

NEVADA

BALLOT QUESTIONS

1992



**A compilation of ballot questions which will appear
on the November 3, 1992, Nevada
general election ballot**

Issued by
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Secretary of State

NEVADA
LEGISLATIVE COUNSEL BUREAU
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SEP 28 1992

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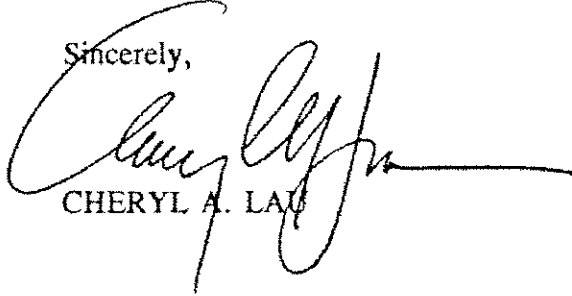
Dear Fellow Nevadan:

Before each general election, the Secretary of State compiles a booklet like this one to provide information about the statewide questions which will appear on the ballot.

Each question contains a condensation, explanation, arguments for and against, and a fiscal note. It's important to remember that the fiscal note explains only adverse impacts, rather than any financial savings the State might expect. This information is provided by either the Legislative Counsel Bureau or the Secretary of State's Office, depending on the type of question which is presented. I hope you find these explanations helpful.

Ballot questions are an important part of the electoral process. Your vote is crucial, since in many cases you are actually making law or amending the Constitution. I urge you to use this booklet as a starting point to become a more informed and involved voter. If there is any additional information my office can provide, please call on us.

Sincerely,


CHERYL A. LAU

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LEGISLATIVE ENACTMENTS

On the following pages are measures passed by the Nevada Legislature which placed Questions 1 through 6 on the 1992 general election ballot. Material in italics would, if approved by the voters, be new language added to the constitution. Material in brackets would, if approved by the voters, be deleted. The term "65th session" refers to the 1989 Nevada Legislature, where the questions originated. Each of these ballot questions were placed on the ballot by passage of the legislative measure:

- Question 1.....Senate Joint Resolution No. 11 of the 65th Session
- Question 2.....Senate Joint Resolution No. 13 of the 65th Session
- Question 3.....Assembly Joint Resolution No. 28 of the 65th Session
- Question 4.....Senate Joint Resolution No. 3 of the 65th Session
- Question 5.....Assembly Joint Resolution No. 23 of the 65th Session
- Question 6.....Senate Joint Resolution No. 12 of the 65th Session

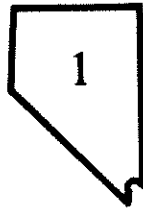
The Nevada Constitution requires that any proposed constitutional changes must pass two sessions of the Nevada Legislature. The questions which will appear on the 1992 ballot were each introduced at the the 1989 Legislature and approved by both the 1989 and the 1991 Legislatures (65th and 66th sessions).

NOTE TO VOTERS

Each ballot question includes a **Fiscal Note** that explains only the adverse effect on state and local governments (increased expenses or decreased revenues).

Additional questions may appear on the ballot as a result of the initiative and referendum petitions circulated by the voters.

1992 BALLOT QUESTIONS



QUESTION NO. 1

Amendment to the Nevada Constitution

Senate Joint Resolution No. 11 of the 65th Session

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to require the election of the Chief Justice of the Supreme Court of Nevada by the Justices of the Supreme Court?

Yes	175,300	<input type="checkbox"/>	37.1%
No	297,362	<input checked="" type="checkbox"/>	62.9%

EXPLANATION

The Nevada Constitution provides that the Chief Justice of the Supreme Court is to serve a 2-year term and is to be determined on a rotating basis according to the length of the unexpired terms of the justices. The justice with the shortest unexpired term serves as Chief Justice after the expiration of the term of the previous Chief Justice. If two or more of the justices have the shortest unexpired terms, the Chief Justice is selected by lot. If this amendment is adopted, the Chief Justice would be elected by a majority vote of the justices of the Supreme Court, would serve a 4-year term as Chief Justice and would be allowed to succeed himself as Chief Justice. In addition, the Chief Justice would be allowed to resign from the office of Chief Justice without resigning from the office of justice of the Supreme Court. Any vacancy in the office of Chief Justice would be filled by a majority vote of the justices of the court. A "Yes" vote is a vote to amend the Nevada Constitution to provide for the election of the Chief Justice by the justices of the Supreme Court. A "No" vote is a vote to retain the current method of determining the Chief Justice.

ARGUMENTS FOR PASSAGE

When the Nevada Constitution was originally adopted, only three justices served on the Supreme Court. Each justice could serve 2 years as Chief Justice, and there were no conflicts because no two justices had the same unexpired term of office. However, under the current five-justice structure, when the Chief Justice is selected by lot, the method is arbitrary. Also, the current system requires the justice with the shortest unexpired term of office to serve as Chief Justice, even if he does not want to or is not suited for the

position. Election of a Chief Justice by the members of the Supreme Court would allow the best qualified judge to serve as Chief Justice. This amendment would require a Chief Justice to serve a longer term which would provide greater continuity. The amendment also would provide adequate time for a Chief Justice to become truly proficient at the duties of administering the Judicial Branch of Nevada government.

ARGUMENTS AGAINST PASSAGE

The current method of determining the Chief Justice allows each justice an equal opportunity to serve in that capacity. Two years is enough time for any Chief Justice to administer the court. If the proposed amendment is adopted, and the Chief Justice is elected by Supreme Court members, it may have the potential of introducing politics into the process. The existing method of selection has been in place for over 100 years and should not be changed.

FISCAL NOTE

Financial Impact—No. The proposal to amend the Nevada Constitution would allow administrative changes regarding the election of the Chief Justice of the Supreme Court. The proposal would have no adverse fiscal impact.

FULL TEXT OF MEASURE

SENATE JOINT RESOLUTION—Proposing to amend the constitution of the State of Nevada to provide for the election of the chief justice by the justices of the supreme court.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That sections 3 and 19 of article 6 of the constitution of the State of Nevada be amended to read respectively as follows:

[Sec:] *Sec. 3.* The Justices of the Supreme Court, shall be elected by the qualified electors of the State at the general election, and shall hold office for the term of Six Years from and including the first Monday of January next succeeding their election; **[Provided,]** *provided*, that there shall be elected, at the first election under this Constitution, Three Justices of the Supreme Court who shall hold Office from and including the first Monday of December AD. Eighteen hundred and Sixty four, and continue in Office thereafter, Two, Four and Six Years respectively, from and including the first Monday of January next succeeding [succeeding] their election. They shall meet as soon as practicable after their election and qualification, and at their first meeting shall determine by lot, the term of Office each shall fill, and the Justice drawing the shortest term shall be Chief Justice . **[**, and after the expiration of his term, the one having the next shortest term shall be Chief Justice, after which the Senior Justice in Commission shall be Chief Justice; and in case the commission of any two or more of said Justices shall bear the same date, they shall determine by lot, who shall be Chief Justice.**]**

Sec. 19. 1. The chief justice must be selected from among the justices of the supreme court by a majority vote of the justices. The term of office of chief justice is 4 years. A justice may succeed himself as chief justice.

2. A justice may resign the office of chief justice without resigning from the office of justice of the supreme court.

3. If a vacancy in the office of chief justice occurs, the justices of the supreme court shall, by majority vote, select from among the justices another chief justice to fill the vacancy for the unexpired term.

4. The chief justice is the administrative head of the court system. Subject to such rules as the supreme court may adopt, the chief justice may:

(a) Apportion the work of the supreme court among justices.

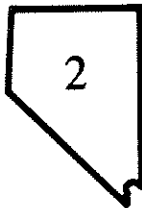
(b) Assign district judges to assist in other judicial districts or to specialized functions which may be established by law.

(c) Recall to active service any retired justice or judge of the court system who consents to such recall and who has not been removed or retired for cause or defeated for retention in office, and may assign him to appropriate temporary duty within the court system.

[2.] 5. In the absence or temporary disability of the chief justice, the associate justice senior in commission shall act as chief justice.

[3. This section becomes effective July 1, 1977.]

6. The provisions of this section pertaining to the selection of a chief justice and his term of office become effective January 1, 1996.



QUESTION NO. 2

Amendment to the Nevada Constitution

Senate Joint Resolution No. 13 of the 65th Session

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to clarify the authority of District Courts to issue writs of prohibition and to authorize District Courts to issue writs of habeas corpus on behalf of persons who have been convicted of crimes within their respective jurisdictions but who have not completed their sentences?

Yes.....	279,273	<input checked="" type="checkbox"/>	60.4 %
No.....	182,854	<input type="checkbox"/>	39.6 %

EXPLANATION

The Nevada Constitution currently authorizes a judge of a District Court to issue a writ of habeas corpus on behalf of a person who is held in custody in his judicial district. A writ of habeas corpus is used to challenge the legality of a person's confinement, but not his guilt or innocence. The proposed amendment would expand the jurisdiction of the District Courts to

issue a writ of habeas corpus on behalf of a person who has been convicted of a crime in his judicial district, but who has not completed his sentence. In addition, the Nevada Constitution authorizes the District Courts to issue such writs as are proper and necessary to the complete exercise of their jurisdiction. The proposed amendment to the Nevada Constitution includes a technical provision that would clarify that such writs include a writ of prohibition, which prohibits a lower court from hearing an action over which it has no jurisdiction or from exceeding its authority in a matter over which it has jurisdiction. A “Yes” vote is a vote to amend the Nevada Constitution to clarify and extend the jurisdiction of the District Courts relating to writs of prohibition and habeas corpus. A “No” vote is a vote to disapprove the constitutional amendment.

ARGUMENTS FOR PASSAGE

Under the existing system, a prisoner has two chances at habeas corpus relief, one in the court of his conviction and one in the court in the district in which he is incarcerated. This amendment would allow the Legislature to specify only one comprehensive process, giving more finality to criminal convictions. By reducing costly paperwork, the amendment would also result in significant savings to the state.

In addition, it may be less cumbersome, more equitable and more efficient to allow the court that originally handled the case also to consider the habeas corpus petition. This amendment would allow the court that is most familiar with the case to hear the petition. Finally, because prisoners are often incarcerated in the smaller rural counties, a disproportionate burden is placed on the courts in those counties to hear petitions for habeas corpus relief. This amendment would relieve that burden.

ARGUMENTS AGAINST PASSAGE

It may be unfair to allow the court that convicted a person to consider that person’s habeas corpus petition. The court may have preconceived ideas about the defendant, based on the underlying criminal case.

FISCAL NOTE

Financial Impact—No. The proposal to amend the Nevada Constitution would change the authority of District Courts. The proposal would have no adverse fiscal impact, and may result in savings to the state.

FULL TEXT OF MEASURE

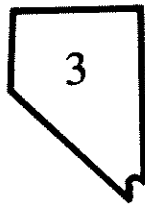
SENATE JOINT RESOLUTION—Proposing to amend the Nevada constitution to clarify and extend the jurisdiction of the district courts relating to the writs of prohibition and habeas corpus.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That section 6 of article 6 of the constitution of the State of Nevada be amended to read as follows:

Sec. 6. 1. The District Courts in the several Judicial Districts of this State shall have original jurisdiction in all cases excluded by law from the

original jurisdiction of justices' courts. They shall also have final appellate jurisdiction in cases arising in Justices Courts, and such other inferior tribunals as may be established by law. The District Courts [.] and the Judges thereof shall have power to issue writs of Mandamus, *Prohibition*, Injunction, Quo Warranto, Certiorari, and all other writs proper and necessary to the complete exercise of their jurisdiction : [; and also shall] *The District Courts and the Judges thereof shall also have power to issue writs of Habeas Corpus on petition by, or on behalf of any person who is held in actual custody in their respective districts [.] , or who has suffered a criminal conviction in their respective districts and has not completed the sentence imposed pursuant to the judgment of conviction.*

2. The legislature may provide by law for referees in district courts.



QUESTION NO. 3

Amendment to the Nevada Constitution

Assembly Joint Resolution No. 28 of the 65th Session

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to repeal the provision which prohibits withholding the rights of suffrage and officeholding from any male citizen of the United States because of his color or previous condition of servitude?

Yes.....	270,184	<input checked="" type="checkbox"/>	58.0 %
No.....	195,673	<input type="checkbox"/>	42.0 %

EXPLANATION

The Nevada Constitution prohibits the withholding of the right to vote and the right to hold a public office from any male citizen of the United States because of his color or because of his previous condition of servitude. A "Yes" vote is a vote to repeal this provision. A "No" vote is a vote to retain this provision.

ARGUMENTS FOR PASSAGE

Article XVIII is an obsolete provision of the Nevada Constitution. It should be repealed because voting and officeholding rights are now guaranteed to all adult citizens, regardless of race or sex, through more comprehensive provisions of both United States and Nevada Constitutions.

ARGUMENTS AGAINST PASSAGE

Article XVIII, although outdated, serves as a reminder of that period in American history following the Civil War. It should be retained, therefore, for historical reasons.

FISCAL NOTE

Financial Impact—No. The proposal to amend the Nevada Constitution would delete antiquated provisions regarding voting and officeholding rights. The proposal would have no adverse fiscal impact.

ASSEMBLY JOINT RESOLUTION—Proposing to repeal article XVIII of the constitution of the State of Nevada which prohibits withholding the rights of suffrage and officeholding from any male citizen of the United States by reason of his color or previous condition of servitude.

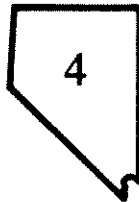
RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That article XVIII of the constitution of the State of Nevada be repealed.

TEXT OF REPEALED ARTICLE

ARTICLE XVIII

[RIGHT OF SUFFRAGE]

Rights of suffrage and officeholding. The rights of suffrage and officeholding shall not be withheld from any male citizen of the United States by reason of his color or previous condition of servitude.



QUESTION NO. 4

Amendment to the Nevada Constitution

Senate Joint Resolution No. 3 of the 65th Session

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to remove the limit on the authorized reimbursement of legislators for postage, stationery and other expenses and to remove the additional allowance provided for leaders of the Legislature?

20.5% Yes 96,472
79.5% No 374,922

EXPLANATION

The Nevada Constitution allows legislators to be reimbursed for postage, stationery and other expenses incurred during a general or special session of the Legislature in an amount not to exceed \$60. In addition, leaders of the Legislature are entitled to receive an additional allowance of \$2 for each day they attend the Legislature as presiding officers. The proposed amendment would provide for the payment of such expenses without a constitutional limitation and would remove the additional allowance provided to the leaders of the Legislature. A "Yes" vote is a vote to remove the constitutional limit on the authorized reimbursement of legislators and the additional allowance provided for the leaders of the Legislature. A "No" vote is a vote to disapprove the constitutional amendment.

ARGUMENTS FOR PASSAGE

A member of the Nevada Legislature should be eligible to receive reimbursement for his or her actual official expenses during legislative sessions for postage, stationery and similar items. The existing constitutional limitations, which date back to 1864, are unrealistically low and should be repealed. For example, postage rates are nearly 10 times higher today than they were 50 years ago. Limitations on postage and other legislative expenses should be established by law and not through the Nevada Constitution.

ARGUMENTS AGAINST PASSAGE

The limitations specified in the Nevada Constitution for certain legislative expenses are no longer realistic. However, if this amendment is adopted there will be no specific limitations on these expenditures in the Nevada Constitution.

FISCAL NOTE

Financial Impact—Cannot be Determined. The proposal to amend the Nevada Constitution would remove the limit on reimbursement for various legislative expenses. The fiscal effect would be determined by what action the Legislature may take with regard to establishing new reimbursement schedules.

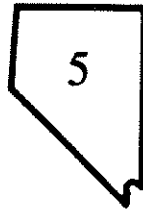
FULL TEXT OF MEASURE

SENATE JOINT RESOLUTION—Proposing to amend section 33 of article 4 of the constitution of the State of Nevada by removing the limit on authorized reimbursement of legislators for postage, stationery and other expenses and by removing the additional allowance provided for leaders of the legislator.

RESOLVED BY THE SENATE AND ASSEMBLY 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,] ; *provided*, that an appropriation may be made for the payment of [such actual expense as] *expenses that* 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; 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.]



QUESTION NO. 5

Amendment to the Nevada Constitution

Assembly Joint Resolution No. 23 of the 65th Session

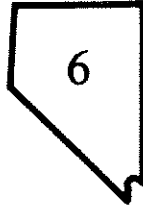
CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to allow the State of Nevada to lend money or its credit to any company, association or corporation, and to subscribe to or have an interest in the stock of companies, associations or corporations, but to retain the prohibition against donating money to private companies which are not formed for educational or charitable purposes?

Yes. 109,739 2358
No. 357,190 7658

EXPLANATION

The Nevada Constitution prohibits the State of Nevada from donating or loaning money or its credit to, or subscribing to or having an interest in the stock of any company, association or corporation, except corporations formed for educational or charitable purposes. The proposed amendment would retain the prohibition against donating money of the state to businesses that are not formed for educational or charitable purposes, but would allow the state to lend money or its credit to, and subscribe to and have an interest in the stock of any business. A "Yes" vote is a vote to amend the Nevada Constitution to expand the authority of the state to loan money or its credit to, or invest in businesses. A "No" vote is a vote to disapprove the proposed amendment.



QUESTION NO. 6

Amendment to the Nevada Constitution

Senate Joint Resolution No. 12 of the 65th Session

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to provide for the establishment of a Court of Appeals?

Yes	<u>213,407</u>	<input type="checkbox"/>	45.8%
No	<u>252,950</u>	<input checked="" type="checkbox"/>	54.2%

EXPLANATION

The Supreme Court of Nevada is the only court in this state which has jurisdiction to hear cases that are appealed from decisions rendered by the District Courts of this state. In addition, the Supreme Court hears cases brought originally in the Supreme Court and administers the functions of the State Bar of Nevada and the judiciary. If this amendment is adopted, an intermediate Court of Appeals would be established to hear certain appeals from cases decided by the District Courts. The proposed amendment would require the Legislature to determine the jurisdiction of the Court of Appeals and provide for the review of appeals decided by the court. In addition, the initial three judges to the Court of Appeals would be appointed by the governor. Thereafter, the judges would be elected by the voters of this state to 6-year terms. A "Yes" vote is a vote to provide for the establishment of a Court of Appeals. A "No" vote is a vote to disapprove the constitutional amendment.

ARGUMENTS FOR PASSAGE

Nevada is one of only 12 states without an intermediate Court of Appeals. With the tremendous increase in the population of Nevada, the caseload of the Supreme Court has more than doubled over the past 10 years. If action is not taken, the judicial system may become overloaded and decisions of cases may be severely delayed. The creation of a Court of Appeals would relieve the Supreme Court of many cases, leaving it more able to decide new questions of law and cases of significant public importance. It is anticipated that the Court of Appeals will finally decide the majority of the cases. The Court of Appeals also would expedite the judicial process by relieving the Supreme Court of its burdensome caseload and by screening cases that may not merit consideration by the Supreme Court.

ARGUMENTS AGAINST PASSAGE

The creation of the new Court of Appeals might simply shift the “bottle-neck” from the Supreme Court to the Court of Appeals and would add another step to the process of litigation. Creation of a Court of Appeals also could be costly.

FISCAL NOTE

Financial Impact—Yes. The proposal to amend the Nevada Constitution would allow the Legislature, at some future date, to establish an intermediate appellate court. The state will be responsible for the cost of the court. However, the fiscal effect will be determined by what action the Legislature may take with regard to staffing, equipping and locating the court. It has been estimated that a three-judge court operating similar to the Supreme Court could cost approximately \$2.7 million per year, not including facility costs.

FULL TEXT OF MEASURE

SENATE JOINT RESOLUTION—Proposing to amend the Nevada constitution to create an intermediate appellate court.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 6 and sections 1, 4, 7, 8, 11, 15, 20 and 21 of article 6 of the constitution of the State of Nevada be amended to read respectively as follows:

Sec. 3A. 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 first Monday of January next after the election. The initial three judges must be appointed by the governor from among three nominees selected for each individual seat by the commission on judicial selection, and must be appointed for terms of 2 years, 4 years and 6 years, respectively, which must be separately specified in their appointments. In any increase or reduction of the number of judges, the legislature shall provide initial terms of 6 or fewer years so that one-third of the total number of judges, as nearly as may be, is elected every 2 years.

3. The chief justice of the supreme court shall appoint one of the judges of the court of appeals to be chief judge. The chief judge shall serve a term of 4 years and may succeed himself. The chief judge may resign his position as chief judge without resigning from the court of appeals.

4. The supreme court shall 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 legislature shall fix the jurisdiction of the court of appeals and provide for the review, where appropriate, of appeals decided by the court of appeals.* The supreme court and the court of appeals shall 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 appellate] *their* jurisdiction. Each [of the justices shall have power to] *justice of the supreme court and judge of the court of appeals may* issue writs of *habeas corpus* to any part of the state, upon petition by, or on behalf of, any person held in actual custody [,] *in this state*, and may make such writs returnable [, before himself] *before the issuing justice or judge, or the [supreme court,] court of which the justice or judge is a member, or before any district court in the state or [before] any judge of [said courts.] a district court.*

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 , *the Court of Appeals* 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. 8. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the state, and shall fix by law their qualifications, their terms of office and the limits of their civil and criminal jurisdiction, according to the amount in controversy, the nature of the case, the penalty provided, or any combination of these.

The provisions of this section affecting the number, qualification, terms of office and jurisdiction of Justices of the Peace become effective on the first Monday of January, 1979.

The Legislature shall also prescribe by law the manner, and determine the cases in which appeals may be taken from Justices and other courts. The

Supreme Court, *the Court of Appeals*, the District Courts, and such other Courts **【,】** as the Legislature shall designate, shall be Courts of Record.

Sec. 11. The justices of the supreme court , *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 void.**

Sec:】 are void.

Sec. 15. The Justices of the Supreme Court , *the Judges of the Court of Appeals* and *the* 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 the **【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 *supreme* 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 terms 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 *supreme* 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.

And be it further

RESOLVED, That section 3 of article 7 of the constitution of the State of Nevada be amended to read as follows:

【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 *the 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 of either branch of the Legislature shall be eligible to fill the vacancy occasioned by such removal.

And be it further

RESOLVED, That section 8 of article 15 of the constitution of the State of Nevada be amended to read as follows:

【Sec:】 *Sec. 8.* The Legislature shall provide for the speedy publication of all Statute laws of a general nature, and such decisions of the Supreme Court **【,】** *and the Court of Appeals* as it may deem expedient; and all laws and judicial decisions shall be free for publication by an person; *Provided,* that no judgment of the Supreme Court *or the Court of Appeals* shall take effect and be operative until the Opinion of the Court in such case shall be filed with the Clerk of said Court.

**For further information regarding elections and voting in
Nevada, contact the Office of the Secretary of State:**

**ELECTIONS DIVISION
OFFICE OF THE SECRETARY OF STATE
Capitol Complex
Carson City, Nevada 89710**

Phone.....687-3176
Fax.....687-6913

OR

Your local County Clerks and Registrar of Voters

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Elko County.....738-3044
Esmeralda County.....485-6367
Eureka County.....237-5262
Humboldt County.....623-6343
Lander County.....635-5738
Lincoln County.....962-5390
Lyon County.....463-3341
Mineral County.....945-2446
Nye County.....482-8127
Pershing County.....273-2208
Storey County.....847-0969
Washoe County.....328-3670
White Pine County.....289-2341

***“A little vote
makes a big difference”***