

City of Carson City
Agenda Report

Date Submitted: January 26, 2014

Agenda Date Requested: Feb. 6, 2014

Time Requested: 10 min

To: Mayor and Board of Supervisors

From: Alan Glover, Clerk-Recorder

Subject Title: For Possible Action: to adopt a resolution to place an advisory question on the 2014 General Election ballot asking the Nevada State Legislature to amend the Carson City Charter to provide for ward only voting ward-supervisor primary elections with an at-large general election runoff between the two highest primary vote receivers in each ward.

Staff Summary: The Board of Supervisors is to set by resolution all City ballot questions.

Type of Action requested: (check one)
(X) Resolution () Ordinance
() Formal Action/Motion () Other (Specify)

Does This Action Require A Business Impact Statement: () Yes (X) NO

Recommended Board Action: I move to adopt Resolution No. _____, a resolution to place an advisory question on the 2014 General Election ballot asking the Nevada Legislature to amend the Carson City Charter to provide for ward only voting in ward-supervisor primary elections with an at-large general election runoff between the two highest primary vote receivers in each ward.

Applicable Statue, Code, Policy, Rule or Regulation: CCMC 2.010

Fiscal Impact: \$5000.00

Explanation of Impact: Staff time.

Funding Source: General Fund. Account 0216 Elections

Alternatives:

Supporting Material:

Prepared By: Alan Glover

Reviewed By: : Kathleen King Date: 1.28.14
 for: (Department Head) ALAN GLOVER
 : Paul S. Ippolito Date: 1/28/14
 (City Manager)
 : [Signature] Date: 1/28/14
 (District Attorney)
 : [Signature] Date: 1/28/14
 (Finance Director)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
 2) _____

 (Vote Recorded By)

RESOLUTION NO. _____

A RESOLUTION PLACING AN ADVISORY BALLOT QUESTION ON THE 2014 GENERAL ELECTION BALLOT, THE EXPLANATION AND DIGEST OF THE QUESTION AND A FISCAL NOTE REGARDING WHETHER THE NEVADA LEGISLATURE SHOULD AMEND THE CARSON CITY CHARTER TO PROVIDE FOR WARD ONLY WARD-SUPERVISOR PRIMARY ELECTIONS WITH AN AT-LARGE RUN OFF OF EACH WARD'S TWO HIGHEST PRIMARY VOTE RECEIVERS

WHEREAS, pursuant to a vote of the Carson City Board of Supervisors on Agenda Item No. 26(C) at its August 16, 2012 Joint Meeting with the Carson City Charter Review Committee concurring in the Charter Review Committee's recommended changes, among others, with respect to separate ward voting only in a primary election for a Board of Supervisor's office, the Board directed this resolution be brought for consideration and adoption; and

WHEREAS, NRS 293.481 and SB 325 (2013 Legislature) requires such ballot question resolution set forth the question, an explanation and digest of the question, the description of the anticipated financial effect on the City, and that in this case the arguments for and against shall be later included in the ballot question, pursuant to the Clerk-Recorder's committee process under NRS 295.121; and

WHEREAS, pursuant to NRS 295.121(1)(a), the Board shall, in consultation and recommendation of the Clerk-Recorder pursuant to NRS 295.121(5), appoint two committees that are exempt from the Open Meeting Law pursuant to NRS 295.121(13), who will develop, pursuant to NRS 295.121(7)-(10), the arguments for and against to be placed in the ballot question at a future date by the Clerk-Recorder.

NOW, THEREFORE, BE IT RESOLVED, that Carson City shall place an advisory ballot question, including the explanation and digest of the question, a description of the anticipated financial effect and the arguments for and against the question, on the November 2014 General Election Ballot whether the Nevada Legislature should amend the Carson City Charter to provide for ward only voting in ward-supervisor primary elections with an at-large general election run off of each ward's two highest primary vote receivers;

and BE IT FURTHER RESOLVED, that the ballot question shall read as follows:

CARSON CITY ADVISORY BALLOT QUESTION NO. 1. Shall the Nevada Legislature amend the Carson City Charter to provide for ward only voting in ward-supervisor primary elections with an at-large general election run off between the two highest primary vote receivers in each ward?

and, BE IT FURTHER RESOLVED, that the explanation and digest of the ballot question to be included in the sample ballot shall be as follows:

Explanation:

A “YES” vote could encourage the Board of Supervisors to ask the Legislature to make a change to the Charter’s primary voting process to ensure that the two candidates for a ward’s supervisor office (but not for mayor) receiving in the primary the highest number of votes solely from their ward will have their names placed on the general election ballot for all city voters to decide in an at-large run off between the two finalists.

A “NO” vote could discourage the Board of Supervisors from asking the Legislature to make any Charter changes to the current voting system that requires at-large voting by all city voters in both the primary and general elections for any supervisor’s office.

District Attorney’s Digest:

Currently, under Section 2.010 of the Carson City Charter, candidates for ward supervisor run at-large in both the primary and general elections. Currently, under Section 5.010 of the Charter, if a candidate in the primary receives more than a majority of at-large votes cast in that election for the office for which he or she is a candidate, his or her name alone must be placed on the ballot for the general election. Currently, under Section 5.010 of the Charter, if in the primary election no candidate receives a majority of the at-large 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 numbers of votes must be placed on the ballot for the general election. This ballot question seeks *advisory* approval to seek legislative changes to the relevant articles and sections of the Carson City Charter to establish a ward-only primary election for a ward’s Board of Supervisor office to establish two candidates of that ward from which all the voters of the City can choose from by at-large voting in a general election run off. The primary’s two candidates receiving the highest number of votes solely from their ward would be placed on the general election ballot for their ward. Because the Office of Mayor represents the entire City, but is also deemed a supervisor under the Charter, an election for the Office of Mayor would *not* be subject to this ward-only primary change.

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and, BE IT FURTHER RESOLVED, that the description of the anticipated financial effect to be included in the sample ballot question shall be as follows:

Description of Anticipated Financial Effect:

The financial effect of this change to the primary and general election process for the office of ward supervisor will be nominal. There will need to be some program changes by the Carson City Clerk-Recorder to the creation of the ballot and the vote counting process. The estimated fiscal impact is \$5,000.

and, BE IT FURTHER RESOLVED, that pursuant to NRS 293.481(1)(a)(3), the arguments for and against the ballot question shall be crafted and included in the ballot question pursuant to the committee process set forth in NRS 295.121.

Upon motion by Supervisor _____, seconded by Supervisor _____, the foregoing Resolution was passed and adopted this _____ day of _____, 2014 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Robert L. Crowell, Mayor
Carson City, Nevada

ATTEST:

Alan Glover, Clerk - Recorder
Carson City, Nevada