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November 18, 2011

OPINION NO. 2011-13

CLARK COUNTY; COMMISSIONS;
ELECTION: The Clark County Board of
Commissioners must appoint a
replacement for the balance of the
unexpired term.

Mary-Anne Miller, Esq.
Office of the District Attorney
Clark County
500 South Grand Central Parkway
Las Vegas, Nevada 89155-2215

Dear Ms. Miller:

I have reviewed your November 9, 2011 request for an opinion. I have reviewed your analysis, the statutes, and case law, and I agree with your analysis and conclusions. For clarity, the questions and the conclusions are restated below:

QUESTION ONE

Must the Clark County Board of Commissioners appoint a replacement for Mr. Roger for the balance of his unexpired term, or may they appoint a replacement to serve until a successor is chosen at the next biennial election?

CONCLUSION TO QUESTION ONE

The Clark County Board of Commissioners must appoint a replacement for the balance of the unexpired term. NRS 252.060 is a specific statute providing for the appointment of replacements when there is a vacancy in the office of district attorney. NRS 252.060(5) provides that the person appointed to replace the district attorney serves the remainder of the unexpired term.

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QUESTION TWO

May the Commissioners appoint a replacement who agrees to serve only until a successor is elected at the next biennial election?

CONCLUSION TO QUESTION TWO

No. The Commissioners cannot appoint a person to serve only until a successor is elected at the next biennial (2012) election. Nothing in NRS 252.060 or the election laws provides for an election for that office in 2012. Interested parties cannot alter the election laws by agreement.

Sincerely,

CATHERINE CORTEZ MASTO
Attorney General

By:



KEVIN BENSON
Deputy Attorney General
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