

SENATE JOINT RESOLUTION NO. 8—SENATOR CEGAVSKE

MARCH 21, 2005

Referred to Committee on Legislative Operations and Elections

SUMMARY—Proposes to amend Nevada Constitution to make various changes concerning initiatives and referenda. (BDR C-298)

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.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide that the provisions of an initiative petition and a referendum petition are not severable, to require that petitions for referenda be filed with the Secretary of State not less than 165 days before the next general election, to provide for the Legislature to make changes to certain statutes or resolutions approved by a majority of voters after a certain period and to prohibit the proposal of constitutional amendments which make appropriations or otherwise require expenditures of money unless such constitutional amendments provide for raising the necessary revenue.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 7, be added to Article 19 of the Nevada Constitution to read as follows:

Sec. 7. If any provision of a measure proposed by an initiative petition or referred by a referendum petition is declared to be contrary to this Constitution or the Constitution of the United States, the entire initiative petition or referendum petition must be declared to be contrary to this Constitution or the Constitution of the United States, as the case may be.



1 And be it further

2 RESOLVED, That Section 1 of Article 19 of the Nevada
3 Constitution be amended to read as follows:

4 Section 1. 1. A person who intends to circulate a
5 petition that a statute or resolution or part thereof enacted by
6 the 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
14 wish by filing with the Secretary of State, not less than ~~120~~
15 165 days before the next general election, a petition in the
16 form provided for in Section 3 of this Article that any statute
17 or resolution or any part thereof enacted by the Legislature be
18 submitted to a vote of the people, the officers charged with
19 the duties of announcing and proclaiming elections and of
20 certifying nominations or questions to be voted upon shall
21 submit the question of approval or disapproval of such statute
22 or resolution or any part thereof to a vote of the voters at the
23 next succeeding election at which such question may be voted
24 upon by the registered voters of the entire State. The
25 circulation of the petition shall cease on the day the petition is
26 filed with the Secretary of State or such other date as may be
27 prescribed for the verification of the number of signatures
28 affixed to the petition, whichever is earliest.

29 3. ~~##~~ *Except as otherwise provided in subsection 4, if*
30 a majority of the voters voting upon the proposal submitted at
31 such election votes approval of such statute or resolution or
32 any part thereof, such statute or resolution or any part thereof
33 shall stand as the law of the State and shall not be amended,
34 annulled, repealed, set aside, suspended or in any way made
35 inoperative except by the direct vote of the people. If a
36 majority of such voters votes disapproval of such statute or
37 resolution or any part thereof, such statute or resolution or
38 any part thereof shall be void and of no effect.

39 4. *If a majority of the voters voting upon the proposal*
40 *submitted at such election votes approval of a statute or*
41 *resolution or any part thereof relating to taxation other than*
42 *a provision that establishes a rate of taxation, or requiring*
43 *the expenditure of money, such statute or resolution or any*
44 *part thereof shall stand as the law of the State and shall not*



1 *be amended, annulled, repealed, set aside, suspended or in*
2 *any way made inoperative by the Legislature within 3 years*
3 *from the date the approval takes effect. The provisions of*
4 *this subsection shall have retroactive effect upon each*
5 *previous approval such that, 3 years from the date the*
6 *previous approval took effect, the Legislature may amend,*
7 *annul, repeal, set aside, suspend or make inoperative the*
8 *approved statute or resolution or any part thereof relating to*
9 *taxation or requiring the expenditure of money.*

10 And be it further

11 RESOLVED, That Section 6 of Article 19 of the Nevada
12 Constitution be amended to read as follows:

13 Sec. 6. This Article does not permit the proposal of any
14 *constitutional amendment*, statute or statutory amendment
15 which makes an appropriation or otherwise requires the
16 expenditure of money, unless such *constitutional*
17 *amendment*, statute or *statutory* amendment also imposes a
18 sufficient tax, not prohibited by the Constitution, or otherwise
19 constitutionally provides for raising the necessary revenue.



