

SENATE JOINT RESOLUTION NO. 18—COMMITTEE ON
GOVERNMENT AFFAIRS

MARCH 17, 1999

Referred to Committee on Government Affairs

SUMMARY—Proposes to amend Nevada Constitution to require election by majority vote by incorporating use of instant runoff elections. (BDR C-1008)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

SENATE JOINT RESOLUTION—Proposing to amend the Constitution of the State of Nevada to require election by majority vote by incorporating the use of instant runoff elections.

1 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA,
2 JOINTLY, That section 9 of article 2 of the Constitution of the State of
3 Nevada be amended to read as follows:
4 Sec. 9. Every public officer in the State of Nevada is subject, as herein
5 provided, to recall from office by the registered voters of the state, or of the
6 county, district, or municipality which he represents. For this purpose, not
7 less than twenty-five per cent (25%) of the number who actually voted in
8 the state or in the county, district, or municipality which he represents, at
9 the election in which he was elected, shall file their petition, in the manner
10 herein provided, demanding his recall by the people. They shall set forth in
11 said petition, in not exceeding two hundred (200) words, the reasons why
12 said recall is demanded. If he shall offer his resignation, it shall be accepted
13 and take effect on the day it is offered, and the vacancy thereby caused
14 shall be filled in the manner provided by law. If he shall not resign within
15 five (5) days after the petition is filed, a special election shall be ordered to
16 be held within thirty (30) days after the issuance of the call therefor, in the
17 state, or county, district, or municipality electing said officer, to determine
18 whether the people will recall said officer. On the ballot at said election
19 shall be printed verbatim as set forth in the recall petition, the reasons for
20 demanding the recall of said officer, and in not more than two hundred
21 (200) words, the officer's justification of his course in office. He shall

1 continue to perform the duties of his office until the result of said election
2 shall be finally declared. Other candidates for the office may be nominated
3 to be voted for at said special election. The candidate who shall receive
4 ~~{highest-number}~~ *the majority* of votes at said special election ,
5 *incorporating the use of an instant runoff election if necessary*, shall be
6 deemed elected for the remainder of the term, whether it be the person
7 against whom the recall petition was filed, or another. The recall petition
8 shall be filed with the officer with whom the petition for nomination to such
9 office shall be filed, and the same officer shall order the special election
10 when it is required. No such petition shall be circulated or filed against any
11 officer until he has actually held his office six (6) months, save and except
12 that it may be filed against a senator or assemblyman in the legislature at
13 any time after ten (10) days from the beginning of the first session after his
14 election. After one such petition and special election, no further recall
15 petition shall be filed against the same officer during the term for which he
16 was elected, unless such further petitioners shall pay into the public
17 treasury from which the expenses of said special election have been paid,
18 the whole amount paid out of said public treasury as expenses for the
19 preceding special election. Such additional legislation as may aid the
20 operation of this section shall be provided by law.

21 And be it further

22 RESOLVED, That section 4 of article 5 of the Constitution of the State of
23 Nevada be amended to read as follows:

24 ~~{Section}~~ *Sec. 4. 1.* The returns of every election for United States
25 senator and member of Congress, district and state officers, and for and
26 against any questions submitted to the electors of the State of Nevada,
27 voted for at the general election, shall be sealed up and transmitted to the
28 seat of government, directed to the secretary of state, and the chief justice
29 of the supreme court, and the associate justices, or a majority thereof, shall
30 meet at the office of the secretary of state, on a day to be fixed by law, and
31 open and canvass the election returns for United States senator and member
32 of Congress, district and state officers, and for and against any questions
33 submitted to the electors of the State of Nevada, and forthwith declare the
34 result and publish the names of the persons elected and the results of the
35 vote cast upon any question submitted to the electors of the State of
36 Nevada.

37 *2.* The persons having the ~~{highest-number}~~ *majority* of votes for the
38 respective offices , *incorporating the use of an instant runoff election if*
39 *necessary*, shall be declared elected, but in case any two or more have an
40 equal and the highest number of votes for the same office ~~{}~~ *after the use*
41 *of an instant runoff election*, the legislature shall, by joint vote of both
42 houses, elect one of said persons to fill said office. *The legislature shall*
43 *provide by law for instant runoff elections.*

1 And be it further

2 RESOLVED, That section 14 of article 15 of the Constitution of the State
3 of Nevada be amended to read as follows:

4 Sec . ~~{ }~~ 14. A ~~{plurality}~~ *majority* of votes ~~{given}~~ *is required* at an
5 election by the people, ~~{shall}~~ *incorporating the use of an instant runoff*
6 *election if necessary, to* constitute a choice . ~~{, where not otherwise~~
7 ~~provided by this Constitution.}~~

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