

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE CHACHAS,
Petitioner,

vs.

THE SEVENTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WHITE
PINE, AND THE HONORABLE
JOSEPH S. PAVLIKOWSKI, SENIOR
JUDGE,

Respondents,

and

ROBERT B. MILLER; JIM ALWORTH,
ELY CITY CLERK, IN HIS OFFICIAL
CAPACITY; JACK SMITH, STEPHEN
MARICH, DAN WATTS, AND JOHN
LAMPROS, ELY CITY COUNCILMEN,
IN THEIR OFFICIAL CAPACITIES,
Real Parties in Interest.

No. 45190

FILED

MAY 13 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY J. Sherr
DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court order in an election contest involving Ely City mayoral candidates. We have considered the petition and answer, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Specifically, NRS 293C.180(3) requires that when there are three or more candidates for a single office in a primary city election, the two candidates who receive the highest number of votes "must be declared nominees for the office" at the general election. The only exception to this rule is for cities belonging to different population


categories than Ely. Ely Municipal Code section 1-8-8(A)'s sole-nominee provision cannot override NRS 293C.180(3).¹

Accordingly, we deny the petition.²


It is so ORDERED.³

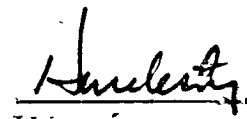

_____, C.J.
Becker

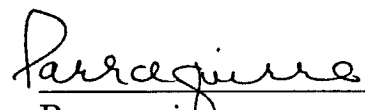

_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Haraesty


_____, J.
Parraguirre

¹Horne v. City of Mesquite, 120 Nev. ___, 100 P.3d 168 (2004).

²NRS 34.160; NRS 34.320; NRAP 21(b).

³The motion for expedited decision is denied as moot.

cc: Hon. Joseph S. Pavlikowski, Senior Judge
Jenkins Law Office
Law Offices of Gary D. Fairman
White Pine County Clerk