

Amendment No. 981

Senate Amendment to Assembly Joint Resolution No. 5 First Reprint	(BDR C-1399)
Proposed by: Committee on Legislative Operations and Elections	
Amendment Box:	
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, pages 3 and 4, by deleting lines 24 through 44 on page 3 and lines 1 through 3 on page 4, and inserting:

“2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters *from each congressional district in this State* equal to 10 percent or more of the number of voters who voted at the last preceding general election in ~~not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.~~ *the congressional district. The number of registered voters required to file the initiative petition must be determined at the time the copy of the initiative petition is filed with the Secretary of State pursuant to this Section.*

JCB/LJM

Date: 5/26/2005

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

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before”.

Amend the resolution, page 4, by deleting lines 37 through 43 and inserting:
“be taken on such petition. If the Legislature rejects such proposed statute”.

Amend the resolution, page 5, by deleting lines 18 through 34 and inserting:
“4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning”.

Amend the resolution, page 6, line 15, by deleting:
“**4 or 5**, ~~for 6,~~” and inserting:
“5 or 6,”.

Amend the resolution, page 6, line 18, by deleting “~~{5-} 4.~~” and inserting “5.”.

Amend the resolution, page 6, line 33, by deleting “~~{6-} 5.~~” and inserting “6.”.

Amend the resolution, page 7, by deleting lines 1 through 22.

**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 must be instituted by a number of registered voters in each congressional district equal to 10 percent or more of the number of voters who voted at the last general election in that district.