
ASSEMBLY JOINT RESOLUTION NO. 8—COMMITTEE ON ELECTIONS,
PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS

(ON BEHALF OF THE SECRETARY OF STATE)

MARCH 23, 2005

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Proposes to amend Nevada Constitution to specify
time of determination of number of signatures
required on petition for initiative or referendum.
(BDR C-1069)

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

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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 specify that the number of
signatures required on a petition for referendum or a
petition for initiative is to be determined when, before
circulating the petition for signatures, a copy of the
petition is filed with the Secretary of State.

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

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

11 2. Whenever a number of registered voters of this State
12 equal to 10 percent or more of the number of voters who
13 voted at the last preceding general election shall express their



1 wish by filing with the Secretary of State, not less than 120
2 days before the next general election, a petition in the form
3 provided for in Section 3 of this Article that any statute or
4 resolution or any part thereof enacted by the Legislature be
5 submitted to a vote of the people, the officers charged with
6 the duties of announcing and proclaiming elections and of
7 certifying nominations or questions to be voted upon shall
8 submit the question of approval or disapproval of such statute
9 or resolution or any part thereof to a vote of the voters at the
10 next succeeding election at which such question may be voted
11 upon by the registered voters of the entire state. *The number
12 of registered voters of this State equal to 10 percent or more
13 of the number of voters who voted at the last preceding
14 general election required to file a petition must be
15 determined at the time the copy of the petition is filed with
16 the Secretary of State pursuant to subsection 1.* The
17 circulation of the petition shall cease on the day the petition is
18 filed with the Secretary of State or such other date as may be
19 prescribed for the verification of the number of signatures
20 affixed to the petition, whichever is earliest.

21 3. If a majority of the voters voting upon the proposal
22 submitted at such election votes approval of such statute or
23 resolution or any part thereof, such statute or resolution or
24 any part thereof shall stand as the law of the State and shall
25 not be amended, annulled, repealed, set aside, suspended or in
26 any way made inoperative except by the direct vote of the
27 people. If a majority of such voters votes disapproval of such
28 statute or resolution or any part thereof, such statute or
29 resolution or any part thereof shall be void and of no effect.

30 And be it further

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

33 Sec. 2. 1. Notwithstanding the provisions of Section 1
34 of Article 4 of this Constitution, but subject to the limitations
35 of Section 6 of this Article, the people reserve to themselves
36 the power to propose, by initiative petition, statutes and
37 amendments to statutes and amendments to this Constitution,
38 and to enact or reject them at the polls.

39 2. An initiative petition shall be in the form required by
40 Section 3 of this Article and shall be proposed by a number of
41 registered voters equal to 10 percent or more of the number of
42 voters who voted at the last preceding general election in not
43 less than 75 percent of the counties in the State, but the total
44 number of registered voters signing the initiative petition
45 shall be equal to 10 percent or more of the voters who voted



1 in the entire state at the last preceding general election. *The*
2 *number of registered voters equal to 10 percent or more of*
3 *the number of voters who voted at the last preceding general*
4 *election required to propose an initiative petition must be*
5 *determined at the time a copy of the petition is filed with the*
6 *Secretary of State pursuant to subsection 3 or 4.*

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



1 propose a different measure on the same subject, in which
2 event, after such different measure has been approved by the
3 Governor, the question of approval or disapproval of each
4 measure shall be submitted by the Secretary of State to a vote
5 of the voters at the next succeeding general election. If the
6 conflicting provisions submitted to the voters are both
7 approved by a majority of the voters voting on such
8 measures, the measure which receives the largest number of
9 affirmative votes shall thereupon become law. If at the
10 session of the Legislature to which an initiative petition
11 proposing an amendment to a statute is presented which the
12 Legislature rejects or upon which it takes no action, the
13 Legislature amends the statute which the petition proposes to
14 amend in a respect which does not conflict in substance with
15 the proposed amendment, the Secretary of State in submitting
16 the statute to the voters for approval or disapproval of the
17 proposed amendment shall include the amendment made by
18 the Legislature.

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



1 approval of such amendment, it shall, unless precluded by
2 subsection 5 or 6, become a part of this Constitution upon
3 completion of the canvass of votes by the Supreme Court.

4 5. If two or more measures which affect the same
5 section of a statute or of the Constitution are finally approved
6 pursuant to this Section, or an amendment to the Constitution
7 is finally so approved and an amendment proposed by the
8 Legislature is ratified which affect the same section, by the
9 voters at the same election:

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

12 (b) If one or more contradict in substance the other or
13 others, the measure which received the largest favorable vote,
14 and any other approved measure compatible with it, shall be
15 given effect. If the one or more measures that contradict in
16 substance the other or others receive the same number of
17 favorable votes, none of the measures that contradict another
18 shall be given effect.

19 6. If, at the same election as the first approval of a
20 constitutional amendment pursuant to this Section, another
21 amendment is finally approved pursuant to this Section, or an
22 amendment proposed by the Legislature is ratified, which
23 affects the same section of the Constitution but is compatible
24 with the amendment given first approval, the Secretary of
25 State shall publish and resubmit at the next general election
26 the amendment given first approval as a further amendment
27 to the section as amended by the amendment given final
28 approval or ratified. If the amendment finally approved or
29 ratified contradicts in substance the amendment given first
30 approval, the Secretary of State shall not submit the
31 amendment given first approval to the voters again.



