

Senate Joint Resolution No. 1—Committee on Legislative
Operations and Elections

FILE NUMBER.....

SENATE JOINT RESOLUTION—Proposing to amend the Nevada
Constitution to remove requirements concerning affidavits
that must be affixed to referendum petitions and initiative
petitions.

Legislative Counsel's Digest:

The Nevada Constitution currently provides that there must be attached to each document in a referendum petition or initiative petition an affidavit stating that all the signatures on the document are genuine signatures of persons who are registered voters in the counties in which they reside, and that the affidavit must be executed before a person authorized by law to administer oaths in Nevada, such as a notary public. (Nev. Const. Art. 19, § 3) The Nevada Supreme Court has ruled that the affidavit requirements set forth in Section 3 of Article 19 of the Nevada Constitution are an impermissible burden on political speech and, therefore, unconstitutional under the First Amendment to the United States Constitution. (*Secretary of State v. Give Nevada a Raise, Inc.*, 120 Nev. 481 (2004))

This resolution proposes to amend the Nevada Constitution to remove the affidavit requirements set forth in Section 3 of Article 19.

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

Sec. 3. 1. Each referendum petition and initiative
petition shall include the full text of the measure proposed.
Each signer shall affix thereto his or her signature, residence
address and the name of the county in which he or she is a
registered voter. The petition may consist of more than one
document . ~~but each document shall have affixed thereto an
affidavit made by one of the signers of such document to the
effect that all of the signatures are genuine and that each
individual who signed such document was at the time of
signing a registered voter in the county of his or her
residence. The affidavit shall be executed before a person
authorized by law to administer oaths in the State of Nevada.~~
The enacting clause of all statutes or amendments proposed
by initiative petition shall be: "The People of the State of
Nevada do enact as follows:"

2. The Legislature may authorize the Secretary of State
and the other public officers to use generally accepted
statistical procedures in conducting a preliminary verification
of the number of signatures submitted in connection with a
referendum petition or an initiative petition, and for this



purpose to require petitions to be filed no more than 65 days earlier than is otherwise required by this Article.

20 ~~~~~ 07

