

ASSEMBLY BILL NO. 175—ASSEMBLYMEN
MUNFORD; AND HOGAN

FEBRUARY 16, 2011

Referred to Committee on Education

SUMMARY—Revises provisions governing the manner in which a vacancy on the board of trustees of a school district is filled. (BDR 34-690)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to education; revising provisions governing the manner in which a vacancy on the board of trustees of a school district is filled to require that a special election be held to fill the vacancy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, a vacancy on the board of trustees of a school district must
2 be filled by appointment by the remaining members of the board of trustees at a
3 public meeting. The appointee serves until the next general election, at which time
4 his or her successor is elected. (NRS 386.270) **Section 2** of this bill revises the
5 manner in which such a vacancy is filled by requiring that a special election be held
6 for the election of a qualified elector. **Section 2** also provides that a person who is
7 elected to the board of trustees pursuant to a special election serves for the balance
8 of the unexpired term of the member who vacated the office. **Section 2** further
9 provides that the costs of the special election must be paid by the board of county
10 commissioners of the county in which the school district is located. Under existing
11 law governing elections, the Secretary of State prescribes the time during which a
12 candidate in a special election must file a declaration or acceptance of candidacy,
13 and the county clerk publishes notice of the date on which registration for the
14 special election closes. (NRS 293.204, 293.560)



* A B 1 7 5 *

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

Section 1. NRS 386.250 is hereby amended to read as follows:
386.250 1. ~~{Candidates}~~ *Except as otherwise provided in*
NRS 386.270, candidates for the office of trustee shall be
nominated in the manner provided by the primary election laws of
this state.

2. The declaration of candidacy and the acceptance of a
candidacy by candidates for the office of trustee of county school
districts shall be filed with the county clerk of the county whose
boundaries are conterminous with the county school district
boundaries.

Sec. 2. NRS 386.270 is hereby amended to read as follows:

386.270 1. Except ~~{as otherwise provided in}~~ *for a temporary*
appointment to fill a vacancy pursuant to NRS 386.275 ~~1.~~
~~1. Any~~ , *any other* vacancy occurring in a board of trustees
must be filled by ~~{appointment by the remaining members of the~~
~~board at a public meeting held after notice of the meeting is~~
~~published at least once each week for 2 weeks in a newspaper~~
~~qualified pursuant to the provisions of chapter 238 of NRS. The~~
~~appointee shall serve until the next general election, at which time~~
~~his or her successor must be elected for the balance of the unexpired~~
~~term.~~

~~2. Any person appointed to fill a vacancy must have the~~
~~qualifications provided in NRS 386.240.]~~ *election of a qualified*
elector at a special election held in accordance with the election
laws of this State.

2. *If a vacancy occurs for which a special election must be*
held, the county clerk of the county in which the school district is
located shall cause notice of the special election to be published at
least once each week for 4 consecutive weeks immediately
preceding the special election in a newspaper qualified pursuant
to chapter 238 of NRS. The notice must include, without
limitation, the:

(a) *Purpose of the special election;*

(b) *Date of the special election;*

(c) *Location of the polling places;*

(d) *Hours during the day in which the polls will be open for*
voting, which must be the same as provided for general elections;
and

(e) *Names of the candidates.*

3. *After the close of a special election held pursuant to this*
section and in accordance with law, the board of county



1 *commissioners shall make abstracts of the votes cast and shall*
2 *order the county clerk to issue an election certificate to the*
3 *candidate elected. Immediately, the county clerk shall transmit a*
4 *copy of the election certificate to the Superintendent of Public*
5 *Instruction.*

6 4. *A person who is elected to the board of trustees pursuant to*
7 *a special election:*

8 (a) *Enters upon the duties of office on the day next after the*
9 *special election.*

10 (b) *Serves for the balance of the unexpired term of the member*
11 *who vacated the office.*

12 5. *If a special election is held pursuant to this section, the*
13 *board of county commissioners of the county in which the school*
14 *district is located shall pay the costs of the special election.*

15 **Sec. 3.** NRS 386.275 is hereby amended to read as follows:

16 386.275 1. If a vacancy occurs, or will occur, in a board of
17 trustees because a member of the board has entered, or is entering,
18 into active military service, the board of trustees may appoint a
19 person to serve as a temporary replacement for that member. Such a
20 temporary appointment must be made ~~in the manner, and subject to~~
21 ~~the requirements, otherwise prescribed in NRS 386.270,~~ *by the*
22 *remaining members of the board of trustees at a public meeting*
23 *held after notice of the meeting is published at least once each*
24 *week for 2 weeks in a newspaper qualified pursuant to the*
25 *provisions of chapter 238 of NRS,* except that the member of the
26 board of trustees who has entered, or is entering, into active military
27 service may participate in the process to appoint his or her
28 temporary replacement. *Any person appointed to fill the vacancy*
29 *must have the qualifications provided in NRS 386.240.*

30 2. If a person is temporarily appointed to serve on a board of
31 trustees pursuant to this section:

32 (a) The person fully assumes the duties, rights and
33 responsibilities of a member of the board of trustees, and is entitled
34 to the compensation, allowances and expenses otherwise payable to
35 a member, for the duration of his or her appointment.

36 (b) The member of a board of trustees who is temporarily
37 replaced shall be deemed to be on leave without pay from the board
38 of trustees for the duration of the appointment of his or her
39 temporary replacement.

40 3. A person appointed to serve on the board of trustees
41 pursuant to this section serves:

42 (a) Until the member of the board of trustees being temporarily
43 replaced returns from active military service; or

44 (b) For the remainder of the unexpired term of that member,
45 ➔ *whichever occurs first.*



- 1 **Sec. 4.** NRS 386.300 is hereby amended to read as follows:
2 386.300 Each trustee shall:
3 1. ~~{Enter}~~ *Except as otherwise provided in subsection 4 of*
4 *NRS 386.270, enter* upon the duties of office on the 1st Monday in
5 January next following the election of the trustee.
6 2. Hold office until his or her successor is elected and
7 qualified.
8 3. Take and subscribe to the official oath.
9 4. File with the Superintendent of Public Instruction a copy of
10 his or her official oath together with a statement showing the term
11 for which the trustee has been elected or appointed.
12 **Sec. 5.** This act becomes effective upon passage and approval.

