advisory board in an ordinance which



18 establishes an unincorporated town. Such a town advisory board must consist of
19 three or five qualified electors who are residents of the unincorporated town. (NRS
20 269.576, 269.577) **Sections 2 and 3** of this bill eliminate the requirement that a
21 member of a town advisory board be a qualified elector.

22 **Section 4** of this bill makes a conforming change to revise the declaration of
23 candidacy that must be filed by a candidate for the office of a town advisory board.

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

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

3 269.0242 Any ordinance enacted pursuant to NRS 269.024
4 must include provisions in substance as follows:

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

7 2. Each member of the advisory council must be a resident
8 ~~[and qualified elector]~~ in the town.

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

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

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

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

32 7. The members of the advisory council shall serve without
33 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, 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 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. Except as otherwise provided in subsection 7, the members of a town advisory board serve at the pleasure of the board of county commissioners.

3. 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. 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. 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.



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

4 7. If an unincorporated town is established in a county whose
5 population is 700,000 or more and is located 25 miles or more from
6 an incorporated city whose population is 500,000 or more:

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

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

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

20 269.577 1. The board of county commissioners of any county
21 whose population is less than 700,000 shall, in each ordinance
22 which establishes an unincorporated town pursuant to NRS 269.500
23 to 269.625, inclusive, provide for:

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

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

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

36 2. The board of county commissioners may provide by
37 ordinance for compensation for the members of the town advisory
38 board.

39 3. The duties of the town advisory board are to:

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

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



1 **Sec. 4.** NRS 293.177 is hereby amended to read as follows:
2 293.177 1. Except as otherwise provided in NRS 293.165
3 and 293.166, a name may not be printed on a ballot to be used at a
4 primary election unless the person named has filed a declaration of
5 candidacy with the appropriate filing officer and paid the filing fee
6 required by NRS 293.193 not earlier than:

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

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

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

16 (a) For partisan office:

17
18 DECLARATION OF CANDIDACY OF FOR THE
19 OFFICE OF

20
21 State of Nevada

22
23 County of

24
25 For the purpose of having my name placed on the official
26 ballot as a candidate for the Party nomination for
27 the office of, I, the undersigned, do swear or
28 affirm under penalty of perjury that I actually, as opposed to
29 constructively, reside at, in the City or Town of,
30 County of, State of Nevada; that my actual, as opposed
31 to constructive, residence in the State, district, county,
32 township, city or other area prescribed by law to which the
33 office pertains began on a date at least 30 days immediately
34 preceding the date of the close of filing of declarations of
35 candidacy for this office; that my telephone number is
36, and the address at which I receive mail, if different
37 than my residence, is; that I am registered as a member
38 of the Party; that I am a qualified elector pursuant
39 to Section 1 of Article 2 of the Constitution of the State of
40 Nevada; that if I have ever been convicted of treason or a
41 felony, my civil rights have been restored; that I have not, in
42 violation of the provisions of NRS 293.176, changed the
43 designation of my political party or political party affiliation
44 on an official application to register to vote in any state since
45 December 31 before the closing filing date for this election;



1 that I generally believe in and intend to support the concepts
2 found in the principles and policies of that political party in
3 the coming election; that if nominated as a candidate of the
4 Party at the ensuing election, I will accept that
5 nomination and not withdraw; that I will not knowingly
6 violate any election law or any law defining and prohibiting
7 corrupt and fraudulent practices in campaigns and elections in
8 this State; that I will qualify for the office if elected thereto,
9 including, but not limited to, complying with any limitation
10 prescribed by the Constitution and laws of this State
11 concerning the number of years or terms for which a person
12 may hold the office; that I understand that knowingly and
13 willfully filing a declaration of candidacy which contains a
14 false statement is a crime punishable as a gross misdemeanor
15 and also subjects me to a civil action disqualifying me from
16 entering upon the duties of the office; and that I understand
17 that my name will appear on all ballots as designated in this
18 declaration.

19
20
21 (Designation of name)

22
23
24 (Signature of candidate for office)

25
26 Subscribed and sworn to before me
27 this day of the month of of the year

28
29
30 Notary Public or other person
31 authorized to administer an oath

32
33 (b) ~~For~~ *Except as otherwise provided in paragraph (c), for*
34 nonpartisan office:

35
36 DECLARATION OF CANDIDACY OF FOR THE
37 OFFICE OF

38
39 State of Nevada

40
41 County of

42
43 For the purpose of having my name placed on the official
44 ballot as a candidate for the office of, I, the
45 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 office of town advisory board:



**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 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*

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



1 verify where the candidate actually, as opposed to constructively,
2 resides in accordance with NRS 281.050.

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

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

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

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

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

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

28 (b) Shall transmit the credible evidence and the findings from
29 such investigation to the Attorney General, if the filing officer is the
30 Secretary of State, or to the district attorney, if the filing officer is a
31 person other than the Secretary of State.

32 8. The receipt of information by the Attorney General or
33 district attorney pursuant to subsection 7 must be treated as a
34 challenge of a candidate pursuant to subsections 4 and 5 of NRS
35 293.182 to which the provisions of NRS 293.2045 apply.

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

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

