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Vivian Freeman

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Sent: Wednesday, March 26, 2003 8:03 AM
Subject: Re: AB-292 Initiative Petition Circulation

Dear Friends and Legislators:

AB292 seeks to prohibit governments from suing to stop public votes on circulated petitions. In Nevada today this is a wise and unfortunately necessary step to protect Nevada citizen's US Constitutionally guaranteed right to redress grievances of our government.

For the record, let me say that if the Reno train trench project, the largest most costly project in Reno history at \$300 million and still climbing, can be equated to the same administrative level as the painting of curbs and street lines in the eyes of the Nevada Supreme Court then this legislation is absolutely necessary as a first step in re-establishing the balance of power given citizens vs government by our Constitution. Let me strongly reiterate - this is a first step to rebalance what the Supreme Court has taken away from citizens this past year.

As the Director of Citizens For A Public Train Trench Vote, a grassroots effort to bring the Reno railroad trench to a public vote, it was my pleasure to circulate a petition in Reno which gathered over 15,000 signatures through the efforts of several hundred people last year. The public vote we sought would instruct our elected officials as to what path the community as a whole wanted in regard to the train trench issue.

As a citizen and community advocate I was outraged that I was personally sued by the City of Reno for my efforts. My tax dollars that I pay as a Reno resident were used against me as I exercised my first amendment constitutional right to redress grievances of my government.

Myself and other signors of the original notice to circulate a petition were targeted in a lawsuit by the City of Reno, the Reno-Sparks Chamber of Commerce and the El Dorado, Silver Legacy, Circus Circus, and Harrah's hotel interests in Reno because we wanted a public vote by citizens to decide how our local government uses our tax dollars. They did not sue the 15,013 other people who signed the petition to legally bring the proposed ordinance to a public vote. It cost over \$30,000 in legal fees to defend our constitutional right to redress grievances of our government.

Through the use of the court system, pleading an administrative interference, the court decided for the City and no binding public vote was held. The courts overstepped their authority in my opinion. When courts decide what language can be voted on before a public vote occurs, it creates a disparity between the power of the people and the power of the government.

Imagine, dear legislators, what your job would be like if each bill you drafted went to court to see if your language was legal before you voted on it during your legislative session. This is what the citizens now face as a reality in Nevada.

A citizens initiative is an act to redress grievances of a government. This action is guaranteed in the Bill of Rights, in the 1st Amendment to the US Constitution. And it is an action against the government, which means the government is naturally an adversary. AB292 seeks to relevel the playing field lost to citizens by disallowing government from seeking legal means to stop public votes before the public can vote. It does not stop the government from seeking relief in the courts after a public vote.

Under Nevada law the day-to-day administrative acts of a city are protected from interference by citizens initiatives.

Citizens initiative action is not taken lightly, and is taken when citizens feel their views of citizens are no longer being represented by the conduct of elected officials or government.

Nevada law allows a city council to adopt an ordinance, in any language that it wishes, to implement the intent of a citizens initiative. When the Reno City Council first decided in a public vote not to adopt the ordinance we drafted, they could have created ordinance language to adopt our intent. Instead they chose, in a public meeting, to authorize the City Attorney to take us to court to stop the the public vote because the language was supposedly not legal, on the basis that it might interfere with the administrative duties of the city.

The City Attorney used an 18 page document prepared by your Legislative Council Bureau, under a private request by an unnamed legislator, as its evidence that our petition interfered with the administrative duties of Reno government. This "official" opinion on State of

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ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS
 DATE: 3-27-03 ROOM: 3138 EXHIBIT F
 SUBMITTED BY: Vivian Freeman

Nevada letterhead was all the evidence needed by the City of Reno to convince its spineless City Council Trench majority that it was acting properly. After all, who could challenge the opinion of the State of Nevada's own Legislative Bureau. The legislator, in an act of cowardice, requested to remain anonymous as I understand it. Benedict Arnold would have been proud. Public officials used the cover of governmental legitimacy to support their actions.

When government conspires a several levels to thwart the will of the people before their voice is legally and legitimately heard through the casting of ballots in the voting booth then we, Nevadans, have a problem. The Supreme Court has given itself full authority to be the decider of what laws might be eligible to become laws before the public can vote. This is chaos incarnate, it is tyranny, and it cannot be allowed to continue.

Last year the courts stopped both Fuji park and the train trench public votes from occurring. It overturned growth initiative in Douglas County. This sends a two-fold message to government and the citizenry - government, both local and the court system, is all powerful and citizens might as well give up against it.

I believe AB292 will go a long way toward riting the ship of freedom, which thanks to actions like that of local governments and the Nevada Supreme Court last year, have us floundering in heavy seas about to capsize into governmental tyranny.

Sincerely

Michael Tracy
Director
Citizens For A Public Train Trench Vote

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