

ASSEMBLY BILL NO. 448—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 25, 2019

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing the procedure for filling certain vacancies in office. (BDR 17-950)

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

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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 the Legislature; setting forth certain residency requirements for a person appointed to fill a vacancy in the office of a Legislator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a vacancy occurs in the office of a Legislator during a regular or special session or when no election at which officers are to be elected will take place before the next regular or special session, the board of county commissioners must appoint a person who is a member of the same political party as the former Legislator and who actually, as opposed to constructively, resides in the district. (NRS 218A.260) This bill requires that the person appointed to fill a vacancy must have actually, as opposed to constructively, resided in the district for at least 30 days immediately preceding the date established by the board of county commissioners for the close of filing of applications to fill the vacancy.

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

Section 1. NRS 218A.260 is hereby amended to read as follows:

218A.260 1. If a vacancy occurs in the office of a Legislator during a regular or special session or at a time when no biennial election or regular election at which county officers are to be elected will take place between the occurrence of the vacancy and the next regular or special session, the vacancy must be filled in the manner provided in this section.



2. If the former Legislator was elected or appointed from a district wholly within one county, the board of county commissioners of the county in which the district is located shall fill the vacancy by appointing a person who is a member of the same political party as the former Legislator and who actually, as opposed to constructively, resides in the district ~~for at least 30 days immediately preceding the date established by the board of county commissioners for the close of filing of applications by persons applying to fill the vacancy.~~

3. If the former Legislator was elected or appointed from a district comprising more than one county, the county commissioners of each county within or partly within the district shall fill the vacancy by appointing a person who is a member of the same political party as the former Legislator and who actually, as opposed to constructively, resides in the district ~~for at least 30 days immediately preceding the date established by the board of county commissioners for the close of filing of applications by persons applying to fill the vacancy.~~ To fill the vacancy:

(a) Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy.

(b) The boards shall then meet jointly. The joint meeting must be chaired by the person who is the chair of the board of county commissioners of the county with the largest population in the district. At the joint meeting:

(1) The chair of each board, on behalf of that board, shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of that board's county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce.

(2) The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each select a candidate, and the appointee must be chosen by drawing lots among the candidates so selected.

4. The board of county commissioners or the board of the county with the largest population in the district shall issue a certificate of appointment naming the appointee. The county clerk or the clerk of the county with the largest population in the district shall give the certificate to the appointee and send a copy of the certificate to the Secretary of State.



1 **Sec. 2.** This act becomes effective upon passage and approval.

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