
SENATE JOINT RESOLUTION NO. 4—SENATORS COFFIN,
AMODEI, TITUS AND MATHEWS

FEBRUARY 21, 2005

JOINT SPONSORS: ASSEMBLYMEN MCCLAIN AND SHERER

Referred to Committee on Legislative Operations and Elections

SUMMARY—Proposes to amend Nevada Constitution to limit causes for recall of elected public officers to misdemeanor or malfeasance in office. (BDR C-26)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to limit the allowable causes for the recall of an elected public officer to misdemeanor or malfeasance in office.

Legislative Counsel's Digest:

1 The Nevada Constitution currently provides a procedure for the people to recall
2 an elected public officer for any reason. (Nev. Const., Art. 2, § 9)

3 This bill proposes to amend the Nevada Constitution to limit the reasons for
4 which an elected public officer may be recalled to misdemeanor or malfeasance in
5 office, the same grounds for which certain officers are subject to impeachment
6 pursuant to Section 2 of Article 7 of the Nevada Constitution. This bill also requires
7 the petition for recall to include factual support for each allegation of misdemeanor
8 or malfeasance in office.

1 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF
2 NEVADA, JOINTLY, That Section 9 of Article 2 of the Nevada
3 Constitution be amended to read as follows:

4 Sec. 9. Every public officer in the State of Nevada is
5 subject, as herein provided, to recall from office *for*
6 *misdemeanor or malfeasance in office* by the registered
7 voters of the state, or of the county, district, or municipality
8 which he represents. For this purpose, not less than twenty-
9 five percent (25%) of the number who actually voted in the



1 state or in the county, district, or municipality which he
2 represents, at the election in which he was elected, shall file
3 their petition, in the manner herein provided, demanding his
4 recall by the people. They shall set forth in said petition, in
5 not exceeding two hundred (200) words, the reasons why said
6 recall is demanded **H**, *including factual support for each*
7 *allegation of misdemeanor or malfeasance in office.* If he
8 shall offer his resignation, it shall be accepted and take effect
9 on the day it is offered, and the vacancy thereby caused shall
10 be filled in the manner provided by law. If he shall not resign
11 within five (5) days after the petition is filed, a special
12 election shall be ordered to be held within thirty (30) days
13 after the issuance of the call therefor, in the state, or county,
14 district, or municipality electing said officer, to determine
15 whether the people will recall said officer. On the ballot at
16 said election shall be printed verbatim as set forth in the recall
17 petition, the reasons for demanding the recall of said officer,
18 and in not more than two hundred (200) words, the officer's
19 justification of his course in office. He shall continue to
20 perform the duties of his office until the result of said election
21 shall be finally declared. Other candidates for the office may
22 be nominated to be voted for at said special election. The
23 candidate who shall receive *the* highest number of votes at
24 said special election shall be deemed elected for the
25 remainder of the term, whether it be the person against whom
26 the recall petition was filed, or another. The recall petition
27 shall be filed with the officer with whom the petition for
28 nomination to such office shall be filed, and the same officer
29 shall order the special election when it is required. No such
30 petition shall be circulated or filed against any officer until he
31 has actually held his office six (6) months, save and except
32 that it may be filed against a senator or assemblyman in the
33 legislature at any time after ten (10) days from the beginning
34 of the first session after his election. After one such petition
35 and special election, no further recall petition shall be filed
36 against the same officer during the term for which he was
37 elected, unless such further petitioners shall pay into the
38 public treasury from which the expenses of said special
39 election have been paid, the whole amount paid out of said
40 public treasury as expenses for the preceding special election.
41 Such additional legislation as may aid the operation of this
42 section shall be provided by law.

