

**Amendment No. 584**

Assembly Amendment to Assembly Joint Resolution No. 5

(BDR C-1399)

**Proposed by:** Committee on Elections, Procedures, Ethics, and Constitutional Amendments**Amendment Box:** Replaces Amendment No. 473.**Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the resolution, page 2, by deleting lines 2 and 3 and inserting:

“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

JCB/BJE

Date: 4/22/2005

A.J.R. No. 5—Proposes to amend Nevada Constitution to revise provisions governing petition for initiative or referendum.

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

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such statute or resolution or any part thereof shall stand as the law of the State and shall not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people.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

And be it further

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

Amend the resolution, page 3, line 39, by deleting “petition.” and inserting:

“petition ~~[-]~~, ***and if 55 percent or more of such voters vote for the disapproval of such statute or amendment to a statute, an initiative petition must not be instituted to place a measure on the***

*ballot at the next succeeding general election that is substantially similar to the statute or amendment to a statute that was disapproved by the voters.”.*

Amend the resolution, page 6, by deleting lines 18 through 22 and inserting:

*“voters vote for the disapproval of the measure, an initiative petition must not be instituted to place a measure on the ballot at the next succeeding primary or general election that is substantially similar to the measure which was disapproved by the voters.”.*

**If this amendment is adopted, the Legislative  
Counsel's Digest will be changed to read as follows:**

**Legislative Counsel's Digest:**

Existing law requires that an initiative petition be signed by at least 10 percent of the voters who voted at the last preceding general election in at least 75 percent of the counties in the State. (Nev. Const., Art. 19, § 2)

The United States District Court for the District of Nevada declared that the above portion of Article 19, § 2 of the Nevada Constitution violates the Equal Protection Clause of the United States Constitution because it applies the same formula to counties of varying population. Such application results in the signatures of voters from small, rural counties carrying more weight than the signatures of voters from larger counties. (*Committee to Regulate and Control Marijuana v. Heller*, No. CV-S-04-1035 JCM (LRL) (D.Nev. Aug. 20, 2004) (order denying preliminary injunction))

This resolution proposes to amend the Nevada Constitution to remove those provisions that were found unconstitutional. This resolution proposes that an initiative petition proposing a statute or an amendment to a statute must be instituted by a number of registered voters in each congressional district equal to 15 percent or more of the number of voters who voted at the last general election in that district, but the total number of voters signing the petition must be equal to 15 percent or more of the voters who voted in the entire State at the last general election. Further, if 55 percent or more of the voters disapprove the initiative measure, any measure that is substantially similar may not be instituted on the ballot at the next succeeding general election.

This resolution proposes to amend the Nevada Constitution to require that any initiative petition proposing a constitutional amendment must be proposed by a number of registered voters in each congressional district equal to 20 percent or more of the number of voters who voted at the last general election in that district, but the total number of voters signing the petition must be equal to 20 percent or more of the voters who voted in the entire State at the last general election.

Existing law requires that an initiative petition relating to any local, special or municipal legislation must be instituted by a number of registered voters equal to 15 percent or more of the voters who voted at the last general county or municipal election. A referendum petition must be instituted by 10 percent or more of such voters. (Nev. Const., Art. 19, § 4)

This resolution proposes to amend the Nevada Constitution to require that an initiative petition relating to any local, special or municipal legislation must be instituted by a number of registered voters in the county or municipality equal to 20 percent or more of the voters who voted in the last general county or municipal election. A referendum petition must be instituted by 15 percent or more of such voters. Further, if 55 percent or more of the voters disapprove the initiative measure, any measure that is substantially similar may not be instituted on the ballot at the next succeeding primary or general election.