

A.J.R. 1 of the 22nd Special Session

ASSEMBLY JOINT RESOLUTION NO. 1—COMMITTEE OF THE WHOLE

JUNE 7, 2005

Declared an Emergency Measure

SUMMARY—Proposes to amend Nevada Constitution to revise provisions governing petition for initiative or referendum. (BDR C-14)

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 revise the provisions governing a petition for initiative or referendum.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF 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 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



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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:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

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.*

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it



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1 shall file a copy with the Secretary of State before beginning
2 circulation and not earlier than January 1 of the year
3 preceding the year in which a regular session of the
4 Legislature is held. After its circulation, it shall be filed with
5 the Secretary of State not less than 30 days prior to any
6 regular session of the Legislature. The circulation of the
7 petition shall cease on the day the petition is filed with the
8 Secretary of State or such other date as may be prescribed for
9 the verification of the number of signatures affixed to the
10 petition, whichever is earliest. The Secretary of State shall
11 transmit such petition to the Legislature as soon as the
12 Legislature convenes and organizes. The petition shall take
13 precedence over all other measures except appropriation bills,
14 and the statute or amendment to a statute proposed thereby
15 shall be enacted or rejected by the Legislature without change
16 or amendment within 40 days. If the proposed statute or
17 amendment to a statute is enacted by the Legislature and
18 approved by the Governor in the same manner as other
19 statutes are enacted, such statute or amendment to a statute
20 shall become law, but shall be subject to referendum petition
21 as provided in Section 1 of this Article. If the statute or
22 amendment to a statute is rejected by the Legislature, or if no
23 action is taken thereon within 40 days, the Secretary of State
24 shall submit the question of approval or disapproval of such
25 statute or amendment to a statute to a vote of the voters at the
26 next succeeding general election. If a majority
27 of the voters voting on such question at such election votes
28 approval of such statute or amendment to a statute, it shall
29 become law and take effect upon completion of the canvass
30 of votes by the Supreme Court. An initiative measure so
31 approved by the voters shall not be amended, annulled,
32 repealed, set aside or suspended by the Legislature within 3
33 years from the date it takes effect. If a majority of such voters
34 votes disapproval of such statute or amendment to a statute,
35 no further action shall be taken on such petition. If the
36 Legislature rejects such proposed statute or amendment,
37 the Governor may recommend to the Legislature and the
38 Legislature may propose a different measure on the same
39 subject, in which event, after such different measure has been
40 approved by the Governor, the question of approval or
41 disapproval of each measure shall be submitted by the
42 Secretary of State to a vote of the voters at the next
43 succeeding general election. If the conflicting provisions
44 submitted to the voters are both approved by a majority of the
45 voters voting on such measures, the measure which receives



1 the largest number of affirmative votes shall thereupon
2 become law. If at the session of the Legislature to which an
3 initiative petition proposing an amendment to a statute is
4 presented which the Legislature rejects or upon which it takes
5 no action, the Legislature amends the statute which the
6 petition proposes to amend in a respect which does not
7 conflict in substance with the proposed amendment, the
8 Secretary of State in submitting the statute to the voters for
9 approval or disapproval of the proposed amendment shall
10 include the amendment made by the Legislature.

11 4. If the initiative petition proposes an amendment to the
12 Constitution, the person who intends to circulate it shall file a
13 copy with the Secretary of State before beginning circulation
14 and not earlier than September 1 of the year before the year in
15 which the election is to be held. After its circulation it shall
16 be filed with the Secretary of State not less than 90 days
17 before any regular general election at which the question of
18 approval or disapproval of such amendment may be voted
19 upon by the voters of the entire State. The circulation of the
20 petition shall cease on the day the petition is filed with the
21 Secretary of State or such other date as may be prescribed for
22 the verification of the number of signatures affixed to the
23 petition, whichever is earliest. The Secretary of State shall
24 cause to be published in a newspaper of general circulation,
25 on three separate occasions, in each county in the State,
26 together with any explanatory matter which shall be placed
27 upon the ballot, the entire text of the proposed amendment. If
28 a majority of the voters voting on such question at such
29 election votes disapproval of such amendment, no further
30 action shall be taken on the petition. If a majority of such
31 voters votes approval of such amendment, the Secretary of
32 State shall publish and resubmit the question of approval or
33 disapproval to a vote of the voters at the next succeeding
34 general election in the same manner as such question was
35 originally submitted. If a majority of such voters votes
36 disapproval of such amendment, no further action shall be
37 taken on such petition. If a majority of such voters votes
38 approval of such amendment, it shall, unless precluded by
39 subsection 5 or 6, become a part of this Constitution upon
40 completion of the canvass of votes by the Supreme Court.

41 5. If two or more measures which affect the same
42 section of a statute or of the Constitution are finally approved
43 pursuant to this section, or an amendment to the Constitution
44 is finally so approved and an amendment proposed by the



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Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

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