

SENATE JOINT RESOLUTION NO. 1—COMMITTEE ON LEGISLATIVE
OPERATIONS AND ELECTIONS

FEBRUARY 12, 2007

Referred to Committee on Legislative Operations and Elections

SUMMARY—Proposes to amend the Nevada Constitution to remove requirements concerning affidavits that must be affixed to referendum petitions and initiative petitions. (BDR C-688)

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 remove requirements concerning affidavits that must be affixed to referendum petitions and initiative petitions.

Legislative Counsel’s Digest:

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

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



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

4 Sec. 3. 1. Each referendum petition and initiative
5 petition shall include the full text of the measure proposed.
6 Each signer shall affix thereto his or her signature, residence
7 address and the name of the county in which he or she is a
8 registered voter. The petition may consist of more than one
9 document . ~~[- but each document shall have affixed thereto an~~

10 ~~affidavit made by one of the signers of such document to the~~
11 ~~effect that all of the signatures are genuine and that each~~
12 ~~individual who signed such document was at the time of~~
13 ~~signing a registered voter in the county of his or her~~
14 ~~residence. The affidavit shall be executed before a person~~
15 ~~authorized by law to administer oaths in the State of Nevada.]~~

16 The enacting clause of all statutes or amendments proposed
17 by initiative petition shall be: "The People of the State of
18 Nevada do enact as follows:"

19 2. The Legislature may authorize the Secretary of State
20 and the other public officers to use generally accepted
21 statistical procedures in conducting a preliminary verification
22 of the number of signatures submitted in connection with a
23 referendum petition or an initiative petition, and for this
24 purpose to require petitions to be filed no more than 65 days
25 earlier than is otherwise required by this Article.

