

ASSEMBLY JOINT RESOLUTION NO. 12—ASSEMBLYMAN MUNFORD

MARCH 19, 2007

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

SUMMARY—Proposes to amend the Nevada Constitution to establish a nonpartisan commission to reapportion legislative and congressional districts. (BDR C-1271)

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 establish a nonpartisan commission to reapportion legislative districts and congressional districts.

Legislative Counsel’s Digest:

1 The Nevada Constitution currently provides that after each decennial census,
2 the Legislature shall fix by law the number of Senators and Assemblymen, and
3 apportion them among the several counties of the State, or among legislative
4 districts which may be established by law. This resolution proposes to amend the
5 Nevada Constitution to require the Secretary of State to create a commission to
6 carry out the reapportionment whenever reapportionment is necessary. The
7 commission is responsible for reapportioning legislative districts and congressional
8 districts and must be composed of members appointed by the two largest political
9 parties. The Legislature is required to enact laws to implement the provisions of the
10 section, including the terms commission members will serve, the method of filling
11 vacancies on the commission, any additional qualifications for the commissioners
12 and any additional standards to govern the commission, and is also required to
13 appropriate funds to enable the commission to carry out its duties. This resolution
14 provides for the time limits under which the commission must operate and the
15 requirements for any final action taken, as well as requiring any districts created by
16 the commission to be in effect for all elections held after the plan is filed until a
17 new one is created or unless the court amends the plan. Commissioners are not
18 allowed to serve in either House of the Legislature for 5 years following their
19 service on the commission.



1 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
2 NEVADA, JOINTLY, That Section 5 of Article 4 of the Nevada
3 Constitution be amended to read as follows:

4 Sec. 5. **1.** Senators and members of the Assembly
5 shall be duly qualified electors in the respective counties and
6 districts which they represent, and the number of Senators
7 shall not be less than one-third nor more than one-half of that
8 of the members of the Assembly.

9 **2.** It shall be the mandatory duty of the Legislature at its
10 first session after the taking of the decennial census of the
11 United States in the year 1950, and after each subsequent
12 decennial census, **and any other federal census**, to fix by law
13 the number of Senators and Assemblymen . ~~[-, and apportion~~
14 ~~them among the several counties of the State, or among~~
15 ~~legislative districts which may be established by law,~~
16 ~~according to the number of inhabitants in them, respectively.]~~

17 **3.** *Whenever there is reason to reapportion the*
18 *Legislature into new legislative districts or to provide new*
19 *congressional district boundaries, or both, because of a new*
20 *federal census or because of a decision of a court of*
21 *competent jurisdiction, the Secretary of State shall order the*
22 *formation of a commission for reapportionment.*

23 **4.** *The commission must be composed of six members.*
24 *The leaders of the two largest political parties of each*
25 *House of the Legislature shall each designate one member,*
26 *and the state chairmen of the two largest political parties,*
27 *determined by the vote cast for Governor in the last*
28 *gubernatorial election, shall each designate one member. In*
29 *the event any appointing authority does not select the*
30 *members within 15 calendar days following the order of the*
31 *Secretary of State to form the commission, the Supreme*
32 *Court shall appoint such members. No member of the*
33 *commission may be an elected or appointed official in the*
34 *State of Nevada at the time of designation or selection.*

35 **5.** *The Legislature shall enact laws providing for the*
36 *implementation of the provisions of this section, including,*
37 *without limitation, terms of commission members, the*
38 *method of filling vacancies on the commission, additional*
39 *qualifications for commissioners and additional standards*
40 *to govern the commission. The Legislature shall appropriate*
41 *funds to enable the commission to carry out its duties.*

42 **6.** *Within 90 days after the Legislature has fixed the*
43 *number of Senators and Assemblymen pursuant to*
44 *subsection 2, the commission shall file a proposed plan for*
45 *apportioning the Senate and Assembly of the Legislature*



1 with the Office of the Secretary of State. At the same time,
2 and with the same effect, the commission shall prepare and
3 file a plan for congressional districts. Any final action of the
4 commission on a proposed plan must be approved by a vote
5 of two-thirds of the members of the commission. All
6 deliberations of the commission must be open to the public.

7 7. The legislative districts created by the commission
8 are in effect for all elections held after the plan is filed and
9 until a new plan is required and filed unless amended by
10 court order. The Supreme Court shall have original
11 jurisdiction over actions involving challenges to legislative
12 apportionment.

13 8. A member of the commission may not serve in either
14 House of the Legislature for 5 years following the service of
15 such member on the commission.

