

STATE OF NEVADA
DEPARTMENT OF STATE

**Constitutional Amendments To Be Voted
Upon in State of Nevada at General
Election, November 4, 1980**



Compiled by

WM. D. SWACKHAMER
SECRETARY OF STATE

Constitutional Amendments To Be Voted Upon in State of Nevada at the General Election, November 4, 1980

I, Wm. D. Swackhamer, the duly elected, qualified and acting Secretary of State of the State of Nevada, do hereby certify that the following Constitutional Amendments are to appear on the 1980 General Election Ballot:

QUESTION NO. 1

Amendment to the Constitution

Assembly Joint Resolution No. 21 of the 59th Session

Assembly Joint Resolution—Proposing to amend section 7 of article 1 of the constitution of the State of Nevada, relating to bail, by expanding the classification of crimes for which bail may be denied.

Resolved by the Assembly and Senate of the State of Nevada, jointly, That section 7 of article 1 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] Sec. 7. All persons shall be bailable by sufficient sureties; unless for Capital Offenses *or murders punishable by life imprisonment without possibility of parole* when the proof is evident **[.]** or the presumption great.

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 1.

Amendment to the Constitution.

Shall—Assembly Joint Resolution No. 21 proposing to amend section 7 of article 1 of the State constitution by increasing the types of crimes for which bail may be denied be approved?

Yes 177592 ☒
No 49690 ☐

(Explanation to Question No. 1)

The state constitution currently forbids bail for persons accused of capital offenses. A "yes" vote on this question would add murders punishable by life imprisonment without possibility of parole as another category of crime for which bail would be forbidden. A "no" vote would defeat this amendment.

ARGUMENT FOR PASSAGE

This proposed amendment, if passed, would broaden the classification of crimes for denial of bail to include all offenses punishable by life

imprisonment without possibility of parole. (1st degree murder, 1st degree kidnaping and forceable rape) Currently, the classification of crime for which bail may be denied is restricted to aggravated murder.

ARGUMENT AGAINST PASSAGE

A narrow classification of crimes for denial of bail should be maintained to allow those individuals accused of lesser crimes to be released from custody.

QUESTION NO. 2

Amendment to the Constitution

Senate Joint Resolution No. 10 of the 59th Session

Senate Joint Resolution—Proposing to amend the Nevada constitution to provide for the election of one-third of the district judges at each general election.

Resolved by the Senate and Assembly of the State of Nevada, jointly, That sections 5 and 15 of article 6 and section 9 of article 15 of the constitution of the State of Nevada be amended to read respectively as follows:

Sec. 5. **[**The State is hereby divided into Nine Judicial Districts of which the county of Storey shall constitute the First; The county of Ormsby the Second; The county of Lyon the Third; The county of Washoe the Fourth; The counties of Nye and Churchill the Fifth; The county of Humboldt the Sixth; The county of Lander the Seventh; The county of Douglas the Eighth; and the county of Esmeralda the Ninth. The county of Roop shall be attached to the county of Washoe for judicial purposes until otherwise provided by law. The Legislature may, however, provide by law for an alteration in the boundaries or divisions of the Districts herein prescribed, and also for increasing or diminishing the number of the Judicial Districts and Judges therein. But no such change shall take effect, except in case of a vacancy, or the expiration of the term of an incumbent of the Office. At the first general election under this Constitution there shall be elected in each of the respective Districts (except as in this Section hereafter otherwise provided) One District Judge, who shall hold Office from and including the first Monday of December AD. Eighteen hundred and Sixty four and until the first Monday of January in the year Eighteen hundred and Sixty seven. After the said first election, there shall be elected at the General election which immediately precedes the expiration of the term of his predecessor, One District Judge in each of the respective Judicial Districts (except in the First District as in this Section hereinafter provided.) The District Judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of 6 years (excepting those elected at said first election) from and including the first Monday of January, next succeeding their election and qualification; Provided, that the First Judicial District shall be entitled to, and shall have Three District Judges, who shall possess co-extensive and concurrent jurisdiction, and who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed,

in relation to the Judges in other Judicial Districts, any one of said Judges may preside on the empanneling [empaneling] of Grand Juries and the presentment and trial on indictments, under such rules and regulations as may be prescribed by law.]

1. *The legislature may provide by law for the division of the state into judicial districts and may alter the boundaries of, or the number of judges regularly assigned to, any judicial district, but no judge may be removed from office by any such alteration.*

2. *The district judges regularly assigned to each judicial district shall be elected by the registered voters of that district for a term of 6 years except as otherwise provided in this subsection. Each term begins on the 1st Monday of January next after the appropriate general election. On or before the 1st Monday of January in 1981, the chief justice of the supreme court shall by lot divide the district judges of each judicial district to which two or more judges are regularly assigned, and the remaining district judges as a group, into three classes as nearly equal in number as may be. The terms of the first and second classes expire on the 1st Monday of January in 1983 and the terms of the third class expire on the 1st Monday of January in 1985. The successors of the first class shall be elected at the general election in 1982 for terms expiring on the 1st Monday of January in 1987. If the legislature increases or diminishes the number of district judges regularly assigned to any judicial district, it shall provide an effective date for the alteration such that the number of district judges elected from that district at each general election remains as nearly equal as may be.*

3. *The judges regularly or temporarily assigned to each judicial district have coextensive and concurrent jurisdiction.*

[Sec:] Sec. 15. The Justices of the Supreme Court and District Judges shall each receive for their services a compensation to be fixed by law and paid in the manner provided by law, which shall not be [increased or] diminished during the term for which they shall have been elected, unless a Vacancy occurs, in which case the successor of the former incumbent shall receive only such salary as may be provided by law at the time of his election or appointment; and provision shall be made by law for setting apart from each year's revenue a sufficient amount of Money, to pay such compensation. *If the legislature increases this compensation, it shall make the increase effective at the same time for all justices or judges, as the case may be.*

[Sec:] Sec. 9. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution [; Provided,], *except that no such change of Salary or compensation shall apply to any Officer other than a judicial Officer during the term for which he may have been elected.*

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 2.

Amendment to the Constitution.

Shall—Senate Joint Resolution No. 10 proposing to amend sections 5 and 15 of article 6 and section 9 of article 15 of the State constitution

allowing the legislative to increase the salaries of judges during their terms for which they have been elected and providing that one-third of the State's district judges stand election each general election be approved?

Yes.....64496.....☐
No.....162421.....☒

(Explanation to Question No. 2)

This question would amend the state constitution to allow the legislature to alter the boundaries of judicial districts or alter the number of judges assigned to any judicial district at any time instead of only when a vacancy occurs or judicial terms end. The provision would also amend the constitution by providing for the election of one-third of the state's district judges every election and, because of this provision, would also provide that when the legislature increases the salaries of judges the increase shall be effective at the same time for all judges in the state, rather than only at the beginning of their terms of office. A "yes" vote would adopt these amendments and a "no" vote would defeat these amendments.

ARGUMENT FOR PASSAGE

Election of one-third of the district judges every 2 years promotes better balance between newer and more experienced judges. Immediate effectiveness of increases in number or salary of judges permits the legislature to respond more quickly to changes in population and cost of living.

ARGUMENT AGAINST PASSAGE

Because district judges function individually and not collectively, continuity resulting from staggered expiration of terms is not essential. Judges should be treated the same as other state officers, whose salaries cannot be increased during their terms.

QUESTION NO. 3

Amendment to the Constitution

Assembly Joint Resolution No. 23 of the 59th Session

Assembly Joint Resolution—Proposing to amend section 33 of article 4 of the constitution of the State of Nevada, relating to certain expenses of legislators, by providing that the monetary limitation may be fixed by law.

Resolved by the Assembly and Senate of the State of Nevada, jointly, That section 33 of article 4 of the constitution of the State of Nevada be amended to read as follows:

【Sec:】 Sec. 33. The members of the Legislature shall receive for their services, a compensation to be fixed by law and paid out of the public treasury, for not to exceed 60 days during any regular session of the legislature and not to exceed 20 days during any special session convened by the governor; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected Provided, that an appropriation may be made for **【the payment of such actual expenses as members of the Legislature may incur for】** postage, express charges, newspapers and

stationery [, not exceeding the sum of Sixty dollars for any general or special session to each member;] *for members of the Legislature in an amount to be fixed by law*; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 3.

Amendment to the Constitution.

Shall—Assembly Joint Resolution No. 23 proposing to amend section 33 of article 4 of the State constitution to allow the legislature to fix by law the amount of payment for actual expenses of postage, express charges, newspapers and stationery be approved?

Yes.....86624.....☐
No.....141758.....☒

(Explanation to Question No. 3)

The state constitution currently provides that legislators are entitled to the payment of actual expenses, not to exceed \$60.00 for any session, of postage, express charges, newspapers and stationery. This question would amend the constitution to allow the legislature to permit the payment of such expenses for each legislator in an amount to be fixed by law. A “yes” vote would adopt this amendment and a “no” vote would defeat this amendment.

ARGUMENT FOR PASSAGE

The limit of \$60 was set in 1864, when the purchasing power of this amount was much greater than now. Because the value of money will probably continue to change, it is appropriate for the legislature to change the limit from time to time, as it does other salaries and allowances.

ARGUMENT AGAINST PASSAGE

In setting this limit, the legislators would be acting directly upon their own expenses. The limit should be kept in the constitution where it is under the control of the people.

QUESTION NO. 4

Amendment to the Constitution

Assembly Joint Resolution No. 26 of the 59th Session

Assembly Joint Resolution—Proposing to amend section 3 of article 11 of the constitution of the State of Nevada relating to sources of revenue pledged for educational purposes by permitting the legislature to determine the policies for investment of such revenues.

Resolved by the Assembly and Senate of the State of Nevada, jointly, That section 3 of article 11 of the constitution of the State of Nevada be amended to read as follows:

[Section] Sec. 3. All lands, including the sixteenth and thirty-sixth sections in any township donated for the benefit of public schools in the act of the Thirty-eighth Congress, to enable the people of Nevada Territory to form a state government, the thirty thousand acres of public lands granted by an act of Congress, approved July second, A.D. eighteen hundred and sixty-two, for each senator and representative in Congress, and all proceeds of lands that have been or may hereafter be granted or appropriated by the United States to this state, and also the five hundred thousand acres of land granted to the new states under the act of Congress distributing the proceeds of the public lands among the several states of the union, approved A.D. eighteen hundred and forty-one; provided, that Congress make provision for or authorize such diversion to be made for the purpose herein contained; all estates that may escheat to the state; all of such per centum as may be granted by Congress on the sale of lands; all fines collected under the penal laws of the state; all property given or bequeathed to the state for educational purposes, and all proceeds derived from any or all of said sources shall be and the same are hereby solemnly pledged for educational purposes, and shall not be transferred to any other funds for other uses; and the interest thereon shall, from time to time, be apportioned among the several counties as the legislature may provide by law; and the legislature shall provide for the sale of floating land warrants to cover the aforesaid lands, and for the investment of all proceeds derived from any of the above-mentioned sources; **[** in United States bonds, or the bonds of this state, or the bonds of other states of the union, or the bonds of any county in the State of Nevada; or in loans at a rate of interest of not less than six per cent per annum, secured by mortgage on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, of unexceptional title and free from all encumbrances, said loans to be under such further restrictions and regulations as may be provided by law;**]** provided, that the interest only of the aforesaid proceeds shall be used for educational purposes, and any surplus interest shall be added to the principal sum; and provided further, that such portion of said interest as may be necessary may be appropriated for the support of the state university.

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 4.

Amendment to the Constitution.

Shall—Assembly Joint Resolution No. 26 proposing to amend section 3 of article 11 of the State constitution by permitting the legislature to determine the policies for investment of revenues for educational purposes be approved?

Yes.....116445.....☒
No.....108288.....☐

(Explanation to Question No. 4)

The state constitution currently limits the investment of state educational funds in bonds or in loans secured by mortgages on agricultural lands. This question would amend the constitution by removing this limitation and thereby allow the state to make other investments with these funds. A "yes" vote would adopt this amendment and a "no" vote would defeat this amendment.

ARGUMENT FOR PASSAGE

This proposed amendment, if passed, would broaden the investment scope to areas of greater financial return. Bonds and loans, as provided in this section of the constitution proposed for deletion, cannot keep pace with inflation. These limited investments are losses at the time of transaction.

ARGUMENT AGAINST PASSAGE

Bonds and loans secured by mortgages on agricultural lands are the safest, most liquid investments that can be made. Authors of the constitution knew then what is true now. This section of the constitution should not be amended.

QUESTION NO. 5

Amendment to the Constitution

Assembly Joint Resolution No. 8 of the 59th Session

Assembly Joint Resolution—Proposing to amend section 32 of article 4 of the constitution of the State of Nevada, relating to county officers, by removing auditors and public administrators from the list of elective officers.

Resolved by the Assembly and Senate of the State of Nevada, jointly, That section 32 of article 4 of the constitution of the State of Nevada be amended to read as follows:

Sec. 32. The Legislature shall have power to increase, diminish, consolidate or abolish the following county officers: County Clerks, County Recorders, [Auditors,] Sheriffs [.] and District Attorneys. [and Public Administrators.] The Legislature shall provide for their election by the people, and fix by law their duties and compensation. County Clerks shall be ex-officio Clerks of the Courts of Record and of the Boards of County Commissioners in and for their respective counties.

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 5.

Amendment to the Constitution.

Shall—Assembly Joint Resolution No. 8 proposing to amend section 32 of article 4 of the state constitution by removing auditors and public administrators from the list of elective county officers be approved?

Yes.....75265.....☐
No.....150730.....☒

(Explanation to Question No. 5)

This question would amend the state constitution by removing county auditors and county public administrators from the list of elected county officials, thereby permitting the selection of these officers by appointment. A "yes" vote would adopt this amendment and a "no" vote would defeat this amendment.

ARGUMENT FOR PASSAGE

The duties of county auditor and public administrator, especially in the larger counties, require special training and experience. Removing these from the constitutional list of elective officers will authorize the legislature to provide for their election or appointment as the needs of counties of different sizes may require.

ARGUMENT AGAINST PASSAGE

Direct election of the county auditor and public administrator gives the people a greater control over the operation of their offices.

QUESTION NO. 6

Initiative to Limit the General Tax on Real Property

Shall an amendment to Article 10 of the Nevada Constitution limiting the general tax on real property to 1% of full cash value; imposing a 2% per year limit on the inflation of market value; requiring a two-thirds majority vote of the legislature to increase revenues and authorizing the legislature to provide political subdivisions with the means to impose new taxes if approved by two-thirds of those voters voting be approved?

Yes 103334 ☐
No 140018 ☒

(Explanation to Question No. 6)

This is an initiative measure proposed by the people to amend the constitution. This measure received an affirmative vote by the people at the last General Election and is required, by the constitution, to be resubmitted to the people at this election. It would limit property taxes to no more than 1% of the full cash value of real property. Full cash value would mean the appraised valuation of real property commencing July 1, 1975 or as appraised after purchase, construction or certain other changes in ownership occurring after July 1, 1975. The method of determining full cash value may be established by legislation, except that if market value is made a factor, the market value base may reflect from year to year an inflationary rate not to exceed 2% for any given year, or a reduction as shown in the consumer price index or other comparable data for the area where the realty is located. Laws increasing revenues may not be passed except by a two-thirds vote of the legislature and local governments may be authorized by the legislature to impose new taxes only if approved by two-thirds of the voters in the local government areas, but in neither case may new property taxes be imposed. A "yes" vote would adopt this amendment and a "no" vote would defeat this amendment.

ARGUMENT FOR PASSAGE

Residential real property taxes are a burden on every homeowner in the state. Rents or mortgage impound payments may possibly be reduced. Increases in rents or taxes bear hardest on those whose incomes are fixed. By placing this limitation in the constitution it could not be changed at the will of the legislature. Commercial real property taxes are inevitably passed on to the purchaser of goods or services. This measure would encourage government to operate more efficiently.

ARGUMENT AGAINST PASSAGE

Total taxes cannot be reduced or limited without reducing total spending or services of the state or local governments. This measure would not limit spending and may require an increase or imposition of other taxes or fees. By placing this limitation in the constitution it would limit the legislature's ability to meet changing conditions. A landlord might not pass on a reduction of property taxes to his tenants. This measure does not require these benefits to be passed on. The proposed limitation on valuation applied only to property whose owners have not changed is unfair to the buyer compelled to purchase property after this measure becomes law and may be unconstitutional.

QUESTION NO. 7

Amendment to the Constitution

Assembly Joint Resolution No. 2 of the 59th Session

Assembly Joint Resolution—Proposing to amend the Nevada constitution to create an intermediate appellate court.

Resolved by the Assembly and Senate of the State of Nevada, jointly, That a new section be added to article 6 and sections 1, 4, 7, 11, 15, 20 and 21 of article 6, section 3 of article 7, and section 22 of article 17 of the constitution of the State of Nevada be amended to read respectively as follows:

1. The court of appeals consists of three judges or such greater number as the legislature may provide by law. If the number of judges is so enlarged, the supreme court shall provide by rule for the assignment of each appeal to a panel of three judges for decision.

2. Except as otherwise provided in this subsection, the judges of the court of appeals shall be elected by the qualified electors of the state, at the general election, for terms of 6 years beginning on the 1st Monday of January next after the election. The terms of the first three judges elected are 2 years, 4 years and 6 years respectively, which shall be separately specified for their election, and in any increase or reduction of the number of judges, the legislature shall provide initial terms of 6 or fewer years such that one-third of the total number of judges, as nearly as may be, is elected every 2 years.

3. The judges of the court of appeals shall elect a chief judge from among their number. The term of office of the chief judge is 2 years, beginning on the 1st Monday of January of each odd-numbered year. A chief judge may succeed himself.

4. The legislature may provide by law, or may authorize the supreme court to provide by rule, for the assignment of one or more

judges of the court of appeals to devote a part of their time to service as supplemental district judges where needed.

Section 1. The Judicial power of this State [shall be] is vested in a court system, comprising a Supreme Court, *a Court of Appeals*, District Courts, and Justices of the Peace. The Legislature may also establish, as part of the system, Courts for municipal purposes only in incorporated cities and towns.

Sec. 4. The supreme court [shall] *and the court of appeals* have appellate jurisdiction in all civil cases arising in district courts, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. [The court shall] *The legislature shall apportion this jurisdiction between them by law, and shall provide for the review by the supreme court, where appropriate, of appeals decided by the court of appeals. These courts* also have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus and also all writs necessary or proper to the complete exercise of [its] *their* appellate jurisdiction. Each of the justices [shall have] *and judges* has power to issue writs of habeas corpus to any part of the state, upon petition by, or on behalf of, any person held in actual custody, and may make such writs returnable [.] before himself or the [supreme] court, or before any district court in the state or before any judge of [said] *those* courts.

In case of the disability or disqualification, for any cause, of [the chief justice or one of the associate] *one or more* justices of the supreme court [., or any two of them,] *or judges of the court of appeals*, the governor [is authorized and empowered to] *may* designate any district judge or judges to sit in the place or places of such disqualified or disabled justice, [or] justices, *judge or judges*, and [said] *the district judge or judges* so designated [shall] *are entitled* to receive their actual expense of travel and otherwise while sitting in the supreme court [.] *or court of appeals; or the governor may designate any judge of the court of appeals to sit in the place of any disabled or disqualified justice of the supreme court.*

Sec. 7. The times of holding the Supreme Court and District Courts shall be as fixed by law. The terms of the Supreme Court shall be held at the seat of Government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in the state. *The terms of the Court of Appeals shall be held where provided by law.* The terms of the District Courts shall be held at the County seats of their respective counties; Provided, that in case any county shall be hereafter divided into two or more districts, the Legislature may by law, designate the places of holding Courts in such Districts.

Sec. 11. The justices of the supreme court, *the judges of the court of appeals* and the district judges [shall be] *are* ineligible to any office, other than a judicial office, during the term for which they [shall] have been elected or appointed; and all elections or appointments of any such judges by the people, legislature, or otherwise, during [said] *that* period, to any office other than judicial, [shall be] *are* void.

[Sec:] Sec. 15. The Justices of the Supreme Court, *the Judges of the Court of Appeals* and District Judges [shall each] *are each*

entitled to receive for their services a compensation to be fixed by law and paid in the manner provided by law, which shall not be increased or diminished during the term for which they [shall] have been elected, unless a Vacancy occurs, in which case the successor of the former incumbent [shall] *is entitled to* receive only such salary as may be provided by law at the time of his election or appointment; and provision shall be made by law for setting apart from each year's revenue a sufficient amount of Money, to pay such compensation.

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the supreme court *or the court of appeals* or among the district judges, the governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the commission on judicial selection.

2. The term of office of any justice or judge so appointed expires on the first Monday of January following the next general election.

3. Each nomination for the supreme court *or the court of appeals* shall be made by the permanent commission, composed of:

- (a) The chief justice or an associate justice designated by him;
- (b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and
- (c) Three persons, not members of the legal profession, appointed by the governor.

4. Each nomination for the district court shall be made by a temporary commission composed of:

- (a) The permanent commission;
- (b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the board of governors of the State Bar of Nevada; and
- (c) A resident of such judicial district, not a member of the legal profession, appointed by the governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or if it fails to do so the court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission shall be appointed when a vacancy occurs, and their term shall expire when the nominations for such vacancy have been transmitted to the governor.

7. An appointing authority shall not appoint to the permanent commission more than:

- (a) One resident of any county.
- (b) Two members of the same political party.

No member of the permanent commission may be a member of a commission on judicial discipline.

8. After the expiration of 30 days from the date on which the commission on judicial selection has delivered to him its list of nominees for any vacancy, if the governor has not made the appointment

required by this section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

¶If a commission on judicial selection is established by another section of this constitution to nominate persons to fill vacancies on the supreme court, such commission shall serve as the permanent commission established by subsection 3 of this section.¶

Sec. 21. 1. A justice of the supreme court, *a judge of the court of appeals* or a district judge may, in addition to the provision of article 7 for impeachment, be censured, retired or removed by the commission on judicial discipline. A justice or judge may appeal from the action of the commission to the supreme court, which may reverse such action or take any alternative action provided in this subsection.

2. The commission is composed of:

- (a) Two justices or judges appointed by the supreme court;
- (b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and
- (c) Three persons, not members of the legal profession, appointed by the governor.

The commission shall elect a chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or if it fails to do so the court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The supreme court shall make appropriate rules for:

- (a) The confidentiality of all proceedings before the commission, except a decision to censure, retire or remove a justice or judge.
- (b) The grounds of censure.
- (c) The conduct of investigations and hearings.

6. No justice or judge may by virtue of this section be:

- (a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

7. Any person may bring to the attention of the commission any matter relating to the fitness of a justice or judge. The commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of

the matter shall be served upon the justice or judge against whom the proceeding is brought. The commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this section is entitled thereafter to receive such compensation as the legislature may provide.

8. If a proceeding is brought against a justice of the supreme court, no justice may sit on the commission for that proceeding. *If a proceeding is brought against a judge of the court of appeals, no judge of that court may sit on the commission for that proceeding.* If a proceeding is brought against a district judge, no judge from the same judicial district may sit on the commission for that proceeding. If an appeal is taken from an action of the commission to the supreme court, any justice who sat on the commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the commission is disqualified by this subsection, the supreme court shall appoint a substitute from among the eligible judges.

9. The commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the legislature may from time to time confer upon it.

[Sec:] Sec. 3. For any reasonable cause to be entered on the journals of each House, which may **[,]** or may not be sufficient grounds for impeachment, the **[Chief Justice and Associate]** Justices of the Supreme Court, *Judges of the Court of Appeals* and Judges of the District Courts shall be removed from Office on the vote of two thirds of the Members elected to each branch of the Legislature, and the Justice or Judge complained of **[,]** shall be served with a copy of the complaint against him **[,]** and shall have an opportunity of being heard in person or by counsel in his defense, Provided, that no member or either branch of the Legislature shall be eligible to fill the vacancy occasioned by such removal.

[Sec:] Sec. 22. In case the office of any Justice of the Supreme Court, *Judge of the Court of Appeals*, District Judge or other State officer **[shall become]** *becomes* vacant before the expiration of the regular term for which he was elected, the vacancy may be filled by appointment by the Governor until it **[shall be]** *is* supplied at the next general election, when it shall be filled by election for the residue of the unexpired term.

and be it further

Resolved, That the secretary of state shall assign a number to the new section added to article 6 according to the number of sections contained in that article when the addition of the new section becomes effective.

Verbage for Ballot Page Assemblies

The following question should appear on the ballot page assemblies of the vote recorder:

Question No. 7.

Amendment to the Constitution.

Shall—Assembly Joint Resolution No. 2 proposing to amend the State constitution to create an intermediate court of appeals be approved?

Yes.....106131.....☐
No.....118933.....☒

(Explanation to Question No. 7)

This question would amend the state constitution to provide for a Court of Appeals consisting of at least three judges holding office for six year terms, one-third of whom would be elected each General Election. Under the amendment, the legislature would apportion appellate jurisdiction between the Court of Appeals and the Supreme Court, thereby permitting the Court of Appeals to review decisions of the District Courts, and, where appropriate, decisions of the Court of Appeals would be reviewed by the Supreme Court. A “yes” vote would adopt this amendment and a “no” vote would defeat this amendment.

ARGUMENT FOR PASSAGE

Creation of a court of appeals would relieve the supreme court of many cases, especially criminal cases, which do not involve any new question of law. Thus both novel and routine cases could be decided more quickly.

ARGUMENT AGAINST PASSAGE

The new court would add to the number of judges and could become merely another step in a process of litigation which is already too long and costly.

(End of Form of Ballot Label)

Section 293.253 of Nevada Revised Statutes places a duty upon the Secretary of State as well as upon the county clerks. NRS 293.253 provides:

293.253 Publication of constitutional amendments, statewide measures: Duties of secretary of state, county clerks; costs.

1. The secretary of state shall provide each county clerk with copies of any proposed constitution, constitutional amendment or statewide measure which will appear on the general election ballot together with the explanation prepared pursuant to NRS 293.250.

2. Whenever feasible, he shall provide such copies on or before the 1st Monday in August of the year in which such proposals will appear on the ballot. Copies of any additional proposals shall be provided as soon after their filing as feasible.

3. Each county clerk shall cause a copy of any such constitution, amendment or measure and its explanation to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general circulation in the county three

times at intervals of not less than 7 days, the first publication to be on or before the 1st Monday in October. If no such newspaper is published in the county, then the publication may be made in a newspaper of general circulation published in the nearest Nevada county.

4. When a copy is furnished by the secretary of state too late to be published at 7-day intervals, it shall be published three times at the longest intervals feasible in each county.

5. The portion of the cost of publication which is attributable to publishing the questions and explanations of proposed constitutions, constitutional amendments or statewide measures is a charge against the state and shall be paid from the reserve for statutory contingency fund upon recommendation by the secretary of state and approval by the state board of examiners.

(Added to NRS by 1960, 250; A 1967, 846; 1975, 938; 1977, 1010)

Pursuant to NRS 293.247, the Secretary of State has promulgated rules and regulations for the conduct of elections. Rules A-9, A-10 and A-11 read as follows:

A-9. *Ballot questions to be numbered.* Before every question or constitutional amendment to be voted upon there shall be placed a number, to be designated by the Secretary of State, in boldface type not smaller than 24-point.

A-10. *Ballot questions to be answerable by "Yes" or "No."* Whenever any question is to be submitted to the vote of the people, it shall be printed upon the ballot or ballot page assembly in such manner as to enable the electors to vote "Yes" or "No" upon the question submitted in the manner provided by law.

A-11. *Ballot questions to be explained.* A brief statement of the purport of the question, in plain language readily understandable by the ordinary lay person, shall be enclosed with each mailed copy of the sample ballot and posted at convenient locations in each polling place.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at my office in Carson City, Nevada, this 1st day of March, 1978.



Secretary of State

(SEAL)

QUESTION NO. 8

INITIATIVE PETITION TO
AMEND THE CONSTITUTION

A SUFFICIENT NUMBER OF REGISTERED VOTERS OF THE STATE OF NEVADA TO MEET THE REQUIREMENTS OF SECTIONS 2 AND 3 OF ARTICLE XIX OF THE CONSTITUTION OF THE STATE OF NEVADA PROPOSE BY INITIATIVE PETITION AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF NEVADA BY THE ADDITION OF A NEW SECTION TO ARTICLE 10 EXEMPTING HOUSEHOLD GOODS AND FURNITURE OF A SINGLE HOUSEHOLD FROM TAXATION.

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

ARTICLE 10 OF THE CONSTITUTION OF THE STATE OF NEVADA IS HEREBY AMENDED BY ADDING THERETO A NEW SECTION WHICH SHALL READ AS FOLLOWS:

(NEW SECTION) ALL HOUSEHOLD GOODS AND FURNITURE USED BY A SINGLE HOUSEHOLD AND OWNED BY A MEMBER OF THAT HOUSEHOLD ARE EXEMPT FROM TAXATION.

VERBIAGE FOR BALLOT PAGE ASSEMBLIES

THE FOLLOWING QUESTION SHOULD APPEAR ON THE BALLOT PAGE ASSEMBLIES OF THE VOTE RECORDER.

QUESTION NO. 8

AMENDMENT TO THE CONSTITUTION

SHALL - AN AMENDMENT TO ARTICLE 10 OF THE NEVADA CONSTITUTION EXEMPTING FROM TAXATION ALL HOUSEHOLD GOODS AND FURNITURE USED BY A SINGLE HOUSEHOLD AND OWNED BY A MEMBER OF THAT HOUSEHOLD BE APPROVED?

YES 178947 ☒

NO 52593 ☐

(EXPLANATION TO QUESTION NO. 8)

THIS QUESTION WOULD AMEND THE STATE CONSTITUTION BY PROVIDING THAT ALL HOUSEHOLD GOODS AND FURNITURE USED BY A SINGLE HOUSEHOLD AND OWNED BY A MEMBER OF THAT HOUSEHOLD WOULD BE PERMANENTLY EXEMPTED FROM STATE TAXATION. A "YES" VOTE WOULD BE IN FAVOR OF THIS PROPOSED AMENDMENT AND A "NO" VOTE WOULD BE OPPOSED TO THIS PROPOSED AMENDMENT.

(SPECIAL NOTE OF EXPLANATION)

AN INITIATIVE MEASURE TO AMEND THE CONSTITUTION OF THE STATE OF NEVADA MUST, BY LAW, BE APPROVED BY A MAJORITY OF VOTERS AT TWO CONSECUTIVE GENERAL ELECTIONS. THIS MEASURE MAY BE FINALLY DEFEATED AT THIS 1980 GENERAL ELECTION BUT CANNOT BE APPROVED AND PUT INTO EFFECT UNTIL THE GENERAL ELECTION OF 1982 UPON THE SECOND MAJORITY VOTE OF THE PEOPLE. ALSO, ASSUMING PASSAGE OF QUESTION 6 (INITIATIVE TO LIMIT THE GENERAL TAX ON REAL PROPERTY), EXPIRATION OF THE TAX EXEMPTION ON HOUSEHOLD GOODS AND FURNITURE, PASSED BY THE 60TH SESSION OF THE LEGISLATURE WOULD OCCUR JUNE 30, 1981. THUS, THE TAX ON HOUSEHOLD GOODS AND FURNITURE WOULD RESUME JULY 1, 1981 AND CONTINUE UNLESS AGAIN REMOVED BY THE LEGISLATURE OR ACTION BY THE ELECTORATE IN 1982.

ARGUMENT FOR PASSAGE

TAXING HOUSEHOLD GOODS AND FURNITURE IS A BURDEN ON EVERY HOMEMAKER IN THIS STATE. REMOVING THIS BURDEN WOULD REDUCE THE HOMEMAKER'S COST OF LIVING. A JUST AND EQUITABLE ADMINISTRATION OF THIS TYPE OF TAX COULD COST MORE THAN THE TAX WOULD PRODUCE. BY PLACING THIS TAX LIMITATION IN THE CONSTITUTION, IT COULD NOT BE CHANGED BY THE WILL OF THE LEGISLATURE.

ARGUMENT AGAINST PASSAGE

STATE REVENUES, ALREADY IN DECLINE, WOULD BE FURTHER DIMINISHED WITH THE PASSAGE OF THIS AMENDMENT. PARTIAL REDUCTION OR LOSS OF CURRENT SERVICES PROVIDED BY STATE REVENUES IS POSSIBLE. PLACING THIS TYPE OF LEGISLATION IN THE CONSTITUTION DENIES THE LEGISLATURE THE ABILITY TO RESPOND TO CHANGING SITUATIONS IN A PROMPT MANNER.

QUESTION NO. 9
INITIATIVE PETITION TO
AMEND THE CONSTITUTION

A SUFFICIENT NUMBER OF REGISTERED VOTERS OF THE STATE OF NEVADA TO MEET THE REQUIREMENTS OF SECTIONS 2 AND 3 OF ARTICLE XIX OF THE CONSTITUTION OF THE STATE OF NEVADA PROPOSE BY INITIATIVE PETITION AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF NEVADA BY THE ADDITION OF A NEW SECTION TO ARTICLE 10 DIRECTING THE LEGISLATURE TO PROVIDE BY LAW FOR THE EXEMPTION OF FOOD FOR HUMAN CONSUMPTION FROM SALES AND USE TAXES.

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:
ARTICLE 10 OF THE CONSTITUTION OF THE STATE OF NEVADA IS HEREBY AMENDED BY ADDING THERETO A NEW SECTION WHICH SHALL READ AS FOLLOWS:

(NEW SECTION) THE LEGISLATURE SHALL PROVIDE BY LAW FOR THE EXEMPTION OF FOOD FOR HUMAN CONSUMPTION FROM ANY TAX UPON THE SALE, STORAGE, USE OR CONSUMPTION OF TANGIBLE PERSONAL PROPERTY.

VERBIAGE FOR BALLOT PAGE ASSEMBLIES

THE FOLLOWING QUESTION SHOULD APPEAR ON THE BALLOT PAGE
ASSEMBLIES OF THE VOTE RECORDER:

QUESTION NO. 9

AMENDMENT TO THE CONSTITUTION.

SHALL - AN AMENDMENT TO ARTICLE 10 OF THE NEVADA CONSTITUTION DIRECTING THE LEGISLATURE TO PROVIDE BY LAW FOR THE EXEMPTION OF FOOD FOR HUMAN CONSUMPTION FROM TAXATION BE APPROVED?

YES 163384 ☒

NO 68985 ☐

(EXPLANATION TO QUESTION NO. 9)

THIS QUESTION WOULD AMEND THE STATE CONSTITUTION BY PROVIDING THAT THE LEGISLATURE SHALL PROVIDE BY LAW FOR THE EXEMPTION OF FOOD FOR HUMAN CONSUMPTION FROM ANY STATE TAX ON THE SALE, STORAGE, USE OR CONSUMPTION OF TANGIBLE PERSONAL PROPERTY. A "YES" VOTE WOULD BE IN FAVOR OF THIS PROPOSED AMENDMENT AND A "NO" VOTE WOULD BE OPPOSED TO THIS PROPOSED AMENDMENT.

(SPECIAL NOTE OF EXPLANATION)

AN INITIATIVE MEASURE TO AMEND THE CONSTITUTION OF THE STATE OF NEVADA MUST, BY LAW, BE APPROVED BY A MAJORITY OF VOTERS AT TWO CONSECUTIVE GENERAL ELECTIONS. THIS MEASURE MAY BE FINALLY DEFEATED AT THIS 1980 GENERAL ELECTION BUT CANNOT BE APPROVED AND PUT INTO EFFECT UNTIL THE GENERAL ELECTION OF 1982 UPON THE SECOND MAJORITY VOTE OF THE PEOPLE. ALSO, ASSUMING PASSAGE OF QUESTION 6 (INITIATIVE TO LIMIT THE GENERAL TAX ON REAL PROPERTY), EXPIRATION OF THE TAX EXEMPTION ON FOOD ENACTED BY A VOTE OF THE PEOPLE ON JUNE 5, 1979 WOULD OCCUR JUNE 30, 1981. TAXES ON FOOD FOR HUMAN CONSUMPTION WOULD RESUME JULY 1, 1981 AND CONTINUE UNLESS AGAIN REMOVED BY ACTION OF THE ELECTORATE.

ARGUMENT FOR PASSAGE

PASSAGE OF THIS AMENDMENT AT TWO CONSECUTIVE GENERAL ELECTIONS WOULD ASSURE THAT TAX ON FOOD FOR HUMAN CONSUMPTION WOULD BE EXEMPT. ONLY BY VOTE OF A MAJORITY OF THE STATE'S VOTERS COULD TAX ON FOOD BE RESTORED. EXEMPTION FROM TAXATION ON FOOD LOWERS EVERYONE'S COST OF LIVING. THIS WOULD BROADEN THE EXEMPTION TO INCLUDE MEALS SERVED IN RESTAURANTS.

ARGUMENT AGAINST PASSAGE

THERE COULD BE SERIOUS FISCAL CONSEQUENCES ON THE PASSAGE OF THIS PROPOSAL. IT CERTAINLY BROADENS THE EXEMPTION TO INCLUDE MEALS SERVED IN RESTAURANTS. A SUBSTANTIAL PERCENTAGE OF ALL SALES TAX REVENUE IS PRODUCED BY EATING PLACES.