

**ASSEMBLY JOINT RESOLUTION NO. 8—COMMITTEE ON ELECTIONS,
PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS**

(ON BEHALF OF THE SECRETARY OF STATE)

MARCH 23, 2005

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

SUMMARY—Proposes to amend Nevada Constitution to specify time of determination of number of signatures required on petition for initiative or referendum. (BDR C-1069)

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 specify that the number of signatures required on a petition for referendum or a petition for initiative is to be determined when, before circulating the petition for signatures, a copy of the petition is filed with the Secretary of State.

1 **RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF**
2 **NEVADA, JOINTLY, That Section 1 of Article 19 of the Nevada**
3 **Constitution be amended to read as follows:**

4 **Sec. 1. 1. A person who intends to circulate a petition**
5 **that a statute or resolution or part thereof enacted by the**
6 **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.**



* A J R 8 7 3 *

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 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 of this State equal to 10 percent or more of the number of voters who voted at the last preceding general election required to file a petition must be determined at the time the copy of the petition is filed with the Secretary of State pursuant to subsection 1.* 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 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 number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election required to propose an initiative petition must be determined at the time a copy of the petition is filed with the Secretary of State pursuant to subsection 3 or 4.*

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 beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the Legislature is held. After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. 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. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall



1 be taken on such petition. If the Legislature rejects such
2 proposed statute or amendment, the Governor may
3 recommend to the Legislature and the Legislature may
4 propose a different measure on the same subject, in which
5 event, after such different measure has been approved by the
6 Governor, the question of approval or disapproval of each
7 measure shall be submitted by the Secretary of State to a vote
8 of the voters at the next succeeding general election. If the
9 conflicting provisions submitted to the voters are both
10 approved by a majority of the voters voting on such
11 measures, the measure which receives the largest number of
12 affirmative votes shall thereupon become law. If at the
13 session of the Legislature to which an initiative petition
14 proposing an amendment to a statute is presented which the
15 Legislature rejects or upon which it takes no action, the
16 Legislature amends the statute which the petition proposes to
17 amend in a respect which does not conflict in substance with
18 the proposed amendment, the Secretary of State in submitting
19 the statute to the voters for approval or disapproval of the
20 proposed amendment shall include the amendment made by
21 the Legislature.

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



1 originally submitted. If a majority of such voters votes
2 disapproval of such amendment, no further action shall be
3 taken on such petition. If a majority of such voters votes
4 approval of such amendment, it shall, unless precluded by
5 subsection 5 or 6, become a part of this Constitution upon
6 completion of the canvass of votes by the Supreme Court.

7 5. If two or more measures which affect the same
8 section of a statute or of the Constitution are finally approved
9 pursuant to this Section, or an amendment to the Constitution
10 is finally so approved and an amendment proposed by the
11 Legislature is ratified which affect the same section, by the
12 voters at the same election:

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

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

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

