

SENATE BILL NO. 20—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the process for filling a vacancy in the office of county commissioner. (BDR 20-393)

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 counties; revising provisions relating to the process for filling a vacancy in the office of county commissioner; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires that, except in Carson City: (1) any vacancy occurring in  
2 any board of county commissioners must be filled by appointment of the Governor;  
3 and (2) the Governor’s appointee must be a member of the same political party as  
4 the most recent holder of the vacant office. (NRS 244.040) This bill makes various  
5 changes to the process for filling such a vacancy.

6 First, this bill authorizes a board of county commissioners to submit to the  
7 Governor a list of two persons to fill the vacancy who are members of the same  
8 political party and meet the qualifications for the office of county commissioner. If  
9 the Governor receives such a list within 30 days after the vacancy occurs, the  
10 Governor shall appoint a person to fill the vacancy from the list not more than 15  
11 days after the date on which the Governor receives the list.

12 Second, this bill provides that the provisions of existing law that require the  
13 Governor to fill a vacancy occurring in a board of county commissioners do not  
14 apply if, within 30 days after the vacancy occurs, the board of county  
15 commissioners: (1) declares by resolution a special election to fill the vacancy; or  
16 (2) fills the vacancy pursuant to a process established by ordinance of the board of  
17 county commissioners for filling a vacancy.

18 Third, this bill authorizes a board of county commissioners, except in Carson  
19 City, to establish by ordinance a process for filling a vacancy on the board. Any  
20 such process must, without limitation, require that the board of county  
21 commissioners fill the vacancy at a public meeting by appointing a person who is a



22 member of the same political party as the most recent holder of the vacant office  
23 and who meets the qualifications for the office of county commissioner.

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

1       **Section 1.** NRS 244.040 is hereby amended to read as follows:

2       244.040 1. ~~[Any]~~ *Except as otherwise provided in this*  
3 *section, any* vacancy occurring in any board of county  
4 commissioners must be filled by appointment of the Governor.  
5 Except in Carson City, the Governor shall appoint a ~~[suitable]~~  
6 person who is a member of the same political party as the most  
7 recent holder of the vacant office ~~[ ]~~ *and meets the qualifications*  
8 *set forth in NRS 244.020. The board of county commissioners may*  
9 *submit to the Governor a list of two persons to fill the vacancy who*  
10 *are members of the same political party as the recent holder of the*  
11 *vacant office and meet the qualifications set forth in NRS 244.020.*  
12 *If the Governor receives such a list from the board of county*  
13 *commissioners within 30 days after the vacancy occurs, the*  
14 *Governor shall appoint a person from the list to fill the vacancy*  
15 *not more than 15 days after the date on which the Governor*  
16 *receives the list.*

17       2. *The provisions of subsection 1 that require the Governor to*  
18 *fill a vacancy occurring in a board of commissioners do not apply*  
19 *if, within 30 days after the vacancy occurs, the board of county*  
20 *commissioners, by a majority vote of the remaining members:*

21       (a) *Declares by resolution a special election to fill the vacancy*  
22 *for the unexpired term; or*

23       (b) *Fills the vacancy pursuant to the process established*  
24 *pursuant to subsection 3, if any.*

25       3. *A board of county commissioners, except in Carson City,*  
26 *may establish by ordinance a process for filling any vacancy*  
27 *occurring in the board. Any such process must, without limitation,*  
28 *require that the board of county commissioners fill the vacancy at*  
29 *a public meeting by appointing a person who is a member of the*  
30 *same political party as the most recent holder of the vacant officer*  
31 *and meets the qualifications set forth in NRS 244.020.*

32       4. The term of office of a person ~~[appointed to]~~ *who fills a*  
33 *vacancy in* the office of county commissioner does not, by virtue of  
34 the appointment ~~[ ]~~ *or special election, as applicable,* extend  
35 beyond 12 p.m. of the day preceding the first Monday of January  
36 next following the next general election.

