

# CLARK COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

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**Petitioner:** Yolanda T. King, County Manager

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**Recommendation:**

**Appoint a qualified individual to fill a vacancy in Nevada State Senate District 10, vacated by Yvanna Cancela, for the remainder of a term to expire upon the next regular election from the list of following individuals: Elisabeth Apar, Sergio Bustos, Melissa Clary, John Delibos, Fabian Donate, Greg Esposito, Heather Harmon, Keenan Korth, Lisa Levine, Hergit Llenas, David Alexander Lopez, Adriana Martinez, Stephanie Molina, Jonathan Norman, Timothy O'Connell, John Ruse, Jason Semerau, Dorian Stonebarger, Kai Tao, Erik Van Houten, and Marc Anthony Wiley. (For possible action)**

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**FISCAL IMPACT:**

Fund #:	N/A	Fund Name:	N/A
Fund Center:	N/A	Funded PGM/Grant:	N/A
Amount:	N/A		
Description:	N/A		
Additional Comments:	N/A		

**BACKGROUND:**

The State Senate District 10 seat was held by Yvanna Cancela, who resigned her position in January 2021. Article 4, Section 12 of the Nevada Constitution provides that in cases of vacancy, the county commissioners of the county from which the senator or assemblyman was elected shall appoint a replacement of the same party.

NRS 218A.262 requires that the Clark County Board of County Commissioners (County Commission) establish a process by which persons may file applications to fill the vacancy and a specific date for the closing of the filing of applications to fill the vacancy. Clark County established the process by which persons may file applications for State Senate District 10 on January 12, 2021, and the date for the closing of filing of applications was on January 19, 2021.

All applicants must meet the qualifications as required by NRS 218A.200 and must be a member of the same political party as the former legislator. Senator Yvanna Cancela is a Democrat. Moreover, NRS 218A.260 (2) requires that any applicant must have actually, as opposed to constructively, resided in the district for at least 30 days immediately preceding the date established for the closure of the filing of applications to fill the vacancy.

During the 2019 Legislative Session, the Nevada Legislature passed a law requiring an applicant for a legislative vacancy to execute and file with his or her application a declaration of eligibility. The declaration requires the applicant to swear or affirm under the penalty of perjury that he or she meets the residency requirements and other qualifications to fill the vacancy.

Staff received 19 applications and supporting materials. Staff also received one (1) incomplete application from

Cleared for Agenda

**02/02/2021**

File ID#

**21-117**

Timothy O'Connell. Mr. O'Connell's application is incomplete as his declaration of eligibility was not notarized. Moreover, staff received one (1) additional application from Jason Semerau. Per the Clark County Election Department, Mr. Semerau does not reside in Senate District 10 and is not a registered Democrat. Therefore, he is ineligible for appointment.

The County Commission is asked to appoint a qualified individual to fill the vacancy in the Nevada State Senate District 10 for the remainder of a term to expire upon the next regular election.