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**Assembly Elections, Procedures, & Ethics Committee
Public Comment In Support of AB 292 – Mar. 27, 2003**

Mr. Chair and members of the Committee, I am Jim Slade from Gardnerville, Nevada, and I am speaking today in favor of Assembly Bill 292. Along with Mr. Garvin, I speak on behalf of the Douglas County Sustainable Growth Initiative Committee, but also feel that to some degree I speak for the more than 5000 voters who signed our initiative petition last year (a record in Douglas County), and the more than 8800 voters who voted in favor of our initiative last November when it passed.

When we started in on the initiative process more than a year before the election, we had excellent legal counsel on how to go about the process. Our attorney was very much aware of the laws of Nevada and judicial opinions regarding initiatives. She advised us quite clearly on the need for our initiative to be legislative rather than administrative, and we purposefully followed her suggestions in that regard. When we wrote our initiative, we were quite convinced that it was clearly legislative, and that the administration of the initiative would be up to the county.

We followed all the legal requirements for an initiative. Our community volunteers spent countless hours collecting the required signatures at various venues throughout Douglas County. It was a great lesson in grass-roots democracy, and we felt good about educating the public and giving them a chance to vote on the future of life in our county.

Nonetheless, our initiative was challenged in court pre-election by a developer, who claimed that it was unconstitutional because it was administrative rather than legislative. Our local District Court Judge agreed, and ruled that our initiative should not be on the ballot. This is how it would have stood, and the citizens of Douglas County would have been denied the opportunity to vote on this important measure, except that the Nevada Supreme Court agreed to hear our case on an expedited basis, overturned our local judge, and ordered the initiative back on the ballot. Subsequently (post-election) the Supreme Court ruled that our initiative was in fact legislative rather than administrative, and hence deserved to be on the ballot.

The point is this: if learned men, such as judges, cannot agree on whether an initiative is legislative or administrative, how can the public be expected to discern this not-so-bright line? If people follow the legally required procedures for an initiative in good faith, the voters should have the opportunity to vote on the measure. If post-election, the measure is ruled to be administrative, then the governing body can treat the vote as advisory only.

It is bad enough that those with deep pockets, often motivated solely by the profit motive, can drag grass-roots groups, such as ours, that depend on citizen donations into court repeatedly. Citizens, though, deserve the right to vote on these matters that are legally qualified for the ballot. To do otherwise is un-democratic. People are always decrying low voter turnout. To not allow citizens to vote on legally qualified initiatives would discourage voter participation, and would lead to a further disenchantment with our government. I urge you to support Assembly Bill 292.

ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS
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SUBMITTED BY: Jim Slade