

ASSEMBLY JOINT RESOLUTION NO. 1—COMMITTEE OF THE WHOLE

JUNE 7, 2005

Declared an Emergency Measure

SUMMARY—Proposes to amend Nevada Constitution to revise provisions governing petition for initiative or referendum. (BDR C-14)

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

~

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

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to revise the provisions governing a petition for initiative or referendum.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 19 of the Nevada Constitution be amended to read as follows:

Section 1. 1. A person who intends to circulate a petition that a statute or resolution or part thereof enacted by the Legislature be submitted to a vote of the people, before circulating the petition for signatures, shall file a copy thereof with the Secretary of State. He shall file the copy not earlier than August 1 of the year before the year in which the election will be held.

2. Whenever a number of registered voters of this State equal to 10 percent or more of the number of voters who voted at the last preceding general election shall express their wish by filing with the Secretary of State, not less than 120 days before the next general election, a petition in the form provided for in Section 3 of this Article that any statute or resolution or any part thereof enacted by the Legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted upon shall submit the question of approval or disapproval of such statute



1 or resolution or any part thereof to a vote of the voters at the
2 next succeeding election at which such question may be voted
3 upon by the registered voters of the entire State. *The number*
4 *of registered voters required to file the petition must be*
5 *determined at the time the copy of the petition is filed with*
6 *the Secretary of State pursuant to this Section.* The
7 circulation of the petition shall cease on the day the petition is
8 filed with the Secretary of State or such other date as may be
9 prescribed for the verification of the number of signatures
10 affixed to the petition, whichever is earliest.

11 3. If a majority of the voters voting upon the proposal
12 submitted at such election votes approval of such statute or
13 resolution or any part thereof, such statute or resolution or
14 any part thereof shall stand as the law of the State and shall
15 not be amended, annulled, repealed, set aside, suspended or in
16 any way made inoperative except by the direct vote of the
17 people. If a majority of such voters votes disapproval of such
18 statute or resolution or any part thereof, such statute or
19 resolution or any part thereof shall be void and of no effect.

20 And be it further

21 RESOLVED, That Section 2 of Article 19 of the Nevada
22 Constitution be amended to read as follows:

23 Sec. 2. 1. Notwithstanding the provisions of Section 1
24 of Article 4 of this Constitution, but subject to the limitations
25 of Section 6 of this Article, the people reserve to themselves
26 the power to propose, by initiative petition, statutes and
27 amendments to statutes and amendments to this Constitution,
28 and to enact or reject them at the polls.

29 2. An initiative petition shall be in the form required by
30 Section 3 of this Article and shall be proposed by a number of
31 registered voters *from each congressional district in this*
32 *State* equal to 10 percent or more of the number of voters
33 who voted at the last preceding general election in ~~not less~~
34 ~~than 75 percent of the counties in the State, but the total~~
35 ~~number of registered voters signing the initiative petition~~
36 ~~shall be equal to 10 percent or more of the voters who voted~~
37 ~~in the entire State at the last preceding general election.]~~ *the*
38 *congressional district. The number of registered voters*
39 *required to file the initiative petition must be determined at*
40 *the time the copy of the initiative petition is filed with the*
41 *Secretary of State pursuant to this Section.*

42 3. If the initiative petition proposes a statute or an
43 amendment to a statute, the person who intends to circulate it
44 shall file a copy with the Secretary of State before beginning
45 circulation and not earlier than January 1 of the year



1 preceding the year in which a regular session of the
2 Legislature is held. After its circulation, it shall be filed with
3 the Secretary of State not less than 30 days prior to any
4 regular session of the Legislature. The circulation of the
5 petition shall cease on the day the petition is filed with the
6 Secretary of State or such other date as may be prescribed for
7 the verification of the number of signatures affixed to the
8 petition, whichever is earliest. The Secretary of State shall
9 transmit such petition to the Legislature as soon as the
10 Legislature convenes and organizes. The petition shall take
11 precedence over all other measures except appropriation bills,
12 and the statute or amendment to a statute proposed thereby
13 shall be enacted or rejected by the Legislature without change
14 or amendment within 40 days. If the proposed statute or
15 amendment to a statute is enacted by the Legislature and
16 approved by the Governor in the same manner as other
17 statutes are enacted, such statute or amendment to a statute
18 shall become law, but shall be subject to referendum petition
19 as provided in Section 1 of this Article. If the statute or
20 amendment to a statute is rejected by the Legislature, or if no
21 action is taken thereon within 40 days, the Secretary of State
22 shall submit the question of approval or disapproval of such
23 statute or amendment to a statute to a vote of the voters at the
24 next succeeding general election. If a majority
25 of the voters voting on such question at such election votes
26 approval of such statute or amendment to a statute, it shall
27 become law and take effect upon completion of the canvass
28 of votes by the Supreme Court. An initiative measure so
29 approved by the voters shall not be amended, annulled,
30 repealed, set aside or suspended by the Legislature within 3
31 years from the date it takes effect. If a majority of such voters
32 votes disapproval of such statute or amendment to a statute,
33 no further action shall be taken on such petition. If the
34 Legislature rejects such proposed statute or amendment,
35 the Governor may recommend to the Legislature and the
36 Legislature may propose a different measure on the same
37 subject, in which event, after such different measure has been
38 approved by the Governor, the question of approval or
39 disapproval of each measure shall be submitted by the
40 Secretary of State to a vote of the voters at the next
41 succeeding general election. If the conflicting provisions
42 submitted to the voters are both approved by a majority of the
43 voters voting on such measures, the measure which receives
44 the largest number of affirmative votes shall thereupon
45 become law. If at the session of the Legislature to which an



1 initiative petition proposing an amendment to a statute is
2 presented which the Legislature rejects or upon which it takes
3 no action, the Legislature amends the statute which the
4 petition proposes to amend in a respect which does not
5 conflict in substance with the proposed amendment, the
6 Secretary of State in submitting the statute to the voters for
7 approval or disapproval of the proposed amendment shall
8 include the amendment made by the Legislature.

9 4. If the initiative petition proposes an amendment to the
10 Constitution, the person who intends to circulate it shall file a
11 copy with the Secretary of State before beginning circulation
12 and not earlier than September 1 of the year before the year in
13 which the election is to be held. After its circulation it shall
14 be filed with the Secretary of State not less than 90 days
15 before any regular general election at which the question of
16 approval or disapproval of such amendment may be voted
17 upon by the voters of the entire State. The circulation of the
18 petition shall cease on the day the petition is filed with the
19 Secretary of State or such other date as may be prescribed for
20 the verification of the number of signatures affixed to the
21 petition, whichever is earliest. The Secretary of State shall
22 cause to be published in a newspaper of general circulation,
23 on three separate occasions, in each county in the State,
24 together with any explanatory matter which shall be placed
25 upon the ballot, the entire text of the proposed amendment. If
26 a majority of the voters voting on such question at such
27 election votes disapproval of such amendment, no further
28 action shall be taken on the petition. If a majority of such
29 voters votes approval of such amendment, the Secretary of
30 State shall publish and resubmit the question of approval or
31 disapproval to a vote of the voters at the next succeeding
32 general election in the same manner as such question was
33 originally submitted. If a majority of such voters votes
34 disapproval of such amendment, no further action shall be
35 taken on such petition. If a majority of such voters votes
36 approval of such amendment, it shall, unless precluded by
37 subsection 5 or 6, become a part of this Constitution upon
38 completion of the canvass of votes by the Supreme Court.

39 5. If two or more measures which affect the same
40 section of a statute or of the Constitution are finally approved
41 pursuant to this section, or an amendment to the Constitution
42 is finally so approved and an amendment proposed by the
43 Legislature is ratified which affect the same section, by the
44 voters at the same election:



1 (a) If all can be given effect without contradiction in
2 substance, each shall be given effect.

3 (b) If one or more contradict in substance the other or
4 others, the measure which received the largest favorable vote,
5 and any other approved measure compatible with it, shall be
6 given effect. If the one or more measures that contradict in
7 substance the other or others receive the same number of
8 favorable votes, none of the measures that contradict another
9 shall be given effect.

10 6. If, at the same election as the first approval of a
11 constitutional amendment pursuant to this Section, another
12 amendment is finally approved pursuant to this Section, or an
13 amendment proposed by the Legislature is ratified, which
14 affects the same section of the Constitution but is compatible
15 with the amendment given first approval, the Secretary of
16 State shall publish and resubmit at the next general election
17 the amendment given first approval as a further amendment
18 to the section as amended by the amendment given final
19 approval or ratified. If the amendment finally approved or
20 ratified contradicts in substance the amendment given first
21 approval, the Secretary of State shall not submit the
22 amendment given first approval to the voters again.



